

**Food Service Operations and Retail Food Establishments
Executive Summary**

Background/Purpose:

To amend Sections 241.05 and 241.35 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1323-2019, passed November 18, 2019, relating to food shop licenses and fees and categories and fees.

Each fiscal year, the Cleveland Department of Public Health is required to conduct a food program cost analysis under OAC 3701-21-2.2 to establish local licensing fees. Amending Section 241.05 and 241.35 will ensure that the Cleveland Health Department is in compliance with the Ohio Administrative Code 3701-21-2.2.

Section 241.05 Food Shop Licenses and Fees

- (a) No food shop shall be operated without the person, firm, association, or corporation conducting the business first applying for and obtaining an annual license. All fees and charges assessed under this section shall be paid to the Commissioner of Assessments and Licenses.
- (b) The provisions of RC Chapters 3715 and 3717 pertaining to the licensing, administration and enforcement of food safety programs by the local licensing authority are adopted and incorporated herein by the City of Cleveland.
- (c) The holder of a food service operation license as defined by state law shall not be required to obtain a retail food establishment license except when the activities of a retail food establishment and a food service operation are carried on within the same facility by the same person or entity, then the determination of what license applies shall be made according to the primary business of the person or entity as determined by the licensor, the City of Cleveland Director of Public Health, as described in ORC 3717.44.
- (d) Each application to the Commissioner of Assessments and Licenses for a mobile food service operation license required under ORC 3717.43 shall be accompanied by a combined license and inspection fee as follows:

Current (2020)

Risk Level	Fee
Mobile	\$350.00

Proposed (2021)

Risk Level	Fee
Mobile	\$300.00

- (e) Each application to the Commissioner of Assessments and Licenses for a vending food service operation license required under ORC 3717.43 shall be accompanied by a combined license and inspection fee as follows:

Current (2020)

Risk Level	Fee
Vending	\$14.72

Proposed (2021)

Risk Level	Fee
Vending	\$15.04

(f) Each application to the Commissioner of Assessments and Licenses for a temporary commercial food service operation and temporary non-commercial food service operation license required under ORC 3717.43 shall be accompanied by a combined license and inspection fee as follows:

Current (2020)

Risk Level	Fee
5 day temporary (commercial)	\$90.00
5 day temporary (non-commercial)	\$45.00

Proposed (2021)

Risk Level	Fee
5 day temporary (commercial)	\$90.00
5 day temporary (non-commercial)	\$45.00

(g) The Commissioner of Assessments and Licenses may also collect fees for collection and bacteriological examination of samples taken from a food shop in an amount equal to the cost of such collection and examination as determined by the Director of Public Health.

(h) Except for plans pertaining to mobile or temporary food service operations or vending devices, the Commissioner of Assessments and Licenses shall collect fees in the amounts stated below, for plan reviews of food shops prior to submission of plans to the Department of Public Health:

Current (2020)

Plan Review Fee	Commercial	Non- Commercial
New Operations	\$400.00	\$200.00
Extensive Alteration	\$200.00	\$100.00

Proposed (2021)

Plan Review Fee	Commercial	Non- Commercial
New Operations	\$450.00	\$225.00
Extensive Alteration	\$225.00	\$112.50

(i) The Commissioner of Assessments and Licenses shall submit all applications for a food shop license to the Director of Public Health for approval or disapproval of the application.

(j) The Commissioner of Assessments and Licenses is authorized to collect license fees for retail food establishments and food service operations and deposit the fees into a fund created under RC 3717.25 and 3717.45.

(k) For purposes of this section, non-commercial organizations are defined as organizations such as churches, or non-profit organizations operated exclusively for charitable purposes as defined in RC 5739.02(B)(12), provided that displayed foods are not displayed for more than seven (7) consecutive days or more than fifty-two (52) separate days per year.

(l) For a food service operation, a penalty of twenty-five percent (25%) of any license fee required by this section must be paid before the issuance of the license if the required license fee is not paid on or before the date it is due.

Section 241.35 Categories and Fees

(a) Each application to the Commissioner of Assessments and Licenses for a food service operation license required under ORC 3717.43, or for a retail food establishment license required under ORC 3717.23 shall be accompanied by a combined license and inspection fee as follows:

(1) Commercial food service operations and retail food establishments less than twenty-five thousand (25,000) square feet of floor space:

Current (2020)

Risk Level	Fee
Level I	\$198.00
Level II	\$222.00
Level III	\$412.00
Level IV	\$520.00

Proposed (2021)

Risk Level	Fee
Level I	\$224.00
Level II	\$246.00
Level III	\$444.00
Level IV	\$554.00

(2) Commercial food service operations and retail food establishments greater than twenty-five thousand (25,000) square feet of floor space:

Current (2020)

Risk Level	Fee
Level I	\$280.00

Proposed (2021)

Risk Level	Fee
Level I	\$308.00

Level II	\$294.00
Level III	\$1,014.00
Level IV	\$1,074.00

Level II	\$322.00
Level III	\$1,060.00
Level IV	\$1,122.00

(3) Non-commercial food service operations and non-commercial retail food establishments less than twenty-five thousand (25,000) square feet of floor space:

Current (2020)

Risk Level	Fee
Level I	\$99.00
Level II	\$111.00
Level III	\$206.00
Level IV	\$260.00

Proposed (2021)

Risk Level	Fee
Level I	\$112.00
Level II	\$123.00
Level III	\$222.00
Level IV	\$277.00

(4) Non-commercial food service operations and non-commercial retail food establishments greater than twenty-five thousand (25,000) square feet of floor space:

Current (2020)

Risk Level	Fee
Level I	\$140.00
Level II	\$147.00
Level III	\$507.00
Level IV	\$537.00

Proposed (2021)

Risk Level	Fee
Level I	\$154.00
Level II	\$161.00
Level III	\$530.00
Level IV	\$561.00

(b) The risk level categories described herein shall have the meaning established in any rules promulgated under ORC Chapters 3715 and 3717.

«DBA»
«Business_Name»
«Address»
«City_State_zip»

October 15, 2020

Dear Operator:

PUBLIC HEARING NOTICE

Pursuant to the Ohio Administrative Code (OAC) Chapter 3701-21-02.2, a cost analysis shall be conducted by our office each fiscal year. To this point, our office has completed its cost analysis to determine the actual cost of administering and enforcing the Food Safety Program. In addition, our office is required by law to hold a public hearing, alerting our operators of the proposed fee changes for the upcoming 2021-22 licensing year. This correspondence serves as notice for the aforementioned public hearing. A copy of the 2021-22 Proposed License Fee Schedule and a reservation form to attend is enclosed with this letter.

We are offering two options to attend the public meeting due to Covid-19. The first option is to attend an in person meeting at the Public Auditorium, 500 Lakeside Ave., on October 29, 2020 starting at 10 am. The second option would be to attend a video conference meeting that will start at 1 pm on the same day. We are requesting you register for this meeting so that we can provide a safe place to meet and provide social distancing. This is your opportunity to provide public comment on the proposed 2021-22 fee changes, so we respectfully ask that you join us for this voluntary meeting.

In sum, the Cleveland Department of Public Health administrators have completed the annual cost analysis to determine the proposed license fees for the upcoming 2021-22 licensing year. Once again, the public hearing is your opportunity to provide comment on these fee changes. Our office values your feedback, and we look forward to listening to this feedback at the scheduled public hearings. Please return the reservation form so we know how many people will be attending the meeting at the Public Auditorium or who needs the information for the video conference call. Thank you in advance for your time and feedback. If you have questions or concerns regarding this letter, please contact Ken Sharkey at 216-664-4491 or ksharkey@clevelandohio.gov.

With Warm Regards,

Brian Kimball

Brian Kimball
Interim Director
Cleveland Department of Public Health



Cleveland Department of Public Health

2020 Food Operation Fees

RISK LEVEL	OPERATION TYPE & SIZE	LOCAL FEE	STATE FEE	TOTAL	LATE FEE Mandatory After March 1, 2021	TOTAL With late fee
Class 1	Commercial <25,000 square feet	\$224.00	\$28.00	\$252.00	\$56.00	\$308.00
Class 2	Commercial <25,000 square feet	\$246.00	\$28.00	\$274.00	\$61.50	\$335.50
Class 3	Commercial <25,000 square feet	\$444.00	\$28.00	\$472.00	\$111.00	\$583.00
Class 4	Commercial <25,000 square feet	\$554.00	\$28.00	\$582.00	\$138.50	\$720.50
Class 1	Commercial >25,000 square feet	\$308.00	\$28.00	\$336.00	\$77.00	\$413.00
Class 2	Commercial >25,000 square feet	\$322.00	\$28.00	\$350.00	\$80.50	\$430.50
Class 3	Commercial >25,000 square feet	\$1,060.00	\$28.00	\$1,088.00	\$265.00	\$1,353.00
Class 4	Commercial >25,000 square feet	\$1,122.00	\$28.00	\$1,150.00	\$280.50	\$1,430.50
Class 1	Non-Commercial <25,000 square feet	\$112.00	\$14.00	\$126.00	\$28.00	\$154.00
Class 2	Non-Commercial <25,000 square feet	\$123.00	\$14.00	\$137.00	\$30.75	\$167.75
Class 3	Non-Commercial <25,000 square feet	\$222.00	\$14.00	\$236.00	\$55.50	\$291.50
Class 4	Non-Commercial <25,000 square feet	\$277.00	\$14.00	\$291.00	\$69.25	\$360.25
Class 1	Non-Commercial >25,000 square feet	\$154.00	\$14.00	\$168.00	\$38.50	\$206.50
Class 2	Non-Commercial >25,000 square feet	\$161.00	\$14.00	\$175.00	\$40.25	\$215.25
Class 3	Non-Commercial >25,000 square feet	\$530.00	\$14.00	\$544.00	\$132.50	\$676.50
Class 4	Non-Commercial >25,000 square feet	\$561.00	\$14.00	\$575.00	\$140.25	\$715.25
Mobile Food Service/Retail		\$300.00	\$28.00	\$328.00	\$75.00	\$403.00
Food Service Vending		\$15.04	\$6.00	\$21.04	\$3.76	\$24.80
Temporary Commercial		\$90.00	N/A	\$90.00		
Temporary Non-Comm.		\$45.00	N/A	\$45.00		
<p>Effective March 1, 2010, per OAC 3701-21-02(E)(2): If a license fee as prescribed under this paragraph is not filed with the licensor or postmarked on or before the date it is due, a penalty of twenty-five percent of any such fee shall be imposed and paid.</p>						
<p>PROPOSED 2021 fees</p>						
<p>Plan Review (Required for ALL New or Extensively Altered Operations)</p>						
					Commercial	Non-Commercial
					\$450.00	\$225.00
					\$225.00	\$112.50
<p>Effective for Food Licensing year 2021 upon adoption.</p>						
<p>(March 1, 2021- February 28, 2022)</p>						