



Legislation Details (With Text)

**File #:** Ord. 2019-30(b)      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Individual Consideration

**File created:** 9/18/2019      **In control:** City Council

**On agenda:** 9/30/2019      **Final action:**

**Title:** Consider approval of Ordinance 2019-30, on the second of two readings, repealing Section 18.120 of the San Marcos City Code pertaining to the issuance of a variance to allow dogs in outdoor eating areas because Texas Health and Safety Code Section 437.025 now allows restaurant customers to bring dogs into outdoor dining areas under certain specified conditions and preempts more stringent local ordinances on this subject; and providing an effective date.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance - Repealing Dining With Dogs code provision, 2. Senate Bill 476.pdf, 3. current\_Sec.\_18.120.\_\_\_Variance\_to\_allow\_dogs\_in\_outdoor\_eating\_areas.(2).pdf, 4. redline\_Sec.\_18.120.\_\_\_Variance\_to\_allow\_dogs\_in\_outdoor\_eating\_areas\_redline.(1).pdf

Date	Ver.	Action By	Action	Result
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**AGENDA CAPTION:**

Consider approval of Ordinance 2019-30, on the second of two readings, repealing Section 18.120 of the San Marcos City Code pertaining to the issuance of a variance to allow dogs in outdoor eating areas because Texas Health and Safety Code Section 437.025 now allows restaurant customers to bring dogs into outdoor dining areas under certain specified conditions and preempts more stringent local ordinances on this subject; and providing an effective date.

**Meeting date:** September 30, 2019

**Department:** Neighborhood Enhancement Department of Environmental Health

**Amount & Source of Funding** N/A

**Fiscal Note:**

**Prior Council Action:** Council previously approved a dog dining ordinance to allow dogs to be present at approved food establishment locations that met approved guidelines.

**City Council Strategic Initiative:** N/A

**Comprehensive Plan Element (s):**  Not Applicable

**Master Plan:** N/A

**Background Information:**

On August 18, 2015, the City Council amended Chapter 18 of the Code of Ordinances to allow food establishments to apply for a variance to allow dogs in outdoor eating areas. Currently, there are five locations (Railyard Grill & Bar, Ivar's River Pub, Sean Patrick's, Wake the Dead Coffee House, North Street) that have a variance. On June 3, 2019, Governor Abbott signed Senate Bill 476 allowing for dogs in outdoor eating areas statewide and prohibiting municipalities from adopting or enforcing ordinances with more stringent requirements. The new state law became effective September 1, 2019. Many of the requirements of Chapter 18, section 18.120 of the code of ordinances related to dogs in outdoor eating areas are more stringent and therefore, unenforceable, under the new state law.

**Council Committee, Board/Commission Action:** N/A

**Alternatives:**

None.

**Recommendation:**

Staff recommends approval of Resolution 2019-?? repealing section 18.120 of the City of San Marcos Code of Ordinances related to local requirements to allow dogs in outdoor eating areas.