



ORDINANCE

UPDATING ENVIRONMENTAL HEALTH DEPARTMENT FOOD-SERVICE FEES

CITY OF NASHUA

In the Year Two Thousand and Twenty-Two

The City of Nashua ordains that Part II “General Legislation”, Chapter 170 “Food-Service Establishments” of the Nashua Revised Ordinances, as amended, be hereby further amended by deleting the struck-through language and adding the new underlined language as follows:

“§ 170-4. Fee schedule.

A. — Each application for, or renewal of, a license to operate a food-service establishment within the meaning of this chapter shall be accompanied by a fee appropriate to the type and size of the operation in accordance with the following schedule:

- (1) — ~~Bakeries: \$175.~~
- (2) — ~~Caterers: \$175.~~
- (3) — ~~Commissaries: \$175.~~
- (4) — ~~Hospitals: \$175.~~
- (5) — ~~Nursing homes: \$175.~~
- (6) — ~~Private schools: \$175.~~
- (7) — ~~Beverage manufacturing and bottling: \$140.~~
- (8) — ~~Mobile vendors: \$140.~~

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~~(9) — Shellfish vendors: \$140.~~

~~(10) — Churches: \$35.~~

~~(11) — Temporary licenses: \$35.~~

~~(12) — Food manufacturing and packaging: \$280.~~

~~(13) — Social clubs: \$45.~~

~~(14) — Vending locations: \$15.~~

~~(15) — Retail stores:~~

~~(a) — Prepackaged items only: \$90.~~

~~(b) — With perishable foods add: \$90.~~

~~(c) — With delicatessen add: \$90.~~

~~(d) — With bulk foods/salad bar add: \$90.~~

~~(16) — Restaurants: \$75.~~

~~(a) — Plus \$1.50 per seat (based on Fire Department permit).~~

~~(b) — Plus \$1.50 per seat for open air cafe seating.~~

~~(17) — Restaurants with common seating (mall): \$200.~~

(A-1) Supermarkets and wholesale clubs with bulk food, salad bar, and/or kitchen or food buffet: \$1,000.

(B-1) Restaurants with seating capacity >100 seats; supermarkets as not defined in A-1; mall restaurants with common seating; hotels without banquet and/or function rooms: \$550.

(B-2) Hotels and country clubs with banquet and/or function rooms: \$1,500.

(C-1) Restaurants with seating capacity >25 but <100; bakeries; food distributors; nursing homes; hospitals; food processors; beverage manufacturers; commissaries; caterer; retail markets with no more than two retail designations: \$350.

(C-2) Retail markets with three or more designations: \$450.

(D-1) Restaurants with <25 seats; private schools; childcare facilities; mobile vendors; retail markets selling only prepackaged items: \$200.

(E-1) Social clubs; seasonal concession stands; seasonal vendors: \$100.

(E-2) Vending locations: \$25.

(F-1) Public schools, religious institutions, soup kitchens, food pantries, non-profit organizations not holding a liquor license: No Fee.

(G-1) Temporary event vendor: \$50. Additional \$25 expedite fee for applications received less than 2 weeks prior to the event.

(G-2) Farmers market vendor: \$50. Additional \$25 expedite fee for applications received less than 2 weeks prior to the event.

Annual license renewal applications received after the 10th day of the month following license date of expiration will be charged a \$25 late fee. If the renewal application and payment is not received after the 20th day of the month following license date of expiration, the food service establishment shall have its license suspended for operating without a valid license. After renewal and late fee are paid, the facility will be seen in good standing and may have its license reinstated.

B.——The Environmental Health Department shall make the final determination as to which license fee is applicable to each individual food-service operation or establishment. Retail designations used to determine fees include, but are not limited to, prepacked food, perishable food, delicatessen, bulk food, salad bar, and shellfish vendor.

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§ 170-11. Inspections.

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C. Whenever an inspection of a food-service establishment is conducted, a record of the inspection and findings shall be recorded on a uniform inspection report form which has been approved by the Health Officer. This form shall summarize the requirements necessary for such establishments to meet the minimum standards as governed by regulations adopted under § 170-5. A copy of the completed inspection form shall be furnished to the owner or operator of the food-service establishment at the time of inspection within one business day in accordance

with § 170-6. Reinspection may be required if the routine inspection rating does not meet minimum guidelines and criteria established by the department.

- D. ~~The cost of such reinspection shall be 1/2 of the cost of the annual license fee of the food service establishment.~~ The cost of such reinspection shall be \$200 for fee categories A-1, B-1, and B-2. The cost of such reinspection shall be \$100 for fee categories C-1, C-2, D-1, E-1, and E-2. There is no fee to inspect for fire, flood or chemical damage, or to assess damage to supplies and equipment for insurance purposes.
- E. Whenever a change of ownership occurs, a change of ownership inspection is required in accordance with § 170-2. The cost of such change of ownership inspection shall be \$50.

§ 170-12. Approval of plans; fees.

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- B. Fees for the mandatory food-service plan review and associated inspection(s) are established in accordance with the following schedule:
- (1) Major remodeling of existing establishment: ~~\$75.~~\$100.
 - (2) Remodeling of existing establishment limited to equipment change and minor structural modifications: ~~\$35.~~\$50.
 - (3) ~~Food service establishments other than restaurants or supermarkets: \$75.~~ New food service establishment categorized as A-1, B-1, or B-2: \$200.
 - (4) ~~New restaurant with less than 50 seats: \$75.~~ New food service establishment categorized as C-1, C-2, D-1, or E-1: \$125.
 - (5) ~~New restaurant with 50 to 100 seats: \$100.~~
 - (6) ~~New restaurant with more than 100 seats: \$125.~~
 - (7) ~~Supermarkets: \$125.”~~

This ordinance shall become effective upon passage.

LEGISLATIVE YEAR 2022

ORDINANCE: O-22-022

PURPOSE: Updating Environmental Health Department Food-Service Fees

SPONSOR(S): Alderman Ernest A. Jette
Alderman-at-Large Gloria Timmons
Alderman-at-Large Melbourne Moran, Jr.
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Richard A. Dowd
Alderman Derek Thibeault
Alderman Patricia Klee

COMMITTEE ASSIGNMENT: Personnel/Administrative Affairs Committee

FISCAL NOTE: Increased fees will result in additional general fund revenues.

ANALYSIS

This legislation updates the fees for food service licenses, plan reviews and inspections as detailed in the legislation. The Board of Health voted to approve these proposed changes on June 15, 2022.

Approved as to form:

Office of Corporation Counsel

By: 

Date: 27 June 2022