


MEMORANDUM

DATE: MAY 5, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: ORDINANCE TO AMEND THE CODE OF THE CITY OF ALEXANDRIA TO PROVIDE FOR THE INCREASE OF APPLICATION FEES FOR PERMITS TO OPERATE VENDING MACHINES WHICH VEND POTENTIALLY HAZARDOUS (PERISHABLE) FOODS AND TO INCREASE REVIEW FEES FOR FOOD ESTABLISHMENT PLANS

ISSUE: City Council consideration of an ordinance to amend Sections 11-2-23 and 11-2-51(c) of the City Code which would impose: 1) a \$95 permit application fee for operators who own vending machines which vend potentially hazardous (perishable) foods; and 2) increase the plan review fee for the construction, remodeling or conversion of an existing structure to a food establishment from \$135 to \$200.

RECOMMENDATION: That City Council approve the proposed ordinance on first reading and schedule it for public hearing, second reading, and final passage on May 16, 2009.

DISCUSSION:

Potentially Hazardous Food Vending Machine Fee

A \$95 annual local permit fee for vending machines vending potentially hazardous (perishable) foods is proposed for Fiscal Year 2010, and is to be implemented as of November 1, 2009. This increase will bring The City of Alexandria's potentially hazardous food vending machine permit fee more in line with surrounding jurisdictions (see table below). There is currently no State permit fee required for vending machines which vend potentially hazardous foods. There are currently ten vending machines dispensing potentially hazardous (perishable) foods located in Alexandria and these fees will generate \$950 in new revenue for the City for Fiscal Year 2010. These fees will be billed on a calendar year basis. This fee is part of the City's FY 2010 Approved Operating Budget.

Permit Fees for Surrounding Jurisdictions Vending Machines
for Potentially Hazardous Foods

Locality	Current Permit Cost	Period	Notes
Alexandria City	\$0	1 Year	No current fee.
Arlington County	\$65	1 Year	Considered "Mobile Units"
Fairfax County	\$0	1 Year	Not regulated in Fairfax Co.
DC	\$21-95	1 Year	
Prince George's County	\$125	1 Year	

New Construction Food Establishment Plan Review Fee

An increase in the City's food establishment plan review fee from \$135 to \$200 is proposed for Fiscal Year 2010 and is to be implemented on July 1, 2009. This increase will bring Alexandria's food establishment plan review fee more in line with surrounding jurisdictions (see table below). The revenue projection of \$2,600 is based on an estimated 40 plan reviews for food establishments annually. Over the last three years the Health Department has averaged 54 plan reviews for food establishments annually. This fee is also part of the City's FY 2010 Approved Operating Budget.

Fees for Food Establishment Plan Review

Locality	Current Permit Cost	Period	Notes
Alexandria City	\$135	Initial; When Necessary	
Arlington County	\$200	Initial; When Necessary	
Fairfax County	\$275	Initial; When Necessary	
DC	\$70-300	Initial; When Necessary	Depends if just an equipment replacement or new establishment.
Montgomery County	\$55-\$300	Initial; When Necessary	Depends on risk, size, type, and service; \$70 for equipment replacement; \$55 for mobile unit
Prince George's County	\$200-300	Initial; When Necessary	Depends if just an equipment replacement or new establishment.

FISCAL IMPACT:

\$950.00 annually for vending machine permit fees.

\$2,600.00 annually for new construction food establishment plan review fees.

ATTACHMENT: Proposed ordinance

STAFF:

Lisa Kaplowitz, MD, MSHA, Director, Alexandria Health Dept.

Bob Custard, Environmental Health Division Chief, Alexandria Health Dept.

Karen S. Snow, Assistant City Attorney

Introduction and first reading: 5/12/2009
 Public hearing: 5/16/2009
 Second reading and enactment: 5/16/2009

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Sections 11-2-23 (PERMITS FOR VENDING MACHINES) OF ARTICLE C (COMPLIANCE PROCEDURES) and Section 11-2-51 (SUBMISSION OF PLANS, SPECIFICATIONS AND OTHER DATA; INSPECTION PRIOR TO OPERATION; FEES) of ARTICLE E (REVIEW OF PLANS AND SPECIFICATIONS) 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 amendments impose a permit fee as established by City Council for vending machines which vend potentially hazardous foods. The proposed amendments also increases the current review of plans and specifications of food establishments fee of \$135 to \$200.

Sponsor

Robert Custard, Environmental Health Director, Health Department

Staff

Robert Custard, Environmental Health Director, Health Department
 Karen S. Snow, Assistant City Attorney

Authority

§ 2.07 of The Charter of the City of Alexandria, 1950, as amended.

Estimated Costs of Implementation

None

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

None

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Sections 11-2-23 (PERMITS FOR VENDING MACHINES) OF ARTICLE C (COMPLIANCE PROCEDURES) and Section 11-2-51 (SUBMISSION OF PLANS, SPECIFICATIONS AND OTHER DATA; INSPECTION PRIOR TO OPERATION; FEES) of ARTICLE E (REVIEW OF PLANS AND SPECIFICATIONS) 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 11-2-23 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.

(a) No person shall operate a vending machine which vends potentially hazardous foods, other than a controlled location vending machine, without a valid permit issued by the director. Persons who do not comply with the requirements of this chapter shall not be entitled to receive or retain such a permit. Vending machine permits are issued for a calendar year and expire on December 31 regardless of the month of issue. Permits are not transferable.

(b) An initial application fee and an annual renewal application fee shall be assessed for each permitted vending machine. These fees shall be established by the 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.

(c) Operators of vending machines failing to file the required application for renewal of the permit shall be operating without a valid permit and shall be subject to immediate closure in accordance with Section 11-2-29 of this chapter.

(b)(d) The operator's company name and service telephone number shall be displayed on each vending machine or conspicuously adjacent to the vending machine bank.

(c)(e) All operators of vending machines shall:

(1) comply with the requirements of this chapter;

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2 (2) maintain at the operator's headquarters, or at some other designated location
3 within the city, a list of all vending machines operated by such operator within the city
4 and the complete address of each machine location and of all commissaries or other
5 establishments from which his machines are serviced, shall make this information
6 available to the director upon request and shall keep it current;

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8 (3) notify the director of each new vending machine location at which
9 potentially hazardous food ~~or hot or cold cup beverage~~ vending machines have been
10 placed in operation; and

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12 (4) notify the director of any change in operations involving new types of
13 vending machines or conversions of existing machines to dispense products other than
14 those for which the machines were built.

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16 Section 2. That Section 11-2-51 of The Code of the City of Alexandria,
17 Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read
18 as follows:

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20 (a) Whenever a food establishment is constructed or remodeled or whenever an
21 existing structure is converted to use as a food establishment, plans and specifications
22 for such construction, remodeling, or conversion shall be submitted to the director for
23 his review prior to commencement of such construction, remodeling or conversion. The
24 director shall verify that the plans and specifications conform to the requirements of this
25 chapter and the FDA Food Code. The plans and specifications shall include the
26 intended menu, anticipated volume of food to be stored, prepared, and sold or served,
27 the proposed layout and arrangement of the facilities, plumbing plans, mechanical plans,
28 electrical plans, finish schedules, lighting schedules, and the types, model numbers,
29 locations, dimensions, performance capacities and installation specifications of proposed
30 fixed equipment and facilities. The director may require additional plans or information,
31 as needed, depending on the nature and extent of the proposed construction, remodeling
32 or conversion. The director shall approve the plans and specifications if they meet the
33 requirements of this chapter and the FDA Food Code. The director's approval of any
34 plans or specifications shall not be viewed to be a determination that said plans or
35 specifications are free from error. The owner shall have final responsibility for the
36 accuracy and completeness of the plans and specifications, as well as for subsequent
37 construction and installation. No food establishment shall be constructed, remodeled or
38 converted except in accordance with plans and specifications approved by the director.

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40 (b) Whenever plans and specifications are required to be submitted and
41 approved, the director shall inspect the food establishment prior to its beginning
42 operation to determine compliance with the approved plans and specifications and with
43 the requirements contained in this chapter.

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45 (c) A plan review fee of \$135, ~~or another~~ in an amount established by city
46 council, shall be paid to the director upon submission of food establishment plans.

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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

Introduction: 5/12/2009
First Reading: 5/12/2009
Publication:
Public Hearing:
Second Reading:
Final Passage:

ORDINANCE NO. 4591

AN ORDINANCE to amend and reordain Sections 11-2-23 (PERMITS FOR VENDING MACHINES) OF ARTICLE C (COMPLIANCE PROCEDURES) and Section 11-2-51 (SUBMISSION OF PLANS, SPECIFICATIONS AND OTHER DATA; INSPECTION PRIOR TO OPERATION; FEES) of ARTICLE E (REVIEW OF PLANS AND SPECIFICATIONS) 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 1. That Section 11-2-23 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.

(a) No person shall operate a vending machine which vends potentially hazardous foods, without a valid permit issued by the director. Persons who do not comply with the requirements of this chapter shall not be entitled to receive or retain such a permit. Vending machine permits are issued for a calendar year and expire on December 31 regardless of the month of issue. Permits are not transferable.

(b) An initial application fee and an annual renewal application fee shall be assessed for each permitted vending machine. These fees shall be established by the 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.

(c) Operators of vending machines failing to file the required application for renewal of the permit shall be operating without a valid permit and shall be subject to immediate closure in accordance with Section 11-2-29 of this chapter.

(d) The operator's company name and service telephone number shall be displayed on each vending machine or conspicuously adjacent to the vending machine bank.

(e) All operators of vending machines shall:

(1) comply with the requirements of this chapter;

(2) maintain at the operator's headquarters, or at some other designated location within the city, a list of all vending machines operated by such operator within the city and the complete address of each machine location and of all commissaries or other establishments from which his machines are serviced, shall make this information available to the director upon request and shall keep it current;

(3) notify the director of each new vending machine location at which potentially hazardous food vending machines have been placed in operation; and

(4) notify the director of any change in operations involving new types of vending machines or conversions of existing machines to dispense products other than those for which the machines were built.

Section 2. That Section 11-2-51 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:

(a) Whenever a food establishment is constructed or remodeled or whenever an existing structure is converted to use as a food establishment, plans and specifications for such construction, remodeling, or conversion shall be submitted to the director for his review prior to commencement of such construction, remodeling or conversion. The director shall verify that the plans and specifications conform to the requirements of this chapter and the FDA Food Code. The plans and specifications shall include the intended menu, anticipated volume of food to be stored, prepared, and sold or served, the proposed layout and arrangement of the facilities, plumbing plans, mechanical plans, electrical plans, finish schedules, lighting schedules, and the types, model numbers, locations, dimensions, performance capacities and installation specifications of proposed fixed equipment and facilities. The director may require additional plans or information, as needed, depending on the nature and extent of the proposed construction, remodeling or conversion. The director shall approve the plans and specifications if they meet the requirements of this chapter and the FDA Food Code. The director's approval of any plans or specifications shall not be viewed to be a determination that said plans or specifications are free from error. The owner shall have final responsibility for the accuracy and completeness of the plans and specifications, as well as for subsequent construction and installation. No food establishment shall be constructed, remodeled or converted except in accordance with plans and specifications approved by the director.

(b) Whenever plans and specifications are required to be submitted and approved, the director shall inspect the food establishment prior to its beginning operation to determine compliance with the approved plans and specifications and with the requirements contained in this chapter.

(c) A plan review fee in an amount established by city council shall be paid to the director upon submission of food establishment plans.

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: May 16, 2009