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Title: A RULE AND REGULATION relating to food establishment annual permit fees; amending R&R No. 91, Section 1 (part), as amended, and BOH 2.10.020; enacted pursuant to RCW 70.05.060, including the latest amendments or revisions thereto.

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Attachments: 1. 20240215 RRBOH24-01 - Signed, 2. R&R BOH24-01 staff report pro rated fees, 3. Board of Health _ 2.15.24 Prorate Food Estb Fee Proposal, 4. Board of Health _ 2.15.24 Food Fee Est Rate Proration Final, 5. Affidavit of publication

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2/15/2024	1	Board of Health	Passed	Pass

Clerk 01/30/24

A RULE AND REGULATION relating to food establishment annual permit fees; amending R&R No. 91, Section 1 (part), as amended, and BOH 2.10.020; 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 No. 91, Section 1 (part), as amended, and BOH 2.10.020 are 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)) 2017 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
Seating Capacity 51 - 150 Risk 3	\$947.00
Seating Capacity 151 - 250 Risk 2	\$753.00
Seating Capacity 151 - 250 Risk 3	\$1,049.00
Seating Capacity over 250 Risk 1	\$390.00
Seating Capacity over 250 Risk 2	\$822.00
Seating Capacity over 250 Risk 3	\$1,158.00

Limited Food Service	\$380.00
Bakery - No customer seating³	
Risk 1	\$452.00
Risk 2	\$540.00
Risk 3	\$795.00
Bed and Breakfast Operation	\$379.00
Grocery Store - No customer seating³	
Risk 1	\$371.00
Risk 2	\$687.00
Catering operation	
Risk 1	\$493.00
Risk 2	\$640.00
Risk 3	\$795.00
Meat/Fish Market	\$827.00
Vending Machine	\$350.00
Mobile Food Unit and Commissary	
Risk 1	\$519.00
Risk 2	\$830.00
Risk 3	\$1,070.00
Nonprofit Institution	
Risk 1	\$380.00
Risk 2	\$576.00
Risk 3	\$819.00
School Lunch Program⁴	\$578.00

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

Temporary Food Establishment^{6, 7}

Minimal food handling

Single event permit \$120.00

Unlimited event permit - unlimited number of events
per calendar year \$236.00

Moderate food handling

Single event permit \$290.00

Multiple event permit - up to 5 events per calendar year \$640.00

Unlimited event permit - unlimited number of events
per calendar year \$750.00

Complex food handling

Single event permit \$350.00

Multiple event permit - up to 5 events per calendar year \$700.00

Unlimited event permit - unlimited number of events
per calendar year \$850.00

Farmers Market

Tier 1 - 0 to 5 permitted temporary
food establishments \$780.00

Tier 2 - 6 to 15 permitted temporary
food establishments \$960.00

Tier 3 - 16 or more permitted temporary

food establishments \$1,200.00

Certified booth operator⁶ \$95.00

Temporary event blanket permit⁷ \$215.00 per hour

for all local health officer
services, including but
not limited to plan review
and inspections.

Footnotes to Table 1:

1. All food establishment permit fees set forth in this table are annual fees, except those for temporary food establishments and seasonal food establishments. An applicant for an annual ~~((food establishment permit who submits the application after September 30 shall pay one-half the applicable annual))~~ permit for a food establishment that has commenced operation on or after April 1 shall pay a permit fee prorated to a quarterly schedule for the remainder of the permit year as specified in this table. This proration of annual permit fees does not apply to any applicant renewing a food establishment permit issued during the preceding permit year. For the purposes of this section, "permit year" means the period of twelve consecutive months commencing April 1 and ending March 31.

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

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

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

5. The applicant for a seasonal food establishment permit shall pay an annual permit fee prorated to a

quarterly schedule specified in Table 1.

6. To maintain a multiple or unlimited event permit packet for moderate or complex food handling, the owner or operator of a temporary food establishment must maintain a certified booth operator for the establishment.

7. 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 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 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.

SECTION 2. Effective date. This rule takes effect April 1, 2024.

SECTION 3. Severability. If any provision of this rule or its application to any person or circumstance is held invalid, the remainder of the rule or the application of the provision to other persons or circumstances is not affected.