



*Houston Health Department
8000 North Stadium Drive, Second Floor, Houston, TX 77054
Bureau of Consumer Health Services
Phone: (832-393-5100) Fax: (832-393-5208)*

Application for a Variance / Exemption for Food Establishments Seeking to Permit Dogs in Outdoor Eating Areas:

1. Establishment Name: _____
2. Address: _____
3. Account Number (can be found on food dealer's permit): _____
4. Contact Name: _____
5. Contact Phone Number: _____
6. Contact email address: _____
7. Fax Number (if applicable): _____

Type of Variance and Houston Food Ordinance Section Affected: 20-21.28 (f) (1). Pursuant to Section 20-19 (e) (1), the above named food establishment applies to the health officer for a variance of Section 20-21.28 (f) (1) of the Houston Code of Ordinances which prohibits animals on the premises of a food establishment.

There will be a non-refundable preoperational inspection fee of \$137.84 (2023). An inspection will be conducted to determine compliance with the conditions of the requested variance. If pursuant to Section 20-21(e) (2), the health officer grants a variance to Section 20-21.28 (f) (1) to allow dogs to be present in the outdoor patio area of a food establishment, the food establishment shall fully comply with the following conditions to ensure that a health hazard or nuisance will not result from the modification or waiver:

- a. Except as allowed under 20-21.28 (f) (2), no dog may be present inside the food establishment or on any playground area of the food establishment.
- b. A separate entrance must be provided from the outside of the food establishment to the outdoor patio so that a dog will have direct access to the patio without entering the interior of the food establishment or any playground area of the food establishment.
- c. An approved sign (one is provided if patio is approved) shall be posted at the front entrance of the food establishment so that it is easily visible to the public. The sign must state: "DOG FRIENDLY PATIO: DOG ACCESS TO OUTDOOR PATIO ONLY." The sign shall also include "To report violations, contact Houston Department of Health and Human Services at 832-393-5100."
- d. Doors at all entrances to the outdoor patio from the interior of the food establishment must be equipped with self-closing devices and kept closed when not in use.

e. No food preparation 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 “Dog Friendly Patio.”

g. 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 cleaned with animal friendly chemicals at the beginning of each shift during which food or beverages will be served. Waste created from a dog’s bodily functions must be removed and cleaned with animal friendly chemicals immediately after each occurrence. Appropriate materials for this purpose shall be kept near the designated outdoor area. All dog waste shall be placed in insect and rodent proof containers located adjacent to the patio and must be disposed of outside of the food establishment in an approved covered waste receptacle. **Equipment used to clean the outdoor patio must be kept outside of the food establishment.**

h. While on duty, wait staff, bus staff, or other food handlers at the food establishment may not pet or have contact with any dog.

i. A dog must be kept on a leash and remain in the control of the customer while in the outdoor patio area. The dog must have proof of current rabies vaccination. The dog must also have a current license issued by the local jurisdiction where the dog resides. Contact the Bureau of Animal Regulation and Care (BARC) at 713-229-7300 for information about a City of Houston Dog License. Any human bite from a dog shall be reported to BARC.

j. A dog is not allowed on any seat, table, countertop, or any other surfaces that customers use in the outdoor patio area.

k. A dog is not allowed to have contact with any dishes or utensils used for food service or preparation at the food establishment.

l. Food establishment personnel may not serve any food to the dog. Kibble, biscuits, and edible treats may be given to the dog by the customer. Water for dogs shall be provided by the food establishment in a disposable container (re-usable dog bowls NOT allowed).

**I hereby certify that the above named food establishment will comply with the above conditions and standards and any other conditions and standards that may be established by the health officer for the variance. I also understand that dogs are not allowed on the patio(s) until this variance request is approved. If the variance request is approved and the permit holder/person-in-charge fails to comply with the standards and conditions established by the health officer, the health officer reserves the authority to revoke the variance.*

*Applicant Name (PRINT)

*Applicant Signature

*Date