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Ordinance No. 1143-2024

By Council Members Conwell and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

To amend Sections 241.05 and 241.35 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended, relating to food shop licenses, fees, and categories.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That Section 241.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 228-2024, passed March 18, 2024, is amended to read as follows:

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 RC 3717.44.

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

~~**2023**~~	
~~**Risk Level**~~	~~**Fee**~~
~~Mobile~~	~~$365.00~~

2024	
Risk Level	**Fee**
FSO Mobile	$360.00
RFE Mobile (High Risk)	$360.00
RFE Mobile (Low Risk)	$180.00

2025	
Risk Level	**Fee**
Mobile FSO	$376.00
Mobile RFE (High Risk)	$376.00
Mobile RFE (Low Risk)	$188.00

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

~~2023~~	
~~Risk Level~~	~~Fee~~
~~Vending~~	~~$16.28~~

2024	
Risk Level	**Fee**
Vending	$17.40

2025	
Risk Level	**Fee**
Vending	$17.80

(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 RC 3717.43 shall be accompanied by a combined license and inspection fee as follows:

~~2023~~	
~~Risk Level~~	~~Fee~~
~~5-day temporary~~	~~$100.00~~
~~5-day temporary (non-commercial)~~	~~$50.00~~

2024	
Risk Level	**Fee**
5-day temporary	$110.00
5-day temporary (non-commercial)	$55.00

2025	
Risk Level	**Fee**
5-day temporary	$120.00
5-day temporary (non-commercial)	$60.00

(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:

~~**2023 Plan Review Fee**~~	~~**Commercial**~~	~~**Non-Commercial**~~
~~New Operations~~	~~$450.00~~	~~$225.00~~
~~Extensive Alteration~~	~~$225.00~~	~~$112.50~~

2024 Plan Review Fee	**Commercial**	**Non-Commercial**
New Operations	$500.00	$250.00
Extensive Alteration	$250.00	$125.00

2025 Plan Review Fee	**Commercial**	**Non-Commercial**
New Operations	$500.00	$250.00
Extensive Alteration	$250.00	$125.00

(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 2. That Section 241.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 228-2024, passed March 18, 2024, is repealed.

Section 3. That Section 241.35 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 81-2024, passed January 22, 2024, is amended to read as follows:

Section 241.35 Categories and Fees

(a) Each application to the Commissioner of Assessments and Licenses for a food service operation license required under RC 3717.43, or for a retail food establishment license required under RC 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:

~~**2023**~~	
~~**Risk Level**~~	~~**Fee**~~
~~Level I~~	~~$194.00~~
~~Level II~~	~~$214.00~~
~~Level III~~	~~$382.00~~
~~Level IV~~	~~$478.00~~

2024	
Risk Level	**Fee**
Level I	$230.00
Level II	$256.00
Level III	$476.00
Level IV	$598.00

2025	
Risk Level	**Fee**
Level I	$216.00
Level II	$240.00
Level III	$434.00
Level IV	$544.00

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

~~**2023**~~	
~~**Risk Level**~~	~~**Fee**~~
~~Level I~~	~~$266.00~~
~~Level II~~	~~$280.00~~
~~Level III~~	~~$914.00~~
~~Level IV~~	~~$968.00~~

2024	
Risk Level	**Fee**
Level I	$324.00
Level II	$340.00
Level III	$1,164.00
Level IV	$1,234.00

2025	
Risk Level	**Fee**
Level I	$300.00
Level II	$314.00
Level III	$1,048.00
Level IV	$1,110.00

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

2023	
Risk Level	**Fee**
Level I	$97.00
Level II	$107.00
Level III	$191.00
Level IV	$239.00

2024	
Risk Level	**Fee**
Level I	$115.00
Level II	$128.00
Level III	$238.00
Level IV	$299.00

2025	
Risk Level	**Fee**
Level I	$108.00
Level II	$120.00
Level III	$217.00
Level IV	$272.00

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

~~2023~~	
~~**Risk Level**~~	~~**Fee**~~
~~Level I~~	~~$133.00~~
~~Level II~~	~~$140.00~~
~~Level III~~	~~$457.00~~
~~Level IV~~	~~$484.00~~

2024	
Risk Level	**Fee**
Level I	$162.00
Level II	$170.00
Level III	$582.00
Level IV	$617.00

2025	
Risk Level	**Fee**
Level I	$150.00
Level II	$157.00
Level III	$524.00
Level IV	$555.00

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

Section 4. That Section 241.35 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 81-2024, passed January 22, 2024, is repealed.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

ST:nl
10-21-2024
FOR: Director Margolius

Ord. No. 1143-2024

By Council Members Conwell and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

To amend Sections 241.05 and 241.35 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended, relating to food shop licenses, fees, and categories.

READ FIRST TIME on OCTOBER 21, 2024 **REPORTS**
and referred to DIRECTORS of Public Health, Finance, Law;
COMMITTEES on Health Human Services and the Arts,
Finance Diversity Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

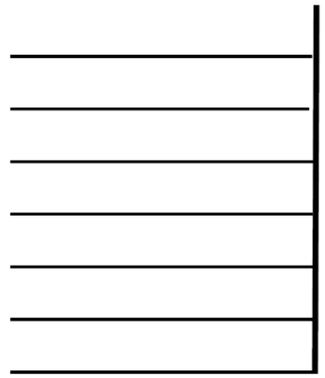
Recorded Vol. **111** Page_____

Published in the City Record _____

REPORT
after second Reading

PASSAGE RECOMMENDED BY COMMITTEE ON
HEALTH, HUMAN SERVICES and the ARTS

FILED WITH COMMITTEE



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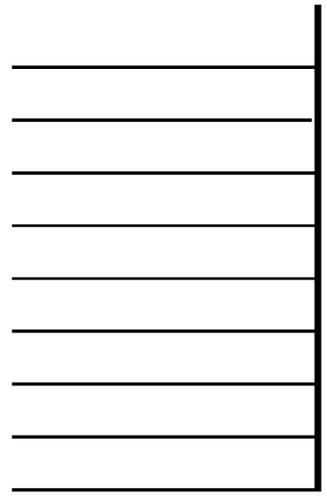
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