



**Item From Council
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 59
AGENDA DATE: Thu 03/02/2006
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Item From Council

Posting Language: Conduct a public hearing and approve an ordinance amending Chapter 10-3 of the City Code relating to food and food handlers to permit dogs in outdoor dining areas of food service establishments.

Proposed meeting date: THU 03/02/2006

Sponsor: Council Member Jennifer Kim

Co-sponsor 1: Council Member Brewster
McCracken

Co-sponsor 2: Council Member Lee Leffingwell

Date by which the City Manager is requested to report back to Council:

Draft Resolution/Ordinance attached:

ORDINANCE NO.

**AN ORDINANCE AMENDING CHAPTER 10-3 OF THE CITY CODE
RELATING TO FOOD AND FOOD HANDLERS TO PERMIT DOGS IN
OUTDOOR DINING AREAS OF FOOD SERVICE ESTABLISHMENTS.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 10-3-2(B) (*Compliance Required*) of the City Code is amended to read:

- (B) A person operating a food establishment, vending machine, or bed and breakfast limited shall comply with this chapter and, except as provided in Section 10-3-124 (*Dogs Permitted In Outdoor Dining Areas*), with Texas Administrative Code Title 25, Part 1, Chapter 229, Subchapter K (*Texas Food Establishments*).

PART 2. Chapter 10-3 of the City Code is amended to add Section 10-3-124 to read:

§ 10-3-124 DOGS PERMITTED IN OUTDOOR DINING AREAS.

A food service establishment may permit a customer to be accompanied by a dog in an outdoor dining area if:

- (1) the customer keeps the dog on a leash and controls the dog;
- (2) the customer does not allow the dog on a seat, table, countertop, or similar surface; and
- (3) the food service establishment does not prepare food in the dining area.

PART 3. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

_____, 2006

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§
§

Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk



MEMORANDUM

TO: Toby Futrell, City Manager
FROM: Greg Canally, Budget Officer *gdc*
DATE: February 16, 2006
SUBJECT: Dogs on Patios

Item # 28 on the February 16, 2006 Council Agenda is to approve an ordinance amending Chapter 10-3 of the City Code relating to food and food handlers to permit dogs in outdoor dining areas of food service establishments. This item has no unanticipated fiscal impact. A budget amendment is not required.