

Legistar File 74301 Body

DRAFTER'S ANALYSIS: This group of ordinance changes removes the embedded annual license fees administered by Public Health Madison Dane County ("PHMDC") and instead assigns the establishment of annual fees to the Board of Health ("BOH"). PHMDC administers food and drink permits, tattoo and body piercing licenses, public swimming pool licenses, hotels, motels, and tourist rooming house licenses, recreational and educational camp licenses, campground licenses (all under MGO Chapter 7) and mobile home park licenses (in MGO Sec. 9.23).

This change comes recommended by the Department of Agriculture, Trade and Consumer Protection ("DATCP") during PHMDC's most recent agent evaluation in order to eliminate the requirement for an ordinance change whenever a fee change is necessary. Any fee established by the BOH must be an amount sufficient to recover the costs incurred by the City and meet the requirement in Wis. Stat. Sec. 66.0628(2) that the fees charged "bear a reasonable relationship to the service for which the fee is imposed." Since PHMDC is a joint city-county agency, Dane County and the City of Madison want to have consistency between the PHMDC-administered licenses in the Madison General Ordinances and the Dane County Ordinances. A parallel Dane County ordinance is also being adopted removing embedded annual fees and assigning fee establishment to the Board of Health. The BOH adopted fees will be published in the PHMDC Fee Schedule, which will be publicly available at the City Clerk's Office and posted on PHMDC's website.

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

1. 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 as follows:

"(g) The annual fee for the food and drink permit shall be established by the Board of Health in an amount sufficient to recover the costs incurred by the City and may be reestablished by the Board of Health as needed. City fees for permits required by the Madison General Ordinances Chapter Seven (7) shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Department's website. The annual 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. The licensing year shall be from July 1 through the following June 30. The permit fee herein established shall be for one year or a fractional part thereof. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of fifteen percent (15%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license. For the licensing years commencing July 1, 2017, and subsequent thereto:

| Anticipated Gross Annual Food and Drink Sales | Annual Permit Fee |
|---|-------------------|
| \$0 - \$10,000 | \$190 |
| \$10,001 - \$100,000 | \$421 |
| \$100,001 - \$250,000 | \$541 |
| \$250,001 - \$500,000 | \$757 |
| \$500,001 - \$1,000,000 | \$777 |
| \$1,000,001 - \$5,000,000 | \$935 |
| Greater than \$5,000,000 | \$1,038" |

2. 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 repealed and recreated as follows:

“(b) Fee. Shall be established by the Board of Health in an amount sufficient to recover the costs incurred by the City and may be reestablished by the Board of Health as needed. City fees for permits required by the Madison General Ordinances Chapter Seven (7) shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk’s Office and posted on the Department’s website.”

3. 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 as follows:

“(e) Fees .

1. Annual establishment fees shall be established by the Board of Health in an amount sufficient to recover the costs incurred by the City and may be reestablished by the Board of Health as needed. City fees for permits required by Madison General Ordinances Chapter Seven (7) shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk’s Office and posted on the Department’s website. Pre-inspection and Reinspection fees shall be as follows:
 - a. ~~Tattoo or body-piercing establishments, \$286.~~
 - b. ~~Combined tattoo and body-piercing establishments, \$374.~~
 - e-a. Pre-inspection, one-time only, ~~\$225~~ \$250.
 - d-b. First Reinspection Fee, \$150.
 - e-c. Subsequent Reinspection Fee, \$250.
2. Temporary establishment fees shall be: established by the Board of Health in an amount sufficient to recover the costs incurred by the City and may be reestablished by the Board of Health as needed. City fees for permits required by Madison General Ordinances Chapter Seven (7) shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk’s Office and posted on the Department’s website.
 - a. ~~Tattoo or body-piercing establishments, or combined, first day, \$75.~~
 - b. ~~Tattoo or body-piercing establishments, or combined, each day after first day, \$25.”~~

4. Subdivision (c) of Subsection (1) entitled “Public Swimming Pool Licenses” of Section 7.44 entitled “Minimum Standards for Public Swimming Pools” of the Madison General Ordinances is amended as follows:

“(c) Public Swimming Pool Licenses shall be established by the Board of Health in an amount sufficient to recover the costs incurred by the City and may be reestablished by the Board of Health as needed. City fees for permits required by Madison General Ordinances Chapter Seven (7) shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk’s Office and posted on the Department’s website. No license shall be issued unless the operator shall have first submitted an application for a license and a license fee. Renewal

licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of fifteen percent (15%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.

| Category | License Fee |
|---------------------------------------|-------------|
| Indoor Swimming Pool | \$954 |
| Outdoor Swimming Pool | \$504 |
| Each Additional Indoor Swimming Pool | \$477 |
| Each Additional Outdoor Swimming Pool | \$318 |

5. 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 as follows:

"(3) Fees . ~~The annual fee for Hotels, Motels, and Tourist Rooming Houses and Bed and Breakfast Establishments shall be established by the Board of Health in an amount sufficient to recover the costs incurred by the City and may be reestablished by the Board of Health as needed. City fees for permits required by Madison General Ordinances Chapter Seven (7) shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Department's website based upon the number of rooms held open for the use of the public on the licensed premises. The annual fee for Bed and Breakfast Establishments shall be a flat rate. The licensing year shall be from July 1 through the following June 30. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of fifteen percent (15%) of the license fee or a minimum of three dollars (\$3.00), whichever is greater. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license. The fee herein established shall be for one year or a fractional part thereof.~~

~~Hotels and Tourist Rooming Houses:~~

| Number of Rooms | License Fee |
|------------------------|------------------|
| 1-4 | \$149 |
| 5-30 | \$209 |
| 31-99 | \$297 |
| 100-199 | \$429 |
| 200 or more | \$484 |

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

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

"(4) Fees . The annual fee for Recreational and Educational Camps shall be established by the Board of Health in an amount sufficient to recover the costs incurred by the City and may be reestablished by the Board of Health as needed. City fees for permits required by Madison General Ordinances Chapter Seven (7) shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk's Office and posted on the Department's website. The following license fee is

~~hereby established~~ for the period of July 1 through the following June 30 or for any portion of said time period. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of fifteen percent (15%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.

| Number of Camps at Same Location | Fee |
|----------------------------------|-------|
| 1-5 | \$300 |
| 6-10 | \$400 |
| 11 or more | \$700 |

7. Subsection (4) entitled “Fees” of Section 7.53 entitled “Campgrounds” of the Madison General Ordinances is amended as follows:

“(4) Fees. The annual fee for Campgrounds shall be established by the Board of Health in an amount sufficient to recover the costs incurred by the City and may be reestablished by the Board of Health as needed. City fees for permits required by Madison General Ordinances Chapter Seven (7) shall be published in the Public Health Madison and Dane County Fee Schedule, which shall be publicly available at the City Clerk’s Office and posted on the Department’s website. The following license fees are hereby established for the period July 1 through the following June 30 or for any portion of said time period. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of fifteen percent (15%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.

| Number of Sites at Same Location | Fee |
|----------------------------------|-------|
| 1-25 | \$200 |
| 26-100 | \$350 |
| Over 100 | \$500 |

8. Paragraph 3. entitled “License Fee” of Subdivision (d) entitled “License and Mobile Home Park Approval” of Subsection (4) entitled “Regulation for Mobile Home Parks” of Section 9.23 entitled “Regulations of Mobile Home Parks” of the Madison General Ordinances is amended as follows:

“3. License Fee . Mobile home park license fees shall be established by the Board of Health in an amount sufficient to recover the costs incurred by the City and may be reestablished by the Board of Health as needed. License fees shall be published in the Public Health Madison & Dane County Fee Schedule, which shall be publicly available at the City Clerk’s Office and posted on the Department’s website. Applications for licenses shall be filed with the City Clerk together with an annual license fee according to the Fee Schedule of one hundred dollars (\$100) for each fifty (50) spaces or fraction thereof, within the mobile home park operated by the applicant but such license shall not be issued by the Common Council until plans and specifications complying with the provisions of the General Ordinances of the City of Madison and the State Board of Health are submitted for approval. The Clerk, after approval of the application by the Common Council and upon completion of the work according to the plans, shall issue the license. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of fifteen percent (15%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter

for failure to possess or obtain a license. Pre-inspection and Reinspection fees shall be as follows:

- a. Pre-inspection, one-time only, \$375.
- b. First Reinspection Fee, \$150.
- c. Subsequent Reinspection Fee, \$250.”

9. Paragraph 4. entitled “Term of License” of Subdivision (d) entitled “License and Mobile Home Park Approval” of Subsection (4) entitled “Regulation for Mobile Home Parks” of Section 9.23 entitled “Regulations of Mobile Home Parks” of the Madison General Ordinances is amended as follows:

- “4. Term of License . The term of the license shall be ~~for the calendar year and shall expire on the thirty-first (31st) day of December of each year~~ from July 1 through the following June 30, except that a license initially issued during the period beginning on April 1 and ending on June 30 expires on June 30 of the following year and may be renewed annually thereafter by any licensee, and after approval of the Common Council of the City of Madison and upon payment of the annual license fee. Upon such renewal, the City Clerk shall issue a certificate renewing the license for another year unless sooner revoked. The application for renewal shall be in writing signed by the applicant on forms furnished by the City of Madison. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of 15% of the filing fee. Payment of the late filing fee shall not relieve any person from any other penalties set forth in this section or in the ordinances for failure to possess or obtain a license.”