

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 82 - 2019

 DECEMBER 4, 2019

AN ORDINANCE

Amending Part Three, Business Regulation and Taxation Code, Title Nine – Fees, Article 395, Community and Economic Development Fees by updating Section 395.23, Health License, Operational, Inspection and Plan Review Fees by adding three new temporary food license facility fees.

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

SECTION ONE: That City Council authorizes the following changes to the City Billing for Emergency Medical Services Policy:

395.23 HEALTH LICENSE, OPERATIONAL, INSPECTION AND PLAN REVIEW FEES

(A) CHILD CARE FACILITY OPERATIONAL CERTIFICATE FEES

An annual operational fee shall be charged to defray the costs of inspections, consultations and servicing child care facilities.

The annual operational fee for child care facilities shall be based upon the number of children in care and the type of facility as follows:

Type of Facility	Number of Children	Operational Fee
Child Care Centers*	7 to 49	\$100.00 (15205 §1 5/6/15)
Child Care Centers*	50 to 99	125.00
Child Care Centers*	100 or more	150.00
Family Child Care Home	4 to 6	50.00
Group Child Care Home	7 to 11	75.00
Other Child Care Programs	N/A	50.00

*Includes night care, drop-in care and extended child care programs.

Conditional Fees

The Bureau of Health may withhold issuing a Child Care Facility Operational Certificate if the facility is not in compliance with all City Ordinances. Examples include, but are not limited to, Fire Code and Building Code violations and tax or fee delinquencies. In this instance, the Bureau may issue a Conditional Certificate valid for up to sixty (60) days so that the facility's operation may continue until

compliance is achieved. A fee of Fifty dollars (\$50) shall be charged to defray the Conditional Certificate's associated administrative costs. (14188 §1 6/4/04; 14842 § 1 12/1/10; 15205 §1 5/6/15)

Re-inspection Fees (15502 §1 12/05/18)

Child care facilities shall be charged a reinspection fee for each reinspection that is required to verify that the facility has been brought into substantial compliance with the Child Care Ordinance as follows:

For the year 2015 and each subsequent year thereafter:

Child Care Centers (all sizes) Fifty Dollars (\$50) for each reinspection;

Family, Group, and Other facility types Twenty-five Dollars (\$25) for each reinspection.

Late Fees

A late fee of thirty dollars (\$30) per month shall be charged for overdue operational certificate renewals of all child care facility types, as determined by the Bureau of Health.

Plan Review Fees

Child Care Centers shall be charged a plan review fee of seventy-five dollars (\$75) whenever a plan review is required in accordance with Article 1143 of the Child Care Facility Ordinance.

(B) FOOD FACILITY LICENSING, OPERATIONAL, INSPECTION AND PLAN REVIEW FEES

The terms "retail food facility", "public eating and drinking place", and "retail food establishment" as used herein are defined in the Retail Food Facility Safety Act of November 23, 2010, P.L. 1039, No. 106, 3 PA C.S.A. § 5701 et. seq. ("Act 106 of 2010") which governs licensing, inspection and regulation of public eating and drinking places and retail food establishments.

Fees for licensing, operational inspection and plan review of retail food facilities shall be charged annually to defray the costs of inspections, plan reviews and services as follows:

I. New or Change of Ownership, Retail Food Facilities (Public Eating and Drinking Places, Retail Food Establishments)

All area measurements to include outdoor service and food storage areas.

Facility Type	Number of Children	Operational Fee
1. Retail Food Facility 5000 sq. ft. or less -	\$1.00	\$274 + Plan Review Fee
2. Retail Food Facility more than 5000 sq. ft. and less than 20,000 sq. ft with NO on-site food preparation	\$1.00	\$349 + Plan Review Fee
3. Retail Food Facility more than 5000 sq. ft. and less than 20,000 sq. ft. with on-site food preparation	\$1.00	\$449 + Plan Review Fee
4. Retail Food Facility greater than 20,000 sq. ft. with NO on-site food preparation	\$1.00	\$499 + Plan Review Fee

5. Retail Food Facility greater than 20,000 sq. ft. with on-site food preparation	\$1.00	\$649 + Plan Review Fee
---	--------	-------------------------

II. Renewals, Retail Food Facilities (Public Eating and Drinking Places, Retail Food Establishments)

Facility Type	License Fee	Operational Fee
1. Public Eating and Drinking Places, 75 seats or less	\$1.00	\$274
2. Public Eating and Drinking Places, more than 75 seats	\$1.00	\$399
3. Retail Food Establishments, 5000 sq. ft. or less	\$1.00	\$224
4. Retail Food Establishments, more than 5000 sq. ft. and less than 20,000 sq. ft. with NO on-site food preparation	\$1.00	\$299
5. Retail Food Establishments, more than 5000 sq. ft. and less than 20,000 sq. ft. with on-site food preparation	\$1.00	\$399
6. Retail Food Establishment, more than 20,000 sq. ft. with NO on-site food preparation	\$1.00	\$449
7. Retail Food Establishment, more than 20,000 sq. ft. with on-site food preparation	\$1.00	\$599

III. Other Fees

1. New or Renewal – Non-Profit Permanent Food Facility	\$1.00	\$74
2. Mobile Food Unit, New	\$1.00	\$274
3. Mobile Food Unit, Renewal	\$1.00	\$249
4. Vending Machine, each	\$1.00	\$49
5. Temporary Food Facility, For Profit 1 and 2 day events	\$1.00	\$39
6. Temporary Food Facility, Non-Profit 1 and 2 day events	\$1.00	\$19
7. Temporary Food Facility, For Profit Events held on more than 2 days; 14 <u>consecutive</u> days maximum	\$1.00	\$74
8. Temporary Food Facility, Non-profit Events held on more than 2 days; 14 <u>consecutive</u> days maximum	\$1.00	\$44
9. Seasonal Temporary Food Facility <u>Temporary food facility operated at a once per week seasonal event over 3-month license period in a single location</u>	\$1.00	\$74

10. Temporary Food Distribution, Non-Profit	\$1.00	\$44
<u>Food distribution by non-profit in a single location, once per week over 6-month license period, no food preparation on-site</u>		
11. Pop Up Food Facility	\$1.00	\$74
<u>Temporary food facility in an indoor commercial store front, single location, 3-month license period, maximum 2 licenses annually</u>		

Conditional Licenses

The Bureau of Health may at its discretion issue a Conditional License valid for up to sixty (60) days where the operation of the facility constitutes a possible hazard to public health, or where an applicant requires additional time to comply with the City's Food Service Ordinance, [and/or] any other applicable City ordinances or applicable state statutes and regulations. A fee of Fifty dollars (\$50) shall be charged to defray the associated administrative costs.

Late Fees

A late fee of thirty-five dollars (\$35) per month shall be charged for overdue license renewals of [permanent] retail food facilities, as determined by the Bureau of Health.

A late fee of fifteen dollars (\$15) shall be charged for temporary food facility licenses that are applied for less than five (5) days prior to the start of the event, as determined by the Bureau of Health.

Facilities Exempt from Licensing and Inspection Fees

Food facilities licensed by the Pennsylvania Department of Health, Department of Education, Department of Welfare or any other State, County or Municipal agency shall not be charged a food facility license or operational fee provided they are owned and operated by the licensee.

Permanent, temporary or mobile food facilities or vending machines that sell only fresh whole fruits and vegetables and/or only non-potentially hazardous pre-packaged food, as determined by the Bureau of Health shall be exempt from the licenses and operational fees.

Re-inspection Fees (15502 §1 12/05/18)

Food facilities shall be charged a re-inspection fee for each re-inspection that is required to verify the facility is in substantial compliance with the Food Service Ordinance as follows:

For the year 2013 and each subsequent year thereafter – One hundred dollars (\$100.00) for each reinspection.

Plan Review Fees

Food facilities shall be charged a plan review fee whenever a plan review is required in accordance with Article 1123 of the Food Service Sanitation Ordinance as follows:

For plan review services as a result of a change of ownership where no alterations other than cosmetic changes to an existing retail food facility take place, any size – One hundred twenty-five dollars (\$125.00).

For plan review services as a result of new construction, conversion, remodeling or alterations involving work other than cosmetic changes, (all area measurements to include outdoor service and storage areas) –

Facilities less than 5,000 sq. ft.-	\$200
Facilities greater than 5000 sq. ft. up to 20,000 sq. ft. -	\$300
Facilities greater than 20,000 sq. ft. -	\$400

SECTION THREE: That this Ordinance will take effect January 1, 2020.

SECTION FOUR: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

Health

- **Summary and Facts of the Bill**

Amends Article 395.23(B) providing for additional temporary food facility license categories to address trends in temporary food service.

- **Purpose – Please include the following in your explanation:**
 - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
 - **What are the Benefits of doing this/Down-side of doing this**
 - **How does this Bill related to the City's Vision/Mission/Priorities**

Establishes 3 new temporary food facility license categories. The purpose of these three new categories is to make doing business in the city easier and to make the inspections of typically lower risk facilities easier and more cost effective:

- Seasonal Temporary Food License - for temporary food stands at farmer's markets, sports games or similar events that operate once weekly in the same location on a seasonal basis; 3-month license period, \$75 fee.

- Non-Profit Temporary Food Distribution License - for non-profit organizations that distribute food on a temporary basis, maximum once weekly at the same location, with no food preparation on-site; 6-month license period, \$45 fee.

- Pop Up Temporary Food License - for temporary food facilities in an indoor commercial storefront, 3-month license period, maximum 2 licenses annually, \$75 fee.

Benefits: This will enable more efficient licensing and regulation of temporary facilities that previously did not meet the existing licensing categories. The food operator will benefit by a reduction in required applications and paperwork. The City will benefit by reduced costs for personnel time.

- **Financial Impact – Please include the following in your explanation:**
 - **Cost (Initial and ongoing)**
 - **Benefits (initial and ongoing)**

Initial cost is minimal as this would only entail adding 3 license categories to the existing Eden licensing module by the City's in-house IT department.

The revenue impact would be essentially neutral, as fees are not increasing. It will reduce overtime personnel costs as the number of required inspections on weekends would be decreased.

- **Funding Sources – Please include the following in your explanation:**
 - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

Not applicable.

- **Priority status/Deadlines, if any**

None

- **Why should Council unanimously support this bill?**

Licensing and inspection of regulated facilities is an important function of city government and serves to protect the health and welfare of the citizens of Allentown and visitors who utilize the services offered by the food industry. By creating these new license categories, we can provide appropriate oversight in a more efficient, cost-effective manner and provide a more streamlined licensing procedure for the applicant.