

***8-105 Removing Birds, Insects, Rodents, and Other Pests**

Birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests.

***8-106 Prohibiting of Animals**

- A. Except as specified in (B) - (D), below, live animals may not be allowed on the premises of a food establishment.
- B. Provided that the contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles is controlled, live animals are allowed in the following situations:
 - 1. Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;
 - 2. Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;
 - 3. In areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, service animals that are controlled by the disabled employee or person. This does not apply to incidental food contact surfaces including dining tables, grocery carts and baskets;
 - 4. Pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities,
 - a. Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas;
 - b. Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present; and
 - c. Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service; and
 - 5. In areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals.
- C. Live fish bait shall be stored to prevent contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.
- D. Dogs permitted in outdoor dining area.

In strict compliance with the provisions set forth below, retail food service establishments may allow customers to be accompanied by dogs in an outdoor dining area. The retail food service establishment shall comply with all of the conditions below and may require its customers to comply with conditions of paragraph D. 2. h – n of this section. Regardless of whether a retail food establishment requires its customers to comply with these conditions, it remains responsible for compliance with them. This section does not affect other provisions for support animals.

- 1. Eligible Outdoor Dining Areas
 - a. An eligible outdoor dining area is an area of a retail food service establishment that:
 - 1. Complies with and has all required approvals for outdoor eating areas under chapter 59 of the DRMC, including permits issued by the zoning administrator and exceptions authorized by the board of adjustments, and permits issued for placement in the right-of-way under chapter 49 of the DRMC; and all other applicable provisions of the DRMC;

2. Has an outdoor dining area that has direct and unobstructed access from the right-of-way or other outside area, which if enclosed by a fence, railing, planters, or other similar object, must have an opening, such as a gate, to the right-of-way or other outside area, and that is unroofed and not enclosed by a screen or other similar enclosure-;
- b. If the patio is less than 400 ft², does not provide table service for food or drinks in the outdoor dining area;
- c. If the patio is 400 ft² or larger, wait service may be provided if at least half of the patio space is designated as not allowing dogs and the part of the patio allowing dogs has direct and unobstructed access from the right-of-way or other outside area:

Has not been determined to have violated paragraph C of this section.

3. Conditions

- a. The retail food establishment shall have signs posted stating that dogs are allowed in the outdoor dining area. One sign shall be posted in a conspicuous location visible upon entrance to the interior of the retail food establishment, and another sign shall be posted in a conspicuous location visible upon entrance to the outdoor dining area. Patios which are greater than 400 ft² and allow dogs must also provide clear signage indicating which portion of the patio is dog friendly and which is reserved for dining without dogs. Such signage shall also inform patrons that problems with dogs on the premises be reported to the proprietor and may be reported to the Department of Environmental Health.
- b. The retail food establishment shall not permit preset food or tableware in the outside dining area.
- c. Dogs must be kept at least 15 feet from any outdoor food or drink handling areas and wait station areas at all times.
- d. The retail food establishment's chairs and tables located in the outdoor eating area shall be easily cleanable.
- e. Sanitizer, equipment, and cleaning supplies shall be provided in the outdoor dining area for use in that area only and shall not be co-mingled with sanitizers, equipment, or cleaning supplies for use inside the establishment.
- f. The retail food establishment shall provide supplies in the outdoor dining area for clean up and removal of dog waste.
- g. The retail food establishment shall provide a refuse container that complies with Part 5-3 of these regulations located outside for disposal of all waste generated from the outside dining area.
- h. While on duty, employees shall not touch, pet, or otherwise care for or handle any dogs in an outdoor dining area. Employees shall wash hands as specified in Section 2-401 thru Section 2-405 of these rules and regulations.
- i. All chairs and table surfaces shall be cleaned and sanitized with an appropriate product after use by any customer accompanied by a dog.
- j. Spilled food and drink shall be removed from the floor or ground between seatings of all customers.
- k. All dogs are prohibited from entering the interior of the retail food establishment and customers accompanied by dogs may only access the outdoor dining area directly from the right-of-way or other outdoor area.
- l. All dogs in the outdoor dining area must have current vaccination tags affixed to their collars.

- m. All dogs must be on a leash, cord, or chain and held in a manner that complies with chapter 8 of the Denver Revised Municipal Code. Customers accompanied by dogs shall also keep their dog under control at all times.
- n. Dogs are not allowed on a seat, chair, table, countertop, or any other furnishings within the outdoor dining area.
- o. All dog waste shall be cleaned up immediately and the affected area shall be sanitized with a disinfectant.

CHAPTER 9

Mobile Retail Food Establishments

9-101 General

- A. Mobile retail food establishments shall comply with the requirements of these rules and regulations except as otherwise provided in this chapter. The Executive Director may impose additional requirements to protect against health hazards related to the conduct of the mobile retail food establishment and may prohibit the sale of any potentially hazardous foods. This may include maintaining receipts, logs, or any other records. If restrictions are imposed by the Executive Director, they shall be in writing with a copy provided on the mobile unit at all times. A list of menu items prepared and/or served by the operator shall be submitted to the Department and available at all times. The original retail food establishment license shall be posted on the unit at all times.

When no apparent health hazard will result, the Executive Director may waive or modify requirements of these rules and regulations relating to physical facilities, except those requirements of sections 9-104 and 9-105.

- B. Mobile retail food establishments shall have equipment installed and/or mounted, as specified in Section 4-302, within the mobile retail food establishment with the exception of a grill and/or a smoker, approved by the Executive Director, which shall be allowed outside of the mobile retail food establishment for cooking of food only provided its presence does not violate other applicable laws and regulations. *All foods shall be prepared, assembled and served from within the mobile retail food establishment and not from the external piece of cooking equipment.
- C. Carts shall be limited to cooking approved menu items and serving commercially prepared or commissary prepared food that will result in simple assembly. All items not related to the operation of the cart shall be kept off the unit, except for those items specified in Section 9-108(A).
- D. The location where a mobile retail food establishment operates shall be in compliance with all applicable City and County of Denver regulations and ordinances.
- E. The license under which a mobile retail food establishment is operating must be firmly attached and visible on the mobile retail food establishment or cart at all times.
- F. The Executive Director may require the mobile retail food establishment responsible party to submit in writing the regular schedules route on which the mobile retail food establishment operates.
- G. The Executive Director may impose additional requirements to protect against health hazards related to the conduct of the retail food establishment as a mobile operation, and may prohibit the sale of some or all potentially hazardous food.
- H. Mobile retail food establishments shall comply with all the applicable requirements of these rules and regulations.