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Filed: 01-04-22

Sponsored by: Ollis

First Reading: _____

Second Reading: _____

COUNCIL BILL 2022-006

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 58, "Health and Sanitation", Article II
2 "Food and Food Establishments", Division 2, "Restaurants", Section 53
3 "Permit required; fees, suspension or revocation" to define a process by
4 which City of Springfield food establishment permit holders with
5 permanently discontinuing businesses may apply for a refund of the
6 unused portion of their permit upon application approval by the Director
7 of Public Health.
8
9

10 WHEREAS, Springfield City Code; Section 58-53 does not provide a method by
11 which food establishment permit holders with permanently discontinuing businesses may
12 apply for a refund of any unused portions of the fee associated with their food permit, and
13 permit holders are only able to apply annually for a pro-rated fee if they anticipate
14 discontinuing their business at a specific time during the year; and
15

16 WHEREAS, the proposed change to City Code Section 58-53 would retain the ability
17 for food establishment permit holders to apply for a prorated amount, while also giving the
18 ability to apply, within 60 days, for a refund with sufficient documentation evidencing the
19 permanent discontinuation of the business; and
20

21 WHEREAS, the proposed change to City Code Section 58-53 would help food
22 establishments negatively impacted by the effects of the COVID-19 pandemic by permitting
23 a one-time 60-day period for retroactive refund requests.
24

25 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
26 SPRINGFIELD, MISSOURI, as follows, that:
27

28 Section 1 – Springfield City Code, Chapter 58, "Health and Sanitation", Article II
29 "Food and Food Establishments", Division 2, "Restaurants", Section 53 "Permit required;
30 fees, suspension or revocation," Subsection (c) is hereby amended as set forth below.
31

32 (Note: Language to be added is underlined and language being removed is ~~stricken~~.)
33 (c) Permit fees shall be as established by ordinance from time to time.
34 All permits shall be for one year, beginning on January 1 and ending
35 December 31, with the exception of temporary food establishment
36 permits and mobile food permits or unless otherwise provided for by

37 ordinance and shall be renewed thereafter annually only by payment of
38 the proper fee. New businesses or permanently discontinued ~~ing~~
39 businesses making timely application for a permit after the beginning of
40 a current permit year shall pay a prorated monthly rate, which includes
41 the month of application, for the remainder of the permit year.
42 Permanently discontinuing businesses may apply, with sufficient
43 documentation evidencing permanent closure, for a prorated refund of
44 permit fees with timely application within 60 days of business cessation.
45

46 Section 2 – City Council hereby directs that there be a one-time 60-day period, from
47 the date of this Ordinance’s passage, for retroactive refund requests to account for the
48 impact of the COVID-19 pandemic. As such, City of Springfield food establishment permit
49 holders with businesses that permanently discontinued during 2020 or 2021 may apply, with
50 sufficient documentation evidencing permanent closure, to the Director of Public Health for
51 a pro-rated refund for the unused portions of the fee associated with their food permit.
52

53 Section 3 – Savings Clause. Nothing in this Ordinance shall be construed to affect
54 any suit or proceeding now pending in any court or any rights acquired or liability nor any
55 cause or causes of action occurred or existing, under any act or ordinance repealed hereby.
56 Nor shall any right or remedy of any character be lost, impaired, or affected by this
57 Ordinance.
58

59 Section 4 – Severability Clause. If any section, subsection, sentence, clause, or
60 phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect
61 the validity of the remaining portions of this Ordinance. City Council hereby declares that it
62 would have adopted the ordinance and each section, subsection, sentence, clause, or
63 phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence,
64 clause, or phrase be declared invalid.
65

66 Section 5 – This Ordinance shall be in full force and effect from and after passage.
67

68 Passed at meeting: _____
69

70 _____
71 Mayor

72 Attest: _____, City Clerk
73

74 Filed as Ordinance: _____
75

76 Approved as to form: , Assistant City Attorney
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78 Approved for Council action: , City Manager
79
80
81

EXPLANATION TO COUNCIL BILL 2022-006

FILED: 01-04-22

ORIGINATING DEPARTMENT: Springfield-Greene County Health Department

PURPOSE: The intent of the revision of this ordinance is to define a process by which City of Springfield food establishment permit holders with permanently discontinuing businesses may apply for a refund of the unused portion of their permit upon application approval by the Director of Public Health.

BACKGROUND INFORMATION: Springfield City Code, Chapter 58, "Health and Sanitation", Article II "Food and Food Establishments", Division 2, "Restaurants", Section 53 "Permit required; fees, suspension or revocation" does not currently provide a method by which City of Springfield food establishment permit holders with permanently discontinuing businesses may apply for a refund of any unused portions of the fee associated with their food permit. Instead, permit holders are only able to apply annually for a pro-rated fee if they anticipate discontinuing their business at a specific time during the year. The proposed amendment to Springfield City Code Section 58-53 would retain the ability for food establishment permit holders to apply for a prorated amount, while also giving the ability to apply, within 60 days, for a refund with sufficient documentation evidencing the permanent discontinuation of the business.

The impact to the budget is incalculable as it is a direct relation to the number of food establishments that cease operations within a calendar year. It is anticipated that there will be a negative impact to the budget for those previously permitted food establishments that apply for a refund of 2020-2021 permit fees during a one-time 60-day period for retroactive refund requests to account for the impact of the COVID-19 pandemic.

REMARKS: The Springfield-Greene County Health Department recommends approval of this Council bill to revise the current ordinance to include a method of refund for unused food establishment permit fees.

Submitted by:



Katie Towns,
Director of Health

Approved by:



Jason Gage,
City Manager