

ORDINANCE NO. 2022 - 10

AN ORDINANCE CREATING PERMITS TO ALLOW DOGS IN OUTDOOR AREAS OF LICENSED FOOD SERVICE ESTABLISHMENTS AND MAKING MISCELLANEOUS UPDATES FOR CLARITY, THEREBY AMENDING CHAPTER 14 AND APPENDIX A OF THE CITY CODE.

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 14 of the City Code is hereby amended by deleting those words that are contained in brackets [] with ~~strike through~~ text and adding those words that are underlined, to read as follows:

CHAPTER 14: LICENSES AND PERMITS

* * *

ARTICLE V. FOOD ESTABLISHMENT, LODGING ESTABLISHMENT AND PUBLIC POOL REGULATIONS

DIVISION A: GENERAL PROVISIONS

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§ 14.443 FINDINGS AND PURPOSE.

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(a) M.S. Chapters 157 (except for 157.16), 327, 28A (except for 28A.08), 31, and 34A;

* * *

§ 14.444 DEFINITIONS.

For the purpose of this Article V, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

* * *

DESIGNATED OUTDOOR AREA. An area utilized for food or beverage service and consumption located on the licensed premise of a Food Establishment, but shall not include any "indoor area" as that term is defined by Minnesota Statutes, Section 144.413 as it may be amended from time to time.

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DIVISION B: LICENSING AND INSPECTIONS

§ 14.450 LICENSES AND RESTRICTIONS.

(a) *Food establishment licensing categories.*

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(6) **SUPPLEMENTAL FACILITY** means any additional distinct or separate food retail or food service facility on the same premises as a Type I, II, III, IV, or V establishment, including catering food vehicles. Supplemental facilities are categorized as:

(A) **HIGH SUPPLEMENTAL FACILITY** having similar food handling operations specified under Type I or II establishment;

(B) **MEDIUM SUPPLEMENTAL FACILITY** having similar food handling operations specified under Type III ~~[or IV]~~ establishment; or

(C) **LOW SUPPLEMENTAL FACILITY** having similar food handling operations specified under Type IV or V establishment.

(7) **TEMPORARY FOOD ESTABLISHMENT** is defined in Minnesota Rules Chapter 4626 and includes special event food stands as defined in M.S. § 157, as it may be amended from time to time. Temporary food establishments are categorized as:

(A) Complex temporary food establishment having similar food handling operations specified under Type I ~~and~~ or II ~~Type III~~ establishment[s]; or

(B) Simple temporary food establishment having similar food handling operations specified under Type III, IV ~~and~~ or V establishment[s].

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DIVISION C: DOGS IN OUTDOOR AREAS OF FOOD AND BEVERAGE SERVICE ESTABLISHMENTS

§ 14.458 FINDINGS AND PURPOSE.

This Division C is enacted to establish standards for licensed food and beverage service establishments to apply for approval to allow dogs to accompany persons patronizing designated outdoor areas per Minnesota Statutes Section 157.175.

§ 14.459 PERMIT REQUIRED.

(a) An applicant seeking approval to allow dogs in designated outdoor areas shall provide the following required information on an application or license addendum form as required by the Issuing Authority:

(1) The name, location, and mailing address of the establishment;

(2) The name, mailing address, and telephone contact information of the applicant;

(3) A description of the designated outdoor areas in which the applicant intends to allow dogs; and

(4) A description of the days of the week and hours of operation that the patrons' dogs will be permitted in the designated outdoor areas.

(b) A onetime permit application fee is required and is listed in City Code Appendix A. The designated outdoor dog area permit will automatically renew upon food establishment license renewal and be printed on license unless the food establishment licensee informs the Issuing Authority to end the permit.

(c) A designated outdoor dog area permit is not transferable or assignable and expires automatically upon the sale the establishment.

§ 14.460 MINIMUM REQUIREMENTS.

(a) Permit holders must comply with the following requirements:

(1) Dangerous and potentially dangerous dogs are not allowed;

(2) Employees are prohibited from touching, petting, or otherwise handling dogs; should any employee inadvertently touch or otherwise handle a dog, the employee must promptly wash their hands and exposed portions of their arms;

(3) Employees and patrons must not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations;

(4) Patrons must keep their dogs on a leash at all times and must keep their dogs under reasonable control;

(5) Dogs must not be allowed on chairs, tables, or other furnishings; and

(6) Dog waste must be cleaned immediately and the area sanitized.

(b) These requirements must be clearly printed on signs posted within the designated outdoor dog area conspicuous to employees and patrons. Additionally, a clearly printed sign must be posted within the entry of the establishment that indicates where dogs are allowed on the premises.

(c) Dangerous and potentially dangerous dogs, as defined in Minnesota Statutes Section 347.50 and regulated in Chapter 12, Article IV of this City Code, are prohibited from accompanying patrons to food and beverage service establishments.

(d) Nothing in this Division C requires food and beverage service establishments to allow dogs in designated outdoor areas. A person accompanied by a dog who remains at an establishment knowing that the operator of the establishment or its agent has posted a sign banning dogs or otherwise informed the person that dogs are not permitted in the establishment may be ordered to leave the premises.

§ 14.461 SERVICE ANIMALS.

Nothing in this Division C shall be construed to limit:

- (1) The right of a person with disabilities to access places of public accommodation while accompanied by a service animal as provided in Minnesota Statutes Sections 256C.02 and 363A.19; or
- (2) The lawful use of a service animal by a licensed peace officer.

§ 14.462 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Article V is for any reason held to be invalid, such decision does not affect the validity of the remaining portion of this Article V. The City Council hereby declares that it would have adopted the ordinance in each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

§ 14.~~459~~463 PENALTY.

A violation of this Article V shall be a misdemeanor~~[under state law]~~. Civil penalties ~~[shall be subject to assessment]~~may also be issued pursuant to § 12.15 of the ~~[C]city [C]harter~~ and § 1.19 of this city code. However, nothing in this Article V shall be construed to limit the city's other available legal remedies for any violation of the law, including licensing sanctions, criminal, civil and injunctive actions. ~~[In addition, violations or failure to pay civil fines may result in future license ineligibility.]~~

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Section 2. That Appendix A indicated in Section 14.03 of Chapter 14 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

APPENDIX A: FEE SCHEDULE

This appendix contains the various fees adopted by ordinance in the listed sections of the City Code.

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| Chapter 14: Licenses and Permits | | | |
|---|-------------------|--|------------|
| CODE SECTION | CROSS- REF | DESCRIPTION | FEE |
| §14.03 | §14.443 | Food Establishments | |
| | | * * * | |
| | | (F) Supplemental facility | |
| | | (1) High supplemental facility (like Type I <u>[and]or</u> II) | * * * |

| | | | |
|--|--|---|-------------|
| | | (2) Medium supplemental facility (like Type III and IV]) | *** |
| | | (3) Catering supplemental facility (for food catering vehicle(s) and equipment) | *** |
| | | (4) Low supplemental facility (like Type IV or V) | *** |
| | | (G) Temporary food establishment | |
| | | (1) Complex temporary 1 to 3 days (like Type I and or II) | *** |
| | | (2) Complex temporary 4 to 21 days (like Type I and or II) | *** |
| | | (3) Simple temporary 1 to 3 days (like Type III, IV and or V) | *** |
| | | (4) Simple temporary 4 to 21 days (like Type III, IV and or V) | *** |
| | | *** | |
| | | <u>(Q) Permit application fee for allowing dogs in designated outdoor areas; onetime fee.</u> | <u>\$50</u> |

Passed and adopted this 21 day of March 2022.

/s/ Tim Busse
Mayor

ATTEST:
/s/ Matt Brillhart
Secretary to the Council

APPROVED:
/s/ Melissa J. Manderschied
City Attorney