



**VARIANCE REQUEST
TO ALLOW DOGS IN OUTDOOR PATIOS**

FOOD ESTABLISHMENT NAME: _____

ADDRESS: _____

PERMIT NUMBER: _____

OWNER: _____

PHONE NUMBER: _____ **EMAIL:** _____

Pursuant to Section 46-10, the above named Food Establishment applies to the regulatory authority for a variance of § 228.186(o)(1) of the Texas Food Establishment Rules which prohibits animals on the premises of a food establishment. The application must be submitted with a non-refundable pre-operational inspection fee of \$100. An inspection will be conducted to determine compliance with the conditions of the variance request.

If pursuant to Section 46-10 the regulatory authority grants a variance to allow dogs to be present in the outdoor patio area of a food establishment, the food establishment shall comply with the following conditions to ensure that a health hazard or nuisance will not result from the modification or waiver:

- (a) A separate entrance must be provided from the outside of the food establishment to the outdoor patio so that a dog has direct access to the patio without entering the interior of the food establishment or any playground area of the food establishment. A dog may not be allowed within seven (7) feet of any entrance to the interior of the food establishment, except when necessary to enter or exit the patio.
- (b) Doors equipped with self-closing and self-latching devices must be provided at all entrances to the outdoor patio from the interior of the food establishment and must be kept closed when not in use.
- (c) Signs must be posted at each and every public entrance of the food establishment and at each and every patio entrance so that the signs are clearly visible to the public at all times. The sign at each public entrance of the food establishment must be located within 36 inches of the door handle and must state in 1-inch lettering "DOG FRIENDLY PATIO-DOG ACCESS ONLY THROUGH OUTDOOR PATIO GATE. NON-SERVICE DOGS PROHIBITED" The sign at each patio entrance must be affixed directly to the fence or other enclosure that is adjacent to the patio entrance gate and located within 12 inches of the gate latch when the gate is closed, and shall state in 2-inch lettering "DOG FRIENDLY PATIO".
- (d) The outdoor patio must be continuously maintained free of visible dog hair, dog dander, and other dog-related waste or debris. The outdoor patio must be hosed down or mopped at the beginning of each shift during which food or beverages will be served, but not less frequently than every 12 hours.

- (e) No food preparation, including mixing drinks or serving ice, may be performed in the outdoor patio area except that a beverage glass may be filled on the patio from a pitcher or other container that has been filled or otherwise prepared inside the food establishment.
- (f) Hand Sanitizer shall be available to customers and employees in the patio area.
- (g) All table and chair surfaces shall be non-porous, easily cleanable material and cleaned and sanitized. Spilled food and drink shall be removed from the floor or ground within five (5) minutes of the spill.
- (h) Waste resulting from a dog's bodily functions must be cleaned up immediately with a product approved by The Texas Food Establishment Rules 25 TAC §228 and not harmful to dogs within five (5) minutes of each occurrence. All dog waste must be disposed of outside of the food establishment and outside of any patio in an appropriate waste receptacle. Equipment used to clean the outdoor patio must be kept outside of the food establishment and outside of the outdoor patio. Exterior storage of such equipment must be screened from public view.
- (i) Wait staff and other food handlers may not pet or have any contact with any dog.
- (j) A dog must be kept on a leash, or in a secure bag or container specifically designed to carry and provide continuous restraint of dogs while providing adequate ventilation, and must remain under continuous physical control of the owner or other responsible adult while in the outdoor patio area. The dog must be wearing a collar or harness with a current rabies tag attached to it.
- (k) A dog is not allowed on a seat, table, countertop or similar surface in the outdoor patio area.
- (l) A dog is not allowed to be tied to anything affixed or non-affixed as a means to be restrained.
- (m) A dog may not have contact with any non-disposable dishes or utensils used for food service or preparation at the food establishment.
- (n) A dog may not be given any food (including, but not limited to, dog kibble, biscuits, and edible treats) while in the outdoor patio area, but may be given water in a disposable container.
- (o) The food establishment shall maintain a copy of Chapter 26 Animal Control, of the City of McKinney Code of Ordinances on the premises at all times.
- (p) A food establishment shall not permit dogs to be present in the outdoor patio area of the food establishment if: the City of McKinney Code Compliance determines that a health hazard or nuisance condition exists, or if the food establishment is in violation of this variance request or state law.

Applicant Name	Applicant Signature	Date
FEE \$100	Date Received: _____	Receipt No: _____
Variance Granted: _____	Date _____	
Variance Denied: _____	Date _____	
Reason for Denial _____		
