

ORDINANCE No.

115945

Law Department

COUNCIL BILL No.

108873

The City of

AN ORDINANCE relating to health code fees; amending SMC 10.03.010 to increase fees for dishonored checks and for delinquent payments; amending SMC 10.03.110 to increase fees for food service establishments; and amending SMC 10.11.942 to establish fees for pre-operational inspections subsequent to the initial inspection.

Honorable President:

Your Committee on

Budget

to which was referred the within Council Bill report that we have considered the same

11/12/91 Pass 5-C

COMPTROLLER FILE No.

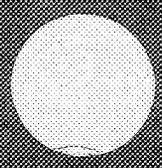
Introduced: 10-28-91	By: S. Benga
Referred: OCT 31 1991	To: Budget
Referred:	To:
Referred:	To:
Reported: NOV 21 1991	Second Reading: NOV 21 1991
Third Reading: NOV 21 1991	Signed: NOV 21 1991
Presented to Mayor: NOV 21 1991	Approved: DEC 12 1991
Returned to City Clerk:	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Full Council

Act



Department



The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

President:

Committee on Budget

was referred the within Council Bill No. 105673

that we have considered the same and respectfully recommend that the same:

91 Pass 5-0 (absent: CC, S D, SS, JS)

all Council vote 7-0

Adrian Stange

Committee Chair

ORDINANCE 115945

AN ORDINANCE relating to health code fees; amending SMC 10.03.010 to increase fees for dishonored checks and for delinquent payments; amending SMC 10.03.110 to increase fees for food service establishments; and amending SMC 10.11.942 to establish fees for pre-operational inspections subsequent to the initial inspection.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective January 1, 1992, Seattle Municipal Code 10.03.010 (Part of Section 1 of Ordinance 109951, as last amended by Section 1 of Ordinance 112569) is amended as follows:

10.03.010 Administrative fees and charges. The Director shall charge and collect the following administrative fees and charges under the circumstances indicated below:

- | | | |
|---------------------|---|--|
| A. | For replacement of lost or destroyed permit | \$ 2.00 |
| B. | For transferring a permit pursuant to SMC Section 10.01.050 | \$ 2.00 |
| C. | For reissuing, pursuant to SMC Section 10.01.120, any permit, previously voided for payment of permit fee with dishonored check | (\$10.00) <u>\$15.00</u> |
| D. | For processing the late payment of any annual permit fee if delinquent by ((no)) more than ten days | One-quarter of the applicable permit fee |
| E. | <u>For processing the late payment of any annual permit if delinquent by more than thirty days</u> | <u>One-half of the applicable permit fee</u> |
| ((E)) F. | For processing the late payment of any temporary or seasonal permit fee if delinquent by no more than five days | \$25.00 |
| ((F)) G. | Inspections requested by permittee or person in charge of regulated activity, if outside regular Department working hours | Cost to the Department of providing the hours |
| ((G)) H. | Furnishing special services or material, requested by the public, if not ordinarily provided by the Department | Cost to the Department of performing the service or furnishing the materials |

1 **Section 2.** Effective January 1, 1992, Seattle Municipal Code 10.03.110 (Section 2 of Ordinance
 2 110268 as last amended by Section 3 of Ordinance 115441) is amended as follows:

3 **10.03.110 Food-service establishment permit fees.**

4 A. The permit fees for the food service establishments subject to regulation by Chapter 10.11
 5 Seattle Municipal Code shall be the annual fees set forth below and, with respect to temporary food
 6 service establishments, the periodic fee set forth below:

7 Type of Food-Service Establishment		8 Fee
9 Restaurants		
10 Seating capacity 1-75	((\$125.00))	<u>\$137.50</u>
11 Seating capacity 76-150	((\$195.00))	<u>\$214.50</u>
12 Seating capacity 151-250	((\$275.00))	<u>\$302.50</u>
13 Seating capacity over 250	((\$365.00))	<u>\$401.50</u>
14 Caterers (if not part of another		
15 food service establishment),		
16 Food-Processing Establishments,		
17 Snack Bars in which food preparation		
18 occurs, and Retail Bakeries		
	((\$125.00))	<u>\$137.50</u>
19		
20 Mobile Food-Service Units		
21 Low-hazard mobile food carts, base fee	((\$75.00))	<u>\$82.50</u>
22 Additional locations, each	((\$25.00))	<u>\$27.50</u>
23 Restricted mobile caterers, base fee	((\$145.00))	<u>\$159.50</u>
24 Additional vehicles, each	((\$50.00))	<u>\$55.00</u>
25 Unrestricted mobile caterers, base fee	((\$180.00))	<u>\$198.00</u>
26 Additional vehicles, each	((\$50.00))	<u>\$55.00</u>
27 Restricted mobile carts, base fee	((\$125.00))	<u>\$137.50</u>
28 Additional locations, each	((\$30.00))	<u>\$33.00</u>
29		
30 Temporary Food-Service Establishments,		
31 Low hazard operation	\$50.00	
32 High-hazard operation	\$75.00	
33 "Saturday Market"	\$122.00	
34		
35 Snack Bars in which no food preparation occurs, and		
36 Limited Grocery Stores		
	((\$50.00))	<u>\$55.00</u>
37		
38 Food Demonstrators	((\$65.00))	<u>\$71.50</u>
39		
40 Food Promoters	((\$180.00))	<u>\$198.00</u>
41		
42 Taverns (no food preparation)	((\$75.00))	<u>\$82.50</u>
43		
44 Grocery Stores		
45 Less than 4 checkout devices	((\$50.00))	<u>\$55.00</u>
46 4-8 checkout devices	((\$110.00))	<u>\$121.00</u>
47 Over 8 checkout devices	((\$180.00))	<u>\$198.00</u>
48		
49 Produce Stands	((\$75.00))	<u>\$82.50</u>
50		

51 Provided, that if the application pertains to a seasonal food service establishment or a food service
 52 establishment that is to be operated only after October 1st, in any year, the applicable permit fee shall
 53 be one-half (1/2) the annual fee specified above.
 54

1 B. The fee for any permit to be issued under Chapter 10.11 Seattle Municipal Code shall be due
2 and payable on or before the commencement date of the operation to such permit.

3 C. For the purpose of calculating seating capacity to determine the applicable permit fee, the
4 following methodology shall be used:

5 1. Only the number of seats used for serving customers shall be counted; seating used solely
6 for customer waiting shall not be counted.

7 2. Any restaurant comprised of more than one (1) type of operation, such as a coffee shop
8 and cocktail lounge, may, at the option of the permittee, have its seating capacity computed as if the
9 restaurant were only a single operation.

10 3. Seating count for "take-out" and "drive-in" type food service establishments shall either
11 include the total number of inside and outside seats or two (2) seats for each defined parking stall
12 provided by the food-service establishment, whichever is greater.

13 D. Notwithstanding any other provision herein, the following shall be exempt from the fees
14 established by this section:

15 1. Every person who operates a public, private, or parochial school lunchroom;

16 2. Every religious, charitable, or educational organization or institution with an Internal
17 Revenue Service 501(C)(3) nonprofit tax-exempt status operating a food service establishment;

18 3. Any blind person who operates a vending facility under the supervision of the Washington
19 State Commission for the Blind. The term "vending facility" as used in this subsection means any vending
20 stand, facility, cafeteria, or snack bar at which food, tobacco or sundries are offered for sale. The term
21 "blind person" as used in this subsection shall have the meaning set forth in RCW 74.17.010.

22 E. The fee for reviewing a waiver request shall be One Hundred Fifty Dollars (\$150.00).

1 Section 3. Effective January 1, 1992, Seattle Municipal Code 10.11.942 (Part of Section 1 of
2 Ordinance 109910) is amended as follows:

3 10.11.942 Pre-operations inspection. Whenever plans and specifications are required by Section
4 10.11.941 of this chapter to be submitted to the Health Officer, the Health Officer may inspect the food
5 service establishment prior to the start of operations, to determine compliance with approved plans and
6 specifications and with requirements of this chapter. The fee for any pre-operational inspection
7 conducted subsequent to the initial pre-operational inspection shall be seventy-five dollars (\$75.00).

8 Section 4. This ordinance shall take effect and be in force thirty days from and after its passage
9 and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law
10 under the provisions of the city charter.

11 Passed by the City Council the 25 day of Nov., 1991, and signed by me in open session
12 in authentication of its passage this 25 day of Nov., 1991

14 President Pro Tem of the City Council.

15 Ces Dr. Chow

16 Approved by me this 5th day of December, 1991.

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24 Norman B. ...
Mayor.

25 Filed by me this 5th day of December, 1991.

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30
31 Attest: Norman J. Brooks
City Comptroller and City Clerk.

32
33 Published _____ By Margaret Carter
34 Deputy Clerk.



RECEIVED OMB

SEP 27 1991

City of Seattle
Norman B. Rice, Mayor

King County
Tim Hill, Executive

Seattle-King County Department of Public Health

David M. Lurie, Director

MEMORANDUM

September 26, 1991

TO: Paul Kraabel, President, Seattle City Council

VIA: Andrew Lofton, Budget Director
Attn: Sherry Johnson, Budget Analyst

FROM: David Lurie, Director of Public Health *DL*

RE: Request for Legislative Action – Administrative Fees; Food–Service Establishment Permit Fees; Pre–Operations Inspection

Please find attached SOP 100–014 Request for Legislative Action and proposed ordinance to revise administrative fees, food service establishment permit fees, and pre–operational inspection fees in Title 10 of the Seattle Municipal Code. This request is part of and consistent with the Health Department's 1992 Budget Request.

The one–half of permit fee penalty for delinquent renewal of annual permits by more than thirty days is intended to encourage prompt permit renewals. The penalty fee increase for dishonored checks is consistent with charges already made to Code of the Board of Health.

The proposed fee changes to food service establishment permits represents a 10% fee increase for all permanent category establishments. The last across–the–board fee changes took place in 1988.

The proposed \$75.00 fee for additional pre–operational inspections would allow the Health Department to reimburse its costs when food service establishment operators request multiple inspections.

The proposed fee changes would generate an estimated \$138,000 in additional revenues in 1992. A proposal for the same fee changes in King County is being submitted to the King County Board of Health.

DL:AL:pht
Attachment

cc: Chuck Kleeberg, Director, Environmental Health Division
Jack Thompson, Director, Seattle Division

/pc7

SOP 100-014 Request for Legislative Action

An ordinance relating to health code fees; amending SMC 10.03.010 to increase fees for dishonored checks and for delinquent payments; amending 10.03.110 to increase fees for food-service establishments; and amending SMC 10.11.942 to establish fees for pre-operational inspections subsequent to the initial inspection.

1. The objective of this proposal is to support the costs of inspection and code enforcement services through fees.
2. The proposal includes: increasing the fee for dishonored checks from \$10.00 to \$15.00; adding a late fee of 1/2 the permit amount for annual permit renewals delinquent by more than 30 days; increasing permanent food-service establishment permit fees by 10%; and establishing a \$75.00 fee for pre-operational food establishment inspections subsequent to the initial inspection.
3. Revenues would be deposited in the Public Health Pooling Fund.
4. Services support the Food Protection Program, a regulatory program enforcing SMC 10.11 - the Food Code.
5. No new positions are associated with this request.
6. No new facilities are associated with this request.
7. The program is monitored through the Environmental Health Services data system, the Public Health Licensing System, and the King County Fiscal Monitoring System (ARMS).
8. This request provides \$138,000 in revenues to offset local tax support.

City of Seattle

Executive Department-Office of Management and Budget

Andrew J. Lofton, Director
Norman B. Rice, Mayor



October 16, 1991

#46

The Honorable Mark Sidran
City Attorney
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT Health

SUBJECT: AN ORDINANCE relating to health code fees; amending SMC 10.03.010 to increase fees for dishonored checks and for delinquent payments; amending SMC 10.03.110 to increase fees for food service establishments; and amending SMC 10.11.942 to establish fees for pre-operational inspections subsequent to the initial inspection.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMB. Any specific questions regarding the legislation can be directed to Sherry Johnson at 4-8084.

Sincerely,

Norman B. Rice
Mayor

by

ANDREW J. LOFTON
Budget Director

AL/dc/rsb

Enclosure

cc: Director, Health

STATE OF WASHINGTON - KING COUNTY

11852
City of Seattle

—SS.

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORD: 115945

was published on

12/16/91

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

K. Kells

Subscribed and sworn to before me on

12/17/91

Jennifer A. Nicholson

Notary Public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 11584

AN ORDINANCE relating to health code fees; amending SMC 10.03.010 to increase fees for dishonored checks and for delinquent payments; amending SMC 10.03.110 to increase fees for food service establishments; and amending SMC 10.11.942 to establish fees for pre-operational inspections subsequent to the initial inspection.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective January 1, 1992, Seattle Municipal Code 10.03.010 (Part of Section 1 of Ordinance 109881, as last amended by Section 1 of Ordinance 112585) is amended as follows:

10.03.010 Administrative fees and charges. The Director shall charge and collect the following administrative fees and charges under the circumstances indicated below:

A. For replacement of lost or destroyed permit	\$ 3.00
B. For transferring a permit pursuant to SMC Section 10.01.050	\$ 2.00
C. For reissuing, pursuant to SMC Section 10.01.120, any permit, previously voided for payment of permit fee with dishonored check ((845.00))	\$15.00
D. For processing the late payment of any annual permit fee if delinquent by ((two)) more than ten days	One-quarter of the applicable permit fee
E. For processing the late payment of any annual permit fee if delinquent by more than ten days	One-half of the applicable permit fee

((B)) For processing the late payment of any temporary or seasonal permit fee if delinquent by no more than five days	\$25.00
((F)) Inspections requested by permittee or person in charge of regulated activity, if outside regular Department working hours	Cost to the Department of providing the hours
((G)) Furnishing special services or material, requested by the public, if not ordinarily provided by the Department	Cost to the Department of performing the service or furnishing the materials

Section 2. Effective January 1, 1992, Seattle Municipal Code 10.03.110 (Section 2 of Ordinance 110288 as last amended by Section 2 of Ordinance 118441) is amended as follows:

10.03.110 Food-service establishment permit fees.

A. The permit fees for the food service establishments subject to regulation by Chapter 10.11 Seattle Municipal Code shall be the annual fees set forth below and, with respect to temporary food service establishments, the periodic fee set forth below:

Type of Food-Service Establishment	Fee	
Restaurants		
Seating capacity 1-75	((8425.00))	\$137.50
Seating capacity 76-150	((8465.00))	\$214.50
Seating capacity 151-250	((8475.00))	\$302.50
Seating capacity over 250	((8485.00))	\$401.50
Caterers (if not part of another food service establishment), Food-Processing Establishments, Snack Bars in which food preparation occurs, and Retail Bakeries		
	((8435.00))	\$137.50
Mobile Food-Service Units		
Low-access mobile food carts, base fee	((875.00))	\$82.50
Additional locations, each	((825.00))	\$77.50
Restricted mobile caterers, base fee	((8445.00))	\$139.50
Additional vehicles, each	((830.00))	\$75.00
Unrestricted mobile caterers, base fee	((8495.00))	\$165.00
Additional vehicles, each	((830.00))	\$75.00
Restricted mobile carts, base fee	((8425.00))	\$137.50
Additional locations, each	((830.00))	\$75.00
Temporary Food-Service Establishments		
Low-access operation	\$50.00	
High-access operation	\$75.00	
"Saturday Market"	\$122.00	
Snack Bars in which no food preparation occurs, and Limited Grocery Stores		
	((850.00))	\$55.00
Food Demonstrators		
	((885.00))	\$71.50
Food Promoters		
	((840.00))	\$138.00
Taverns (no food preparation)		
	((875.00))	\$82.50
Grocery Stores		
Less than 4 checkout devices	((880.00))	\$75.00
4-8 checkout devices	((8445.00))	\$121.00
Over 8 checkout devices	((8485.00))	\$168.00
Produce Stands		
	((875.00))	\$82.50

Provided, that if the application pertains to a seasonal food service establishment or a food service

B. The fee for any permit to be issued under Chapter 10.11 Seattle Municipal Code shall be due and payable on or before the commencement date of the operation to such permit.

C. For the purpose of calculating seating capacity to determine the applicable permit fee, the following methodology shall be used:

1. Only the number of seats used for serving customers shall be counted; seating used solely for customer waiting shall not be counted.

2. Any restaurant comprised of more than one (1) type of operation, such as a coffee shop and cocktail lounge, may, at the option of the permittee, have its seating capacity computed as if the restaurant were only a single operation.

3. Seating count for "take-out" and "drive-in" type food service establishments shall either include the total number of inside and outside seats or the (2) seats for each defined parking space provided by the food-service establishment, whichever is greater.

2. Notwithstanding any other provision herein, the following shall be exempt from the fees established by this section:

1. Every person who operates a public, private, or parochial school lunchroom.
2. Every religious, charitable, or educational organization or institution with an internal Revenue Service 501(c)(3) nonprofit tax-exempt status operating a food service establishment.
3. Any blind person who operates a vending facility under the supervision of the Washington State Commission for the Blind. The term "vending facility" as used in this subsection means any vending stand, facility, cafeteria, or snack bar at which food, tobacco or sundries are offered for sale. The term "blind person" as used in this subsection shall have the meaning set forth in RCW 74.17.010.

E. The fee for reviewing a waiver request shall be One Hundred Fifty Dollars (\$150.00).

Section 3. Effective January 1, 1992, Seattle Municipal Code 10.11.942 (Part of Section 1 of Ordinance 109910) is amended as follows:

10.11.942 Pre-operational inspection. Whenever plans and specifications are required by Section 10.11.941 of this chapter to be submitted to the Health Officer, the Health Officer may inspect the food service establishment prior to the start of operations, to determine compliance with approved plans and specifications and with requirements of this chapter. The fee for any pre-operational inspection conducted subsequent to the initial pre-operational inspection shall be seventy-five dollars (\$75.00).

Section 4. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 25th day of November, 1991, and signed by me in open session in authentication of its passage this 28th day of November, 1991:

CHERYL CHOW,
Pro Tem President of the City Council.
Approved by me this 5th day of December, 1991:
NORMAN H. RICE,
Mayor.
Filed by me this 5th day of December, 1991.
Attest: NORWARD J. BROOKS,
City Controller and City Clerk.
(Seal) By: MARGARET CARTER,
Deputy Clerk.
Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.
Date of official publication in Daily Journal of Commerce, Seattle, December 16, 1991. (11283)