



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 19, 2015

R&R BOH15-04

Proposed No. BOH15-04.1

Sponsors

1 A RULE AND REGULATION relating to farmers
2 market and temporary food establishment fees; amending
3 R&R 91, Section 1 (part), as amended, and BOH
4 2.10.020, R&R 05-05, Section 25, as amended, and BOH
5 2.10.080, R&R 09-05, Section 5, as amended, and BOH
6 5.04.035, R&R 09-05, Section 6, as amended, and BOH
7 5.04.036, R&R 11-05, Section 3, and BOH 5.42.015 and
8 R&R 05-06, Section 35, as amended, and BOH 5.64.010,
9 adding a new section to BOH chapter 5.04 and repealing
10 R&R 05-06, Section 11, as amended, and BOH 5.04.400
11 and R&R 09-05, Section 8, as amended, and BOH
12 5.04.405; enacted pursuant to RCW 70.05.060, including
13 the latest amendments or revisions thereto.

14 BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

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

17 **Permit fee schedule.**

18 **Permit Fee Schedule.**

The owner or operator of a food establishment subject to the permit requirement of WAC ((~~246-215-200~~)) 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

42	Seating Capacity 13 - 50 Risk 3	\$868.00
43	Seating Capacity 51 - 150 Risk 2	\$615.00
44	Seating Capacity 51 - 150 Risk 3	\$947.00
45	Seating Capacity 151 - 250 Risk 2	\$753.00
46	Seating Capacity 151 - 250 Risk 3	\$1,049.00
47	Seating Capacity over 250 Risk 1	\$390.00
48	Seating Capacity over 250 Risk 2	\$822.00
49	Seating Capacity over 250 Risk 3	\$1,158.00
50	Limited Food Service	\$380.00
51	Bakery - No customer seating³	
52	Risk 1	\$452.00
53	Risk 2	\$540.00
54	Risk 3	\$795.00
55	Bed and Breakfast Operation	\$379.00
56	Grocery Store - No customer seating³	
57	Risk 1	\$371.00
58	Risk 2	\$687.00
59	Catering operation	
60	Risk 1	\$493.00
61	Risk 2	\$640.00
62	Risk 3	\$795.00
63	Meat/Fish Market	\$827.00
64	Vending Machine	\$350.00

65 Mobile Food Unit and Commissary

66 Risk 1 \$519.00

67 Risk 2 \$830.00

68 Risk 3 \$1,070.00

69 Nonprofit Institution

70 Risk 1 \$380.00

71 Risk 2 \$576.00

72 Risk 3 \$819.00

73 **School Lunch Program⁴** \$578.00

74 Seasonal Food Establishment⁵

75 Operating for more than ten and up to twelve One hundred percent of
76 months the applicable annual
77 permit fee

78 Operating for more than seven and up to ten Seventy-five percent of
79 months the applicable annual
80 permit fee

81 Operating for more than four and up to seven months Fifty percent of
82 the applicable annual
83 permit fee

84 Operating for four or fewer months Twenty-five percent of
85 the applicable annual
86 permit fee

87 **Temporary Food Establishment (other than** ((~~\$281.00~~))

88	farmers market or ((recurring event limited temporary))	
89	<u>farmers market temporary food establishments)</u> ^{6,7}	
90	<u>Minimal food handling</u>	
91	<u>Single event permit</u>	<u>\$120.00</u>
92	<u>Unlimited event permit - unlimited number of events</u>	
93	<u>per calendar year</u>	<u>\$236.00</u>
94	<u>Moderate food handling</u>	
95	<u>Single event permit</u>	<u>\$290.00</u>
96	<u>Multiple event permit - up to 5 events per calendar year</u>	<u>\$640.00</u>
97	<u>Unlimited event permit - unlimited number of events</u>	
98	<u>per calendar year</u>	<u>\$750.00</u>
99	<u>Complex food handling</u>	
100	<u>Single event permit</u>	<u>\$350.00</u>
101	<u>Multiple event permit - up to 5 events per calendar year</u>	<u>\$700.00</u>
102	<u>Unlimited event permit - unlimited number of events</u>	
103	<u>per calendar year</u>	<u>\$850.00</u>
104	((Limited Temporary Food Establishment (other than	\$55.00
105	farmers market or recurring event limited temporary	
106	food establishments))	
107	Farmers Market	
108	Tier 1 - <u>0 to 5 permitted farmers market temporary</u>	
109	<u>food establishments</u>	<u>\$((0.00)) 780.00</u>
110	Tier 2 - <u>6 to 15 permitted farmers market temporary</u>	

111	<u>food establishments</u>	\$((302.00)) <u>960.00</u>
112	<u>Tier 3 - 16 or more permitted farmers market temporary</u>	
113	<u>food establishments</u>	\$((502.00)) <u>1,200.00</u>
114	Farmers Market Temporary Food Establishment^{6,7}	((\$281.00))
115	<u>Minimal food handling</u>	
116	<u>Single event permit</u>	<u>\$120.00</u>
117	<u>Unlimited event permit - unlimited number of events</u>	
118	<u>per calendar year</u>	<u>\$236.00</u>
119	<u>Moderate food handling</u>	
120	<u>Single event permit</u>	<u>\$290.00</u>
121	<u>Multiple event permit - up to 5 events</u>	
122	<u>per calendar year</u>	<u>\$640.00</u>
123	<u>Unlimited event permit - unlimited number of events</u>	
124	<u>per calendar year</u>	<u>\$750.00</u>
125	<u>Complex food handling</u>	
126	<u>Single event permit</u>	<u>\$350.00</u>
127	<u>Multiple event permit - up to 5 events</u>	
128	<u>per calendar year</u>	<u>\$700.00</u>
129	<u>Unlimited event permit - unlimited number of events</u>	
130	<u>per calendar year</u>	<u>\$850.00</u>
131	<u>Certified booth operator^{6,7}</u>	<u>\$95.00</u>
132	<u>Temporary event blanket permit⁸</u>	<u>\$215.00 per hour</u>
133		<u>for all local health officer</u>

134 services, including but
135 not limited to plan review
136 and inspections.
137 ~~((Farmers Market Limited Temporary Food Establishment — \$55.00~~
138 ~~Recurring Event — \$100.00~~
139 ~~Recurring Event Temporary Food Establishment — \$281.00~~
140 ~~Recurring Event Limited Temporary Food Establishment — \$55.00))~~

141 Footnotes to Table 1:

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

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

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

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

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

156 6. To obtain or maintain a multiple event permit, the owner or operator of a
157 temporary food establishment or farmers market temporary food establishment must:

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

160 b. maintain the presence of a certified booth operator on site while operating at
161 each event.

162 7. To obtain or maintain an unlimited event permit, the owner or operator of a
163 temporary food establishment or farmers market temporary food establishment must:

164 a. have incurred no more than one return inspection by the health officer under
165 the most recently issued multiple or unlimited event permit within the current or previous
166 calendar year;

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

169 c. maintain the presence of a certified booth operator on site while operating at
170 each event.

171 8. As an alternative to requiring a separate temporary food establishment permit
172 for each participating establishment at a single event or celebration, such as a fair or
173 festival, the health officer may issue a temporary event blanket permit to the event
174 coordinator or other person, who shall be responsible for ensuring compliance with the
175 applicable requirements of BOH title 5 by all participating temporary food establishments
176 at the event. The temporary event blanket permit application and a nonrefundable deposit
177 in the amount of \$215.00 must be submitted to the health officer at least 30 days before
178 the event. For the purposes of this section, "person" means any individual, corporation,

179 company, association, society, firm, partnership, joint stock company or governmental
180 agency, or the authorized agent of any of these entities.

181 SECTION 2. R&R 05-05, Section 25, as amended, and BOH 2.10.080 are each
182 hereby amended to read as follows:

183 **Miscellaneous fees.**

184 A. The food establishment owner or operator shall pay the following
185 miscellaneous fees, as applicable:

186 1. Variance request fee \$215.00 per hour

187 2. Reinspection fee for establishments 50 percent of applicable
188 other than temporary food permit fee.

189 establishments, farmers markets and
190 temporary farmers market food
191 establishments

192 3. Reinspection fee for temporary food \$160.00 per reinspection.
193 establishments, farmers markets
194 and temporary farmers market food
195 establishments

196 4. Reinstatement of permit after 100 percent of applicable
197 suspension permit fee.

198 ~~((4.))~~ 5. Penalty for commencing 50 percent of applicable
199 operation of a food establishment permit fee.
200 without required permit or plan review.

201 NEW SECTION. SECTION 3. There is hereby added to BOH chapter 5.04 a
202 new section to read as follows:

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

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

206 "Certified booth operator" means an individual who has successfully completed a
207 certified booth operator course administered by the health officer and holds a current,
208 valid certificate of course completion issued by the health officer.

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

211 **Farmers market ((~~or recurring event~~)) coordinator.** WAC 246-215-01115 is
212 supplemented with the following:

213 Farmers market ((~~or recurring event~~)) coordinator (WAC 246-215-01115(41.1)).

214 Farmers market ((~~or recurring event~~)) coordinator means an individual authorized
215 by the health officer to be responsible for the operation of the farmers market ((~~or~~
216 ~~recurring event~~)) in conformance to the requirements of this title and the lawful orders of
217 the health officer, including providing the common facilities for and monitoring the
218 farmers market ((~~or recurring event~~)) temporary food establishments((~~and limited food~~
219 ~~establishments~~)).

220 SECTION 5. R&R 09-05, Section 6, as amended, and BOH 5.04.036 are each
221 hereby amended to read as follows:

222 **Farmers market ((~~or recurring event~~)) temporary food establishment.** WAC
223 246-215-01115 is supplemented with the following:

Farmers market (~~((or recurring event))~~) temporary food establishment (WAC 246-215-01115(41.2)).

"Farmers market (~~((or recurring event))~~) temporary food establishment" means ~~((either a temporary or a limited))~~ a temporary food establishment at a farmers market ~~((or recurring event))~~.

SECTION 6. R&R 11-05, Section 3, and BOH 5.42.015 are each hereby amended to read as follows:

Farmers markets (~~((and recurring events))~~). WAC (~~((246-215-131))~~) 246-215-09200 is supplemented as follows:

Farmers markets (~~((and recurring events))~~) (WAC (~~((246-215-131(12)))~~) 246-215-09200(4)).

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

(b) ~~((Any farmers market having no participating food establishments as defined under BOH 5.04.040 and WAC 246-215-011(12)).~~

~~((e)))~~ Any farmers market where all participating food establishments are exempt from the food establishment permit requirement under WAC (~~((246-215-191))~~) 246-215-08305 shall be designated as tier ~~((2))~~ 1.

~~((d)) Any farmers market where any participating food establishment is required to obtain a farmers market temporary or limited temporary food establishment permit shall be designated as tier 3.~~

246 ~~(e))~~ (c) A farmers market coordinator shall be responsible for the operation of
247 the farmers market in conformance with the requirements of this title and the lawful
248 orders of the health officer, including providing the common facilities for and monitoring
249 the participating food establishments and vendors. The farmers market coordinator shall
250 pay the applicable ~~((tier 1, tier 2 or tier 3))~~ farmers market permit fee as set forth in BOH
251 chapter 2.10.

252 ~~((f) A recurring event coordinator shall be responsible for the operation of the~~
253 ~~recurring event in conformance with the requirements of this title and the lawful orders of~~
254 ~~the health officer, including providing the common facilities for and monitoring the~~
255 ~~recurring event temporary and limited temporary food establishments and payment of the~~
256 ~~recurring event permit fee as set forth in BOH chapter 2.10.~~

257 ~~(g) By March 31, 2013, and annually thereafter, the))~~ (d) The Seattle-King
258 County department of public health shall report to the board of health on the number of
259 farmers markets in each tier, the frequency and severity of food code violations at
260 farmers markets, and identification of any noteworthy changes from the preceding
261 calendar year. The department shall provide a written report by March 31 each year in
262 electronic format to the board of health administrator who will distribute the report to all
263 board of health members.

264 SECTION 7. R&R 05-06, Section 35, as amended, and BOH 5.64.010 are each
265 hereby amended to read as follows:

266 **Food establishment risk categories.** ~~((Every food establishment and))~~ Except
267 for temporary food establishments and farmers market temporary food establishments,
268 every new and renewal application for a food establishment permit shall be subject to a

269 risk assessment by the health officer. The health officer shall designate each food
270 establishment as low ~~((risk (risk category 1)))~~, medium ~~((risk (risk category 2)))~~ or high
271 risk (risk category 1, 2 or 3) based on the types of food dispensed, food preparation
272 steps~~((;))~~ and types of food processing or packaging performed at the establishment~~((;~~
273 ~~provided, however, that temporary food establishments shall be designated as either high~~
274 ~~risk or low risk))~~. In determining the most-appropriate risk category for each
275 establishment, the health officer shall apply the ~~((risk category))~~ following standards ~~((of~~
276 ~~this section.))~~:

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

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

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

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

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

289 5. Any bed and breakfast operation.

290 B. Medium Risk - Risk Category 2. Any food establishment performing only
291 cold holding or food preparation, and which does not otherwise qualify as a high risk or

292 risk category 3 establishment, shall be designated as a medium risk or risk category 2
293 establishment. The following shall also be designated as a medium risk or risk category 2
294 establishment:

- 295 1. Any establishment baking bread or pastries, frying donuts, or grilling
296 sandwiches or toast for immediate service, with no hot-holding of food;
- 297 2. Any school or institution satellite operation performing food service limited
298 to reheating or hot holding of prepared foods, with no on-site cooking; and
- 299 3. Any grocery store or market selling pre-packaged raw meat or fish products.

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

- 302 1. Any establishment cooking and either cooling, reheating, hot holding, or
303 holding other than cold holding of food;
- 304 2. Any meat or fish market selling meat or fish other than pre-packaged raw
305 product;
- 306 3. Any establishment where food preparation includes cutting or processing of
307 raw meat or fish products;
- 308 4. Any establishment with an approved HACCP plan; and
- 309 5. Any establishment using time as a public health control.

310 D. Temporary food establishments and farmers market temporary food
311 establishments shall be designated as engaged in either minimal food handling, moderate
312 food handling or complex food handling as follows:

313 1. Minimal food handling: a temporary food establishment or farmers market
314 temporary food establishment serving only packaged potentially hazardous food made in
315 a permitted facility, and performing no handling of unpackaged food;

316 2 Moderate food handling: a temporary food establishment or farmers market
317 temporary food establishment:

318 a. serving samples of potentially hazardous foods;

319 b. reheating and serving of foods made in a facility permitted by the
320 Washington state Department of Agriculture or United States Department of Agriculture;

321 c. hot holding and serving of foods; or

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

324 3. Complex food handling: a temporary food establishment or farmers market
325 temporary food establishment:

326 a. serving raw animal products;

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

328 c. serving food that has been cooked and cooled before serving.

329 SECTION 8. R&R 05-06, Section 11, as amended, and BOH 5.04.400 are each
330 hereby repealed.

331 SECTION 9. R&R 09-05, Section 8, as amended, and BOH 5.04.405 are each
332 hereby repealed.

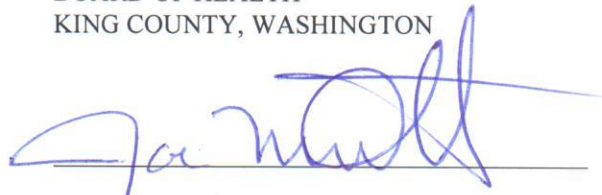
333 SECTION 10. Severability. If any provision of this rule or its application to any

334 person or circumstance is held invalid, the remainder of the rule or the application of the
335 provision to other persons or circumstances is not affected.
336


R&R BOH15-04 was introduced on and passed by the Board of Health on 10/15/2015,
by the following vote:

Yes: 10 - Ms. Lambert, Mr. McDermott, Ms. Wales, Mr. Dembowski,
Ms. Honda, Mr. Okamoto and Dr. Daniell
No: 1 - Dr. Danielson
Excused: 3 - Mr. Licata, Mr. Baker and Ms. Sawant

BOARD OF HEALTH
KING COUNTY, WASHINGTON


Joe McDermott, Chair

ATTEST:


Anne Noris, Clerk of the Board

Attachments: None