

**LEGISTAR #57573 - Body**

DRAFTER'S ANALYSIS: Section 7.07(8)(g) is amended to increase annual permit fees for food and drink permits. Section 7.07(10) is amended to increase the reinspection fee for a food and drink permit. Section 7.08(7)(b) is amended to increase the annual fee for a temporary restaurant. Section 7.15(6)(e) is amended to increase the annual fee for a tattoo or body-piercing establishment. Section 7.50(1) is amended to include micro markets in the list of licensed enterprises, as they are enumerated as such elsewhere in Chapter 7. Section 7.50(4) is amended to increase pre-inspection fees for a food and drink permit. Section 7.50(6) is amended to align re-inspection fees with gross sales, instead of fixed amount. Section 7.50(9) is amended to correct a typo in the acronym "HACCP" and establish that a plan review fee shall be due for each HACCP plan reviewed. Section 7.51(3) is amended to increase fees for hotels, motels and tourist rooming houses. Section 7.52(4) is amended to increase fees for recreational and educational camps. Section 7.53 is amended to increase campground license fees. The ordinance changes are raising fees for our licensed establishment program. The average change is 17%. Madison is experiencing rapid growth and adding new licenses each year, requiring Public Health Madison Dane County (PHMDC) to increase staff in order to administer the program. The new fees will cover the necessary staffing increase.

\*\*\*\*\*

The Common Council of the City of Madison do hereby ordain as follows:

1. The table of Subdivision (g) of Subsection (8) entitled "Food and Drink Permit" of Section 7.07 entitled "Regulations Regarding Foods Handled by Public Places" of the Madison General Ordinances is amended to read as follows:

<u>"Anticipated Gross Annual Food and Drink Sales"</u>	<u>Annual Permit Fee</u>
\$0 - \$10,000	<del>\$190</del> <u>223</u>
\$10,001 - \$100,000	<del>\$421</del> <u>493</u>
\$100,001 - \$250,000	<del>\$541</del> <u>633</u>
\$250,001 - \$500,000	<del>\$757</del> <u>886</u>
\$500,001 - \$1,000,000	<del>\$777</del> <u>910</u>
\$1,000,001 - \$5,000,000	<del>\$935</del> <u>1094</u>
Greater than \$5,000,000	<del>\$1,038</del> <u>1215"</u>

2. Subsection (10) entitled "Reinspection Fee" of Section 7.07 entitled "Regulations Regarding Foods Handled by Public Places" of the Madison General Ordinances is amended to read as follows:

"(10) Reinspection Fee. If Public Health Madison and Dane County reinspects a retail food establishment or restaurant because Public Health Madison and Dane County finds a violation of this Chapter, Public Health Madison and Dane County shall charge the retail food establishment or restaurant owner or operator a reinspection fee, ~~of one hundred and fifty dollars (\$150) for the first inspection and two hundred and fifty dollars (\$250) for the second and subsequent inspections.~~ The reinspection fee for the food and drink permit shall be based upon the anticipated gross annual food and drink sales for the licensing year as set forth in the tables below. A reinspection fee is payable when the reinspection is completed, and is due upon written demand from Public Health Madison and Dane County.

<u>"Anticipated Gross Annual Food and Drink Sales"</u>	<u>Annual Permit Fee</u>	<u>Subsequent Reinspection Fee</u>
<u>\$0 - \$10,000</u>	<u>\$25</u>	<u>\$50</u>
<u>\$10,001 - \$100,000</u>	<u>\$50</u>	<u>\$75</u>
<u>\$100,001 - \$250,000</u>	<u>\$75</u>	<u>\$150</u>
<u>\$250,001 - \$500,000</u>	<u>\$150</u>	<u>\$250</u>
<u>\$500,001 - \$1,000,000</u>	<u>\$250</u>	<u>\$500</u>
<u>\$1,000,001 - \$5,000,000</u>	<u>\$500</u>	<u>\$750</u>
<u>Greater than \$5,000,000</u>	<u>\$750</u>	<u>\$1000</u>

3. Subdivision (b) entitled "Fee" of Subsection (7) entitled "Temporary Restaurant" of Section 7.08 entitled "Regulations Governing Eating and Drinking Establishments" of the Madison General Ordinances is amended to read as follows:

"(b) Fee. Pursuant to Wis. Stat. § 97.615, the fee for an annual permit to operate a temporary food establishment may be one hundred and ~~twenty-five ninety~~ dollars (~~\$125190~~)."

4. Paragraph 1. of Subdivision (e) entitled "Fees" of Subsection (6) entitled "Licensing and Fees" of Section 7.15 entitled "Regulation of Tattooing and Body-Piercing" of the Madison General Ordinances is amended to read as follows:

"1. Annual establishment fees shall be:

- Tattoo or body-piercing establishments, ~~\$286335~~.
- Combined tattoo and body-piercing establishments, ~~\$374438~~.
- Pre-inspection, one-time only, ~~\$225250~~.
- First Reinspection Fee, \$150.
- Subsequent Reinspection Fee, \$250."

5. Subsection (1) entitled "Requirement" of Section 7.50 entitled "Pre-Inspection Permits and Fees and Changes of Ownership and Reinspection Fees" of the Madison General Ordinances is amended to read as follows:

"(1) Requirement. Before opening for business, every operator of an enterprise requiring: a food and drink permit; micro market, a hotel, motel, tourist rooming house, bed and breakfast establishment permit; a public swimming pool permit; or a recreational, educational camp or campground permit, shall obtain a permit from Public Health Madison and Dane County through application made upon a form furnished by the Department. A permit or license shall not be granted to an operator without a pre-inspection. The permit or license shall be conspicuously displayed in or near the licensed facility."

6. Subsection (4) entitled "Pre-Inspection Fees" of Section 7.50 entitled "Pre-Inspection Permits and Fees and Changes of Ownership and Reinspection Fees" of the Madison General Ordinances is amended to read as follows:

"(4) Pre-Inspection Fees. Pursuant to authority set forth in Wis. Stat. § 97.615, the ~~fee for a pre-inspection fee for a food and drink permit shall be based upon the anticipated gross annual food and drink sales for the licensing year as set forth in the tables below.~~ Food and drink establishments that are primarily retail or taverns that do not serve food and do not engage in food processing, the pre-inspection fee shall be one hundred dollars (\$100) for each pre-inspection. Micro markets are exempt from pre-inspection fees."

<u>"Anticipated Gross Annual Food and Drink Sales</u>	<u>Annual Permit Fee</u>
<u>\$0 - \$10,000</u>	<u>\$375</u>
<u>\$10,001 - \$100,000</u>	<u>\$400</u>
<u>\$100,001 - \$250,000</u>	<u>\$450</u>
<u>\$250,001 - \$500,000</u>	<u>\$500</u>
<u>\$500,001 - \$1,000,000</u>	<u>\$600</u>
<u>\$1,000,001 - \$5,000,000</u>	<u>\$700</u>
<u>Greater than \$5,000,000</u>	<u>\$800"</u>

The pre-inspection fee for a hotel, motel, tourist rooming house, bed and breakfast establishment permit; a public swimming pool permit; or a recreational, educational camp or campground permit shall be three hundred seventy-five dollars (\$375) for each inspection. A separate pre-inspection fee shall be paid for each category of permit or license. Except food and drink establishments that are primarily retail or taverns that do not serve food and do not engage in food processing the pre-inspection fee shall be one hundred dollars (\$100) for each pre-inspection."

7. Subsection (6) entitled "Re-Inspection Fees" of Section 7.50 entitled "Pre-Inspection Permits and Fees and Changes of Ownership and Reinspection Fees" of the Madison General Ordinances is amended to read as follows:

"(6) Re-Inspection Fees. If Public Health Madison and Dane County re-inspects an establishment regulated under Madison General Ordinance Chapter 7 because Public Health Madison and Dane County finds a violation of this Chapter, Public Health Madison and Dane County shall charge the establishment owner or operator a re-inspection fee, ~~of one hundred and fifty dollars (\$150) for the first re-inspection and two hundred and fifty dollars (\$250) for second and subsequent re-inspections.~~ The fees for the first re-inspection and second and subsequent re-inspections for a food and drink permit shall be based upon the anticipated gross annual food and drink sales for the licensing year as set forth in the tables below. A re-inspection fee is payable when the re-inspection is completed, and due upon written demand from Public Health Madison and Dane County."

<u>"Anticipated Gross Annual Food and Drink Sales</u>	<u>Annual Permit Fee</u>	<u>Second and Subsequent Reinspection Fee</u>
<u>\$0 - \$10,000</u>	<u>\$25</u>	<u>\$50</u>
<u>\$10,001 - \$100,000</u>	<u>\$50</u>	<u>\$75</u>
<u>\$100,001 - \$250,000</u>	<u>\$75</u>	<u>\$150</u>
<u>\$250,001 - \$500,000</u>	<u>\$150</u>	<u>\$250</u>
<u>\$500,001 - \$1,000,000</u>	<u>\$250</u>	<u>\$500</u>
<u>\$1,000,001 - \$5,000,000</u>	<u>\$500</u>	<u>\$750</u>
<u>Greater than \$5,000,000</u>	<u>\$750</u>	<u>\$1000"</u>

The reinspection fee for a hotel, motel, tourist rooming house, bed and breakfast establishment permit; a public swimming pool permit; or a recreational educational camp, or campground permit shall be one hundred fifty dollars (\$150) for the first reinspection and two

hundred fifty dollars (\$250) for second and subsequent reinspections. There is no reinspection fee for micro markets. A separate pre-inspection fee shall be paid for each category of permit or license.

8. Subsection (7) entitled "Plan Review Requirement and Fee" of Section 7.50 entitled "Pre-Inspection Permits and Fees and Changes of Ownership and Reinspection Fees" of the Madison General Ordinances is amended to read as follows:

"(7) Plan Review Requirement and Fee. Public Health Madison and Dane County shall require an operator of a new or extensively remodeled food establishment to submit equipment layout plans, equipment schedules, detailed descriptions of food processing operations, and menus for review as requested. Public Health Madison and Dane County shall charge the establishment owner or operator of a new food establishment the pre-inspection fee based upon the anticipated gross annual food and drink sales for the licensing year as set forth in Sec. 7.50(4), MGO. The plan review fee for a new hotel, motel, tourist rooming house, bed and breakfast establishment permit; a public swimming pool permit or a recreational, educational camp or campground permit shall be three hundred seventy-five dollars (\$375) ~~for a plan review and~~ or two hundred and fifty dollars (\$250) ~~for a plan review of an existing licensed food establishment that will be extensively remodeled.~~"

9. Subsection (9) entitled "Fees for Hazard Analysis and Critical Control Point (HAACP) Plan Review" of Section 7.50 entitled "Pre-Inspection Permits and Fees and Changes of Ownership and Reinspection Fees" of the Madison General Ordinances is amended to read as follows:

"(9) Fees for Hazard Analysis and Critical Control Point (HAACCP) Plan Review. Public Health Madison and Dane County may charge a fee of one hundred dollars (\$100) for an HAACCP plan review and subsequent annual verification to the operator or entity required by law to submit an HAACCP plan for approval. A separate HACCP plan review fee shall be paid for each HACCP plan."

10. The table entitled "Hotels and Tourist Rooming Houses" of Subsection (3) entitled "Fees" of Section 7.51 entitled "Hotels, Motels, Bed and Breakfast Establishments and Tourist Rooming Houses" of the Madison General Ordinances is amended to read as follows:

"Hotels and Tourist Rooming Houses:

Number of Rooms	License Fee
1 - 4	<del>\$149</del> <u>175</u>
5 - 30	<del>\$209</del> <u>244</u>
31 - 99	<del>\$297</del> <u>348</u>
100 - 199	<del>\$429</del> <u>502</u>
200 or more	<del>\$484</del> <u>567</u>

Bed and Breakfast Establishments: ~~\$149~~175"

11. The table of Subsection (4) entitled "Fees" of Section 7.52 entitled "Recreational and Educational Camps" of the Madison General Ordinances is amended to read as follows:

Number of Camps at Same Location	Fee
1 - 5	<del>\$300</del> <u>351</u>
6 - 10	<del>\$400</del> <u>468</u>

Number of Camps at Same Location	Fee
11 or more	<del>\$700</del> 19”

12. The table of Subsection (4) entitled “Fees” of Section 7.53 entitled “Campgrounds” of the Madison General Ordinances is amended to read as follows:

Number of Sites at Same Location	Fee
1 - 25	<del>\$200</del> 234
26 - 100	<del>\$350</del> 410
Over 100	<del>\$500</del> 585”