

## ARTICLE XIX. - DOGS IN OUTDOOR DINING AREAS PERMITS

### Sec. 7-490. - Purpose.

The purpose of this Article is to implement Tennessee Code Annotated Section 6-54-135 by providing a permitting process to authorize individual restaurants to allow dogs in outdoor dining areas while providing adequate controls to ensure compliance with health, safety and other relevant statutes.

### Sec. 7-491. - Permit required; applies to pet dogs only.

- (a) A Dogs in Outdoor Dining Areas Permit is required before a restaurant may allow a pet dog in its outdoor dining area.
- (b) For purposes of this Article, "pet dog" means a dog other than a guide dog or service animal as defined in Section 7-2, including dogs in training to be service animals that are under the control of a credentialed service animal trainer.

### Sec. 7-492. - Permit fee.

The annual fee for a Dogs in Outdoor Dining Areas Permit is fifty dollars (\$50.00).

### Sec. 7-493. - Application process; notarized certification required.

- (a) The owner of any restaurant that maintains an outdoor dining area, or an agent acting on the owner's behalf, may apply for a Permit authorizing pet dogs to be present in the restaurant's outdoor dining area by following the process provided in Article XIV.
- (b) An application for a Dogs in Outdoor Dining Areas Permit or the renewal thereof must include the following:
  - (1) The name and contact information of at least one (1) person responsible for management of the business during all hours when the business is open to the public;
  - (2) A notarized certification signed by the applicant stating that said applicant:
    - (i) Is aware of and will abide by all laws, ordinances, rules and regulations pertaining to permitting dogs in outdoor dining areas;
    - (ii) Complies with all Standards and Requirements set forth in Section 7-494; and
    - (iii) Has trained or will train all restaurant employees who work or will work in the restaurant's outdoor dining area, prior to their working in said area, on the Standards and Requirements set forth in Section 7-494.

### Sec. 7-494. - Standards and Requirements for a Dogs in Outdoor Dining Areas Permit.

A Dogs in Outdoor Dining Areas Permit is subject to the following standards and requirements:

- (a) All pet dogs brought into a restaurant's outdoor dining area must have affixed to the dog's collar a current rabies vaccination tag and, for those dogs that reside within City limits, a current City license tag.
- (b) No pet dog shall be present in the interior of any restaurant or in any area where food is prepared.
- (c) Pet dogs shall not be permitted to travel through indoor or non-designated portions of the restaurant. Ingress and egress to the designated outdoor portions of the restaurant shall not require entrance into or passage through any indoor area of the restaurant.
- (d) The restaurant shall have the right to refuse to serve the owner of a pet dog if the owner fails to exercise reasonable control over the pet dog or the pet dog otherwise is behaving in a manner

which compromises or threatens to compromise the health or safety of any person present in the restaurant.

- (e) All restaurant employees must wash their hands promptly after touching, petting or otherwise handling a pet dog. Employees shall be prohibited from touching, petting or otherwise handling pet dogs while serving food or beverages or handling tableware or before entering other parts of the restaurant.
- (f) Employees and patrons shall be instructed that they shall not allow pet dogs to come into contact with serving dishes, utensils, tableware, linens, paper products or any other items involved in food service operations.
- (g) Patrons shall keep their pet dogs on a non-retractable leash no longer than six (6) feet and appropriate for the size, age, and weight of the dog and shall keep their pet dogs under reasonable control at all times.
- (h) Pet dogs shall not be allowed on chairs, tables or other furnishings.
- (i) Accidents involving pet dog waste shall be cleaned immediately by the person who brought the pet dog upon the premises and the area sanitized with an appropriate product. A kit with the appropriate materials to accomplish this purpose shall be furnished by the restaurant and kept in or near the designated outdoor dining area.
- (j) A sign reminding employees and patrons of the applicable rules must be posted in a visible location in the outdoor dining area.
- (k) The restaurant's owner or agent must inform all restaurant employees about the Standards and Requirements of the Permit and provide adequate training and supervision to ensure that employees follow said Standards and Requirements.

Sec. 7-495. - Inspections.

- (a) An applicant for a Dogs in Outdoor Dining Areas Permit is not subject to an inspection of the premises before the Permit is issued or renewed, provided that the proper certifications required by Section 7-493 are submitted with the application for the Permit or the renewal thereof.
- (b) Any premises that has a Dogs in Outdoor Dining Areas Permit is subject to random inspections of the premises, as provided in this Chapter.

Sec. 7-496. - Compliance with other laws; cooperation with government bodies.

A Dogs in Outdoor Dining Areas Permit holder must comply with all applicable statutes, ordinances, rules and regulations and must cooperate fully with any governmental entity having responsibility for enforcement of the Tennessee Food, Drug, and Cosmetic Act, compiled in Title 53, Chapter 1 of the Tennessee Code, and any other applicable statutes and ordinances.

Sec. 7-497. - Advertising as "pet-friendly."

Only restaurants that have a valid Dogs in Outdoor Dining Areas Permit may advertise or promote themselves as being "pet-friendly" or otherwise state or suggest that animals (excluding service animals) are allowed on the premises.

Sec. 7-498. - Enforcement; violations.

- (a) Obligations imposed by this Chapter on the restaurant or the employees thereof shall be enforced against the owner(s), agent(s) and/or employee(s) responsible for the violation.
- (b) Obligations imposed by this Chapter on the owner of or person responsible for a pet dog shall be enforced against the owner of or the person responsible for the dog.

- (c) Obligations that may reasonably be construed as being imposed against either the owner of or person responsible for a pet dog or the owner(s), agent(s) and/or employee(s) of the restaurant may be enforced against the owner of or person responsible for the pet dog or the owner(s), agent(s) and/or employee(s) responsible for the violation or both.
- (d) A violation of this Article by the holder of the Permit may result in a hearing before the Animal Control Board and, upon proof by a preponderance of the evidence, the suspension or revocation of the Dogs in Outdoor Dining Areas Permit. In addition, a violation of this Chapter may result in a citation to City Court and, upon conviction, a fine not to exceed fifty dollars (\$50.00) for each offense.