

ORDINANCE

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

SECTION 1. Section 4-8-031 of the Municipal Code of Chicago is hereby deleted in its entirety, and replaced with a new Section 4-8-031, as follows:

4-8-031 Dog-friendly retail food establishments.

(a) A retail food establishment may allow patrons to bring dogs on or within the retail food establishment's premises while the patron is frequenting the retail food establishment, subject to and in accordance with this section.

(b) If a retail food establishment allows patrons of the establishment to bring dogs on or within any portion of the retail food establishment's premises, the following requirements shall apply:

(1) a sign shall be posted in a conspicuous place at each street entrance to the retail food establishment indicating whether the retail food establishment allows dogs, in accordance with rules promulgated by the Commissioner;

(2) dogs shall not be permitted to be in or travel through any area where food is prepared;

(3) not more than one dog shall be permitted per patron;

(4) any dog not kept on a leash at all times or not kept under control by its owner shall be immediately removed from the retail food establishment's premises, and the licensee shall have the right to refuse to serve the owner of any dog if the owner fails to keep the dog on a leash or otherwise exercise reasonable control over the dog, or if the dog is otherwise behaving in a manner that compromises or threatens to compromise the health, safety, or enjoyment of any person present in the retail food establishment;

(5) only dogs bearing a current rabies vaccination tag or other proof of current rabies vaccinations shall be permitted on or within the retail food establishment's premises;

(6) tables, chairs, fixtures, and walking surfaces, shall be made of hard surfaces that can be washed and sanitized;

(7) in the event any patron's dog bites or attacks a person while on the retail food establishment's premises, the licensee shall immediately notify 311;

(8) while on the retail food establishment's premises, a dog shall not be provided food, either by the employees or by patrons, though a dog may be provided water;

(9) dogs shall not have any contact with any food, food contact surfaces, serving dishes, utensils, tableware, linens, paper products, or any other food serving products; and

(10) the retail food establishment's employees shall not have contact with dogs. If any employee has contact with a dog or a surface touched by a dog, the employee shall immediately wash their hands before continuing with any food service work.

(c) The Commissioner shall promulgate rules for the administration and enforcement of this section. The rules shall include, but not be limited to, adequate controls to ensure compliance with: (i) the Illinois Food, Drug and Cosmetic Act; (ii) the Illinois Food Handling Regulation Enforcement Act; (iii) the Illinois Sanitary Food Preparation Act; and (iv) any other applicable statutes and ordinances.

(d) Upon the determination that a person has violated a provision of this section, or any rule promulgated hereunder, the Commissioner or the Commissioner of Business Affairs and Consumer Protection may institute an administrative adjudication proceeding with the Department of Administrative Hearings by forwarding a copy of a notice of violation or a notice of hearing, which has been properly served, to the Department of Administrative Hearings; provided however, that if the Commissioner recommends the suspension or revocation of the retail food establishment license, the Commissioner shall make such recommendation to the Department of Business Affairs and Consumer Protection in accordance with the requirements of Chapter 4-4 of the Municipal Code.

(e) This section shall be enforced by the Department of Business Affairs and Consumer Protection and the Department of Health.

(f) Any limitations under this section or any rule or regulation promulgated hereunder shall not apply to services animal assisting a person with a disability in accordance with applicable State or federal law, including but not limited to, the Americans with Disabilities Act.

(g) Any person who violates any provision of this section or any rule or regulation promulgated hereunder shall be fined not less than \$200.00 and not more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 2. Section 7-12-030 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

7-12-030 Animals shall be restrained.

~~Each~~ Except as allowed pursuant to Section 4-8-031, each owner shall keep and maintain his animal under restraint; provided, however, that this section shall not apply to any dog being used for rescue or law enforcement work. It shall be unlawful for any owner to allow his or her animal to cross outside the property line of its owner to any extent, including reaching through, over or under a fence, or to keep or allow his or her animal to be outdoors on an unfenced portion of the owner's property, unless the animal is leashed and under the control of its owner or another responsible person; provided that any animal not secured by a leash or lead and that is outdoors on a fenced portion of the owner's property or outdoors on the premises of another person with consent of that person shall not be considered under restraint unless the fence is of sufficient height appropriate to the size of the animal to prevent the animal from jumping or reaching over the fence. In addition, it shall be an unlawful failure to restrain for an animal to attack, bite, threaten, or jump on any person without that person's consent, outside the property of the animal's owner. The provisions of this section shall be a positive duty of the owner and the offenses described herein shall be strict liability offenses.

(Omitted text is unaffected by this ordinance)

SECTION 3. This ordinance shall take effect 90 days after passage.