

Ordinance No. 376-2019

Council Members: Griffin and Kelley (by departmental request)

An emergency ordinance to amend Section 241.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1333-18, passed November 26, 2018, relating to food shop licenses and fees.

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. 1333-18, passed November 26, 2018, 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:

2018	
Risk Level	Fee
Mobile	\$200.00

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

2018	
Risk Level	Fee
Vending	\$14.20

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

2018	
Risk Level	Fee
5-day temporary	\$74.00
5-day temporary (non-commercial)	\$37.00

2019	
Risk Level	Fee
5-day temporary	\$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:

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

2019 Plan Review Fee	Commercial	Non-Commercial
New Operations	\$400.00	\$200.00
Extensive Alteration	\$200.00	\$100.00
Plan Review Reinspection Fee	\$100.00	\$100.00

(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.

(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 2. That existing Section 241.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1333-18, passed November 26, 2018, is repealed.

Section 3. 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.

Passed June 3, 2019.

Effective June 5, 2019.