

EXHIBIT NO. 1

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10-17-09

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City of Alexandria, Virginia

MEMORANDUM

DATE: OCTOBER 1, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER *J*

SUBJECT: ORDINANCE AMENDMENT TO ALLOW FOR A LATE PAYMENT FEE TO BE ASSESSED TO THOSE FOOD ESTABLISHMENT OWNERS AND VENDING MACHINE OPERATORS WHO PAY THEIR ANNUAL RENEWAL PERMIT APPLICATION FEES LATE

ISSUE: Council consideration of an ordinance amendment allowing for the creation of a late payment fee for food establishment owners and vending machine operators who pay their annual renewal permit application fees more than 14 days late. Minor amendments to Chapter 2 (Food and Food Establishments), Title 11 (Health, Environmental and Safety Regulations) of The Code of The City of Alexandria, Virginia, 1981, as amended, are needed to accomplish this.

RECOMMENDATION: That City Council pass the ordinance on first reading and set it for public hearing, second reading and final passage on Saturday, October 17.

DISCUSSION: In 2009, nearly 40% of the food establishments that were charged an annual permit fee paid that fee late. The Environmental Health Division staff expended significant resources sending second and third invoices and, in some cases, calling the establishment in order to elicit payment. It is believed that instituting a late payment fee will significantly reduce late payments and the amount of staff time spent on fee collection.

FISCAL IMPACT: It is estimated that a late payment fee of \$25.00 will generate approximately \$1,600 in additional revenue for the City. There should be little implementation cost.

ATTACHMENT: Proposed ordinance

STAFF:

Lisa Kaplowitz, MD, MSHA, Director, Alexandria Health Dept.
Bob Custard, Environmental Health Division Chief, Alexandria Health Dept.
Mary Elliott O'Donnell, Assistant City Attorney

1	Introduction and first reading:	10/13/09
2	Public hearing:	10/17/09
3	Second reading and enactment:	10/17/09

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 11-2-21 (b) (PERMITS FOR FOOD ESTABLISHMENTS) and Section 11-2-23 (b) (PERMITS FOR VENDING MACHINES) of ARTICLE C (COMPLIANCE PROCEDURES) of Chapter 2 (FOOD AND FOOD ESTABLISHMENTS), Title 11 (HEALTH, ENVIRONMENTAL AND SAFETY REGULATIONS) of The Code of The City of Alexandria, Virginia, 1981, as amended.

Summary

The proposed ordinance allows City Council to establish a late payment fee for food establishments and vending machine operators that are more than 14 days late in paying their annual permit fees.

In 2009, nearly 40% of the food establishments that were charged an annual permit fee paid that fee late. The Environmental Health Division staff expended significant resources sending second and third invoices and, in some cases, calling the establishment in order to elicit payment. It is believed that instituting a late payment fee will significantly reduce late payments and the amount of staff time spent on fee collection.

Sponsor

Robert Custard, Environmental Health Division Chief, Health Department

Staff

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Lisa Kaplowitz, MD, MSHA, Director, Health Department
Mary Elliott O'Donnell, Assistant City Attorney

Authority

§ 2.07 of The Charter of the City of Alexandria, as amended.

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

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ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Section 11-2-21 (b) (PERMITS FOR FOOD ESTABLISHMENTS) and Section 11-2-23 (b) (PERMITS FOR VENDING MACHINES) of ARTICLE C (COMPLIANCE PROCEDURES) of Chapter 2 (FOOD AND FOOD ESTABLISHMENTS), Title 11 (HEALTH, ENVIRONMENTAL AND SAFETY REGULATIONS) of The Code of The City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 11-2-21 (b) of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 11-2-21 (b)

(b) An initial application fee and an annual renewal application fee shall be assessed for each permitted food establishment including temporary food stands operating less than 14 days. These fees shall be in the amounts established by the General Assembly of the Commonwealth of Virginia and/or the Alexandria City Council. Such fees shall not be applicable to food establishments operated by the Alexandria City Public Schools. The application fees shall be based on a calendar year and shall be due and payable on or before December 31 or upon initial application. The fees shall not be prorated. A late payment fee in an amount established by the Alexandria City Council shall be assessed to each food establishment owner who pays their renewal application fee more than 14 days after their permit has expired.

Section 2. That Section 11-2-23 (b) of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 11-2-23 Permits for vending machines.

(b) An initial application fee and an annual renewal application fee shall be assessed for each permitted vending machine. These fees shall be in the amounts established by the Alexandria City Council. The application fees shall be based on a calendar year and shall be due and payable on or before December 31 or upon initial application. The fees shall not be prorated. A late payment fee in an amount established by the Alexandria City Council shall be assessed to each vending machine operator who pays their renewal application fee more than 14 days after their permit has expired.

1 Section 3. That this ordinance shall become effective upon the date and at the
2 time of its final passage.

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WILLIAM D. EUILLE
Mayor

7 Introduction: 10/13/09
8 First Reading:
9 Publication:
10 Public Hearing:
11 Second Reading:
12 Final Passage:

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ORDINANCE NO. 4627

AN ORDINANCE to amend and reordain Section 11-2-21 (b) (PERMITS FOR FOOD ESTABLISHMENTS) and Section 11-2-23 (b) (PERMITS FOR VENDING MACHINES) of ARTICLE C (COMPLIANCE PROCEDURES) of Chapter 2 (FOOD AND FOOD ESTABLISHMENTS), Title 11 (HEALTH, ENVIRONMENTAL AND SAFETY REGULATIONS) of The Code of The City of Alexandria, Virginia, 1981, as amended.

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Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: October 17, 2009