



PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
Council Chambers, Keene City Hall
September 9, 2026
6:00 PM

A. AGENDA ITEMS

1. Councilor Williams – Request to Consider Restricting the Sale of 7-Hydroxymitragynine (7-OH) and Concentrated Kratom Products
2. Councilor Filiault - Request for Consideration of an Ordinance Amendment Regulating Dogs at Downtown Events
3. Paul Allen-Webber - Request to Reconsider Ordinance O-2004-15-A Section (e) Regarding Dog Restrictions During the Pumpkin Festival
Ordinance O-2004-15-A Relating to Dogs Running at Large
4. Councilor Jones - Request for Consideration of an Ordinance Establishing a Temporary Moratorium on Data Centers and Cryptocurrency Mining Facilities
5. Relating to Amendments to Article VII. - Food Service Establishments
Ordinance O-2026-14

B. MORE TIME ITEMS

1. Relating to Short-term Rental Uses
Ordinance O-2026-09
2. Relating to the Definition of Short-term Rental
Ordinance O-2026-10

NON PUBLIC SESSION

ADJOURNMENT

Date: July 17, 2026

The Honorable Jay Kahn
Mayor of the City of Keene
Keene City Council
3 Washington Street
Keene, NH 03431

Re: Opposition to Ordinance Section (e) Regarding Dog Restrictions During the Pumpkin Festival

Dear Mayor Kahn and City Council Members,

I am writing as a regular visitor to the City of Keene – a shopper, diner, hiker, and event attendee - to formally voice my opposition to Ordinance O-2004-15-A, Section (e), adopted on 10-7-2004, which bans dogs (except service animals) from public property and downtown streets specifically and exclusively during the Pumpkin Festival. This ban may have been necessary when attendance topped 50,000, but today's Pumpkin Festival draws a much smaller crowd.

While I fully understand and support the city's commitment to public safety, applying this restrictive rule to only one specific date out of the entire year is arbitrary and unfair. Keene hosts multiple high-traffic public gatherings, street fairs, and community events in the downtown area throughout the year. None of these other events carry a blanket prohibition on leashed, well-behaved family pets.

Furthermore, this ordinance introduces several issues that warrant reconsideration:

Unfair Burden and Legal Liability for Volunteers: It is entirely unfair to expect the non-profit organization hosting the Pumpkin Festival to police and enforce a city-mandated bylaw. Non-profits rely heavily on limited staff and community volunteers whose energy should be entirely focused on event coordination and logistics. The confrontations that stem from volunteer enforcement create ill will between the organization and the very people they depend on for support.

Furthermore, forcing untrained volunteers to gatekeep access to public streets creates a serious risk of violating the Americans with Disabilities Act (ADA). Volunteers are not trained to properly navigate the nuances of questioning individuals about service animals, creating a high probability of accidentally infringing on the rights of those with disabilities and creating immense legal liability for the organization and/or the city.

Negative Impact on Visitors and Downtown Commerce: This localized ban unfairly penalizes out-of-town visitors, tourists, and travelers who may be entirely unaware that the Pumpkin Festival is occurring. A traveler stopping in Keene for a break, or someone who made an outdoor dining reservation months in advance expecting a pet-friendly atmosphere, will suddenly find themselves turned away from public streets and sidewalks. Blindsiding visitors in this manner

creates a hostile impression of the city and directly harms downtown businesses that rely on pet-friendly tourism.

Inconsistency and Confusion: Singling out a single date makes local regulations confusing for residents and regular visitors who routinely walk their dogs downtown. If it is safe for leashed dogs to navigate the downtown footprint during other busy community events, there is no logical basis for a total ban during this one.

Lack of Proportionality: The city already has robust leash laws and public nuisance ordinances in place to address irresponsible pet ownership or aggressive behavior. Enforcing existing municipal laws is a precise solution; a blanket ban is an overreach.

I understand you recently received a letter from City Councilor Randy Filiault, who appears to infer that the City Council should revisit the ban and extend it to other/all downtown events, based on witnessing "several incidents".

If the City Council will not consider a reversal of this targeted ban, or chooses to extend it to other events, then the city should take full responsibility for its execution and enforcement. The burden of a city-mandated ordinance belongs to the city, not the hosting non-profit. Should the ban remain in place, the city should provide:

Clear Signage: Prominent, highly visible signs posted at all key entry points into the restricted downtown footprint outlined in the ordinance to avoid blindsiding travelers and diners.

Public Education: City employees stationed at these entry points to proactively educate the incoming crowds, travelers, and residents about the specific restriction.

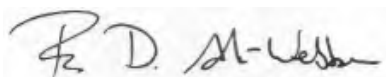
Official Enforcement: Uniformed police officers tasked with enforcing the bylaw, ensuring that volunteers and non-profit staff are never put in the position of acting as municipal code enforcement or risking ADA violations.

If the city's stance is that crowds present an inherent danger to or from pets, then this policy should logically apply to all downtown festivals. If it does not apply to all, it should not apply to any. However, if this specific ban is maintained, the city should step up to properly fund, sign, and police its own ordinance.

I urge the City Council to reconsider this ordinance and instead focus on enforcing standard leashing and behavior rules, allowing responsible local pet owners and visitors to enjoy the City of Keene year-round.

Thank you for your time and your service to our community.

Sincerely,

A handwritten signature in black ink, appearing to read "P. D. Allen-Webber".

Paul D. Allen-Webber



CITY OF KEENE

O-2004-15-A

In the Year of Our Lord Two Thousand and four

AN ORDINANCE Relating to Dogs Running at Large

Be it ordained by the City Council of the City of Keene, as follows:

That Chapter 10, ANIMALS; Article II, Dogs; Section 10-31, Running at Large, of the Code of Ordinances, City of Keene, New Hampshire, is hereby deleted in its entirety and replaced with a new Section 10-31, as follows:

Sec. 10-31. Dogs, Restricted areas, and Running at large.

(a) *Generally.* No dog shall run at large at any time within the city. This section shall not apply to dogs in use with their owners during lawful hunting.

(b) *School grounds.* No dogs shall be, at any time, in a school or on school grounds unless leashed.

(c) *Cemetery areas.* No dog shall be on land owned and/or used by the city or any of its departments for cemetery purposes unless authorized by the parks, recreation and facilities director.

(d) *Commercial areas.* Unless on a leash not over eight feet long, no dog shall be in the commercial areas of the city. The commercial areas are defined and described as, Central Square, Main Street from Central Square to Marlboro Street, West Street from Main Street to Route 12, Court Street from Central Square to Mechanic Street, Washington Street from Central Square to Mechanic Street, Roxbury Street from Main Street to Roxbury Court, Church Street from Main Street to Wells Street, Railroad Street, Dunbar Street, Emerald Street, Gilbo Avenue, Key Road and all city-owned parking lots. The prohibition for streets shall be for the entire right-of-way, including the paved area, shoulder or gutter, grass plot and sidewalk, whether paved or not.

(e) *Pumpkin Festival.* Except for service dogs as defined in RSA 167-D:1, no dog shall be on any publicly owned property or city street in any of the following areas during the period of time established by the Keene City Council for the observance of the Pumpkin Festival held on either the third or fourth Saturday in October: Central Square, Main Street from Central Square to Water Street, West Street from Main Street to St. James Street, Washington Street from Central Square to the entrance of the City Hall parking facility, Roxbury Street a distance of 375 feet from Main Street, Church Street from Main Street to Wells Street, Railroad Street to Wells Street, Dunbar Street a distance of 190 feet from Main Street, Emerald Street from Main Street to Wilson Street,

PASSED October 7, 2004

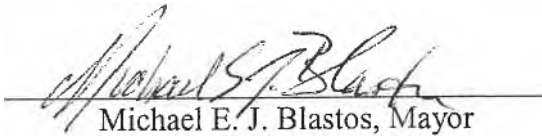
A true copy; attest:

City Clerk

~~Court, Church Street from Main Street to Wells Street, Norway Avenue, Railroad Street to Wells Street, Dunbar Street a distance of 190 feet from Main Street, Emerald Street from Main Street to Wilson Street, Water Street from Main Street to Grove Street, Davis Street from Main Street to Wilson Street, Eagle Court and Cypress Street, Lamson Street, Commercial Street, Commercial Street Parking Lot, St. James Street, Federal Street, Wells Street, Wells Street parking facility, Gilbo Avenue east parking lot, Gilbo Avenue west parking lot, City Hall parking facility and Wilson Street from Emerald Street to Keene Skate Park. Winter Street, Winter Street parking lot, Center Street, Middle Street, Vernon Street, and Elm Street from Vernon Street to Mechanic Street.~~

(f) *Food service establishments.* Except for service dogs as defined in RSA 167-D:1, no person shall bring any dog into any food service establishment, and no person shall allow any dog to enter or remain in any food service establishment, or in any store that sells food.

(g) *Penalty.* Any person who violates any provision of this section shall pay a fine in the amount of \$25.00.


Michael E. J. Blastos, Mayor

August 4, 2026

Dear Mayor Kahn and Fellow Councilors,

I am writing to formally request that the City Council direct the appropriate staff and committees to draft an ordinance establishing a temporary, two-year moratorium on the construction, development, and operation of Data Centers and Cryptocurrency Mining Centers within the City of Keene.

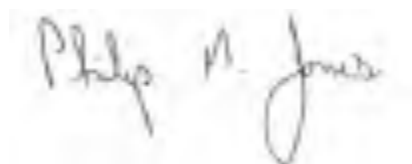
As these newly innovative technologies expand rapidly across the region, a temporary pause is vital. A two-year moratorium will grant our City the necessary time to gain a comprehensive, transparent, and proactive understanding of these intensive industries before they establish a permanent footprint in our community.

This period of review will allow the City of Keene to safeguard its infrastructure and community character by accomplishing the following goals:

1. **Energy and Climate Review:** Allow the Keene Energy and Climate Committee to thoroughly study these operations and issue a formal report aligning with our City's renewable energy goals and Climate Protection Plan.
2. **Environmental and Resource Impact Assessment:** Enable City staff to analyze the intense water usage, thermal impacts, unique exhaust system, and backup energy requirement characteristic of these facilities.
3. **Economic and Utility Evaluation:** Evaluate the long-term impacts on Keene's local economy, tax base, and regional energy supply stability.
4. **Zoning and Neighborhood Protection:** Explore the direct impacts of these high-density operations on the quality of life, proximity to residential and commercial areas, potential for noise or obnoxious odors, aesthetic qualities, and the overall historic character of our neighborhoods.

Taking a deliberate pause ensures that Keene remains a forward-thinking City that welcomes technological innovation only when it safely preserves our ecosystem, economy, and community well-being. Thank you for your time, consideration, and dedication to the future of Keene.

Sincerely,

A handwritten signature in dark ink, appearing to read "Philip M. Jones". The signature is written in a cursive, flowing style.

Philip M. Jones
Keene City Councilor



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Six

AN ORDINANCE Relating to an Amendment to Article VII. - Food Service Establishments

Be it ordained by the City Council of the City of Keene, as follows:

That the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting in its entirety Article VII. "Food Service Establishments" and inserting in its place a new Article VII.; and, by updating Appendix B. "Fee Schedule" as follows:

ARTICLE VII. - FOOD SERVICE ESTABLISHMENTS^[6]

State Law reference— Food service licensure, RSA 143-A:1 et seq.

DIVISION 1. - GENERALLY

Sec. 46-361. - Definitions.

See He-P2301.01 for definitions.

Sec. 46-362. - Adoption of FDA Food Code and New Hampshire Rules for the Sanitary Production and Distribution of Food; amendments.

- (a) The City of Keene hereby adopts by reference the 2022 FDA Food Code and New Hampshire Rules for the Sanitary Production and Distribution of Food, He-P 2300, and any subsequent amendments thereto, so as to regulate food service establishments operating within its jurisdiction as of October 1, 2026. Where there is a conflict between this chapter and the 2022 FDA Food Code and He-P 2300, this chapter shall govern.
- (b) Notwithstanding, the following sections of He-P 2300 shall not be adopted into the Code of the City of Keene: He-P 2303.01, He-P 2304.01 through He-P 2304.05, Sections: He-P 2301.01(n)(o), He-P 2302.01, He-P 2304.12(e), He-P 2304.14(a), He-P 2306.02(a)(19), and He-P 2306.02(c)(1).
- (c) References in He-P 2306.06(a) regarding emergency telephone numbers shall be replaced with "notify the Community Development Department at 603-352-5440, or if at night or during the weekends, at 603-357-9815 or email Health@KeeneNH.gov." Reference in He-P 2304.14(a) shall be replaced with:

Community Development Department
City of Keene
Attn: Food Licensing
3 Washington St
Keene, NH 03431

- (d) Section He-P 2301.01(r) shall be amended to be: "Food Code" means the US Department of Health and Human Services, Public Health Services, Food and Drug Administration, Food Code, 2022 edition.
- (e) Section He-P 2301.01(ba) shall be amended to be: "Soup Kitchen" means a non-profit organization that prepares and distributes food to members of the public without charge
- (f) References in He-P 2311.01 to "Class H" food service license shall be replaced and inserted "Class 6 Food Service License."
- (g) Reference to He-P 2304.01 through He-P 2304.05 in any section of He-P 2300 shall refer to Sec 46-363 of this Article.
- (h) Wherever there is a reference to "Commissioner" in He-P 2300, it is replaced with "Health Official of Keene or designee."
- (i) Wherever there is a reference to "Department" in He-P 2300, it is replaced with "Community Development Department."
- (j) Wherever there are references to "RSA 541-A and He-C 200," they shall be replaced with the City of Keene Code.
- (k) Wherever there is a reference to the New Hampshire Department of Health and Human Services in He-P 2300, it is replaced and inserted is City of Keene.
- (l) All fines and fees shall be made payable to the City of Keene. All applications, correspondence and fines shall be sent to:

Community Development Department

City of Keene

Attn: Food Licensing

3 Washington St

Keene, NH 03431

Sec. 46-363 - License Procedure

It shall be unlawful for any person or entity to operate a food service establishment within the City who does not possess a valid license issued to them by the Health Official or their designee. Only a person or entity who complies with the requirements of this chapter shall be entitled to receive and retain such a license. Licenses shall not be transferable from one person or place to another person or place. A valid license shall be conspicuously posted in every food service establishment.

(a) Issuance of licenses and fees.

- (1) Any person desiring to operate a food service establishment shall make written application for a license on forms provided by the Health Official. Upon receipt of such an application and the designated license fee, and after inspection reveals that the requirements of this chapter have been met, a license shall be issued to the applicant by the Health Official. All annual licenses expire on September 30th. The fees shall be payable to the City of Keene and shall be designated as follows
- (2) Processing of Initial Applications and Issuance of Licenses
 - a. Each applicant for a license shall complete and submit to the department an application form.
 - b. In addition to submitting the completed application, in (a) above, an applicant shall also submit the following:

1. Check, money order, or on-line payment by credit card;
2. Water system documentation, in accordance with He-P 2304.06, except that food establishments applying to be licensed as a farm store, home delivery services, pushcart and other mobile units, retail markets selling only non-Time/Temperature Control for Safety (TCS) prepackaged items, institutions including state, county, and municipal institutions, schools, private schools, and schools whose food service is operated by a caterer, and sellers of pre-packaged frozen meat or poultry that is processed in a United States Department of Agriculture (USDA) plant shall not be required to submit such documentation;
3. Wastewater system documentation, in accordance with He-P 2304.07, except, that food establishments applying to be licensed as a mobile food unit, farm store, home delivery services, pushcart and other mobile units, retail markets selling only non- Time/Temperature Control for Safety (TCS) prepackaged items, institutions including state, county, and municipal institutions, schools, private schools, and schools whose food service is operated by a caterer, non-exempt homestead food operations, senior meal sites, retail food stores with no food preparation areas, and sellers of pre-packaged frozen meat or poultry that is processed in a United States Department of Agriculture (USDA) plant shall not be required to submit such documentation;
4. If the application is for a mobile food unit that uses a service area, one of the following:
 - a. A separate license application for the facility to be used as a servicing area; or
 - b. A copy of the food establishment license, from the appropriate regulatory authority, of the facility being used as a servicing area.
5. A hazard analysis and critical control point (HACCP) plan required by He-P 2304.13; and
6. A proposed menu or list of food and beverages is to be offered.
- c. Applicants seeking a change in license class, a new license, or a new license due to a change of ownership, shall contact the department to arrange for an inspection of the establishment no later than 30 days from the date of mailing or delivering the fee and application.

(3) License Expirations and Procedures for Renewals

- a. Each licensee shall apply to renew his or her license at least 30 days prior to the expiration of the current license.
- b. The licensee shall submit a renewal application that includes the following:
 1. Completed Application, and
 2. A check, money order, or on-line payment by credit card.
- c. A license shall be renewed if the department determines that the licensee:
 1. Submitted an application containing all the items required by (b) above, as applicable, at least 30 days prior to the expiration of the current license;
 2. Submitted a Corrective Action Plan (CAP) that has been accepted by the department and implemented by the licensee if deficiencies were cited at the last licensing inspection;

3. Is found to be in compliance with He-P 2300 and all applicable regulations at a renewal inspection, as applicable; and
 4. Has paid any outstanding fees or fines in full.
- d. If a license holder fails to submit a complete application for renewal as required under (a) and (b) above, the food establishment shall cease operation the day after the license expires and shall not operate until a license is obtained.
 - e. Any food establishment wishing to submit an application for a renewal license whose previous license has been expired in excess of 30 days shall apply in accordance with the requirements of an initial license in Sec 46-363(A)(2).

(b) Classification of Food Service Establishments/License Fees

- (1) Class 1A: Food Service Establishment with 200 seats or more; retail food store with 4 or more food prep areas
- (2) Class 1: Food Service Establishment with seating capacity 100-199 seats; food service establishment with extensive menus; serve raw ingredients (sushi, oysters, etc.), salad bar and/or food buffet; retail stores with 2 to 3 food preparation areas; nursing homes; hospitals; commercial food processing operations processing more than 100,000 packages of food per year
- (3) Class 2: Food Service Establishment with 25-99 seats; retail food store with one food prep area; bakeries; food distributors of Time/Temperature Control for Safety (TCS) foods; beverage manufacturers; commissaries; caterer; mobile food unit selling/serving Time/Temperature Control for Safety (TCS); commercial food processing operations processing less than 100,000 packages of food per year
- (4) Class 3: Food Service Establishment with 0-24 seats; retail food store-self services and no food prep area; commercial food processing operations of non-Time/Temperature Control for Safety (TCS) bulk foods; bakeries which do not serve Time/Temperature Control for Safety (TCS) food; non- Time/Temperature Control for Safety (TCS) mobile food units; retail markets selling only prepackaged items; bed and breakfast; private clubs; mobile vendors, childcare facilities serving Time/Temperature Control for Safety (TCS); farmers market vendor selling/serving Time/Temperature Control for Safety (TCS) food; Wholesalers/distributors Time/Temperature Control for Safety (TCS) food
- (5) Class 4: Temporary licenses see Sec. 46-363(e).
- (6) Class 5: Public schools; private and parochial schools; not for profit organizations not holding a liquor license; governmental facilities that operate more than 4 times in a 28-day period
- (7) Class 6: Sellers of prepackaged frozen USDA meat or poultry; retail markets selling only non-Time/Temperature Control for Safety (TCS) prepackaged items; non-exempt homestead kitchens; arena/theater concessions selling/serving non- Time/Temperature Control for Safety (TCS) food

License Fees are established in accordance with the schedule of fees set forth in Appendix B of the City Code of Ordinances.

The Health Official or designee has final determination of all classifications of food service establishments. When a food service establishment has an additional food processing business, each shall be licensed separately, requiring separate applications and separate fees. When a hospital or school offers food to the general public in addition to its population, then the license class shall be determined by the number of seats the food service establishment has.

(c) Late Fine

- (1) License Renewal Applications received after the 10th day of the month following license date of expiration – Fees are established in accordance with the schedule of fees set forth in Appendix B of the City Code of Ordinances.

(d) Mobile food units and mobile vendors

- (1) Any person desiring to operate a mobile food unit shall meet all applicable City of Keene land use regulations. The applicant shall also meet all Building, Health, Fire Codes as adopted by the City of Keene and the State of New Hampshire.
- (2) For mobile vendors selling exclusively prepackaged goods, please cross-reference Hawkers, Peddlers.

(e) Temporary license.

- (1) A temporary license means a food-service establishment which operates at a fixed location for a temporary period of time, not exceeding three (3) consecutive days, whether or not there is a charge for food.
- (2) Authorization of the site location is necessary prior to conducting business in the city.
- (3) A temporary food service application shall be submitted to the Health Official at least seven (7) days before the day of the event. If licensed by another agency, state, or municipality, you must provide a copy of the operator's current food-service license and most recent food inspection report.
- (4) Licenses shall be displayed in public view.
- (5) The operator is subject to inspection at any time.
- (6) Food preparation and handling practices for food establishments are to be in compliance with this Chapter. Including but not limited to following the Temp Event Guide Food Safety and Temp Event Checklist.
- (7) Temporary Food Service License Fees are established in accordance with the schedule of fees set forth in Appendix B of the City Code of Ordinances.

Sec. 46-364 - Notice of alleged violation.

- (a) Whenever the Health Official or their designee , based upon an on-site inspection, determines that there are reasonable grounds to believe that violations of this chapter or the regulations adopted have occurred, notice of such alleged violations shall be given to the owner or their agent. Such notice shall:
 - (1) Be in writing;
 - (2) Include statements enumerating alleged violations and identifying the basis of the violation;
 - (3) Where appropriate, indicate corrective actions to be taken;
 - (4) Allow a reasonable time for the performance of any act require;
 - a. In the case of a temporary food service establishment, the violations must be corrected within a specified period of time, not to exceed 24 hours. Failure to comply with such notice shall result in immediate suspension of the license;
 - (5) And be served upon the owner or their agent as the case may require, provided that such notice or order shall be deemed to have been properly served upon such owner or their agent when the inspection report form containing information required by Subsections 2, 3, and 4 above has been completed and signed by the inspecting official and the owner or their agent and a copy thereof has been provided to the owner or their agent.

Sec. 46-366 - Reinstatement of license.

Any person whose license under this chapter has been suspended may at any time make application for a reinspection for the purpose of reinstating the license. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the license have been corrected, the Health Official shall make a reinspection. If the applicant is complying with the requirements of this chapter and regulations promulgated hereunder, the license shall be reinstated.

Sec. 46-369 - Inspections.

- (a) The operation and facilities of all licensees under this chapter shall be inspected in accordance with He-P2305 as follows:
 - (1) Classes 1A, 1, 2, 3, and 5 - twice every license cycle.
 - (2) Class 6 - once every license cycle.
- (b) The cost of reinspection shall be established in accordance with the schedule of fees set forth in Appendix B of the City Code of Ordinances.

Sec. 46-370 - Approval of plans; fees.

- (A) When a food service establishment is constructed, is remodeled, or changes owners, or when an existing structure is converted for use as a food-service establishment, properly prepared plans and specifications for such construction, remodeling, or alteration, showing layout arrangement and construction of materials of work areas, and the location, size, and type of fixed equipment and facilities shall be submitted to the Health Official or their designee for approval before such work is begun.
- (B) Fees for the mandatory food-service plan review and associated inspection(s) are established in accordance with the schedule of fees set forth in Appendix B of the City Code of Ordinances.

Sec. 46-371 – Incorporation of the 2022 Food Code.

The following amendments shall apply to the document incorporated:

Delete following subsections:

1-201.10 Food Establishment.

Delete following subsections:

1-201.10 Temporary Food Establishment.

Change subsection to read as follows:

3-301.11 Preventing Contamination from Hands.

(B) Except when washing fruits and vegetables as specified under 3-302.15 Food Employees may not contact exposed, READY-TO-EAT FOOD with their bare hands and shall use suitable UTENSILS such as deli tissue, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT.

(D) Delete

Delete following subsection in its entirety:

3-305.13 Vended Potentially Hazardous Food (Time/Temperature Control for Safety Food, TCS), Original Container.

Delete following subsection:

3-306.12 Condiments Protection.

(B) Delete

Delete following subsection:

3-801.11 Pasteurized Foods, Prohibited Re-Service, and Prohibited Food.

(D) Delete

Delete following subsection:

4.204.14 (A) (B) Vending Machines, Vending Stage Closure.

Delete following subsection:

4-204.19 Can Openers on Vending Machines.

Delete following subsection:

4-204.111 Vending Machines, Automatic Shutoff.

Add new subsection to read as follows:

4-301.13 Drainboards.

Dual drainboards must be integral to warewashing sinks, in addition, UTENSIL racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided per necessary UTENSIL holding before cleaning and after SANITIZING.

Add new subsection to read as follows:

4-301.16 Food Prep Sink.

A Food Prep sink that meets the requirements specified in 4-205.10, 5-202.13 and 5-402.11 shall be provided for washing/thawing of foods, and drawing of potable water, to be used for no other purposes.

Delete following subsections:

4-301.12 Manual Warewashing, Sink Compartment Requirements.

(C)(5) Delete

(C)(6) Delete

(D) Delete

Add new subsection to read as follows:

4-302.12 Food Temperature Measuring Devices.

(A) Digital food temperature measuring devices shall be provided and readily accessible for use in ensuring attainment in maintenance of food temperatures as specified under Chapter 3.

Change subsection to read as follows:

4-501.16 Warewashing Sinks, Use Limitation.

(A) A warewashing sink may not be used for handwashing as specified under §2-301.15, or drawing potable water, wash produce, or thaw foods.

Delete following subsections:

4-603.16 Rinsing Procedures.

(C) Delete

(D) Delete

(E) Delete

Change subsection to read as follows:

5-104.12 Alternative Water Supply.

Water meeting the requirements specified under Subparts 5-101, 5-102, and 5-103 shall be made available for a mobile facility, for a temporary food establishment without a permanent water supply, and for a food establishment with a two-hour interruption of its water supply through:

Change subsections to read as follows:

5-203.11 Handwashing Sinks.

A handwashing sink shall be located within 20 unobstructed feet:

(A) To allow convenient use by employees in food preparation, food dispensing, and warewashing areas; and

(B) In toilet rooms.

Change subsection to read as follows:

6-501.115 Prohibiting Animals.

(A) Except as specified in (B) and (C) of this section, live animals may not be allowed on the premises of a food establishment, unless allowed by variance pursuant to 8-103.10 through 8-103.12 for outdoor decks.

Delete following subsection:

7-202.12 Conditions of Use.

(A) (2) Delete

Add new subsection to read as follows:

8-201.11 When Plans Are Required.

(D) Change of owner.

Delete Chapter 8:

Those food establishments applying for licensure or that are licensed as a bed and breakfast shall comply with the Food Code. However, the exceptions to the Food Code listed in He-P 2308.02 shall also be exceptions to the Food Code as it applies to bed and breakfasts.

Those food establishments applying for licensure or which are licensed as food processing plants or non-exempt homestead food operations shall be exempt from the requirements of the Food Code and shall comply with the requirements in, He-P 2309 and He-P 2311, respectively.

Repeal and replace the contents of Appendix B, Section 46-363 with the content below:

Appendix B- Fee Schedule

Chapter 46 Licenses and Permits

Sec. 46-363 – Food Service Establishment License Procedure and Fees

License Fees

- (8) Class 1A: Food Service Establishment with 200 seats or more; retail food store with 4 or more food prep areas - \$650
- (9) Class 1: Food Service Establishment with seating capacity 100-199 seats; food service establishment with extensive menus; serve raw ingredients (sushi, oysters, etc.), salad bar and/or food buffet; retail stores with 2 to 3 food preparation areas; nursing homes; hospitals; commercial food processing operations processing more than 100,000 packages of food per year - \$450
- (10) Class 2: Food Service Establishment with 25-99 seats; retail food store with one food prep area; bakeries; food distributors of Time/Temperature Control for Safety (TCS) foods; beverage manufacturers; commissaries; caterer; mobile food unit selling/serving Time/Temperature

Control for Safety (TCS); commercial food processing operations processing less than 100,000 packages of food per year - \$400

- (11) Class 3: Food Service Establishment with 0-24 seats; retail food store-self services and no food prep area; commercial food processing operations of non-Time/Temperature Control for Safety (TCS) bulk foods; bakeries which do not serve Time/Temperature Control for Safety (TCS) food; non- Time/Temperature Control for Safety (TCS) mobile food units; retail markets selling only prepackaged items; bed and breakfast; private clubs; mobile vendors, childcare facilities serving Time/Temperature Control for Safety (TCS); farmers market vendor selling/serving Time/Temperature Control for Safety (TCS) food; Wholesalers/distributors Time/Temperature Control for Safety (TCS) food - \$300
- (12) Class 4: Temporary licenses see Sec. 46-363(e). - Temporary Food Service License Fees - \$75
 - a. Additional \$25 expedite fee for applications received less than 7 days prior to the event.
- (13) Class 5: Public schools; private and parochial schools; not for profit organizations not holding a liquor license; governmental facilities that operate more than 4 times in a 28-day period – No Fee
- (14) Class 6: Sellers of prepackaged frozen USDA meat or poultry; retail markets selling only non-Time/Temperature Control for Safety (TCS) prepackaged items; non-exempt homestead kitchens; arena/theater concessions selling/serving non- Time/Temperature Control for Safety (TCS) food - \$200

Late Fine

- (1) License Renewal Applications received after the 10th day of the month following license date of expiration - \$75

Sec. 46-369 - Inspections.

The cost of reinspection shall be:

- (1) Reinspection fee for failed routine inspection - Classes 1A, 1, and 2 - \$200
- (2) Reinspection fee for failed routine inspection - Class 3 - \$100
- (3) Reinspection fee for failed routine inspection – Class 6 - \$50

Sec. 46-370 - Approval of plans; fees.

Fees for the mandatory food-service plan review and associated inspection(s) are established in accordance with the following schedule:

- a. Major remodeling of existing establishment: \$100
- b. Remodeling of existing establishments limited to equipment change and minor structural modifications: \$50
- c. Floor Plan review for a food establishment changing ownership- \$75
- d. Class 1A new food service establishment - \$200
- e. Class 1 or 2 new food service establishment - \$150
- f. Class 3, 4, 5, or 6 new food service establishment - \$100.

Jay V. Kahn, Mayor

In City Council August 6, 2026.
Referred to the Planning, Licenses
and Development Committee.



Assistant Clerk