

	<b>Manual: Environmental Health Services</b>
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<b>Prepared By: Jennifer Bernstein, EHS Director</b>	<b>Original Policy Date: April 29, 2011</b>
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<b>Authorized By: Jennifer Bernstein, EHS Director</b>	<b>Page 1 of 2</b>
<b>TITLE: Criteria for Animals Allowed in Outdoor Patio Dining</b>	

**AUTHORITY:**

California Health and Safety Code Sections, 113789, 114266(b), 113713, 114259.4, 114115(b), 114117(a)(5), 114083, 114257, 114083, 114074, 114081, 114257, 114259, 114259.5, 114397, 113980

**POLICY:**

With the exception of recognized service animals, Health & Safety Code (H&SC) Section 114259.5(3), the H&SC 114259.5 prohibits live animals in food facilities. A food facility is defined as an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption (H&SC Section 113789). Consequently, this definition would encompass dining areas with waitress stations or other areas of a food facility where such food operations may occur.

Section 114266(b) (H&SC) stipulates that all food facilities must be fully enclosed with the exception of dining areas or other approved outdoor service activities. Outdoor service areas, like patios, must meet approved food service requirements as determined by the Local Enforcement Agency. As the Local Enforcement Agency for Santa Barbara County, Environmental Health Services is primarily responsible for determining what constitutes an approved outdoor service operation. As part of an outdoor service area approval process, EHS will review the exclusion of dogs from patio areas during the plan check and routine inspection process in relation to food service.

**PROCEDURE:**

These groupings should be used by Environmental Health Specialists to determine under what conditions dogs may be allowed on patios. See attached chart.

In addition to the chart, there are specific code sections that may be cited for violation of the Health and Safety Code. These include:

1. All surfaces on the patio will be cleaned and sanitized (114115(b), 114117(a)(5))
2. Table tops will be sanitized between each seating of patrons (114083)
3. Dogs will not have contact with dishes, utensils, tableware, linens or paper products used by patrons (114074)
4. Food and water served to dogs will be in single-use, disposable containers (114081)
5. Food spilled on patio will be immediately cleaned up (114257)
6. Restaurant employees will not touch or pet dogs while working. If they do, they must wash their hands. Restaurant employees must be trained on this hand washing requirement (114259.4)
7. Food facilities not meeting the conditions for safe patio food service with animals on the premises, will be cited for violations of the Health and Safety Code (114259.5), 114397, 113980

**It is the right of a facility owner of operator to deny animals access to their premises with the exception of service animals and dogs under the control of uniformed law enforcement officers or licensed private patrol operators acting within the scope of their work duties.**

<b>Food Service Type</b>	<b>Outdoor Dining Setting</b>	<b>Risk</b>	<b>Animals Allowed</b>	<b>Conditions</b>
Pass through window or other setting where food is carried by customer to outside eating area.	No cloth table coverings No unwrapped or exposed utensils on outdoor patio tables	No risk of food contamination except what might occur while food is under control of the patron.	Yes	None. Food under control of the patron is outside of the regulatory area of enforcement.
Wait service where uncovered food items are served.	No cloth table coverings No utensils on outdoor patio tables.	Minimal risk to exposure from animal debris exists while staff moves through outside area where animals may be.	See conditions 1 through 6 on page one.	Education and observation of wait staff to prevent contamination while they are handling the food.
Wait service where uncovered food items are served.	Cloth table coverings Preset tables Unwrapped service ware and utensils.	Low risk of food contamination through adulteration by potential cross contamination with debris from animals.	See conditions 1 through 6 on page one.	
Wait service with wait stations, cooking area or self serve food area outside.		Moderate risk to food contamination prior to or after the cooking process. This increases the opportunity for multiple meal service of contaminated food or food borne illness due to poor food time and temperature holding procedures after exposure occurs.	Not allowed	None

**\*\*It is recommended that restaurant owners post a sign specifying their facility is animal or dog friendly and that seating on the patio is available upon request.**