

ORDINANCE NO. 15205

FILE OF CITY COUNCIL

BILL NO. 24 - 2015

April 15, 2015

AN ORDINANCE

Amending Article 395.23, of the **Health License, Operational, Inspection and Plan Review Fees** by updating the fees to more closely reflecting the actual costs.

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

SECTION ONE: That City Council authorizes the following schedule of fees for Food and Child Care facilities.

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	[\$50] <u>\$100</u>
Child Care Centers*	50 to 99	[70] <u>125</u>
Child Care Centers*	100 or more	[130] <u>150</u>
Family Child Care Home	4 to 6	[35] <u>50</u>
Group Child Care Home	7 to 11	[45] <u>75</u>
Other Child Care Programs	N/A	[25] <u>50</u>

*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 [Thirty (\$30) Dollars] 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)

Reinspection Fees

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:

[Licensing and Operational Fees]

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]	License Fee	Operational Fee
1. [New or Change of Ownership Permanent] <u>Retail Food Facility 5000 sq. ft. or less -</u> <u>Fee</u>		\$1.00	[\$225.00] \$274 + Plan Review
2. [New or Change of Ownership Permanent] <u>Food Facility more than 5000 sq. ft. and less than 20,000 sq. ft.</u> <u>Review Fee</u> <u>with NO on-site food preparation</u>		\$1.00	[\$325.00] \$349 + Plan
3. <u>Retail Food Facility more than 5000 sq. ft. and less than</u> <u>Review Fee</u> <u>20,000 sq. ft. with on-site food preparation</u>		\$1.00	\$449 + Plan

4. <u>Retail Food Facility greater than 20,000 sq. ft. with Review Fee</u> <u>NO on-site food preparation</u>	<u>\$1.00</u>	<u>\$499 + Plan</u>
5. <u>Retail Food Facility greater than 20,000 sq. ft. with Review Fee</u> <u>on-site food preparation</u>	<u>\$1.00</u>	<u>\$649 + Plan</u>

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

<u>Facility Type</u> <u>Fee</u>	<u>License Fee</u>	<u>Operational</u>
[3.] 1. [Renewal – Facility with food consumed by patrons On the premises] <u>Public Eating and Drinking Places, 75 seats or less</u>	\$1.00	[\$225.00] <u>\$274</u>
[4.] 2. [Renewal – Facility with food consumed by patrons On the premises] <u>Public Eating and Drinking Places, more than 75 seats</u>	\$1.00	[\$325.00] <u>\$399</u>
[5.] 3. [Renewal – Facility with no food consumed by patrons On the premises] <u>Retail Food Establishments, 5000 sq. ft. or less</u>	\$1.00	[\$175.00] <u>\$224</u>
[6.] 4. [Renewal – Facility with no food consumed by patrons on the premises] <u>Retail Food Establishments, more than 5000 sq. ft. and less than 20,000 sq. ft. with NO on-site food preparation</u>	\$1.00	[\$275.00] <u>\$299</u>
5. <u>Retail Food Establishments, more than 5000 sq. ft. and less than 20,000 sq. ft. with on-site food preparation</u>	<u>\$1.00</u>	<u>\$399</u>
6. <u>Retail Food Establishment, more than 20,000 sq.ft. with NO on-site food preparation</u>	<u>\$1.00</u>	<u>\$449</u>
7. <u>Retail Food Establishment, more than 20,000 sq. ft. with on-site food preparation</u>	<u>\$1.00</u>	<u>\$599</u>

III. Other Fees

[7] 1. New or Renewal – Non-Profit Permanent Food Facility	\$1.00	[\$ 49.00] <u>\$74</u>
[8] 2. Mobile Food Unit, New [and Renewal]	\$1.00	[\$225.00] <u>\$274</u>
3. <u>Mobile Food Unit, Renewal</u>	<u>\$1.00</u>	<u>\$249</u>
[9] 4. Vending Machine, each	\$1.00	[\$ 24.00] <u>\$49</u>
[10] 5. Temporary Food Facility, For Profit <u>1 and 2 day events</u>	\$1.00	[\$ 24.00] <u>\$39</u>
[11] 6. Temporary Food Facility, Non-Profit <u>1 and 2 day events</u>	\$1.00	[\$ 9.00] <u>\$19</u>
7. <u>Temporary Food Facility, For Profit</u> <u>Events held on more than 2 days; 14 days maximum</u>	<u>\$1.00</u>	<u>\$74</u>

8. Temporary Food Facility, Non-profit \$1.00 \$44
Events held on more than 2 days; 14 days maximum

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 [thirty dollars (\$30.00)] fifty dollars (\$50) shall be charged to defray the associated administrative costs.

Late Fees

A late fee of [twenty-five dollars (\$25.00)] 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 [five dollars (\$5.00)] 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.

Reinspection Fees

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

[For the year 2011 – Fifty dollars (\$50.00) for the first reinspection; seventy-five dollars (\$75.00) for each subsequent reinspection through the end of the calendar year.

For the year 2012 – Seventy-five dollars (\$75.00) for the first reinspection; one hundred dollars (\$100.00) for each subsequent reinspection through the end of the calendar year.]

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 [the] 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 other than cosmetic changes – Two hundred fifty dollars (\$250.00).]

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) –

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

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

SECTION THREE: That this Ordinance will become effective June 1, 2015.

AMENDMENT TO CHANGE THE EFFECTIVE DATE PASSED, 7 – 0.

	Yea	Nay
Joe Davis	X	
Jeanette Eichenwald	X	
Jeff Glazier	X	
Daryl Hendricks	X	
Cynthia Y. Mota	X	
Julio A. Guridy, VP	X	
Ray O'Connell, Pres.	X	
TOTAL	7	0

I hereby certify that the foregoing Ordinance was passed by City Council on May 6, 2015 and signed by the Mayor on May 7, 2015.

Michael P. Walker

CITY CLERK