

Executive Summary
Food Service Operations and Retail Food Establishments

To amend Sections 241.05 and 241.35 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1368-17, passed November 20, 2017, 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 (2018)

Risk Level	Fee
Mobile	\$200.00

Proposed (2019)

Risk Level	Fee
Mobile	\$275.00

(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 (2018)

Risk Level	Fee
Vending	\$14.20

Proposed (2019)

Risk Level	Fee
Vending	\$14.48

(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 (2018)

Risk Level	Fee
5 day temporary (commercial)	\$74.00
5 day temporary (non-commercial)	\$37.00

Proposed (2019)

Risk Level	Fee
5 day temporary (commercial)	\$80.00
5 day temporary (non-commercial)	\$40.00

(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 (2018)

Plan Review Fee	Commercial	Non- Commercial
New Operations, less than 25,000 sq. feet	\$225.00	\$112.50
New Operations, greater than 25,000 sq. feet	\$300.00	\$150.00
Extensive Alteration, less than 25,000 sq. feet	\$75.00	\$37.50
Extensive Alteration, greater than 25,000 sq. feet	\$100.00	\$50.00

Proposed (2019)

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

<u>Plan Review Reinspection Fee</u>	<u>\$100.00</u>	<u>\$100.00</u>
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(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.

(m) For purposes of this section, whenever an operation or establishment has applied for a license and scheduled an inspection, for which passage is required prior to license approval, and it cannot obtain the license because it does not meet all applicable requirements to obtain the license, it must pay an additional inspection fee, a Plan Review Reinspection Fee, for that additional inspection.

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 (2018)

Risk Level	Fee
Level I	\$250.00
Level II	\$276.00
Level III	\$484.00
Level IV	\$602.00

Proposed (2019)

Risk Level	Fee
Level I	\$216.00
Level II	\$240.00
Level III	\$430.00
Level IV	\$536.00

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

Current (2018)

Risk Level	Fee
Level I	\$342.00
Level II	\$356.00
Level III	\$1,140.00
Level IV	\$1,204.00

Proposed (2019)

Risk Level	Fee
Level I	\$298.00
Level II	\$312.00
Level III	\$1,030.00
Level IV	\$1,090.00

(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 (2018)

Risk Level	Fee
Level I	\$125.00
Level II	\$138.00
Level III	\$242.00
Level IV	\$301.00

Proposed (2019)

Risk Level	Fee
Level I	\$108.00
Level II	\$120.00
Level III	\$215.00
Level IV	\$268.00

(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 (2018)

Risk Level	Fee
Level I	\$171.00
Level II	\$178.00
Level III	\$570.00
Level IV	\$602.00

Proposed (2019)

Risk Level	Fee
Level I	\$149.00
Level II	\$156.00
Level III	\$515.00
Level IV	\$545.00

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



PROPOSED 2019 Food Operation Fees

LOCAL FEE	STATE FEE	TOTAL	LATE FEE Mandatory After March 1, 2019	TOTAL With late fee
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Operation type Commercial <25,000 square feet

Commercial 1	\$216.00	\$28.00	\$244.00	\$54.00	\$298.00
Commercial 2	\$240.00	\$28.00	\$268.00	\$60.00	\$328.00
Commercial 3	\$430.00	\$28.00	\$458.00	\$107.50	\$565.50
Commercial 4	\$536.00	\$28.00	\$564.00	\$134.00	\$698.00

Operation type Commercial >25,000 square feet

Commercial 1	\$298.00	\$28.00	\$326.00	\$74.50	\$400.50
Commercial 2	\$312.00	\$28.00	\$340.00	\$78.00	\$418.00
Commercial 3	\$1,030.00	\$28.00	\$1,058.00	\$257.50	\$1,315.50
Commercial 4	\$1,090.00	\$28.00	\$1,118.00	\$272.50	\$1,390.50

Operation type Non-Commercial <25,000 square feet

Non-Commercial 1	\$108.00	\$14.00	\$122.00	\$27.00	\$149.00
Non-Commercial 2	\$120.00	\$14.00	\$134.00	\$30.00	\$164.00
Non-Commercial 3	\$215.00	\$14.00	\$229.00	\$53.75	\$282.75
Non-Commercial 4	\$268.00	\$14.00	\$282.00	\$67.00	\$349.00

Operation type Non-Commercial >25,000 square feet

Non-Commercial 1	\$149.00	\$14.00	\$163.00	\$37.25	\$200.25
Non-Commercial 2	\$156.00	\$14.00	\$170.00	\$39.00	\$209.00
Non-Commercial 3	\$515.00	\$14.00	\$529.00	\$128.75	\$657.75
Non-Commercial 4	\$545.00	\$14.00	\$559.00	\$136.25	\$695.25

Operation type Other

Mobile Food Service/Retail	\$275.00	\$28.00	\$303.00	\$68.75	\$371.75
Food Service Vending	\$14.48	\$6.00	\$20.48	\$3.62	\$24.10
Temporary Commercial	\$80.00	N/A	\$80.00		
Temporary Non-Comm.	\$40.00	N/A	\$40.00		

<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>	Plan Review (Required for ALL New or Extensively Altered Operations)	Commercial	Non- Commercial
	New Operations	\$400.00	\$200.00
	Extensive Alteration	\$200.00	\$100.00

Licensing Year 2019

Effective for Food Licensing year 2019 upon adoption.

A \$100.00 "Plan Review Reinspection Fee" will be assessed when an appointment (i.e. Plan Review Pre-Approval inspection) has been scheduled and the work is not ready for inspection, or fails inspection.