

ORDINANCE NO. H-5-2011

AN ORDINANCE amending Article I, Appendix A, Section II, and Article II, Sections 4 and 5 of the Sanitary Code for Thurston County.

WHEREAS, the Board of Health adopts the following findings:

1. The Thurston County Board of Health (Board) is authorized pursuant to RCW 70.05.060(7) to establish fees for permits and services, provided the fees do not exceed the actual cost of providing the services.
2. The risk of foodborne illness and the time required to inspect and permit food establishments increase with the complexity of the menu, food preparation techniques, and the size of food establishment facility, indicative of the volume of food handled.
3. The proposed risk-based categories for food establishments and their fees, from minimal risk to high risk, better reflect the time required and cost to provide services to food establishments than the current fees.
4. The Board desires to revise the food establishment permit fees to adopt fee categories more reflective of cost to the County of inspecting and permitting food establishments.

NOW, THEREFORE, THE THURSTON COUNTY BOARD OF HEALTH  
HEREBY ORDAINS AS FOLLOWS:

Section 1. Article I, Appendix A, Section II of the Sanitary Code for Thurston County amended to read as set forth in Attachment 1, attached hereto and incorporated herein by reference.

Section 2. Article II, Section 4 of the Sanitary Code for Thurston County amended to read as follows:

**SECTION 4 DEFINITIONS.** For the purposes of this Article, the following definitions shall apply:

4.1 **Blue Demerit Items.** Those items identified as blue items on the current food establishment inspection form published by the Washington State Department of Health.

4.2 **Certified Establishment.** Any food establishment employing a certified manager who has supervisory responsibilities and meeting the Management Certification Program requirements of this article.

**4.3 Certified Food Manager.** A person who holds a current food manager card issued by the health officer.

~~4.4 **Confectionery.** Any food establishment where only processed, non-potentially hazardous foods are served or packaged, and intended for individual portion service. This term shall include ice cream parlors, which are not involved in the preparation or service of any potentially hazardous foods other than ice cream.~~

~~4.5 **Grocery Store.** A food establishment in which food is stored and sold but not processed or prepared.~~

4.4 **High Risk.** A menu, food preparation or food handling processes presenting high potential risk for foodborne illness, such as cooling and other complex cooking steps.

4.5 **Low Risk.** A menu, food preparation or food handling processes presenting low risk for foodborne illness, including food storage, cold holding, raw protein handling, and limited food preparation.

4.6 **Medium Risk.** A menu, food preparation or food handling processes presenting medium risk for foodborne illness, including cooking that does not involve cooling or reheating of ingredients or leftover food.

4.7 **Minimal Risk.** A menu, food preparation or food handling processes presenting minimal risk for foodborne illness, restricted to food storage, cold holding, and very limited preparation of non-potentially hazardous food

4.68 **Red Demerit Items.** Those items identified as red items on the current food establishment inspection form published by the Washington State Department of Health.

4.79 **Remodel.** Construction in a food establishment requiring a building permit or plumbing permit, except for signs and fences.

Section 3. Article II, Section 5 of the Sanitary Code for Thurston County amended to read as follows:

## **SECTION 5 FOOD ESTABLISHMENT PERMITS.**

**5.1 Permit Required.** No person shall operate a food establishment without a valid food establishment permit issued by the health officer. Only a person who complies with the requirements of this Article shall be entitled to receive or retain such a permit.

## 5.2 Issuance of Permit.

- (a) Any person desiring to operate a food establishment shall submit a completed application for a permit on forms provided by the health officer. The following shall be provided:
  - (i) The information listed in 8-201.12 of the *Food Code*;
  - (ii) The information listed in 8-301.14 of the *Food Code*;
  - (iii) The dates of operation, if the application is for a temporary food establishment;
  - (iv) The applicable fee set forth in Article I based on the risk category and area of the food establishment facility determined by the health officer; and
  - (v) Any other information that the health officer deems necessary for the proper review of the proposed construction, conversion, modification or procedures for operating a food establishment.
- ~~(b)~~ The health officer shall determine the risk category of each food establishment based on the potential risk of foodborne illness associated with the menu, food handling, and food preparation processes, in accordance with policies adopted by the health officer. The risk categories shall be: minimal risk, low risk, medium risk, and high risk.
- ~~(b)(c)~~ A permit shall be issued by the health officer when the application and an inspection of the food establishment demonstrates compliance with the provisions of this Article. A permit shall be issued for each calendar year, or part thereof, and shall expire on the date indicated on the permit. Permit fees shall be charged as specified in Article I.
- ~~(e)(d)~~ The operator of a food establishment may purchase either a yearly permit or a six-month permit. For a six-month permit, the fee will be 50% of the annual permit fee, plus an administrative fee will be added to second six-month permit fee.
- ~~(d)(e)~~ Food establishments must have a valid permit at all times. A late fee will be charged to renew food service establishment permits that are allowed to expire. Establishments which open without a valid permit or continue operations 15 or more days with an expired permit shall be ordered CLOSED by the health officer until such time as a permit is applied for and obtained. A reinspection fee will

be charged in addition to the permit renewal fee for food establishments that are ordered CLOSED.

~~(e)~~(f) Permits obtained during the year will be prorated on a quarterly basis, but not below a minimum fee as per Article I.

~~(f)~~(g) A food establishment permit will not be issued or renewed for an establishment that owes fees to the Department.

### 5.3 Permit Transfer.

- (a) A permit transfer is required to transfer a food establishment permit from one permit holder to another or whenever the name of an establishment is changed. In order to qualify for a permit transfer, the current holder of the permit must submit written authorization for the transfer. A certified food establishment permit shall only be transferred to another food establishment if it employs a certified food manager who possesses a certified food manager card. A permit transfer will only be approved if the establishment meets all requirements of this Article.
- (b) Permit transfers will not be allowed for a change from one type of operation to another or to change operations from one food establishment to another. To change from one type of operation to another, the plan review process set forth in section 8-2 of the *Food Code* shall be followed. To change a food operation from one food establishment to another, the permit application process set forth in section 5.2 of this article shall be followed to obtain a permit.

5.4 **Temporary Food Establishment Permit.** Temporary food establishments are required to obtain a temporary food establishment permit. Permit fees shall be charged on all temporary establishments, whether operated by a profit or nonprofit organization, except for catering operations that are permitted under section 5.5, below.

5.5 **Permits for Catering Operations.** Any catering operation serving food within Thurston County must obtain either a food establishment permit or a temporary permit from the health officer. All foods must be prepared in an approved food establishment and facilities must be available to transport and hold the foods at all times at required temperatures. Temporary food establishments that are operated by a licensed caterer shall submit an abbreviated application form provided by the health officer.

5.6 **Probation.** A food establishment permit may be placed on probation for a specified period of time by the hearing officer or board of health as a result of an administrative hearing conducted in accordance with Article I. During the probation period, the food establishment is required to comply with specific conditions and

requirements established in the administrative hearing decision in order to retain the food establishment permit.

Section 4. This ordinance shall take effect immediately upon adoption.

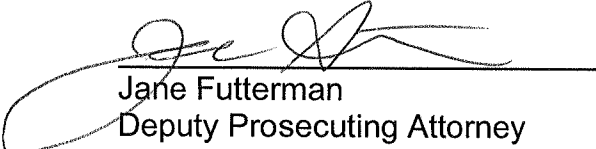
Section 5. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, in whole or in part, for any reason, the remainder of this ordinance or the application of the provision to other persons or circumstances shall not be affected.

ADOPTED: November 8, 2011


ATTEST:


  
Clerk of the Board

APPROVED AS TO FORM:  
JON TUNHEIM  
PROSECUTING ATTORNEY

  
Jane Futterman  
Deputy Prosecuting Attorney

BOARD OF HEALTH  
Thurston County, Washington

  
Cathy Wolfe, Chair

  
Sandra Romero, Vice-chair

  
Karen Valenzuela, Commissioner

	A.	<b><u>Food Establishment Permits</u></b>			
		<b><u>Annual Permit Fees, Risk-Based Categories</u></b>			
		1- <del>Food Service Establishment</del>	\$360.00	/1000 sq ft or part-	
		- <del>[restaurant, deli and similar facilities]</del>	max	\$1,300.00	
		1. <u>Minimal Risk</u>			
		Facilities from 0-3000 square feet in area	\$125.00		
		Facilities greater than 3000 square feet in area	\$340.00		
		2- <del>Food Service Establishment</del>	\$200.00	/1000 sq ft or part-	
		<del>[restricted menu-hot dogs only]</del>	max	\$500.00	
		2. <u>Low Risk</u>			
		Facilities from 0-3000 square feet in area	\$250.00		
		Facilities greater than 3000 square feet in area	\$595.00		
		3- <del>Bakery</del>	\$240.00	/1000 sq ft or part-	
			max	\$645.00	
		3. <u>Medium Risk</u>			
		Facilities from 0-1000 square feet in area	\$360.00		
		Facilities from 1001-2000 square feet in area	\$680.00		
		Facilities from 2001-3000 square feet in area	\$1,020.00		
		Facilities greater than 3000 square feet in area	\$1,300.00		
		4- <u>Meat Market</u>	\$240.00	/1000 sq ft or part-	
			max	\$645.00	
		4. <u>High Risk</u>			
		Facilities from 0-1000 square feet in area	\$425.00		
		Facilities from 1001-2000 square feet in area	\$765.00		
		Facilities from 2001-3000 square feet in area	\$1,190.00		
		Facilities greater than 3000 square feet in area	\$1,445.00		
		5- <u>Mobile Unit Nonrestricted Menu</u>	\$360.00	/1000 sq ft or part-	
			max	\$1,300.00	
		6- <u>Mobile Unit Restricted Menu</u>	\$90.00		
		7- <u>Espresso</u>	\$240.00		
		8-5. <u>Certified Establishment</u>	75%	of fee	

		<del>9-6.</del>	Certified Manager's Card	\$20.00	
		<del>10-7.</del>	Reinspections Resulting From Excess Demerit Points or Administrative Hearing		
			a. First Reinspection	\$200.00	
			b. Second Reinspection in Calendar Year	\$250.00	
			c. All Additional	\$170.00	
		<del>11-8.</del>	Minimum Prorated Fee Per Art. II	no less than 25% of fee	
		<del>12.</del>	<del>Bed and Breakfast</del>	\$90.00	
		<del>13-9.</del>	Administrative Fee For Six-Month Permit	\$15.00	Added to Permit Fee
	B.	<del>1.</del>	<del>Catering Service Only</del>	\$360.00 max \$1,300.00	/1000 sq ft or part
	B.	2	Catering Service <del>With Food Processor</del> added to Medium or High Risk Permit	<del>\$85.00</del> \$125.00	
	C.	-	<del>Tavern (non-food processor)</del>	\$105.00 max \$385.00	/1000 sq ft or part
	D.		<del>Grocery Stores and Confectioneries</del>	\$85.00 max \$400.00	/1000 sq ft or part
			<b>Temporary Food Service Permit</b>		
	E.C.	1.	Temporary Food Service (establishments serving potentially hazardous foods, not to exceed 21 days) [additional review fees may apply if water or sewage evaluations are needed (charged at an hourly rate, see L.J.)]		
			a. Permit Valid 1 - 3 Days	\$115.00	
			b. Permit Valid 4 - 21 Days	\$240.00	
			c. Multiple Event Temporary Food Service Permit	\$345.00	
			d. Licensed caterer app. received at least 7 days prior to event	No Fee	

		2.	Temporary Food Service Late Fee		
			a. Application received between 13 and 7 days before event . .	\$30.00	
			b. Application received less than 7 days before event . . . . .	\$60.00	
			c. Investigation Fee+	\$115.00	
<u>F.D.</u>		1.	Temporary Food Service (serving nonpotentially hazardous foods)	\$55.00	
		2.	Bake Sales (nonpotentially hazardous foods)	No Fee	
<u>G.E.</u>			Permit Transfer	\$45.00	
<u>H.F.</u>			Late Fee for Permit Fees		
		1.	Permit fees received between 1-15 days after permit expiration date	\$85.00	
		2.	Reinspection to Re-Open	\$250.00	
<u>I.G.</u>		1--	Plan Review Fee for New Construction or Major Remodel (includes pre-opening inspection) [unused review fees will be credited towards future permit fees]	\$255.00	+\$170/hr after 1.5 hrs
			Plan Review Fee	\$170.00	+\$170/hr after 1 hr
		2--	All Other Plan Reviews (variance requests, HACCP review)	\$170.00	+\$170/hr after 1 hr
<u>J.H.</u>		1.	Food and Beverage Service Worker's Permit [fee set by State Board of Health]	\$10.00	
		2.	Permit Replacement Fee	\$5.00	
<u>K.I.</u>			Administrative Hearing Resulting From Excess Demerit Points	\$340.00	
<u>L.J.</u>			Special Requests not Otherwise Covered by this Fee Schedule	\$170.00	/hr