

ORDINANCE NO. 14842

FILE OF CITY COUNCIL

BILL NO. 72 - 2010

INTRODUCED BY ADMINISTRATION

NOVEMBER 3, 2010

AN ORDINANCE

Amending Part III, Business Regulation and Taxation Code, Title Nine, Fees, Article 395, Community and Economic Development Fees, Section 395. 23, Child Care Certificates Fee, by including and increasing certain fees for food facilities that were previously established under the AIM regulations. The food facility fees have not been changed since the issuance of an AIM regulation in 1995 – this bill would place the fees in the code.

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

SECTION ONE: That Article 395 be amended to read as follows:

~~395.23 CHILD CARE FACILITY OPERATIONAL CERTIFICATE FEES 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 cost 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
Child Care Centers*	50 to 99	\$70
Child Care Centers*	100 or more	\$130
Family Child Care Home	4 to 6	\$35
Group Child Care Home	7 to 11	\$45
Other Child Care Programs	N/A	\$25

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

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 shall be charged to defray the Conditional Certificate's associated administrative costs. (14188 §1 6/4/04)

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

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

Licensing and Operational Fees

<u>Facility Type</u>	<u>License Fee</u>	<u>Operational Fee</u>
1. <u>New or Change of Ownership Permanent Food Facility 5000 sq. ft. or less -</u>	\$1.00	\$225.00
2. <u>New or Change of Ownership Permanent Food Facility more than 5000 sq. ft.</u>	\$1.00	\$325.00
3. <u>Renewal – Facility with food consumed by patrons on the premises, 75 seats or less</u>	\$1.00	\$225.00
4. <u>Renewal – Facility with food consumed by patrons on the premises, more than 75 seats</u>	\$1.00	\$325.00
5. <u>Renewal – Facility with no food consumed by patrons on the premises, 5000 sq. ft. or less</u>	\$1.00	\$175.00
6. <u>Renewal – Facility with no food consumed by patrons on the premises, more than 5000 sq. ft.</u>	\$1.00	\$275.00
7. <u>New or Renewal – Non-Profit Permanent Food Facility</u>	\$1.00	\$49.00
8. <u>Mobile Food Unit, New and Renewal</u>	\$1.00	\$225.00
9. <u>Vending Machine, each</u>	\$1.00	\$24.00
10. <u>Temporary Food Facility, For Profit</u>	\$1.00	\$24.00
11. <u>Temporary Food Facility, Non-Profit</u>	\$1.00	\$9.00

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. A fee of thirty dollars (\$30.00) shall be charged to defray the associated administrative costs.

A late fee of twenty-five dollars (\$25.00) per month shall be charged for overdue license renewals of permanent food facilities, as determined by the Bureau of Health.

A late fee of five dollars (\$5.00) 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 license 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 existing facility take place – One hundred twenty-five dollars (\$125.00).

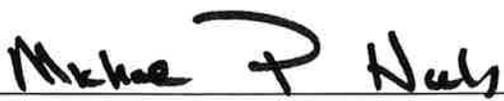
For plan review services as a result of new construction, conversion, remodeling or alterations other than cosmetic changes – Two hundred fifty dollars (\$250.00).

SECTION TWO: That this Ordinance takes effect January 1, 2011.

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

	Yea	Nay
W. Michael Donovan	X	
Jeanette Eichenwald	X	
Julio A. Guridy	X	
Ray O'Connell	X	
Michael Schlossberg	X	
Peter G. Schweyer	X	
Michael D'Amore, President	X	
TOTAL	7	0

I hereby certify that the foregoing Ordinance was passed by City Council on December 1st and signed by the Mayor on December 3, 2010.



CITY CLERK