



AGENDA ITEMS #: 20-20  
COUNCIL MTG OF: March 3, 2020  
FROM: David Caron, Town Administrator  
OFFERED BY: Town of Derry Public Health Dept.  
PREPARED BY: Courtney J Provencher, HO  
SUBJECT: Amendments to Chapter 55. Food Service Establishments

STAFF REPORT  
*Public Hearing 3-24-20*

**PURPOSE:** To adopt minor changes to Health Ordinance Chapter 55 which will provide a more user-friendly classification schedule, increase certain license fees and add a Dog Friendly Dining Variance.

**TOWN ADMINISTRATOR COMMENTS:** The Council is encouraged to schedule a public hearing for March 24 and thereafter support the recommended changes.

**BACKGROUND:** The Town adopted Chapter 55. Food Service Establishments, in 1982, which, for the most part, adopted by reference the State of NH Chapter He-P 2300 Sanitary Production and Distribution of Food. The last adoption by Town Council occurred June 2014, effective July 2014.

**DISCUSSION:** The Public Health Department seeks to propose the following amendments to Chapter 55. Food Service Establishments (see attached addendum):

1. Update the classification system to be more business, user-friendly on current food service application.
2. Increase specified fees to be more in line with State of NH fees; as well as other comparable, surrounding self-inspecting communities to generate revenue.
3. Add a Dog Friendly Outdoor Dining Variance to the Town. This business-friendly initiative will help promote the Town of Derry, sending a message to residents and visitors alike that all are welcome and encouraged to visit and enjoy everything that the Town has to offer.
4. He-P 2312 shall be deleted in Section 55-1 (B). Part He-P 2312 of the NH State Food codes [Chapter He-P 2300 Sanitary Production and Distribution of Food] was repealed in June 2015, and readopted and renumbered as "Poultry Producers and Rabbit Producers selling Poultry and Rabbits to Restaurants Licensed under RSA 143-A. The former code is now obsolete.

**FISCAL IMPACT:** FY20-21 license fee renewals are anticipated to earn \$3,575.00 with increases ranging from \$15 - \$35 for Type 3-5 licenses. Dog variance impact is minimal; two businesses @ \$100.00 each = \$200.00.

**RECOMMENDATIONS:** The Health Department recommends reclassifying the food service application schedule to make more user-friendly. Also, it was prudent at this time to evaluate the competitiveness of Derry's fees relative to the state fees and surrounding municipalities. Based on these comparisons, and time of inspections, the department recommends an increase to Type 3, Type 4 and Type 5 licenses only. All of Derry fees remain below the State, and at par or less than those nearby "self-inspecting" communities. Lastly, a Dog Friendly dining variance, to add as a business-friendly option to permit holders, and attract potential new businesses, as only two other communities in NH have this variance. It will promote the Town of Derry, sending a message to residents and visitors alike that all are welcome and encouraged to visit and enjoy everything that the Town has to offer.

**RECOMMENDED MOTION:** I move that the Town of Derry amend Chapter 55 of the Code of Derry in its entirety, as presented. Please see Ordinance #2020-003.