



## Agenda - Final

### Finance, Governance and Public Safety Committee

Katheryn Shields, Chair  
Heather Hall, Vice Chair  
Ryana Parks-Shaw  
Melissa Robinson  
Lee Barnes  
Kevin McManus

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Wednesday, June 22, 2022

10:30 AM

26th Floor, Council Chamber

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#### PUBLIC OBSERVANCE OF MEETINGS

Members of the City Council may attend this meeting via videoconference.

Any closed session may be held via teleconference.

The public can observe this meeting at the links provided below.

Applicants and citizens wishing to participate have the option of attending each meeting or they may do so through the videoconference platform ZOOM, using this link:

<https://us02web.zoom.us/j/84530222968>

#### [220523](#)

Amending Chapter 19, Code of Ordinances, entitled “Franchise Fee,” by repealing Section 19-82, Franchise fee, to change the rates on the gross revenues received from five percent down to two- and one-half percent over the course of five years by decreasing the rate by one half percent per year.

**Attachments:** [Fact Sheet Change in Cable Rate FY2023](#)

[Fiscal Note Cable Franchise Fee Rate Change 2022](#)

[220523com](#)

[Cable Franchise Fee Rate Change Presentation 6.22.2022](#)

#### [220533](#)

Estimating revenue and appropriating \$290,921.99 in the Domestic Violence Grants Fund; authorizing the City Manager to accept a two-year grant in the amount of \$290,921.99 from the Missouri Department of Public Safety; and designating requisitioning authority.

**Attachments:** [Fact Sheet-TMP 1951](#)

[Fiscal Note-TMP 1951](#)

**Bunch**

- 220535** Amending Chapter 30, Code of Ordinances, “Food Service Establishments,” by repealing Section 30-73, “Permits” and 30-75, “Fees,” in their entirety and replacing them with two new sections of like subject matter and title for the purpose of adding a new Non-Mobile Food Vendor Permit and associated fees.

**Attachments:** [220535com](#)  
[220535 fact sheet](#)  
[Fiscal Note-220535](#)

HELD IN COMMITTEE

ADDITIONAL BUSINESS

1. There may be an additional general discussion regarding current Finance, Governance, and Public Safety Committee issues.

2. Closed Session

Pursuant to Section 610.021 subsection 1 of the Revised Statutes of Missouri to discuss legal matters, litigation, or privileged communications with attorneys;

- Pursuant to Section 610.021 subsection 2 of the Revised Statutes of Missouri to discuss real estate;

- Pursuant to Section 610.021 subsections 3 and 13 of the Revised Statutes of Missouri to discuss personnel matters;

- Pursuant to Section 610.021 subsection 9 of the Revised Statutes of Missouri to discuss employee labor negotiations;

- Pursuant to Section 610.021 subsection 11 of the Revised Statutes of Missouri to discuss specifications for competitive bidding;

- Pursuant to Section 610.021 subsection 12 of the Revised Statutes of Missouri to discuss sealed bids or proposals; or

- Pursuant to Section 610.021 subsection 17 of the Revised Statutes of Missouri to discuss confidential or privileged communications with the auditor

3. Those who wish to comment on proposed ordinances can provide testimony to [public.testimony@kcmo.org](mailto:public.testimony@kcmo.org).

Comments received will be distributed to the committee and added to the public record by the clerk. The city provides several ways for residents to watch City Council meetings:

- Livestream on the city's website at [www.kcmo.gov](http://www.kcmo.gov)
- Livestream on the city's YouTube channel at <https://www.youtube.com/watch?v=3hOublg4fok>

Watch Channel 2 on your cable system. The channel is available through Time Warner Cable (channel 2 or 98.2), AT&T U-verse (channel 99 then select Kansas City), and Google Fiber on Channel 142.

- To watch archived meetings, visit the City Clerk's website and look in the Video on Demand section:

[http://kansascity.granicus.com/ViewPublisher.php?view\\_id=2](http://kansascity.granicus.com/ViewPublisher.php?view_id=2)

The City Clerk's Office now has equipment for the hearing impaired for use with every meeting. To check out the equipment please see the secretary for each committee. Be prepared to leave your Driver's License or State issued Identification Card with the secretary and she will give you the equipment. Upon returning the equipment your license will be returned

Adjournment



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**File #: 220523**

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ORDINANCE NO. 220523

Amending Chapter 19, Code of Ordinances, entitled “Franchise Fee,” by repealing Section 19-82, Franchise fee, to change the rates on the gross revenues received from five percent down to two- and one-half percent over the course of five years by decreasing the rate by one half percent per year.

WHEREAS, by Ordinance No. 930358, the Council of Kansas City established a franchise fee, an annual fee paid by cable and video service operators to the City for the operator’s use of the streets and other right of way; and

WHEREAS, by Ordinance No. 930358, the Council of Kansas City set the franchise fee rate to five percent of an operator’s gross revenues received from operation of the system in the City; and

WHEREAS, the 101st General Assembly of Missouri passed Senate Bill Numbers 153 and 97, amending Section 67.2689 of the Revised Statutes of Missouri, and authorizing reduction of video franchise fees incrementally over the course of five years; and

WHEREAS, the City of Kansas City is expressly prohibited from charging a fee in excess of the state statutory limit; and

WHEREAS, the City must codify these changes for purposes of tax administration and to appropriately budget for revenues, NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Chapter 19, Article VII, Section 19-82, Code of Ordinances of the City of Kansas City, Missouri, entitled “Franchise Fees,” is hereby amended by repealing Section 19-82 and enacting a new section of like number and subject matter, to read as follows:

**Sec. 19.82. Franchise fee.**

(a) Use of streets/cost of regulation. In consideration of the rights, powers, privileges, permission and authority granted to an operator for use of the city's streets and other public property, an operator shall pay to the city an amount equal to five percent of its gross revenues received from the operation of the system in the city. This amount represents compensation for that cost of reasonable regulation permitted or mandated by federal law, and for the use of the streets and other public property by an operator:

- (1) Beginning August 28, 2023, an operator shall pay to the city an amount equal to four and one-half percent of its gross revenues received from the operation of the system in the city.
- (2) Beginning August 28, 2024, an operator shall pay to the city an amount equal to four percent of its gross revenues received from the operation of the system in the city.
- (3) Beginning August 28, 2025, an operator shall pay to the city an amount equal to three and one-half percent of its gross revenues received from the operation of the system in the city.
- (4) Beginning August 28, 2026, an operator shall pay to the city an amount equal to three percent of its gross revenues received from the operation of the system in the city.
- (5) Beginning August 28, 2027, and continuing thereafter, an operator shall pay to the city an amount equal to two and one-half percent of its gross revenues received from the operation of the system in the city.

(b) *Payment of fee.* Payment of annual franchise fees shall be in lieu of all subsequent occupational, pole attachment or other license fees or charges imposed by the city, insofar as this chapter does not require additional payment.

(c) *Revenue not from operation of system.* This franchise does not excuse the payment of any occupational license fee, charge or tax relating to any business endeavor for which an operator is not obligated to pay a franchise fee.

(d) *Taxes of general applicability.* Imposition of a franchise fee does not prohibit the city from imposing on operators, as part of a group of businesses or activities, any tax, fee or assessment of general applicability (including any such tax, fee, or assessment imposed on both utilities and cable operators or their services, but not including a tax, fee or assessment which is unduly discriminatory against cable operators or subscribers).

(e) *Payment time and method.* Franchise fee payments shall be made quarterly as follows: for the quarter ending December 31, the payment shall be made by the following January 31; for the quarter ending March 31, the payment shall be made by the following April 30; for the quarter ending June 30, the payment shall be made by the following July 31; and for the quarter ending September 30, the payment shall be made by the following October 31. Each payment shall be accompanied by a statement of gross revenues received for the quarter in connection with the operation of the system in the city, and a report showing the computation of the fees in a form prescribed by the commissioner of revenue. For operators providing cable service in the city on the date this chapter becomes effective, the report for the quarter in which this chapter becomes effective shall be in two parts. The first part shall set forth the gross revenues for the period of the quarter for which any lower franchise fee is assessed, and the

second part shall set forth the gross revenues for the period of the quarter for which a five percent franchise fee is assessed.

(f) *Acceptance of payment not accord or release.* No acceptance of any payment shall be construed as an accord that the amount paid is in fact the correct amount, nor shall such acceptance of payment be construed as a release of any claim the city may have for further or additional sums payable under the provisions of this chapter or a separate franchise agreement. All amounts paid by an operator shall be subject to audit by the city.

(g) *Late payment.* In the event that any payment is not made on or before the applicable date fixed in this section, an operator shall pay, as additional compensation, an interest charge, computed from such date, at the annual rate equal to the commercial prime interest rate in effect upon the due date plus two percentage points. The prime rate will be determined by the Bank of New York, or its successor, on the effective date on which interest becomes due.

(h) *Early termination of franchise.* In the event a franchise is terminated for any reason before its normal termination date, an operator shall immediately submit to the city a financial statement prepared within the terms of this section showing the operator's gross revenues for the time elapsed since the last period for which the operator has paid to the city the required percentage of gross revenues. An operator shall pay to the city not later than 30 days following termination of a franchise the required percentage of gross revenues.

(i) *Amendment of the Act.*

(1) *Specific federal limit.* Should the Act be amended by changing the authorized maximum amount for a franchise fee which may be imposed by the city to a different specific percentage or amount, the city may, by ordinance, modify this section to reflect the amendment of the Act.

(2) *Removal of federal limit.* Should the Act be amended by removing any cap on the authorized maximum amount for a franchise fee which may be imposed by the city, the city may increase the franchise fee to that amount assessed against a telephone company. However, should the amount assessed against a telephone company be less than the amount assessed against an operator at the time the cap is removed, the amount assessed against an operator shall not fall below that amount assessed at the time the cap is removed.

(j) *Penalty.* Failure to submit the required documents to the commissioner of revenue by the dates stated in paragraph (e) will subject the operator to the penalties prescribed in section 1-17.

(k) *Approval of franchise fee pass-through.* If the city's approval is required under applicable law for an operator to pass through any portion of a franchise fee to its subscribers in the city, an operator shall not be required to pay that portion of any franchise fee to the city until such approval has been granted and has become effective.

(1) *Support of a government channel.* Should the city provide a government channel to subscribers, no less than ten percent of the annual franchise fee shall be devoted to funding operation of the channel.

..end

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Approved as to form and legality:

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Chivonne Scott  
Assistant City Attorney

LEGISLATIVE FACT SHEET		Legislation Number:	
		Approval Deadline:	
LEGISLATION IN BRIEF:			
<p>What is the reason for this legislation?</p>	<p align="center"><b>Fact Sheet Color Codes</b></p> <p align="center">User Entered Field</p> <p align="center">User Select From Menu</p> <p align="center">For OMB Use</p>		
<p>Discussion (including relationship to other Council actions)</p>	<p align="center">Sponsor(s)</p> <p align="center">Programs, Departments, or Groups Affected</p> <p align="center">Sub-Program in Budget (page #)</p>		
	<p>Applicants/ Proponents</p>	<p align="center">City Department</p>	<p align="center">Other</p>
<p align="center"><b>Citywide Business Plan Goal</b></p>	<p>Staff Recommendation</p>		
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	<p>Annual Revenue Increase/Decrease</p>		
	<p><b>Applicable Dates:</b></p>		
	<p><b>Prepared by:</b></p>		
	<p><b>Date Prepared:</b></p>		
	<p><b>Reviewed by:</b></p>		
	<p><b>Date Reviewed</b></p>		
	<p><b>Reference Numbers</b></p>		



<b>LEGISLATIVE FISCAL NOTE</b>	LEGISLATION NUMBER:	220523
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LEGISLATION IN BRIEF:

Change the Video Franchise Fees Rate

**What is the purpose of this legislation?** LEGISLATIVE

*To amend Chapter 19 Section 82 to reflect the reduction in allowable rates as outlined in RsMO 67.2689.*

**Sections 01-04 should be blank. See section 00 for more information**

	<input type="checkbox"/>	Yes/No
	<input type="checkbox"/>	Yes/No
	<input type="checkbox"/>	Yes/No
	<input type="checkbox"/>	Yes/No

**Section 00: Notes:**

*In 2021, Senate Bills 255 & 27 were passed which reduced the rates for video service providers over the course of five years. Decreases in revenues are estimated as follows:  
 FY24 - (\$473,760), FY25 - (\$307,944), FY26 - (\$264,832), FY27 - (\$227,755), FY28 - (\$195,870)  
 Total Estimated decline in Revenue is estimated at (\$1,470,161) over the next five years.*

**FINANCIAL IMPACT OF LEGISLATION**

**Section 01: If applicable, where are funds appropriated in the current budget?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST
			N/A		
			N/A		

**Section 02: If applicable, where will new revenues be estimated?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST
			N/A		
			N/A		

**Section 03: If applicable, where will appropriations be increased?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST
				-	-

**NET IMPACT ON OPERATIONAL BUDGET**

*RESERVE STATUS:*

**SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)**

FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
1000	General Fund		(473,760)	(307,944)	(264,832)	(227,755)	(195,870)	
	<b>TOTAL REV</b>	-	(473,760)	(307,944)	(264,832)	(227,755)	(195,870)	-

FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
	<b>TOTAL EXP</b>	-	-	-	-	-	-	-

<b>NET Per-YEAR IMPACT</b>	-	(473,760)	(307,944)	(264,832)	(227,755)	(195,870)	-
<b>NET IMPACT ( SIX YEARS)</b>						<b>(1,470,161.00)</b>	

REVIEWED BY  DATE

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COMPARED VERSION  
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 220523

Amending Chapter 19, Code of Ordinances, entitled “Franchise Fee,” by repealing Section 19-82, Franchise fee, to change the rates on the gross revenues received from five percent down to two- and one-half percent over the course of five years by decreasing the rate by one half percent per year.

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WHEREAS, by Ordinance No. 930358, the Council of Kansas City set the franchise fee rate to five percent of an operator’s gross revenues received from operation of the system in the City; and

WHEREAS, the 101st General Assembly of Missouri passed Senate Bill Numbers 153 and 97, amending Section 67.2689 of the Revised Statutes of Missouri, and authorizing reduction of video franchise fees incrementally over the course of five years; and

WHEREAS, the City of Kansas City is expressly prohibited from charging a fee in excess of the state statutory limit; and

WHEREAS, the City must codify these changes for purposes of tax administration and to appropriately budget for revenues, NOW THEREFORE,

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(f) *Acceptance of payment not accord or release.* No acceptance of any payment shall be construed as an accord that the amount paid is in fact the correct amount, nor shall such acceptance of payment be construed as a release of any claim the city may have for further or additional sums payable under the provisions of this chapter or a separate franchise agreement. All amounts paid by an operator shall be subject to audit by the city.

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(l) *Support of a government channel.* Should the city provide a government channel to subscribers, no less than ten percent of the annual franchise fee shall be devoted to funding operation of the channel.

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Approved as to form and legality:

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Chivonne Scott  
Assistant City Attorney

**ORDINANCE 220523**

**VIDEO SERVICE  
PROVIDER  
FRANCHISE FEE**

# CABLE FRANCHISE FEE

- Current cable franchise fee is 5% of gross revenue
- 2021 State legislation requires a reduction in the fee to 2.5% over five (5) years (Senate Bill 153 & 97)
- Ordinance updates the fee to comply with State law
- First step down in fee takes effect August 28, 2023

# ESTIMATED FISCAL IMPACT

FY22-23 Adopted Budget Cable Franchise Fees: \$4,935,000  
Current Rate: 5.0%

Fiscal Year	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28
Maximum Rate	4.5%	4.0%	3.5%	3.0%	2.5%
Estimated Decrease in Revenue	(\$473,760)	(\$307,944)	(\$264,832)	(\$227,755)	(\$195,870)





# QUESTIONS



**File #: 220533**

ORDINANCE NO. 220533

Estimating revenue and appropriating \$290,921.99 in the Domestic Violence Grants Fund; authorizing the City Manager to accept a two-year grant in the amount of \$290,921.99 from the Missouri Department of Public Safety; and designating requisitioning authority.

WHEREAS, the Violence Against Women Act of 1994 (VAWA) recognizes that assisting states in providing high quality services that are directly related to the emotional healing and recovery of crime victims is essential; and

WHEREAS, the State of Missouri has awarded the City a VAWA grant to fund 80% of the costs for one full-time Assistant City Prosecutor, one part-time Assistant City Prosecutor, one full-time Domestic Violence Paralegal, and one part-time Domestic Violence Paralegal to aid in the prosecution of domestic violence cases in Municipal Court, the city match will be funded from previously appropriated funds in 1000-132000-A, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager is hereby authorized to accept a two-year Victims of Crime Act Grant from the Missouri Department of Public Safety in the amount of \$290,921.99.

Section 2. That the revenue in the following account of the Domestic Violence Fund is hereby estimated in the following amount:

23-2470-130001-471240-G13VAWA21	VAWA Grant	\$290,921.99
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Section 3. That the amount of \$290,921.99 is hereby appropriated from the Unappropriated Fund Balance of the Domestic Violence Grants Fund to the following account in the Domestic Violence Grants Fund:

23-2470-135702-A-G13VAWA21	VAWA Grant	\$290,921.99
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Section 4. That the City Attorney is hereby designated as requisitioning authority for Account No. 23-2470-135702.

..end

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the

appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

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Tammy Queen  
Director of Finance

Approved as to form and legality:

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Gerald Sorensen  
Associate City Attorney

LEGISLATIVE FACT SHEET		Legislation Number:	
		Approval Deadline:	
LEGISLATION IN BRIEF:			
<p>What is the reason for this legislation?</p>	<p><b>Fact Sheet Color Codes</b></p> <p>User Entered Field</p> <p>User Select From Menu</p> <p>For OMB Use</p>		
<p>Discussion (including relationship to other Council actions)</p>	<p>Sponsor(s)</p> <p>Programs, Departments, or Groups Affected</p> <p>Sub-Program in Budget (page #)</p>		
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<p>Citywide Business Plan Goal</p>	<p>Staff Recommendation</p>		
<p>Citywide Business Plan Objective</p>	<p>Board or Commission Recommendation</p>		
<p>Citywide Business Plan Strategy</p>	<p><b>Future Impacts</b></p>		
	<p>Cost of Legislation current Fiscal Year</p>		
	<p>Costs in Future Fiscal Years?</p>		
	<p>Annual Revenue Increase/Decrease</p>		
	<p>Applicable Dates:</p>		
	<p>Prepared by:</p>		
	<p>Date Prepared:</p>		
	<p>Reviewed by:</p>		
	<p>Date Reviewed</p>		
	<p>Reference Numbers</p>		

**LEGISLATION IN BRIEF:**

Estimating revenue and appropriating \$290,921.99 in the Domestic Violence grants fund; and authorizing a two-year grant in the amount of \$290,921.99.

**What is the purpose of this legislation?** OPERATIONAL

*For the purpose of authorizing expenditures new or planned to conduct municipal services*

<b>Does this legislation spend money?</b> <i>See Sections 01, 02 and 03 for sources of funding</i>	<b>YES</b>	Yes/No
<b>Does this legislation estimate new Revenues?</b> <i>See Section 02 for new revenue estimates</i>	<b>YES</b>	Yes/No
<b>Does this Legislation Increase Appropriations?</b> <i>See Section 03 for increases in appropriations</i>	<b>YES</b>	Yes/No
<b>Are costs associated with this legislation ongoing (Yes)? Or one-time (No)</b> <i>See Section 00: " Notes" Below</i>	<b>NO</b>	Yes/No

**Section 00: Notes:**

Five years of operational costs for ongoing programs should be included in Section 04 below.

**FINANCIAL IMPACT OF LEGISLATION**

**Section 01: If applicable, where are funds appropriated in the current budget?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST

**Section 02: If applicable, where will new revenues be estimated?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST
2470	130001	471240	G13VAWA21	290,922	

**Section 03: If applicable, where will appropriations be increased?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST
2470	135702	601100	G13VAWA21	290,922	

<b>NET IMPACT ON OPERATIONAL BUDGET</b>	-
<i>RESERVE STATUS:</i>	<b>REVENUE SUPPORTED</b>

**SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)**

FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
2470	Domestic Violence	290,922						
<b>TOTAL REV</b>		290,922	-	-	-	-	-	-

FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
2470	Domestic Violence	290,922						
<b>TOTAL EXP</b>		290,922	-	-	-	-	-	-

<b>NET Per-YEAR IMPACT</b>	-	-	-	-	-	-	-
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**NET IMPACT ( SIX YEARS)** -

REVIEWED BY <b>Robyn Cottin</b>	DATE <b>6/15/2022</b>
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**File #: 220535**

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ORDINANCE NO. 220535

Amending Chapter 30, Code of Ordinances, “Food Service Establishments,” by repealing Section 30-73, “Permits” and 30-75, “Fees,” in their entirety and replacing them with two new sections of like subject matter and title for the purpose of adding a new Non-Mobile Food Vendor Permit and associated fees.

WHEREAS, this ordinance amends the current Kansas City, Missouri Food Code to add a new permit type, Non-Mobile Food Vendor Permit, and its related fees, to be issued to a restaurant type establishment that operates at no more than (3) three predetermined locations; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 30, Code of Ordinances, “Food Service Establishments,” is hereby amended by repealing Section 30-73, “Permits” and 30-75, “Fees,” in their entirety and replacing them with two new sections of like subject matter and title for the purpose of adding a new Non-Mobile Food Vendor Permit and associated fees, said sections to read as follows:

**Sec. 30-73. Permits.**

Section 8-301.11 of the 2017 Food Code is amended to read as follows: A PERSON may not operate a FOOD ESTABLISHMENT without a valid PERMIT to operate issued by the REGULATORY AUTHORITY. A PERMIT is required to apply for and obtain and pay for a separate FOOD ESTABLISHMENT PERMIT for each of the types of FOOD ESTABLISHMENT operations listed in subsections (1) through (14):

- (1) Ice Cream Vendor PERMIT: issued to a PERSON who sells prePACKAGED frozen ice cream products or novelties from a motor vehicle designed for that purpose.
- (2) Market Type Establishment PERMIT: issued to an establishment wherein any place or section of a place where FOOD and FOOD products are offered to the CONSUMER and intended for off-PREMISE consumption. The term includes delicatessens that offer prepared FOOD in bulk quantities only. The term does not include establishments, which handle only prePACKAGED, non-TIME/TEMPERATURE CONTROL FOR SAFETY FOODS; roadside markets that offer only fresh fruits and fresh vegetables for sale; restaurant type establishments; or FOOD and BEVERAGE VENDING MACHINES.

- (3) Mobile Food Service PERMIT: issued to a vehicle-mounted restaurant type establishment designed to be readily movable.
- (4) Pushcart PERMIT: issued to a PERSON using a non-self-propelled vehicle limited to serving non-TIME/TEMPERATURE CONTROL FOR SAFETY FOODS or commissary-wrapped FOOD maintained at proper temperatures or limited to the preparation and serving of frankfurters.
- (5) Restaurant Type Establishment PERMIT: issued to a place or section of a place where FOOD is prepared and intended for individual portion service and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the PREMISES and regardless of whether there is a charge for the FOOD. The term includes delicatessens that offer prepared FOOD in individual service portions. The term does not include private homes where FOOD is prepared or served for individual family consumption, market type establishments, the location of FOOD VENDING MACHINES, or supply vehicles.
- (6) Temporary Food Service Establishment PERMIT: issued to a restaurant type establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration. Those establishments whose principle mode of business is not the sale of FOOD or BEVERAGES who in conjunction with their special event occasionally offer non-TIME/TEMPERATURE CONTROL FOR SAFETY FOODS such as pretzels and peanuts free of charge to their clientele no more frequently than once per month are exempt from obtaining a temporary PERMIT. All FOOD served shall be obtained from sources that comply with all laws that relating to FOOD and FOOD labeling.
- (7) Truck Sales Vendor PERMIT: issued to a PERSON who sells prePACKAGED frozen FOODS at retail from a motor vehicle that is equipped with a refrigeration unit capable of maintaining a temperature of 0°F.
- (8) Catering PERMIT: issued to a PERMITTED RESTAURANT TYPE ESTABLISHMENT to conduct FOOD service activities outside of their PERMITTED establishments. CATERING PERMITS will be issued to those establishments who have demonstrated proper FOOD safety knowledge relating to the FOOD preparation and transportation techniques. The REGULATORY AUTHORITY reserves the right to deny or revoke CATERING PERMITS to those establishments that have not demonstrated the ability to safety operate FOOD operations off-site.
- (9) Seasonal Vendor PERMIT: issued to an operation that serves only non-TIME/TEMPERATURE CONTROL FOR SAFETY FOODS or prePACKAGED TIME/TEMPERATURE CONTROL FOR SAFETY FOODS offered for retail

sale that are properly LABELED and kept in mechanical refrigeration EQUIPMENT capable of maintaining the product at 41°F or below. This PERMIT is valid for a period not to exceed 6 months from date of issuance. SEASONAL PERMITS are not renewed on a consecutive basis.

- (10) Concession Stand/Kiosk PERMIT: issued to an operation that prepares and serves food and beverages with a limited menu approved by the REGULATORY AUTHORITY and with a permanent setup including power and water.
- (11) Farmers Market Vendor PERMIT: issued to an organized, reoccurring operation at a designated location used by local farmers and produces primarily for distribution and sale of locally produced agricultural products, or a limited amount of non-agricultural, locally produced products. This PERMIT authorizes a Farmers Market Vendor to operate no more than twenty-four (24) hours per week, and no more than twelve (12) hours in a twenty-four (24) hour period. Farmers Market Vendors PERMIT allows the holder to sell prePACKAGED, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD and offer TIME/TEMPERATURE CONTROL FOR SAFETY FOOD items for sampling purposes only. No cooking (including BBQ) or food preparation (except for sampling) may be done with this PERMIT. A Farmers Market is not an event.
- (12) Food Sampling PERMIT: issued to a person who is distributing food for the sole purpose of introducing the consumer to either a food product or drink, or method of cooking, or piece of equipment. Food sampling shall be limited to bite sized portions not to exceed 2 oz. per sample. All TIME/TEMPERATURE CONTROL FOR SAFETY FOOD samples shall be disposed within four hours after being removed from active temperature control. Sampling PERMIT allows only vendors with a State Food Distribution PERMIT or a Food Manufacturing License to sell processed foods, unless a license exemption is provided. On-site food preparation is prohibited with a Sampling PERMIT. Any processed foods must be prePACKAGED and properly labeled.
- (13) Outdoor Grill/Smoker PERMIT: issued to a PERMITTED RESTAURANT TYPE ESTABLISHMENT to utilize a grill or smoker on the PREMISES of their PERMITTED establishment. Outdoor grill/smoker PERMITS will be issued to those establishments who have demonstrated proper FOOD safety knowledge relating to FOOD preparation and cross contamination prevention. The REGULATORY AUTHORITY reserves the right to deny or revoke OUTDOOR GRILL/SMOKER PERMITS to those establishments that have not demonstrated the ability to safely operate FOOD operations related to the outdoor grill/smoker.
- (14) Dog-Friendly Patio PERMIT: issued to a PERMITTED RESTAURANT TYPE ESTABLISHMENT that does not allow any FOOD preparation on or in the outdoor area of the PREMISES. The REGULATORY AUTHORITY may issue a DOG-FRIENDLY PATIO PERMIT to those establishments who have demonstrated proper FOOD safety knowledge and cross contamination



prevention. The REGULATORY AUTHORITY reserves the right to deny or revoke DOG-FRIENDLY PATIO PERMITS to those establishments that have not demonstrated the ability to safely operate FOOD operations related to the dog-friendly patio.

- (15) Non-Mobile Food Vendor Permit – Issued to a restaurant type establishment that operates at no more than (3) three predetermined locations. Limited to the service of only non-TIME/TEMPERATURE CONTROL FOR SAFETY FOODS, PREPARED TIME/TEMPERATURE CONTROL FOR SAFETY FOODS maintained at proper temperatures or limited to the preparation of PRE-COOKED FOODS offered for retail sale.

Permit holder is required to maintain a food commissary permitted through a REGULATORY AUTHORITY. Hand washing sink easily accessible with pressurized hot and cold water is required at serving location with proper overhead protection. All food(s) shall be obtained from sources that comply with all laws relating to food and food labeling. During food service operation permit must be displayed in an area that is conspicuous to the consumer.

**Sec. 30-75. Fees.**

Section 8-813.11 of the 2017 Food Code is amended to read as follows:

(a) Director’s authority. The Director is authorized to charge for the actual cost of providing the FOOD Code book to any user and the actual cost of providing protection education classes and FOOD HANDLER and/or FOOD MANAGER CARDS.

(b) Fee schedule. All fees shall be paid in accordance with the fee schedule.

<b><u>2022 FEE SCHEDULE</u></b>			
<b>Restaurant type establishments</b>	<b>Permit Fee</b>	<b>Plan Review Fee</b>	<b>Each Reinspection Fee</b>
0--5 employees	\$354	\$165	\$129
6--9 employees	\$445	\$200	\$160
10--20 employees	\$529	\$249	\$189
21--40 employees	\$580	\$266	\$219
41--60 employees	\$618	\$284	\$249
Each Additional 10 employees	\$119	\$46	\$35
<b>Market Type Establishments</b>			
Under 3,000 sq. ft.	\$264	\$119	\$177
3,001--30,000 sq. ft.	\$529	\$249	\$207
30,001--40,000 sq. ft.	\$710	\$330	\$235
40,001--60,000 sq. ft.	\$1,063	\$485	\$266

60,001--80,000 sq. ft.	\$1,328	\$615	\$295
Each Additional 10,000 sq. ft.	\$177	\$77	\$59
Truck sales vendor	\$325	N/A	\$129
Mobile food service/pushcart	\$230	N/A	\$129
Ice cream vendor	\$59	N/A	\$129
6 months Seasonal vendor	\$230	N/A	\$129
Catering Permit	\$444	N/A	\$129
Concession Stand/Kiosk Permit	\$354	\$161	\$129
Farmers Market Permit	\$119	N/A	\$129
Sampling Permit	\$146	N/A	\$129
Non-Mobile Food Vendor Permit	\$230	N/A	\$129

<b>Temporary food service Reinspection Fee</b>		
1 day operation		\$146
2 days operation		\$146
3--14 days operation		\$146
Not for profit-temp food service		\$146

<b>Temporary food service Permit Fee</b>	14 Days Prior to Event Day	13-7 Days Prior to Event Day	6-3 Days Prior to Event Day	Less than 3 Days Prior to Event Day
1 day operation	\$59	\$70	\$85	\$101
2 days operation	\$88	\$105	\$127	\$153
3--14 days operation	\$177	\$212	\$255	\$306
Not for profit-temp food service	\$29	\$35	\$42	\$50

- (1) Restaurant type establishments shall pay fees based on the number of its EMPLOYEES and market type establishments shall pay fees based on the total square footage of the market type operation within the building. The appropriate fee shall be determined on the date of the application.
- (2) TEMPORARY FOOD SERVICE ESTABLISHMENTS shall pay fees based on the number of days of operation and each TEMPORARY FOOD SERVICE ESTABLISHMENT at any given event or location is required to obtain and pay for a PERMIT in the amount required by the fee schedule prior to beginning operation.

- (3) Truck sales vendors, MOBILE FOOD ESTABLISHMENT/ PUSH CART and ice cream vendors shall pay the fees in the fee schedule that correspond to truck sales vendors, mobile FOOD ESTABLISHMENT/PUSHCARTS, or ice cream vendors.
- (4) Catering and seasonal vendor PERMIT holders shall pay the fees in the fee schedule that correspond to catering and seasonal vendor PERMITS.

(c) Annual PERMITS. All PERMITS are annual PERMITS and shall be valid from January 1 through December 31, except for TEMPORARY FOOD SERVICE ESTABLISHMENT PERMITS, truck sales vendors, MOBILE FOOD ESTABLISHMENT/PUSHCARTS, ice cream vendors, and seasonal vendor PERMITS.

- (1) All PERSONS are required to obtain an annual PERMIT for each type of operation and if a location has multiple operations or more than one type of operation, a PERMIT must be obtained and paid for each operation in the amount required by the fee schedule prior to beginning operation.
- (2) Any PERSON who operates as a truck sales vendor, catering, ice cream vendor, or MOBILE FOOD ESTABLISHMENT/ PUSH CART vendor shall obtain and pay for an annual PERMIT for each vehicle in the amount required by the fee schedule prior to beginning operation.
- (3) If a location has multiple FOOD ESTABLISHMENTS or types of FOOD ESTABLISHMENTS the PERSON must apply, obtain and pay for a separate PERMIT for each operation.

(d) Plan review fees. When a PERSON is required to submit plans for the construction, conversion or remodeling of any FOOD establishment as defined by the Kansas City Missouri FOOD Code to the Health Department for review as specified under section 8-201.11, the PERSON shall pay a plan review fee in the amount set forth in the fee schedule.

(e) Lost PERMIT fee. There shall be a charge to replace a lost PERMIT.

(f) Processing fee for initial PERMIT and change in ownership.

- (1) If a PERSON is applying for an initial PERMIT or new PERMIT due to a change in ownership for a restaurant type establishment, market type establishment, or mobile type vendor (including ice cream vendors, pushcarts, and truck sales vendors) the PERSON shall pay a processing fee for each PERMIT. The processing fee is in addition to all other fees.
- (2) If a PERSON is applying for an initial PERMIT or a new PERMIT due to a change in ownership for a MOBILE FOOD ESTABLISHMENT/PUSH CART, catering, or ice cream vendor, the PERSON shall pay a processing fee for each PERMIT. The processing fee is in addition to all other fees.

(g) Initial PERMIT fees. If an application is for an initial PERMIT, the PERSON shall estimate the number of EMPLOYEES who will be working at the FOOD ESTABLISHMENT or the square footage. If the estimate is inaccurate, the PERMIT HOLDER shall amend the application and pay the appropriate fee. In the event an initial PERMIT application is filed to begin operation anytime during the period of October 1 through December 31 for a restaurant type or market type establishment, the PERMIT fee shall be pro-rated from the annual PERMIT fee.

(h) Reinstatement fees. For food establishments that have had a PERMIT suspended following action taken in accordance with Sections 8-804.10 through 8-804.50 (C), a processing fee will be assessed in order to process the reinstatement application and reinstate the PERMIT.

(i) Late Fee. PERMIT renewals not submitted to the Health Department by January 31st will be charged a monthly late fee. Establishments that have not paid the appropriate fee by February 1st may be subject to cease operation until all fees have been paid.

(j) Exemption. No charge shall be made for issuance of a PERMIT, license or certificate to a FOOD service establishment operated by a public tax-supported entity, such as a public-school district.

(k) The Director of Health shall have the authority to annually adjust all fees to reflect an increase equal to an increase in the consumer price index (all items/all urban consumers/Kansas City, Missouri-Kansas) published by the United States Department of Labor, Bureau of Labor Statistics if the fees imposed will not cover the cost of the City's FOOD protection program. The authorization for the Director of Health to annually increase fees to cover the costs of the FOOD protection program shall be cumulative and the failure of the City to raise fees in any one year shall not waive the Director of Health's authority to cumulatively raise fees by the consumer price index for missed years as long as the funds are used to fund the City's cost of the FOOD protection program. The adjustments, if made, shall be made annually by the Director of Health in conjunction with the adoption of the annual budget of the City by filing a notice with the City Clerk.

(l) Refunds. There shall be no refund of any fee paid pursuant to this section.

(m) Notwithstanding anything to the contrary within this chapter, the Director of Health or City Council may extend the date by which the fees are to be remitted for any PERMIT prescribed within this chapter.

..end

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Approved as to form and legality:

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Joseph Guarino  
Senior Associate City Attorney

COMPARED VERSION  
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 220535

Amending Chapter 30, Code of Ordinances, “Food Service Establishments,” by repealing Section 30-73, “Permits” and 30-75, “Fees,” in their entirety and replacing them with two new sections of like subject matter and title for the purpose of adding a new Non-Mobile Food Vendor Permit and associated fees.

WHEREAS, this ordinance amends the current Kansas City, Missouri Food Code to add a new permit type, Non-Mobile Food Vendor Permit, and its related fees, to be issued to a restaurant type establishment that operates at no more than (3) three predetermined locations; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 30, Code of Ordinances, “Food Service Establishments,” is hereby amended by repealing Section 30-73, “Permits” and 30-75, “Fees,” in their entirety and replacing them with two new sections of like subject matter and title for the purpose of adding a new Non-Mobile Food Vendor Permit and associated fees, said sections to read as follows:

**Sec. 30-73. Permits.**

Section 8-301.11 of the 2017 Food Code is amended to read as follows: A PERSON may not operate a FOOD ESTABLISHMENT without a valid PERMIT to operate issued by the REGULATORY AUTHORITY. A PERMIT is required to apply for and obtain and pay for a separate FOOD ESTABLISHMENT PERMIT for each of the types of FOOD ESTABLISHMENT operations listed in subsections (1) through (14):

- (1) Ice Cream Vendor PERMIT: issued to a PERSON who sells prePACKAGED frozen ice cream products or novelties from a motor vehicle designed for that purpose.
- (2) Market Type Establishment PERMIT: issued to an establishment wherein any place or section of a place where FOOD and FOOD products are offered to the CONSUMER and intended for off-PREMISE consumption. The term includes delicatessens that offer prepared FOOD in bulk quantities only. The term does not include establishments, which handle only prePACKAGED, non-TIME/TEMPERATURE CONTROL FOR SAFETY FOODS; roadside markets that offer only fresh fruits and fresh vegetables for sale; restaurant type establishments; or FOOD and BEVERAGE VENDING MACHINES.
- (3) Mobile Food Service PERMIT: issued to a vehicle-mounted restaurant type establishment designed to be readily movable.

- (4) Pushcart PERMIT: issued to a PERSON using a non-self-propelled vehicle limited to serving non-TIME/TEMPERATURE CONTROL FOR SAFETY FOODS or commissary-wrapped FOOD maintained at proper temperatures or limited to the preparation and serving of frankfurters.
- (5) Restaurant Type Establishment PERMIT: issued to a place or section of a place where FOOD is prepared and intended for individual portion service and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the PREMISES and regardless of whether there is a charge for the FOOD. The term includes delicatessens that offer prepared FOOD in individual service portions. The term does not include private homes where FOOD is prepared or served for individual family consumption, market type establishments, the location of FOOD VENDING MACHINES, or supply vehicles.
- (6) Temporary Food Service Establishment PERMIT: issued to a restaurant type establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration. Those establishments whose principle mode of business is not the sale of FOOD or BEVERAGES who in conjunction with their special event occasionally offer non-TIME/TEMPERATURE CONTROL FOR SAFETY FOODS such as pretzels and peanuts free of charge to their clientele no more frequently than once per month are exempt from obtaining a temporary PERMIT. All FOOD served shall be obtained from sources that comply with all laws that relating to FOOD and FOOD labeling.
- (7) Truck Sales Vendor PERMIT: issued to a PERSON who sells prePACKAGED frozen FOODS at retail from a motor vehicle that is equipped with a refrigeration unit capable of maintaining a temperature of 0°F.
- (8) Catering PERMIT: issued to a PERMITTED RESTAURANT TYPE ESTABLISHMENT to conduct FOOD service activities outside of their PERMITTED establishments. CATERING PERMITS will be issued to those establishments who have demonstrated proper FOOD safety knowledge relating to the FOOD preparation and transportation techniques. The REGULATORY AUTHORITY reserves the right to deny or revoke CATERING PERMITS to those establishments that have not demonstrated the ability to safety operate FOOD operations off-site.
- (9) Seasonal Vendor PERMIT: issued to an operation that serves only non-TIME/TEMPERATURE CONTROL FOR SAFETY FOODS or prePACKAGED TIME/TEMPERATURE CONTROL FOR SAFETY FOODS offered for retail sale that are properly LABELED and kept in mechanical refrigeration EQUIPMENT capable of maintaining the product at 41°F or below. This

PERMIT is valid for a period not to exceed 6 months from date of issuance. SEASONAL PERMITS are not renewed on a consecutive basis.

- (10) Concession Stand/Kiosk PERMIT: issued to an operation that prepares and serves food and beverages with a limited menu approved by the REGULATORY AUTHORITY and with a permanent setup including power and water.
- (11) Farmers Market Vendor PERMIT: issued to an organized, reoccurring operation at a designated location used by local farmers and produces primarily for distribution and sale of locally produced agricultural products, or a limited amount of non-agricultural, locally produced products. This PERMIT authorizes a Farmers Market Vendor to operate no more than twenty-four (24) hours per week, and no more than twelve (12) hours in a twenty-four (24) hour period. Farmers Market Vendors PERMIT allows the holder to sell prePACKAGED, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD and offer TIME/TEMPERATURE CONTROL FOR SAFETY FOOD items for sampling purposes only. No cooking (including BBQ) or food preparation (except for sampling) may be done with this PERMIT. A Farmers Market is not an event.
- (12) Food Sampling PERMIT: issued to a person who is distributing food for the sole purpose of introducing the consumer to either a food product or drink, or method of cooking, or piece of equipment. Food sampling shall be limited to bite sized portions not to exceed 2 oz. per sample. All TIME/TEMPERATURE CONTROL FOR SAFETY FOOD samples shall be disposed within four hours after being removed from active temperature control. Sampling PERMIT allows only vendors with a State Food Distribution PERMIT or a Food Manufacturing License to sell processed foods, unless a license exemption is provided. On-site food preparation is prohibited with a Sampling PERMIT. Any processed foods must be prePACKAGED and properly labeled.
- (13) Outdoor Grill/Smoker PERMIT: issued to a PERMITTED RESTAURANT TYPE ESTABLISHMENT to utilize a grill or smoker on the PREMISES of their PERMITTED establishment. Outdoor grill/smoker PERMITS will be issued to those establishments who have demonstrated proper FOOD safety knowledge relating to FOOD preparation and cross contamination prevention. The REGULATORY AUTHORITY reserves the right to deny or revoke OUTDOOR GRILL/SMOKER PERMITS to those establishments that have not demonstrated the ability to safely operate FOOD operations related to the outdoor grill/smoker.
- (14) Dog-Friendly Patio PERMIT: issued to a PERMITTED RESTAURANT TYPE ESTABLISHMENT that does not allow any FOOD preparation on or in the outdoor area of the PREMISES. The REGULATORY AUTHORITY may issue a DOG-FRIENDLY PATIO PERMIT to those establishments who have demonstrated proper FOOD safety knowledge and cross contamination prevention. The REGULATORY AUTHORITY reserves the right to deny or revoke DOG-FRIENDLY PATIO PERMITS to those establishments that have



not demonstrated the ability to safely operate FOOD operations related to the dog-friendly patio.

- (15) Non-Mobile Food Vendor Permit – Issued to a restaurant type establishment that operates at no more than (3) three predetermined locations. Limited to the service of only non-TIME/TEMPERATURE CONTROL FOR SAFETY FOODS, PREPARED TIME/TEMPERATURE CONTROL FOR SAFETY FOODS maintained at proper temperatures or limited to the preparation of PRE-COOKED FOODS offered for retail sale.

Permit holder is required to maintain a food commissary permitted through a REGULATORY AUTHORITY. Hand washing sink easily accessible with pressurized hot and cold water is required at serving location with proper overhead protection. All food(s) shall be obtained from sources that comply with all laws relating to food and food labeling. During food service operation permit must be displayed in an area that is conspicuous to the consumer.

**Sec. 30-75. Fees.**

Section 8-813.11 of the 2017 Food Code is amended to read as follows:

(a) Director’s authority. The Director is authorized to charge for the actual cost of providing the FOOD Code book to any user and the actual cost of providing protection education classes and FOOD HANDLER and/or FOOD MANAGER CARDS.

(b) Fee schedule. All fees shall be paid in accordance with the fee schedule.

<b><u>2022 FEE SCHEDULE</u></b>			
<b>Restaurant type establishments</b>	<b>Permit Fee</b>	<b>Plan Review Fee</b>	<b>Each Reinspection Fee</b>
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6--9 employees	\$445	\$200	\$160
10--20 employees	\$529	\$249	\$189
21--40 employees	\$580	\$266	\$219
41--60 employees	\$618	\$284	\$249
Each Additional 10 employees	\$119	\$46	\$35
<b>Market Type Establishments</b>			
Under 3,000 sq. ft.	\$264	\$119	\$177
3,001--30,000 sq. ft.	\$529	\$249	\$207
30,001--40,000 sq. ft.	\$710	\$330	\$235
40,001--60,000 sq. ft.	\$1,063	\$485	\$266
60,001--80,000 sq. ft.	\$1,328	\$615	\$295
Each Additional 10,000 sq. ft.	\$177	\$77	\$59

Truck sales vendor	\$325	N/A	\$129
Mobile food service/pushcart	\$230	N/A	\$129
Ice cream vendor	\$59	N/A	\$129
6 months Seasonal vendor	\$230	N/A	\$129
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Concession Stand/Kiosk Permit	\$354	\$161	\$129
Farmers Market Permit	\$119	N/A	\$129
Sampling Permit	\$146	N/A	\$129
Non-Mobile Food Vendor Permit	\$230	N/A	\$129

<b>Temporary food service Reinspection Fee</b>		
1 day operation		\$146
2 days operation		\$146
3--14 days operation		\$146
Not for profit-temp food service		\$146

<b>Temporary food service Permit Fee</b>	14 Days Prior to Event Day	13-7 Days Prior to Event Day	6-3 Days Prior to Event Day	Less than 3 Days Prior to Event Day
1 day operation	\$59	\$70	\$85	\$101
2 days operation	\$88	\$105	\$127	\$153
3--14 days operation	\$177	\$212	\$255	\$306
Not for profit-temp food service	\$29	\$35	\$42	\$50

- (1) Restaurant type establishments shall pay fees based on the number of its EMPLOYEES and market type establishments shall pay fees based on the total square footage of the market type operation within the building. The appropriate fee shall be determined on the date of the application.
- (2) TEMPORARY FOOD SERVICE ESTABLISHMENTS shall pay fees based on the number of days of operation and each TEMPORARY FOOD SERVICE ESTABLISHMENT at any given event or location is required to obtain and pay for a PERMIT in the amount required by the fee schedule prior to beginning operation.
- (3) Truck sales vendors, MOBILE FOOD ESTABLISHMENT/ PUSHCART and ice cream vendors shall pay the fees in the fee schedule that correspond to truck sales

vendors, mobile FOOD ESTABLISHMENT/PUSHCARTS, or ice cream vendors.

- (4) Catering and seasonal vendor PERMIT holders shall pay the fees in the fee schedule that correspond to catering and seasonal vendor PERMITS.

(c) Annual PERMITS. All PERMITS are annual PERMITS and shall be valid from January 1 through December 31, except for TEMPORARY FOOD SERVICE ESTABLISHMENT PERMITS, truck sales vendors, MOBILE FOOD ESTABLISHMENT/PUSHCARTS, ice cream vendors, and seasonal vendor PERMITS.

- (1) All PERSONS are required to obtain an annual PERMIT for each type of operation and if a location has multiple operations or more than one type of operation, a PERMIT must be obtained and paid for each operation in the amount required by the fee schedule prior to beginning operation.
- (2) Any PERSON who operates as a truck sales vendor, catering, ice cream vendor, or MOBILE FOOD ESTABLISHMENT/ PUSHCART vendor shall obtain and pay for an annual PERMIT for each vehicle in the amount required by the fee schedule prior to beginning operation.
- (3) If a location has multiple FOOD ESTABLISHMENTS or types of FOOD ESTABLISHMENTS the PERSON must apply, obtain and pay for a separate PERMIT for each operation.

(d) Plan review fees. When a PERSON is required to submit plans for the construction, conversion or remodeling of any FOOD establishment as defined by the Kansas City Missouri FOOD Code to the Health Department for review as specified under section 8-201.11, the PERSON shall pay a plan review fee in the amount set forth in the fee schedule.

(e) Lost PERMIT fee. There shall be a charge to replace a lost PERMIT.

(f) Processing fee for initial PERMIT and change in ownership.

- (1) If a PERSON is applying for an initial PERMIT or new PERMIT due to a change in ownership for a restaurant type establishment, market type establishment, or mobile type vendor (including ice cream vendors, pushcarts, and truck sales vendors) the PERSON shall pay a processing fee for each PERMIT. The processing fee is in addition to all other fees.
- (2) If a PERSON is applying for an initial PERMIT or a new PERMIT due to a change in ownership for a MOBILE FOOD ESTABLISHMENT/PUSHCART, catering, or ice cream vendor, the PERSON shall pay a processing fee for each PERMIT. The processing fee is in addition to all other fees.

(g) Initial PERMIT fees. If an application is for an initial PERMIT, the PERSON shall estimate the number of EMPLOYEES who will be working at the FOOD ESTABLISHMENT or the square footage. If the estimate is inaccurate, the PERMIT HOLDER shall amend the application and pay the appropriate fee. In the event an initial PERMIT application is filed to begin operation anytime during the period of October 1 through December 31 for a restaurant type or market type establishment, the PERMIT fee shall be pro-rated from the annual PERMIT fee.

(h) Reinstatement fees. For food establishments that have had a PERMIT suspended following action taken in accordance with Sections 8-804.10 through 8-804.50 (C), a processing fee will be assessed in order to process the reinstatement application and reinstate the PERMIT.

(i) Late Fee. PERMIT renewals not submitted to the Health Department by January 31st will be charged a monthly late fee. Establishments that have not paid the appropriate fee by February 1st may be subject to cease operation until all fees have been paid.

(j) Exemption. No charge shall be made for issuance of a PERMIT, license or certificate to a FOOD service establishment operated by a public tax-supported entity, such as a public-school district.

(k) The Director of Health shall have the authority to annually adjust all fees to reflect an increase equal to an increase in the consumer price index (all items/all urban consumers/Kansas City, Missouri-Kansas) published by the United States Department of Labor, Bureau of Labor Statistics if the fees imposed will not cover the cost of the City's FOOD protection program. The authorization for the Director of Health to annually increase fees to cover the costs of the FOOD protection program shall be cumulative and the failure of the City to raise fees in any one year shall not waive the Director of Health's authority to cumulatively raise fees by the consumer price index for missed years as long as the funds are used to fund the City's cost of the FOOD protection program. The adjustments, if made, shall be made annually by the Director of Health in conjunction with the adoption of the annual budget of the City by filing a notice with the City Clerk.

(l) Refunds. There shall be no refund of any fee paid pursuant to this section.

(m) Notwithstanding anything to the contrary within this chapter, the Director of Health or City Council may extend the date by which the fees are to be remitted for any PERMIT prescribed within this chapter.

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Approved as to form and legality:

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Joseph A. Guarino  
Senior Associate City Attorney

# GENERAL

## Ordinance Fact Sheet

220535

Ordinance Number

**Brief Title**

**Approval Deadline**

**Reason**

Non-Mobile Food Vendor Permit

Creating a new non-mobile food vendor permit that will accommodate "pop-up" style restaurants

**Details**

**Positions/Recommendations**

**Reason for Legislation**

Creating a new non-mobile food vendor permit that will accommodate "pop-up" style restaurants, while maintaining the integrity of food safety practices and the regulations of the KCMO Food Code.

**Discussion**

Over the past several years, the trends of restaurant/food operations have transitioned to more non-traditional operations. Through these changes, a gap was identified that didn't allow for these types of operations fell in between the 13 different types of permits the Department offered.

By creating this new Non-Mobile Food Vendor Permit, it is a way to generate opportunities to these small businesses as way for them to expand their current businesses and thrive in Kanas City.

**Is it good for the children?**

Working to assure health and safety standards are adhered to in all pop-up style establishments throughout the city, benefits all within the community, especially the children.

**How will this contribute to a sustainable Kansas City?**

The creation of the new permit will provide more opportunities for an increase in exposure to small business throughout the City. This would increase the likelihood of these business transitioning into brick and mortar establishments, thus increasing the overall success of the City.

<b>Sponsor</b>	_____ Department
<b>Programs, Departments, or Groups Affected</b>	Health Department
<b>Applicants / Proponents</b>	<p>Applicant</p> <p>Health Department</p> <p>City Department</p> <p>_____ Department</p> <p>_____ Department</p> <p>Other _____ Councilman Bunch</p>
<b>Opponents</b>	<p>Groups or Individuals</p> <p>None Known</p> <p>Basis of opposition</p>
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against <p>Reason Against</p>
<b>Board or Commission Recommendation</b>	<p>By</p> <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)
<b>Council Committee Actions</b>	<input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass

(Continued on reverse side)

**Details**

**Policy/Program Impact**

<b>Policy or Program Change</b>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
<b>Operational Impact</b>	

<b>Assessment</b>	
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**Finances**

<b>Cost &amp; Revenue Projections -- Including Indirect Costs</b>	
<b>Financial Impact</b>	
<b>Fund Source (s) and Appropriation Account Codes</b>	

(Use this space for further discussion, if necessary)

**Applicable Dates:**

**Fact Sheet Prepared by:**

Name: Joe Williamson  
Title:

Date: 06/15/2022

**Reviewed by:**

Name: **Kimberly Houghes**  
Title: Contracts Manager

**Reference Numbers**

<b>LEGISLATIVE FISCAL NOTE</b>	LEGISLATION NUMBER:	220535
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**LEGISLATION IN BRIEF:**

Amending Chapter 30, Code of Ordinances, "Food Service Establishments," by repealing Section 30-73, "Permits" and 30-75, "Fees," in their entirety and replacing them with two new sections of like subject matter and title for the purpose of adding a new Non-Mobile Food Vendor Permit and associated fees.

**What is the purpose of this legislation?** LEGISLATIVE

*for the purpose of editing, repealing, or creating a provision in the city's code of ordinances; or for stating non-monetary support. This Fiscal note should be blank*

**Sections 01-04 should be blank. See section 00 for more information**

Yes/No  
 Yes/No  
 Yes/No  
 Yes/No

**Section 00: Notes:**

*It is possible that there will be a fiscal impact in the future, however, this is not something that we have enough information to predict at this time.*

**FINANCIAL IMPACT OF LEGISLATION**

**Section 01: If applicable, where are funds appropriated in the current budget?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST

**Section 02: If applicable, where will new revenues be estimated?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST

**Section 03: If applicable, where will appropriations be increased?**

FUND	DEPTID	ACCOUNT	PROJECT	FY 22-23 BUD	FY 23-24 EST

**NET IMPACT ON OPERATIONAL BUDGET**

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*RESERVE STATUS:*

**SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)**

FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
<b>TOTAL REV</b>		-	-	-	-	-	-	-

FUND	FUND NAME	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28	All Outyears
<b>TOTAL EXP</b>		-	-	-	-	-	-	-

**NET Per-YEAR IMPACT**

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**NET IMPACT ( SIX YEARS)**

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REVIEWED BY Robyn Cottin      DATE 6/21/2022