

Are garden centers going to the dogs?

Lori Harms, greenhouse manager at Countryside Flower Shop & Nursery in Crystal Lake, Ill., wasn't sure what to do about the four-legged creatures trotting through her store. It wasn't pesky rabbits or mischievous squirrels giving her trouble. She was dealing with dogs — and their not always attentive owners.

Harms spurred a spirited conversation when she posted her dilemma on ANLA Connect, an online forum for members of the American Nursery & Landscape Association. In Harms' case, customers were offended by signs stating dogs weren't allowed inside the store. So, the signs were removed and staff members dealt with furry companions on a one-on-one basis. But customers still walked away miffed.

Ultimately, Harms decided to tolerate the dogs.

"It appears that dog owners are more loyal when they are able to bring their 'babies' with them to shop, so we didn't want to lose that percentage of the clientele," she said. "We're not prohibiting dogs with signage or anything. But we are not encouraging dogs by providing treats or dog water bowls or anything of that sort."

Thankfully, when the busy season arrived, Harms found that most customers were too harried to bring along their dogs. And the neglectful dog owners were nowhere to be found.

"Like anything, one bad apple spoils the whole bushel," Harms said. "We don't want to punish all dog owners just because of a few misbehaved ones — owners, not dogs, actually!"

Let 'em in or keep 'em out?

Countryside isn't the only garden center dealing with dogs. Coping methods vary. Matterhorn Nursery in Spring Valley, N.Y., and Chalet in Wilmette, Ill., welcome leashed pets. It's the logical choice, since both of these stores carry pet products. Other garden centers discourage customers from bringing along canine companions. And some, like Countryside, reluctantly allow them in.

Retailers across the nation are being forced to take a closer look at pet policies. Generally speaking, local ordinances prevent customers from bringing dogs into establishments that sell food or drink. But even that is changing. In Florida and Chicago, new regulations permit dogs in outdoor areas of restaurants.

That is, of course, if the restaurants and stores allow them in. Only service animals are required by law to be admitted without question. Otherwise, the decision rests in the hands of business owners, many of whom are laying out the welcome mat.

Retailers in Country Club Plaza, an upscale shopping center in Kansas City, Mo., are more than happy to accommodate dogs. According to a report in the Kansas

City Star, one store even has a granite-based water bowl with a spigot for fresh water.

And, if Internet bulletin boards are any indication, etiquette regarding canine shopping companions is shifting. In several online forums, dog owners said they simply assume dogs are welcome unless there is a sign prohibiting them or an employee says pets aren't allowed.

Legal implications

Retailers are also grappling with liability issues. Could they be held responsible if a customer's dog injures another customer or staff member?

"Yes, they can be held liable and I'd say they should be held liable," said Kenneth Phillips, an attorney and expert in dog bite law.

He cites a case from the 1950s involving customers at a department store. Two women crossed paths, one accompanied by a dog on a leash. The other woman either got tangled up on



Dogs are no longer shunned at restaurants and stores. Many businesses are allowing customers to dine and shop with canine companions.

the leash or tripped on the dog, causing her to fall. The injured woman sued the store for negligence. An appellate court in California ultimately decided in favor of the injured party, and the store was held liable.

"Customers are there looking for stuff they sell. They're not on the lookout for dogs on leashes," Phillips said. "There is increased danger to customers. They can be bitten or they can trip on dogs in stores. Therefore, it is actionable."

Retailers might be the only possible defendant in states that follow the "one bite rule," which says dog owners aren't held liable the first time a dog causes injury. The rule protects the owner of the dog, but not the store where the accident happens, Phillips said. That leaves retailers without legal protection and they can be sued for negligence.

Phillips said another scenario could cause retailers trouble. If one customer's dog attacks another customer's dog the business could, once again, be held liable for negligence.

For more: Countryside Flower Shop & Nursery, (815) 459-8130; www.countrysideflowershop.com. Kenneth Phillips, kphillips@dogbitelaw.com; www.dogbitelaw.com.



Sarah Martinez | Assistant Editor

