

Food Code Variance Application – Allowance of Dogs in Outdoor Dining Areas

Under the 2009 Michigan Modified Food Code, section 6-501.115 restricts the presence of animals in businesses that sell, prepare, or serve food. An allowable exception under 6-501.115 includes service animals that are controlled by a person with a disability. This variance application to the Food Code is for the purpose of allowing pet dogs in outdoor dining areas. Other types of animals are not allowed in the outdoor dining areas and only service animals may enter the indoor area of the food service establishment.

Food service establishments do not have to allow pet dogs in the outdoor dining areas. However, service animals must be allowed to accompany their owners in all areas of the establishment open to customers. For more information on service animals please refer to

<https://www.michigan.gov/mdcr/divisions/ada-compliance/service-animals>

and/or

<https://www.michigan.gov/-/media/Project/Websites/mdcr/posters/service-animals/animals-in-food-establishments.pdf?rev=c4909a276095439287e7669ff76cd90c#:~:text=Section%206-501.115%20of%20the,a%20person%20with%20a%20disability.>

If an establishment applies for a variance to allow pet dogs in their outdoor dining area, the establishment's history of compliance or non-compliance with the Food Code may be taken into consideration.

All variances are subject to revocation if non-compliance to this variance requirement or approved standard operating procedures is found. Pet dog owner responsibilities:

1. Dogs must be licensed and currently vaccinated against rabies.
2. Enter the designated outdoor dining area directly from the outside. Dogs are not permitted to be led or carried through indoor areas to reach the outdoor dining area.
3. Dogs must be restrained and under the control of the owner at all times.
4. Dogs must remain on the ground at all times and not be permitted on any seat, chair, patron's lap and may not contact a tabletop, countertop, or similar surface.
5. Dogs are not permitted to contact plates, cups, silverware, or any other food contact surface. Single-service, disposable containers may be used.
6. Owner must remove dog immediately if the dog shows signs of aggression or threatening behavior.

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Instructions and Supporting Documents

The variance application must be completed and submitted with:

1. Standard Operating Procedures
2. Diagram of the outdoor dining area
3. Example of required signage
4. A variance review fee of \$150

Standard Operating Procedures must address how the establishment will comply with the following:

- All local ordinances and zoning regulations are followed. Establishments must confirm that their locality does not prohibit dogs in outdoor dining areas.
- Contingency plan for inclement weather or seasonal enclosure of the outdoor dining area. Note: an outdoor dining area with a roof and more than one wall will be considered an indoor area and pet dogs will no longer be allowed. This includes tents with partial walls or windows.
- Customer food and drinks may not be prepared in the designated outdoor dining area. Serving staff may refill drinks from a pitcher.
- Employees must not pet, touch, or otherwise handle dogs. If inadvertent touch occurs, employee must immediately and properly wash hands.
- Dogs may not have contact with reusable food service dish or utensil. A dog may only have contact with a single-service, disposable container.
- The outdoor dining area must be maintained free of visible dog hair, dander, and other dog-related waste and debris.
- Surfaces contaminated by waste created from a dog's bodily functions must be immediately cleaned and disinfected.
- Equipment and supplies for cleaning the outdoor dining area must be stored separately from equipment and supplies for cleaning other areas of the establishment.
- All animal waste must be disposed of in a designated covered waste receptacle that must be emptied daily.
- A sign with letters large enough to be easily legible to the average person from eight feet away must be posted at public entrances of the food establishment. This sign must alert patrons to increased risk due to the allowance of dogs in the outdoor dining area and inform dog owners of their responsibilities as they pertain to dining with their pet dog.
- Pet dog owners shall be asked to remove the dog from establishment if dog menaces, threatens, acts aggressively, or bites any person or other dog. If there is an animal emergency, call 911. Dog bites must be reported to the county animal control.

Diagram must include the following:

- The dimensions of the designated outdoor dining area.
- The number and placement of tables, chairs, and restaurant equipment, as applicable.
- All entry and exits, including designation of where owners will enter with their dog.
- Any and all fences or other physical barriers.
- Location of nearest handwashing sink for establishment staff.



Environmental Health Division

Serving Crawford, Kalkaska, Lake, Manistee, Mason,
Mecosta, Missaukee, Newaygo, Oceana, and
Wexford Counties

Application of Dogs in Outdoor Dining Areas

Facility Information		
<u>Facility Name</u>	<u>License #</u>	
<u>Street Address</u>	<u>City</u>	<u>Zip</u>
Contact Information		
<u>Name</u>	<u>Title</u>	
<u>Email</u>	<u>Phone</u>	
<u>Fax</u>	<u>Application Date</u>	
<p><u>Instructions:</u> Complete the following Sections. Include with your submission the relevant SOPs diagram of outdoor area and example of required signage. Incomplete applications will be returned to applicant for completion prior to review.</p>		
<p>A. Statement of Variance to Food Code 6-501.115 Prohibiting Animals <i>(Provide a statement of the proposed activity that would require you to vary from Food Code requirements of prohibiting animals on the premises and how the public health hazards will be addressed.)</i></p>		
<p>B. Proposed <i>(Explain your proposed methods or procedures. Attach additional sheets if needed)</i></p>		



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C. Protect (Explain how the proposed methods or procedures will provide an equal level of protections as the current Food Code. Attach additional sheets if needed.)

D. FOLLOW (How will you ensure the methods or procedures will be followed? Attach additional sheets if needed.)

Submitted By:

Signature:

Date

The agency will provide a written response to the variance request. The written response will be provided within 30-days from the date the application is received.

- Variance request must be first approved before described process can be put into place.
 - Submittal of the request for variance does not guarantee approval.
- Variance is non-transferable if change of ownership or extensive remodel occurs.

Office Use Only

Received By:	County	Date	\$150 Fee Paid
Decision	Regulatory Authority Signature		Date