

REGULATION 1-2023

REGULATION ADOPTING REVISED LOCAL FEES FOR FOOD SERVICE OPERATIONS, RETAIL FOOD ESTABLISHMENTS, TEMPORARY FOOD SERVICE OPERATIONS, VENDING OPERATIONS AND MOBILE FOOD SERVICE OPERATIONS

The Board of Health of the Hamilton County General Health District met in regular session on September 11, 2023, with the following members present:

Elizabeth A. Kelly, M.D., President	<u>Present</u>
Dan Meloy, Vice President	<u> </u>
James Brett	<u>Present</u>
Tracey A. Puthoff, Esq.	<u>Present</u>
Mark A. Rippe	<u>Present</u>

Mr. Rippe moved for adoption of the following regulation:

Regulation 1-2023 adopting revised fees pursuant to the Ohio Revised Code 3709.09, 3709.21, 3717.25 and 3717.45 for food service operations, retail food establishments, temporary food service operations, vending operations, and mobile food service operations.

WHEREAS, the Board of Health of the Hamilton County General Health District has the authority pursuant to the Ohio Revised Code 3709.09, 3709.21, 3717.25 and 3717.45 to establish a uniform system of fees for services; and

WHEREAS, the Board of Health of the Hamilton County General Health District is mandated to provide services that protect the public health and prevent disease; and

WHEREAS, the Board of Health of the Hamilton County General Health District has determined it is necessary to revise the fees for food service operations, retail food establishments, temporary food service operations, vending operations, and mobile food service operations pursuant to Ohio Revised Code 3717, Ohio Administrative Code 3701-21, Ohio Revised Code 3717.01, and Ohio Administrative Code 901:3-4; and

WHEREAS, any entity that would be affected by the revision to the fees for food service operations, retail food establishments, temporary food service operations, vending operations, and mobile food service operations were advised by the Board of Health of the Hamilton County General Health District at least twenty (20) days prior to the September 11, 2023 hearing pursuant to Ohio Revised Code 3717.25(A) and 3717.45(A); and

NOW, THEREFORE BE IT RESOLVED, that the Board of Health of the Hamilton County General Health District hereby adopts Regulation 1-2023, revising the local fee schedule as

follows for food service operations, retail food establishments, temporary food service operations, vending operations, and mobile food service operations, effective December 1, 2023:

Local Fees:	C1S	Commercial Class 1 <25,000 Sq Ft	\$208.00
	C1L	Commercial Class 1 >= 25,000 Sq Ft	\$289.00
	C2S	Commercial Class 2 <25,000 Sq Ft	\$231.00
	C2L	Commercial Class 2 >= 25,000 Sq Ft	\$302.00
	C3S	Commercial Class 3 <25,000 Sq Ft	\$417.00
	C3L	Commercial Class 3 >= 25,000 Sq Ft	\$1,004.00
	C4S	Commercial Class 4 <25,000 Sq Ft	\$521.00
	C4L	Commercial Class 4 >= 25,000 Sq Ft	\$1,062.00
		Mobile Food Operations	\$95.00
		Vending	\$7.80 per location
		Temporary food operations	\$64.00 per event

State Fees In addition to the local fee for a license, a state fee portion, pursuant to the Ohio Revised Code, will be added.

Late Fees If a payment of a fee is not received by the day on which payment is due, the board of health shall assess a penalty pursuant to the Ohio Revised Code.

BE IT FURTHER RESOLVED, that the Board of Health of the Hamilton County General Health District hereby finds by a vote of at least three-fourths of its members that this regulation be read only once and the requirement that it be read on three different days be dispensed with as provided by law; and

BE IT FURTHER RESOLVED, that any previous regulation, rule or policy adopted by the Board of Health of the Hamilton County General Health District, that in any way conflicts with this regulation in part or in whole is rescinded and repealed in part or in whole to the extent of any conflict; and

BE IT FURTHER RESOLVED, by this Board of Health of the Hamilton County General Health District, that this regulation be published in one newspaper of general circulation within the Hamilton County General Health District once a week for two consecutive weeks and that the first publication take place no later than ten (10) days prior to the effective date of the regulation; and

BE IT FURTHER RESOLVED, that the Board of Health of the Hamilton County General Health District finds and determines that all formal actions relative to the passage of this regulation were taken in an open meeting of this Board and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with the applicable legal requirement, including 121.22 Ohio Revised Code.

Ms. Puthoff

seconded the regulation, upon roll call, the vote was as follows:

Elizabeth A. Kelly, M.D., President	<u>Yes</u>
Dan Meloy, Vice President	<u>☒</u>
James Brett	<u>Yes</u>
Tracey A. Puthoff, Esq.	<u>Yes</u>
Mark A. Rippe	<u>Yes</u>

Board of Health of the Hamilton County General Health District

Elizabeth A. Kelly MD 9-11-23
Elizabeth A. Kelly, M.D., President Date

Attest:


Greg Kesterman, Health Commissioner 9/11/2023
Date

This regulation was approved as to form by the office of the Hamilton County Prosecuting Attorney, Melissa A. Powers, Prosecutor.

By: On File 9/1/2023
Nee Fong Chin Date
Chief Assistant Prosecuting Attorney



MELISSA A. POWERS
HAMILTON COUNTY PROSECUTING ATTORNEY

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September 1, 2023

Greg Kesterman
Hamilton County Health Commissioner
Hamilton County General Health District
250 William Howard Taft Road, 2nd Floor
Cincinnati, OH 45219

Re: Hamilton County Board of Health Regulations for Fee Changes

Dear Commissioner Kesterman:

I have reviewed the above referenced Hamilton County Board of Health Regulations for Fee Changes for Environmental Health Programs. I, now return the Regulations to you approved as to form.

If you have any questions, please feel free to contact me.

Sincerely,

Nee Fong Chin
Chief Assistant Prosecuting Attorney