



Legislation Text

File #: 990235, Version: 1

990235
SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to food license and permit fees.

- 60-21 rc
- 60-22 rp
- 60-23 rc
- 60-31-1-0 am
- 60-31-1-e cr
- 60-33 rc
- 60-35 rc
- 60-39 rc
- 60-41 rp
- 60-63 rp
- 60-70 rc
- 60-71 rc
- 60-79 rp
- 75-30-1 am
- 75-30-2 am
- 75-30-3 am
- Analysis -

This ordinance revises the fees charged by the health department for food-related licenses and permits. The new fees are generally based on the annual gross food sales of the establishment. Increases in fees for restaurants, food stores with processing and food stores and distributors without processing are gradually phased in over a 3-year period from 1999 to 2002. (Food license fees were last increased in 1989.)

The ordinance adds a new \$50 charge for third and subsequent reinspections that are required when a health department order has not been complied with. A license or permit may be suspended if reinspection fees are not paid. A license or permit shall not be renewed when reinspection fees are unpaid. The ordinance repeals authorization for unpaid reinspection fees to be added to the property tax bill. The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 60-21 of the code is repealed and recreated to read:

60-21. Food Dealer's License.

1. Each individual food operation, site, location or stand where food is prepared, processed, served, stored or sold shall be issued a food dealer's license and be assessed fees in accordance with this section.
2. The amount of an annual food dealer's license fee shall be the following:
 - a. Prepack restaurants:
 - a-1. For the license year 1999-2000: \$100.
 - a-2. For the license year 2000-01: \$113.
 - a-3. For the license year 2001-02 and each following license year: \$133.
 - b. All other restaurants:

Anticipated Gross Annual Sales All Food Operations	Fee for the license years:			and following
	1999- 2000	2000- 2001	2001-02	
Less than \$20,000	\$203	\$230	\$270	
\$20,001 - \$200,000		315	357	420
\$200,001 \$2,000,000		476	540	635

Over \$2,000,000 674 764 898

c. Food Stores - Processing:

Anticipated Gross Annual Sales for All Food Operations	Fee for the license years:		
	1999- 2000	2000- 2001	2001-02 and following
Less than \$20,000	\$132	\$150	\$176
\$20,001 - \$200,000	227 257 303	\$200,001 - \$2,000,000 535 606 713	Over \$2,000,000 821 930 1,094

d. Distributors/Food Stores - No Processing:

Anticipated Gross following	Fee for the license years: Annual Sales for All Food Operations		
	1999- 2000	2000- 2001	2001-02 and following
Less than \$20,000	\$69 \$78 \$92	\$20,001 - \$200,000 105 118 139	\$200,001 - \$2,000,000 211 240 282
Over \$2,000,000	345	391	460

3. The food license fee set under sub. 2-b, c or d for a new operator that starts business after March 31 shall be based on the gross food sales for the time operated during that period.

4. If multiple independent restaurant locations are operated at the same address and by the same person, a separate fee shall be charged for each additional location. An additional restaurant location shall be considered independent if it is physically separated from any other food preparation areas. The annual fee for each additional location shall be \$40.

5. Each license shall be issued for the license period beginning on July 1 and ending the following June 30.

6. License renewals shall be filed by July 1. There shall be an additional fee for the filing of a late renewal application in the amount of \$15. If renewal applications are not sent out by June 15, the late penalty shall be assessed 16 days after the applications are sent.

7. The fee for a duplicate license is \$5.

8. In addition, the applicant shall pay any state of Wisconsin administrative fees, the amount of which is on file with the Wisconsin department of health and family services or department of agriculture, trade and consumer protection. (See s. 68-4.)

Part 2. Section 60-22 of the code is repealed.

Part 3. Section 60-23 of the code is repealed and recreated to read:

60-23. Food License: Temporary - Basic.

1. DEFINITION. "Temporary event" means a single event such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion that is held for a limited duration at a fixed location.

2. LICENSE. Each individual temporary food operation, site, location or stand where food is prepared, processed, served, stored or sold shall be issued a temporary food dealer's license and be assessed fees in accordance with this section.

3. FEES. a. The following schedule of fees shall apply to a food license temporary food operation. It does not apply to a food establishment that extends its food service to the outside on a temporary basis, for which fees are set under par. d.

Anticipated Gross Annual Sales for	Annual All Food Operations	Fee
Less than \$5,000	\$40	\$5,000 - \$10,000 79
\$10,001 - \$100,000	145	\$100,001 - \$250,000 170
\$250,001 - \$800,000	201	Over \$800,000 263

b. Except as provided in par. d, the total fee for a temporary food dealer's license shall be a combination of the food operations - basic fee in par. a and the following additional fees, when applicable:

b-1. Food processing - bakery: see s. 60-33.

b-2. Food processing - confectionery: see s. 60-35.

b-3. Food processing - retail: see s. 60-39.

b-4. Restaurant: see par. c.

c. The following fees apply to temporary restaurants:

c-1. For each temporary restaurant at each location or event that operates no more than one day: \$25.

- c-2. For each temporary restaurant at each location or event that operates more than one day: \$40.
- d. Only the following fees shall apply to a licensed food establishment which extends its food service to the outside on a temporary basis:
 - d-1. For an extension of a licensed premises that operates one day or less: \$25.
 - d-2. For an extension of a licensed premises that operates more than one day: \$40.
- 4. APPLICATION DEADLINE. An applicant for any food-related license in this chapter for a temporary event shall make the application and pay the applicable fee specified in this chapter no later than 5 calendar days prior to the opening date of the temporary event.
- 5. LATE FEE. Any person who does not meet the application deadline in sub. 4 shall pay a late application fee of \$15 for each individual food operation, site, location or stand where food is prepared, served or sold at the temporary event.
- 6. DUPLICATE PERMIT. The fee for a duplicate permit is \$5.
- 7. STATE FEES. In addition, the applicant shall pay any state of Wisconsin administrative fees, the amount of which is on file with the Wisconsin department of health and family services or department of agriculture, trade and consumer protection. (See s. 68-4.)

Part 4. Section 60-31-1-0 of the code is amended to read:

60-31. Food Peddler Permits. 1. The total fee for each food peddler permit shall be a combination of the food peddler basic fee in s. [[60-23]] >>60-29<< and the following additional fees, when applicable:

Part 5. Section 60-31-1-e of the code is created to read:

- e. Food processing - retail: see s. 60-39.

Part 6. Section 60-33 of the code is repealed and recreated to read:

60-33. Food Processing -Bakery. 1. The food processing -bakery fee applies to food peddlers and temporary operations that bake at the point of sale. See ss. 60-23 and 60-31.

- 2. The fee shall be:

Anticipated Gross Annual Sales for	Annual This Operation Fee
Less than \$50,000	\$60
\$50,000 and over	97

- 3. In addition, the applicant shall pay the state of Wisconsin administrative fee, the amount of which is on file with the Wisconsin department of health and family services or department of agriculture, trade and consumer protection. (See s. 68-4.)

Part 7. Section 60-35 of the code is repealed and recreated to read:

60-35. Food Processing - Confectionery. 1. The food processing - confectionery fee applies to food peddlers and temporary food operations that process at the point of sale. See ss. 60-23 and 60-31.

- 2. The fee shall be:

Anticipated Gross Annual Sales for	Annual This Operation Fee
Less than \$50,000	\$32
\$50,000 and over	78

- 3. In addition, the applicant shall pay the state of Wisconsin administrative fee, the amount of which is on file with the Wisconsin department of health and family services or department of agriculture, trade and consumer protection. (See s. 68-4.)

Part 8. Section 60-39 of the code is repealed and recreated to read:

60-39. Food Processing - Retail. 1. The food processing - retail fee applies to food peddlers and temporary food operations that process at the point of sale. See ss. 60-23 and 60-31.

- 2. The fee shall be:

Anticipated Gross Annual Sales for	Annual This Operation Fee
Less than \$50,000	\$43
\$50,000 and over	78

3. In addition, the applicant shall pay the state of Wisconsin administrative fee, the amount of which is on file with the Wisconsin department of health and family services or department of agriculture, trade and consumer protection. (See s. 68-4.)

Part 9. Section 60-41 of the code is repealed.

Part 10. Section 60-63 of the code is repealed.

Part 11. Section 60-70 of the code is repealed and recreated to read:

60-70. Reinspection Fee for Health Code Violation. The fee for the third reinspection and each subsequent reinspection to determine compliance with an order to correct a health code violation shall be \$50.

Part 12. Section 60-71 of the code is repealed and recreated to read:

60-71. Mobile Restaurants/Peddlers. 1. The following fees apply to peddlers who serve meals:

- a. For prepackaged food - \$44.
- b. For food preparation - \$87.

2. In addition, the applicant shall pay the state of Wisconsin administrative fee, the amount of which is on file with the Wisconsin department of health and family services or department of agriculture, trade and consumer protection. (See ss. 60-21 and 68-4.)

Part 13. Section 60-79 of the code is repealed.

Part 14. Section 75-30-1 to 3 of the code is amended to read:

75-30. Reinspection. 1. Whenever an order or directive is issued on a health code violation which requires a reinspection to determine compliance, [one reinspection] >>2 reinspections<< shall be made without charge and documented by the department following the time period given in the order or directive.

2. If, upon >>the second<< reinspection, the order or directive is found not to have been complied with and additional reinspections are required, a fee shall be assessed the responsible party for each additional reinspection to compensate for the costs of such reinspections. The reinspection fees shall be [itemized and the responsible party notified in writing to remit such fees prior to the final approval of any order or directive for which fees were incurred] >>billed with the annual food license renewal<< .

3. >>All reinspection fees shall be paid by the due date for license renewal.<< Any responsible party who receives notification of such [charges shall remit such sum] >>shall remit the fees<< to the department within [[10]] >>15<< days of mailing or service of the notification of charges. Failure to remit in full within this time period may subject the responsible party to an action to collect the sum in a civil action. An alternative to the commencement of a civil action collection may be enforced [[by the following]] >>as follows<< :

[[a. Where the responsible party is the owner of the property which is involved in the order or directive, the department shall certify unpaid reinspection fees to the city treasurer who shall assess such fees in the same manner as real property taxes.]]

[[b.]] >>a.<< Where the responsible party is operating under a license or permit issued by the department and the reinspection fee is assessed, failure to pay the reinspection fee as required is declared just cause for the commissioner to suspend such license or permit following notification to the responsible party.

>>b.<< No license or permit shall be issued >>or renewed<< by the department for any operation which has an outstanding unpaid reinspection fee.

APPROVED AS TO FORM

Legislative Reference Bureau
Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney
Date: _____
Health Department

99133-3

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5/14/99