



City of Broken Arrow

Request for Action

File #: 20-1186, Version: 1

**Broken Arrow City Council
Meeting of: 10-06-2020**

Title:

Consideration, discussion, and possible adoption of Ordinance 3653, an Ordinance repealing and re-enacting Broken Arrow Code of Ordinances Chapter 11-Food and Food Establishments; repealing all ordinances or parts of ordinances in conflict herewith; and declaring an emergency

Background:

After working closely with the Tulsa City-County Health Department (TCCHD) since April 2020, staff is proposing modifications to Ordinance # 1471 - Food and Food Establishments (1987) to properly reflect current operations and standards. There are five (5) key changes that will be addressed in the revised ordinance (Attachment #1).

First, staff has incorporated necessary City and State regulations not currently included in ordinance #1471. Examples include license effective and renewal dates, definitions, fee exempt establishments, a comprehensive appeals process, and terms for revocation / temporary license suspension.

Second, staff is proposing to replace the referenced “Broken Arrow Food Establishment Code” with the Oklahoma State Department of Health Food Establishment Code (OAC 310:257). The purpose of these adopted codes is to provide necessary health safety rules and standards for food establishments to follow. The Broken Arrow Code was last modified in 1998, and with a lack of regular updates has become outdated. The State Code, on the other hand, is reviewed, revised, and also supplemented by TCCHD professionals on a more regular basis to ensure standards stay up to date.

Third, the City is currently under agreement with TCCHD to remit 50% of food establishment fees administered by the City to TCCHD. This fee split is meant to reflect the division of duties between the two agencies. These duties include application processing, inspections, and permit issuance for food establishments and food vehicles. Though both agencies provide application processing and permit release services, inspections are conducted exclusively by TCCHD. Inspections include compliance inspections, onsite consultation and review, and pre-operational inspections prior to licensure. Due to their increased level of support for food licenses, TCCHD has requested a modified split, whereby 70% of food establishment fees administered by the City are remitted to TCCHD. A letter of justification has been provided by TCCHD (Attachment #2).

Fourth, the revised ordinance includes two (2) additional licenses administered exclusively by TCCHD: (1) ice and water vending machines, and (2) temporary food licenses. Per OS 63.1.216, food establishment fees must be set by the local municipality in order for TCCHD to receive compensation. TCCHD is requesting the City set an annual \$25.00 fee per each ice and water vending machine to account for processing and inspections. For temporary food establishments, the requested fee is \$25.00 plus \$5.00 per each day in excess of three (3) days. This fee is specific to special event food vendors, who require Health Department compliance inspections prior to each event.

Lastly is the inclusion of the Tulsa Food Advisory Council as a first measure of appeals. This council is made up of 15 members representing three constituencies: food industry, health professionals and consumers. They similarly serve in this capacity for other Tulsa County municipalities. The City Council will become the secondary means for local appeals. Per TCCHD, there have been zero (0) appeals in Tulsa County over the past three (3) years.

Cost: Approximate \$10,000.00 reduction in yearly revenue, based on FY19' data

Funding Source: Food license revenue

Requested By: Larry Curtis, Director of Community Development

Approved By: City Manager's Office

Attachments: Attachment #1 - Ordinance No. 3653
Attachment #2 - TCCHD Letter of Justification

Recommendation:

Adopt Ordinance No. 3653 and approve the emergency clause.