



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

March 17, 2017

R&R BOH17-02

Proposed No. BOH17-02.1

Sponsors

A RULE AND REGULATION relating to farmers
market and temporary food establishment permits and
fees; amending R&R 91, Section 1 (part), as amended,
and BOH 2.10.020, R&R 05-05, Sections 15, 21, 35, 36,
37, 38, 39 and 40, as amended, and BOH 2.10.040, R&R
15-04, Section 3, and BOH 5.04.025, R&R 09-05,
Section 5, as amended, and BOH 5.04.035, R&R 11-05,
Section 3, as amended, and BOH 5.42.015, R&R 05-06,
Section 35, as amended, and BOH 5.64.010 and repealing
R&R 09-05, Section 6, as amended, and BOH 5.04.036;
enacted pursuant to RCW 70.05.060, including the latest
amendments or revisions thereto.

BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

SECTION 1. R&R 91, Section 1 (part), as amended, and BOH 2.10.020 are each
hereby amended to read as follows:

Permit fee schedule.

Permit Fee Schedule.

The owner or operator of a food establishment subject to the permit requirement
of WAC 246-215-08300 or 2009 FDA Food Code Paragraph 8-301.11 shall pay to the

health officer a food establishment permit fee as set forth in Table 1, based on the establishment type and the risk or tier category for the establishment. Where more than one type of food establishment exists within or as part of another food establishment (for example, a bakery within a grocery store or a deli within a meat market), the owner or operator shall pay the permit fee for each applicable food establishment type; except that the owner or operator of a grocery store with no more than two checkout stands, a general food establishment with no more than two checkout stands and no more than twelve seats for customers for on-site consumption of food or a meat/fish market with no more than two checkout stands shall pay only the highest applicable risk category permit fee without being required to obtain a separate permit for each type of food handling activity at the establishment. For purposes of this section, "highest applicable risk category permit fee" means the fee corresponding to the highest risk category of food handling activity at the establishment.

TABLE 1**Food Establishment Categories and Permit Fees**

Type of Food Establishment	Applicable Fee¹
General Food Service²	
Seating Capacity 0 - 250 Risk 1	\$380.00
Seating Capacity 0 - 12 Risk 2	\$576.00
Seating Capacity 0 - 12 Risk 3	\$819.00
Seating Capacity 13 - 50 Risk 2	\$615.00
Seating Capacity 13 - 50 Risk 3	\$868.00
Seating Capacity 51 - 150 Risk 2	\$615.00

43	Seating Capacity 51 - 150 Risk 3	\$947.00
44	Seating Capacity 151 - 250 Risk 2	\$753.00
45	Seating Capacity 151 - 250 Risk 3	\$1,049.00
46	Seating Capacity over 250 Risk 1	\$390.00
47	Seating Capacity over 250 Risk 2	\$822.00
48	Seating Capacity over 250 Risk 3	\$1,158.00
49	Limited Food Service	\$380.00
50	Bakery - No customer seating³	
51	Risk 1	\$452.00
52	Risk 2	\$540.00
53	Risk 3	\$795.00
54	Bed and Breakfast Operation	\$379.00
55	Grocery Store - No customer seating³	
56	Risk 1	\$371.00
57	Risk 2	\$687.00
58	Catering operation	
59	Risk 1	\$493.00
60	Risk 2	\$640.00
61	Risk 3	\$795.00
62	Meat/Fish Market	\$827.00
63	Vending Machine	\$350.00
64	Mobile Food Unit and Commissary	
65	Risk 1	\$519.00

66	Risk 2		\$830.00
67	Risk 3		\$1,070.00
68	Nonprofit Institution		
69	Risk 1		\$380.00
70	Risk 2		\$576.00
71	Risk 3		\$819.00
72	School Lunch Program⁴		
73	Seasonal Food Establishment⁵		
74	Operating for more than ten and up to twelve	One hundred percent of	
75	months	the applicable annual	
76		permit fee	
77	Operating for more than seven and up to ten	Seventy-five percent of	
78	months	the applicable annual	
79		permit fee	
80	Operating for more than four and up to seven months	Fifty percent of	
81		the applicable annual	
82		permit fee	
83	Operating for four or fewer months	Twenty-five percent of	
84		the applicable annual	
85		permit fee	
86	Temporary Food Establishment (((other than		
87	farmers market or farmers market temporary		
88	food establishments))) ^{6, 7}		

89	Minimal food handling	
90	Single event permit	\$120.00
91	Unlimited event permit - unlimited number of events	
92	per calendar year	\$236.00
93	Moderate food handling	
94	Single event permit	\$290.00
95	Multiple event permit - up to 5 events per calendar year	\$640.00
96	Unlimited event permit - unlimited number of events	
97	per calendar year	\$750.00
98	Complex food handling	
99	Single event permit	\$350.00
100	Multiple event permit - up to 5 events per calendar year	\$700.00
101	Unlimited event permit - unlimited number of events	
102	per calendar year	\$850.00
103	Farmers Market	
104	Tier 1 - 0 to 5 permitted ((farmers-market)) temporary	
105	food establishments	\$780.00
106	Tier 2 - 6 to 15 permitted ((farmers-market)) temporary	
107	food establishments	\$960.00
108	Tier 3 - 16 or more permitted ((farmers-market)) temporary	
109	food establishments	\$1,200.00
110	((Farmers Market Temporary Food Establishment ^{6, 7}	
111	Minimal food handling	

112	Single event permit	\$120.00
113	Unlimited event permit—unlimited number of events	
114	per calendar year	\$236.00
115	Moderate food handling	
116	Single event permit	\$290.00
117	Multiple event permit—up to 5 events	
118	per calendar year	\$640.00
119	Unlimited event permit—unlimited number of events	
120	per calendar year	\$750.00
121	Complex food handling	
122	Single event permit	\$350.00
123	Multiple event permit—up to 5 events	
124	per calendar year	\$700.00
125	Unlimited event permit—unlimited number of events	
126	per calendar year	\$850.00))
127	Certified booth operator⁶⁽⁽⁵⁻⁷⁾⁾	\$95.00
128	Temporary event blanket permit^{((8)) 7}	\$215.00 per hour
129		for all local health officer
130		services, including but
131		not limited to plan review
132		and inspections.
133	Footnotes to Table 1:	

134 1. All food establishment permit fees set forth in this table are annual fees,
135 except those for temporary food establishments (~~((including temporary nonprofit~~
136 ~~institution food establishments)))~~ and seasonal food establishments. An applicant for an
137 annual food establishment permit who submits the application after September 30 shall
138 pay one-half the applicable annual permit fee for the remainder of the permit year.

139 2. General food service includes a grocery store or bakery offering seating for
140 on-site consumption of food.

141 3. A bakery or grocery store offering seating for on-site consumption of food
142 shall be classified as a general food service establishment.

143 4. A school kitchen not qualifying as a school lunch program shall be classified
144 as a nonprofit institution.

145 5. The applicant for a seasonal food establishment permit shall pay an annual
146 permit fee prorated to a quarterly schedule specified in Table 1.

147 6. To ~~((obtain or))~~ maintain a multiple or unlimited event permit packet for
148 moderate or complex food handling, the owner or operator of a temporary food
149 establishment ~~((or farmers market temporary food establishment))~~ must~~((:~~

150 a. ~~not less than fourteen days before commencing operation at each event,~~
151 ~~notify the health officer of the event date, location and time of operation; and~~

152 b. ~~maintain the presence of a certified booth operator on site while operating at~~
153 ~~each event))~~ maintain a certified booth operator for the establishment.

154 7. ~~((To obtain or maintain an unlimited event permit, the owner or operator of a~~
155 ~~temporary food establishment or farmers market temporary food establishment must:~~

~~b. not less than fourteen days before commencing operation at each event,
notify the health officer of the event date, location and time of operation; and~~

8:)) As an alternative to requiring a separate temporary food establishment permit for each participating establishment at a single event or celebration, such as a fair or festival, the health officer may issue a temporary event blanket permit to the event coordinator or other person, who shall be responsible for ensuring compliance with the applicable requirements of BOH ((t))Title 5 by all participating temporary food establishments at the event. The temporary event blanket permit application and a nonrefundable deposit in the amount of \$215.00 must be submitted to the health officer at least ((30)) thirty days before the event. For the purposes of this section, "person" means any individual, corporation, company, association, society, firm, partnership, joint stock company or governmental agency, or the authorized agent of any of these entities.

Plan review fees.

8

The owner or operator of a food establishment shall pay to the health officer plan review fees for reviewing plans and specifications, conducting preoperational inspections and providing consultation, as follows:

- | | |
|--|----------------------------|
| A. New construction | \$860.00 base fee plus |
| | \$215.00 per hour for each |
| | hour after four hours |
| B. Remodel | \$645.00 base fee plus |
| | \$215.00 per hour for each |
| | hour after three hours |
| C. Two or more plan reviews for one facility | \$645.00 base fee plus |
| | \$215.00 per hour for each |
| | hour after three hours |
| D. Plan resubmittal | \$215.00 per hour |
| E. Subsequent preoccupancies, on-site | \$430.00 base fee plus |
| inspection before plan submittal, or | \$215.00 per hour for each |
| on-site inspection when no plan review | hour after two hours |
| F. Plan review for new farmers market | \$402.00 per review |
| ((or recurring event food establishment)) | |
| G. Change to mobile or limited food service | \$430.00 base fee plus |
| | \$215.00 per hour for each |
| | hour after two hours |

SECTION 3. R&R 15-04, Section 3, and BOH 5.04.025 are each hereby amended to read as follows:

200 **Certified booth operator.** WAC 246-215-01115 is supplemented with the
201 following:

202 Certified booth operator (WAC 246-215-01115(12.1)).

203 "Certified booth operator" means an individual who has successfully completed
204 ((a)) an approved certified booth operator course ((~~administered by the health officer~~))
205 and holds a current, valid certificate of course completion ((~~issued by the health officer~~)).

206 SECTION 4. R&R 09-05, Section 5, as amended, and BOH 5.04.035 are each
207 hereby amended to read as follows:

208 **Farmers market coordinator.** WAC 246-215-01115 is supplemented with the
209 following:

210 "Farmers market coordinator" means an individual authorized by the health
211 officer to be responsible for the operation of the farmers market in conformance to the
212 requirements of this title and the lawful orders of the health officer, including providing
213 the common facilities for and monitoring the ((~~farmers market temporary~~)) participating
214 food establishments.

215 SECTION 5. R&R 11-05, Section 3, as amended, and BOH 5.42.015 are each
216 hereby amended to read as follows:

217 **Farmers markets.** WAC 246-215-09200 is supplemented ((~~as follows~~)) with the
218 following:

219 Farmers markets (WAC 246-215-09200(4)).

220 (a) The health officer shall designate each farmers market as tier 1, tier 2 or tier
221 3 based on the number of permitted ((~~farmers market~~)) temporary food establishments
222 participating at the farmers market and the standards of this ((~~section~~)) this.

(b) Any farmers market where all participating food establishments are exempt from the food establishment permit requirement under WAC 246-215-08305 shall be designated as tier 1.

(c) A farmers market coordinator shall be responsible for the operation of the farmers market in conformance with the requirements of this title and the lawful orders of the health officer, including providing the common facilities for and monitoring the participating food establishments and vendors. The farmers market coordinator shall pay the applicable farmers market permit fee as set forth in BOH chapter 2.10.

(d) The Seattle-King County department of public health shall report to the board of health on the number of farmers markets in each tier, the frequency and severity of food code violations at farmers markets, and identification of any noteworthy changes from the preceding calendar year. The department shall provide a written report by March 31 each year in electronic format to the board of health administrator who will distribute the report to all board of health members.

SECTION 6. R&R 05-06, Section 35, as amended, and BOH 5.64.010 are each hereby amended to read as follows:

Food establishment risk categories. Except for temporary food establishments ~~((and farmers market temporary food establishments))~~, every new and renewal application for a food establishment permit shall be subject to a risk assessment by the health officer. The health officer shall designate each food establishment as low risk, medium risk, or high risk (risk category 1, 2 or 3) based on the types of food dispensed, food preparation steps and types of food processing or packaging performed at the

245 establishment. In determining the most-appropriate risk category for each establishment,
246 the health officer shall apply the following standards:

247 A. Low Risk - Risk Category 1. Any food establishment performing only cold
248 holding or limited food preparation, with no further preparation, shall be designated a low
249 risk or risk category 1 establishment. The following shall also be designated as a low risk
250 or risk category 1 establishment:

251 1. Any establishment serving ready to eat, pre-packaged potentially hazardous
252 food or prepackaged frozen foods;

253 2. Any establishment serving espresso or blended drinks, with no other food
254 preparation;

255 3. Any establishment heating and serving individually, commercially-prepared
256 and prepackaged ready to eat foods for immediate service;

257 4. Any mobile food establishment serving only espresso or hot dogs or both,
258 with no other food preparation; and

259 5. Any bed and breakfast operation.

260 B. Medium Risk - Risk Category 2. Any food establishment performing only
261 cold holding or food preparation, and which does not otherwise qualify as a high risk or
262 risk category 3 establishment, shall be designated as a medium risk or risk category 2
263 establishment. The following shall also be designated as a medium risk or risk category 2
264 establishment:

265 1. Any establishment baking bread or pastries, frying donuts, or grilling
266 sandwiches or toast for immediate service, with no hot-holding of food;

267 2. Any school or institution satellite operation performing food service limited
268 to reheating or hot holding of prepared foods, with no on-site cooking; and

269 3. Any grocery store or market selling pre-packaged raw meat or fish products.

270 C. High Risk - Risk Category 3. The following shall be designated as a high risk
271 or risk category 3 establishment:

272 1. Any establishment cooking and either cooling, reheating, hot holding, or
273 holding other than cold holding of food;

274 2. Any meat or fish market selling meat or fish other than pre-packaged raw
275 product;

276 3. Any establishment where food preparation includes cutting or processing of
277 raw meat or fish products;

278 4. Any establishment with an approved HACCP plan; and

279 5. Any establishment using time as a public health control.

280 D. Temporary food establishments (~~((and farmers market temporary food~~
281 ~~establishments))~~) shall be designated as engaged in either minimal food handling,
282 moderate food handling or complex food handling as follows:

283 1. Minimal food handling: a temporary food establishment (~~((or farmers market~~
284 ~~temporary food establishment))~~) serving only packaged potentially hazardous food made
285 in a permitted facility, and performing no handling of unpackaged food;

286 2 Moderate food handling: a temporary food establishment (~~((or farmers market~~
287 ~~temporary food establishment))~~):

288 a. serving samples of potentially hazardous foods;

289 b. ~~((reheating and))~~ serving ~~((of))~~ foods made in a facility permitted by the
290 Washington state Department of Agriculture or United States Department of Agriculture;

291 c. hot holding and serving of foods; or

292 d. preparing and serving any foods not qualifying as complex food handling
293 under this section; and

294 3. Complex food handling: a temporary food establishment ~~((or farmers market~~
295 ~~temporary food establishment))~~:

296 a. serving raw animal products;

297 b. serving food cooked from raw animal products; or

298 c. serving potentially hazardous food that has been cooked and cooled before
299 serving.

300 SECTION 7. R&R 09-05, Section 6, as amended, and BOH 5.04.036 are each
301 hereby repealed.

302 SECTION 8. Severability. If any provision of this rule or its application to any

303 person or circumstance is held invalid, the remainder of the rule or the application of the
304 provision to other persons or circumstances is not affected.
305

R&R BOH17-02 was introduced on and passed by the Board of Health on 3/16/2017,
by the following vote:

Yes: 12 - Mr. Baker, Dr. Danielson, Mr. McDermott, Mr. Dembowski,
Dr. Daniell, Ms. Kohl-Welles, Ms. Gonzalez, Ms. Juarez and Ms.
Birney
No: 0
Excused: 3 - Ms. Lambert, Ms. Bagshaw and Ms. Wales

KING COUNTY BOARD OF HEALTH
KING COUNTY, WASHINGTON



Rod Dembowski, Chair

ATTEST:



Melani Pedroza, Acting Clerk of the Board

Attachments: None