



Legislation Details (With Text)

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| Enactment date: | | Enactment #: | |
| Title: | A RULE AND REGULATION relating to farmers markets and farmers market permit fees; adding a reporting requirement; amending R&R 91, Section 1 (part), as amended, and BOH 2.10.020 and R&R 91, Section 1 (part), as amended, and BOH 5.04.640 and adding a new section to BOH chapter 5.42; enacted pursuant to RCW 70.05.060, including the latest amendments or revisions thereto. | | |
| Sponsors: | | | |
| Indexes: | | | |
| Code sections: | | | |
| Attachments: | 1. R&R 11-05.pdf, 2. BOH11-05 Rule and Reg Notice of Hearing.doc, 3. BOH 11-05 Staff Report .doc, 4. Appendix 1 - Farmers Market Stakeholder Outreach 12-15-11.xls, 5. Appendix 2 - 2011 Farmers Market Violations by Location and Date 12-15-11.xls, 6. Appendix 3 BOH11-05 Striking Amendment 12-15-11 FINAL sent.doc, 7. Farmers Market Written Testimony Item 6 12-15-2011.pdf | | |

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------|-------------------|--------|
| 12/15/2011 | 1 | Board of Health | Passed as Amended | Pass |

A RULE AND REGULATION relating to farmers markets and farmers market permit fees; adding a reporting requirement; amending R&R 91, Section 1 (part), as amended, and BOH 2.10.020 and R&R 91, Section 1 (part), as amended, and BOH 5.04.640 and adding a new section to BOH chapter 5.42; 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.

~~((Part 1 - Permit fee Schedule.~~

~~Effective Through December 31, 2009.~~

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

or 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 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 in 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 – 12 Risk 1 | \$302.00 |
| Seating Capacity 0 – 12 Risk 2 | \$503.00 |
| Seating Capacity 0 – 12 Risk 3 | \$697.00 |
| Seating Capacity 13 – 50 Risk 1 | \$306.00 |
| Seating Capacity 13 – 50 Risk 2 | \$510.00 |
| Seating Capacity 13 – 50 Risk 3 | \$736.00 |
| Seating Capacity 51 – 150 Risk 1 | \$312.00 |
| Seating Capacity 51 – 150 Risk 2 | \$536.00 |
| Seating Capacity 51 – 150 Risk 3 | \$785.00 |
| Seating Capacity 151 – 250 Risk 1 | \$324.00 |
| Seating Capacity 151 – 250 Risk 2 | \$548.00 |
| Seating Capacity 151 – 250 Risk 3 | \$833.00 |
| Seating Capacity over 250 Risk 1 | \$337.00 |
| Seating Capacity over 250 Risk 2 | \$552.00 |
| Seating Capacity over 250 Risk 3 | \$870.00 |
| Limited Food Service | \$302.00 |

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|--|---|
| Bakery – No customer seating³ | |
| Risk 1 | \$302.00 |
| Risk 2 | \$503.00 |
| Risk 3 | \$697.00 |
| Bed and Breakfast Operation | \$302.00 |
| Grocery Store – No customer seating³ | |
| Risk 1 | \$302.00 |
| Risk 2 | \$503.00 |
| Risk 3 | \$697.00 |
| Catering operation | |
| Risk 1 | \$302.00 |
| Risk 2 | \$503.00 |
| Risk 3 | \$697.00 |
| Meat/Fish Market | \$567.00 |
| Vending Machine | \$302.00 |
| Mobile Food Service | |
| Risk 1 | \$302.00 |
| Risk 2 | \$503.00 |
| Risk 3 | \$697.00 |
| Nonprofit Institution⁷ | |
| Risk 1 | \$302.00 |
| Risk 2 | \$504.00 |
| Risk 3 | \$696.00 |
| School Kitchen^{4, 7} | |
| Risk 2 | \$504.00 |
| Risk 3 | \$696.00 |
| Seasonal Food Establishment⁶ | One-half the applicable annual permit fee |
| Temporary Food Establishment⁵ | |
| Low Risk | \$193.00 |
| High Risk | \$201.00 |

Footnotes to Table 1:

1. All food establishment permit fees set forth in this table are annual fees, except those for temporary food establishments (including temporary nonprofit institution food establishments) and seasonal food establishments.

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 is designated as either Risk 2 or Risk 3, not Risk 1.~~

~~5. A temporary food establishment is designated as either Low Risk or High Risk.~~

~~6. The applicant for a seasonal food establishment permit, or a food establishment that is to be operated no longer than any period of six consecutive months, shall pay one-half the applicable annual permit fee specified in Table 1.~~

~~7. The owners or operators of school kitchens and nonprofit institutions shall in 2009 be charged fifty percent of the fee established to be paid by them as set forth in Table 1.~~

~~Part 2 – Permit Fee Schedule.~~

~~Effective January 1, 2010, Through December 31, 2010.~~

~~The owner or operator of a food establishment subject to the permit requirement of WAC 246-215-200 or 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 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 Fee ¹ |
|--|-----------------------------|
| General Food Service² | |
| Seating Capacity 0 – 12 Risk 1 | \$317.00 |
| Seating Capacity 0 – 12 Risk 2 | \$528.00 |
| Seating Capacity 0 – 12 Risk 3 | \$732.00 |
| Seating Capacity 13 – 50 Risk 1 | \$320.00 |
| Seating Capacity 13 – 50 Risk 2 | \$535.00 |
| Seating Capacity 13 – 50 Risk 3 | \$772.00 |
| Seating Capacity 51 – 150 Risk 1 | \$328.00 |
| Seating Capacity 51 – 150 Risk 2 | \$562.00 |
| Seating Capacity 51 – 150 Risk 3 | \$824.00 |
| Seating Capacity 151 – 250 Risk 1 | \$340.00 |
| Seating Capacity 151 – 250 Risk 2 | \$575.00 |
| Seating Capacity 151 – 250 Risk 3 | \$874.00 |
| Seating Capacity over 250 Risk 1 | \$353.00 |
| Seating Capacity over 250 Risk 2 | \$579.00 |
| Seating Capacity over 250 Risk 3 | \$914.00 |
| Limited Food Service | \$317.00 |
| Bakery – No customer seating³ | |
| Risk 1 | \$317.00 |
| Risk 2 | \$528.00 |
| Risk 3 | \$732.00 |
| Bed and Breakfast Operation | \$317.00 |
| Grocery Store – No customer seating³ | |
| Risk 1 | \$317.00 |
| Risk 2 | \$528.00 |
| Catering operation | |
| Risk 1 | \$317.00 |
| Risk 2 | \$528.00 |
| Risk 3 | \$732.00 |
| Meat/Fish Market | \$595.00 |
| Vending Machine | \$317.00 |
| Mobile Food Unit | |
| Risk 1 | \$317.00 |
| Risk 2 | \$528.00 |
| Risk 3 | \$732.00 |

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|---|---|
| Commissary for Mobile Food Unit | \$218.00 |
| Nonprofit Institution⁴ | |
| Risk 1 | \$317.00 |
| Risk 2 | \$528.00 |
| Risk 3 | ((To be determined by future rule of the board of health.)) \$732.00 |
| School Lunch Program⁴ | \$422.00 |
| Seasonal Food Establishment⁵ | One-half the applicable annual permit fee |
| Operating for more than ten and up to twelve months | One hundred percent of the applicable annual permit fee |
| Operating for more than seven and up to ten months | Seventy-five percent of the applicable annual permit fee |
| Operating for more than four and up to seven months | Fifty percent of the applicable annual permit fee |
| Operating for four or fewer months | Twenty-five percent of the applicable annual permit fee |
| Temporary Food Establishment | \$255.00 |
| Limited Temporary Food Establishment | \$50.00 |
| Farmers Market or Recurring Event Food Establishment | \$255.00 |
| Limited Farmers Market or Recurring Event Food Establishment | \$50.00 |
| Farmers Market or Recurring Event Coordinator | \$100.00 |

Footnotes to Table 1:

1. All food establishment permit fees set forth in this table are annual fees, except those for temporary and limited temporary food establishments (including temporary nonprofit institution food establishments) and seasonal food establishments.

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 as specified in Table 1.~~

Part 3 – Permit Fee Schedule.

Effective January 1, 2011, Through December 31, 2011.

The owner or operator of a food establishment subject to the permit requirement of WAC 246-215-200 or 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 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 Fee ¹ |
|---|-----------------------------|
| General Food Service² | |
| Seating Capacity 0 – 12 Risk 1 | \$332.00 |
| Seating Capacity 0 – 12 Risk 2 | \$554.00 |
| Seating Capacity 0 – 12 Risk 3 | \$768.00 |
| Seating Capacity 13 – 50 Risk 1 | \$336.00 |
| Seating Capacity 13 – 50 Risk 2 | \$562.00 |
| Seating Capacity 13 – 50 Risk 3 | \$810.00 |
| Seating Capacity 51 – 150 Risk 1 | \$344.00 |
| Seating Capacity 51 – 150 Risk 2 | \$590.00 |

| | |
|--|--|
| Seating Capacity 51 – 150 Risk 3 | \$865.00 |
| Seating Capacity 151 – 250 Risk 1 | \$357.00 |
| Seating Capacity 151 – 250 Risk 2 | \$604.00 |
| Seating Capacity 151 – 250 Risk 3 | \$917.00 |
| Seating Capacity over 250 Risk 1 | \$371.00 |
| Seating Capacity over 250 Risk 2 | \$607.00 |
| Seating Capacity over 250 Risk 3 | \$959.00 |
| Limited Food Service | \$332.00 |
| Bakery – No customer seating³ | |
| Risk 1 | \$332.00 |
| Risk 2 | \$554.00 |
| Risk 3 | \$768.00 |
| Bed and Breakfast Operation | \$332.00 |
| Grocery Store – No customer seating³ | |
| Risk 1 | \$332.00 |
| Risk 2 | \$554.00 |
| Catering operation | |
| Risk 1 | \$332.00 |
| Risk 2 | \$554.00 |
| Risk 3 | \$768.00 |
| Meat/Fish Market | \$625.00 |
| Vending Machine | \$332.00 |
| Mobile Food Unit | |
| Risk 1 | \$332.00 |
| Risk 2 | \$554.00 |
| Risk 3 | \$768.00 |
| Commissary for Mobile Food Unit | |
| Risk 1 | \$143.00 |
| Risk 2 and 3 | \$229.00 |
| Nonprofit Institution⁴ | |
| Risk 1 | \$332.00 |
| Risk 2 | \$554.00 |
| Risk 3 | \$768.00 |
| School Lunch Program⁴ | \$443.00 |
| Seasonal Food Establishment⁵ | |
| Operating for more than ten and up to twelve months | One hundred percent of the applicable annual permit fee |
| Operating for more than seven and up to ten months | Seventy-five percent of the applicable annual permit fee |

| | |
|---|---|
| Operating for more than four and up to seven months | Fifty percent of the applicable annual permit fee |
| Operating for four or fewer months | Twenty-five percent of the applicable annual permit fee |
| Temporary Food Establishment | \$267.00 |
| Limited Temporary Food Establishment | \$53.00 |
| Farmers Market or Recurring Event Food Establishment | \$267.00 |
| Limited Farmers Market or Recurring Event Food Establishment | \$53.00 |
| Farmers Market or Recurring Event Coordinator | \$100.00 |

Footnotes to Table 1:

1. All food establishment permit fees set forth in this table are annual fees, except those for temporary and limited temporary food establishments (including temporary nonprofit institution food establishments) and seasonal food establishments.
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 as specified in Table 1.

~~Part 4-Permit Fee Schedule.~~

~~Effective January 1, 2012, and Thereafter.))~~

Part 1-Permit Fee Schedule.

Effective January 14, 2012, Through May 31, 2012.

The owner or operator of a food establishment subject to the permit requirement of WAC 246-215-200 or 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 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 - 12 Risk 1 | \$350.00 |
| Seating Capacity 0 - 12 Risk 2 | \$583.00 |
| Seating Capacity 0 - 12 Risk 3 | \$808.00 |
| Seating Capacity 13 - 50 Risk 1 | \$354.00 |
| Seating Capacity 13 - 50 Risk 2 | \$591.00 |
| Seating Capacity 13 - 50 Risk 3 | \$852.00 |
| Seating Capacity 51 - 150 Risk 1 | \$362.00 |
| Seating Capacity 51 - 150 Risk 2 | \$621.00 |
| Seating Capacity 51 - 150 Risk 3 | \$911.00 |
| Seating Capacity 151 - 250 Risk 1 | \$376.00 |
| Seating Capacity 151 - 250 Risk 2 | \$635.00 |
| Seating Capacity 151 - 250 Risk 3 | \$965.00 |
| Seating Capacity over 250 Risk 1 | \$390.00 |
| Seating Capacity over 250 Risk 2 | \$639.00 |
| Seating Capacity over 250 Risk 3 | \$1,009.00 |
| Limited Food Service | \$350.00 |
| Bakery - No customer seating³ | |
| Risk 1 | \$350.00 |

| | |
|--|--|
| Risk 2 | \$583.00 |
| Risk 3 | \$808.00 |
| Bed and Breakfast Operation | \$350.00 |
| Grocery Store - No customer seating³ | |
| Risk 1 | \$350.00 |
| Risk 2 | \$583.00 |
| Catering operation | |
| Risk 1 | \$350.00 |
| Risk 2 | \$583.00 |
| Risk 3 | \$808.00 |
| Meat/Fish Market | \$657.00 |
| Vending Machine | \$350.00 |
| Mobile Food Unit | |
| Risk 1 | \$350.00 |
| Risk 2 | \$583.00 |
| Risk 3 | \$808.00 |
| Commissary for Mobile Food Unit | |
| Risk 1 | \$151.00 |
| Risk 2 and 3 | \$241.00 |
| Nonprofit Institution | |
| Risk 1 | \$350.00 |
| Risk 2 | \$583.00 |
| Risk 3 | \$808.00 |
| School Lunch Program⁴ | \$466.00 |
| Seasonal Food Establishment⁵ | |
| Operating for more than ten and up to twelve months | One-hundred percent of the applicable annual permit fee |
| Operating for more than seven and up to ten months | Seventy-five percent of the applicable annual permit fee |
| Operating for more than four and up to seven months | Fifty percent of the applicable annual permit fee |
| Operating for four or fewer months | Twenty-five percent of the applicable annual permit fee |
| Temporary Food Establishment (other than farmers market or recurring event temporary food establishments) | \$281.00 |
| Limited Temporary Food Establishment (other than farmers market or recurring event limited temporary food establishments) | \$55.00 |
| Farmers Market | |
| Tier 1 | \$0.00 |

| | |
|---|----------|
| Tier 2 | \$100.00 |
| Tier 3 | \$100.00 |
| Farmers Market ((or Recurring Event)) <u>Temporary Food Establishment</u> | \$281.00 |
| ((Limited)) Farmers Market ((or Recurring Event)) <u>Limited Temporary Food Establishment</u> | \$55.00 |
| ((Farmers Market or)) Recurring Event ((Coordinator)) | \$100.00 |
| <u>Recurring Event Temporary Food Establishment</u> | \$281.00 |
| <u>Recurring Event Limited Temporary Food Establishment</u> | \$55.00 |

Footnotes to Table 1:

1. All food establishment permit fees set forth in this table are annual fees, except those for temporary and limited temporary food establishments~~(((including temporary nonprofit institution food establishments)))~~, farmers market temporary and limited temporary food establishments, recurring event temporary and limited temporary food establishments and seasonal food establishments.
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 as specified in Table 1.

Part 2-Permit Fee Schedule.

Effective June 1, 2012, and Thereafter.

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

| <u>Type of Food Establishment</u> | <u>Applicable Fee¹</u> |
|--|--|
| <u>General Food Service²</u> | |
| <u>Seating Capacity 0 - 12 Risk 1</u> | <u>\$350.00</u> |
| <u>Seating Capacity 0 - 12 Risk 2</u> | <u>\$583.00</u> |
| <u>Seating Capacity 0 - 12 Risk 3</u> | <u>\$808.00</u> |
| <u>Seating Capacity 13 - 50 Risk 1</u> | <u>\$354.00</u> |
| <u>Seating Capacity 13 - 50 Risk 2</u> | <u>\$591.00</u> |
| <u>Seating Capacity 13 - 50 Risk 3</u> | <u>\$852.00</u> |
| <u>Seating Capacity 51 - 150 Risk 1</u> | <u>\$362.00</u> |
| <u>Seating Capacity 51 - 150 Risk 2</u> | <u>\$621.00</u> |
| <u>Seating Capacity 51 - 150 Risk 3</u> | <u>\$911.00</u> |
| <u>Seating Capacity 151 - 250 Risk 1</u> | <u>\$376.00</u> |
| <u>Seating Capacity 151 - 250 Risk 2</u> | <u>\$635.00</u> |
| <u>Seating Capacity 151 - 250 Risk 3</u> | <u>\$965.00</u> |
| <u>Seating Capacity over 250 Risk 1</u> | <u>\$390.00</u> |
| <u>Seating Capacity over 250 Risk 2</u> | <u>\$639.00</u> |
| <u>Seating Capacity over 250 Risk 3</u> | <u>\$1,009.00</u> |
| <u>Limited Food Service</u> | <u>\$350.00</u> |
| <u>Bakery - No customer seating³</u> | |
| <u>Risk 1</u> | <u>\$350.00</u> |
| <u>Risk 2</u> | <u>\$583.00</u> |

| | |
|---|---|
| <u>Risk 3</u> | <u>\$808.00</u> |
| <u>Bed and Breakfast Operation</u> | <u>\$350.00</u> |
| <u>Grocery Store - No customer seating³</u> | |
| <u>Risk 1</u> | <u>\$350.00</u> |
| <u>Risk 2</u> | <u>\$583.00</u> |
| <u>Catering operation</u> | |
| <u>Risk 1</u> | <u>\$350.00</u> |
| <u>Risk 2</u> | <u>\$583.00</u> |
| <u>Risk 3</u> | <u>\$808.00</u> |
| <u>Meat/Fish Market</u> | <u>\$657.00</u> |
| <u>Vending Machine</u> | <u>\$350.00</u> |
| <u>Mobile Food Unit</u> | |
| <u>Risk 1</u> | <u>\$350.00</u> |
| <u>Risk 2</u> | <u>\$583.00</u> |
| <u>Risk 3</u> | <u>\$808.00</u> |
| <u>Commissary for Mobile Food Unit</u> | |
| <u>Risk 1</u> | <u>\$151.00</u> |
| <u>Risk 2 and 3</u> | <u>\$241.00</u> |
| <u>Nonprofit Institution</u> | |
| <u>Risk 1</u> | <u>\$350.00</u> |
| <u>Risk 2</u> | <u>\$583.00</u> |
| <u>Risk 3</u> | <u>\$808.00</u> |
| <u>School Lunch Program⁴</u> | <u>\$466.00</u> |
| <u>Seasonal Food Establishment⁵</u> | |
| <u>Operating for more than ten and up to twelve months</u> | <u>One-hundred percent of the applicable annual permit fee</u> |
| <u>Operating for more than seven and up to ten months</u> | <u>Seventy-five percent of the applicable annual permit fee</u> |
| <u>Operating for more than four and up to seven months</u> | <u>Fifty percent of the applicable annual permit fee</u> |
| <u>Operating for four or fewer months</u> | <u>Twenty-five percent of the applicable annual permit fee</u> |
| <u>Temporary Food Establishment</u> (other than farmers market or recurring event temporary food establishments) | <u>\$281.00</u> |
| <u>Limited Temporary Food Establishment</u> (other than farmers market or recurring event limited temporary food establishments) | <u>\$55.00</u> |
| <u>Farmers Market</u> | |
| <u>Tier 1</u> | <u>\$0.00</u> |
| <u>Tier 2</u> | <u>\$302.00</u> |

| | |
|--|-----------------|
| <u>Tier 3</u> | <u>\$502.00</u> |
| <u>Farmers Market Temporary Food Establishment</u> | <u>\$281.00</u> |
| <u>Farmers Market Limited Temporary Food Establishment</u> | <u>\$55.00</u> |
| <u>Recurring Event</u> | <u>\$100.00</u> |
| <u>Recurring Event Temporary Food Establishment</u> | <u>\$281.00</u> |
| <u>Recurring Event Limited Temporary Food Establishment</u> | <u>\$55.00</u> |

Footnotes to Table 1:

1. All food establishment permit fees set forth in this table are annual fees, except those for temporary and limited temporary food establishments, farmers market temporary and limited temporary food establishments, recurring event temporary and limited temporary food establishments and seasonal food establishments.
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 as specified in Table 1.

SECTION 2. R&R 91, Section 1 (part), as amended, and BOH 5.04.640 are each hereby amended to read as follows:

Seasonal food establishment. WAC 246-215-011 is supplemented with the following:

Seasonal food establishment (WAC 246-215-011(24.1)).

"Seasonal food establishment" means a food establishment that routinely operates for no more than ((six)) ten consecutive months each year.

NEW SECTION. SECTION 3. There is hereby added to BOH chapter 5.42 a new section to read as follows:

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

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

(a) The health officer shall designate each farmers market as tier 1, tier 2 or tier 3 based on the types of foods offered 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).

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

(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.

(e) 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 tier 1, tier 2 or tier 3 farmers market permit fee as set forth in BOH chapter 2.10.

(f) A recurring event coordinator shall be responsible for the operation of the recurring event 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 recurring event temporary and limited temporary food establishments and payment of the recurring event permit fee as set forth in BOH chapter 2.10.

(g) By March 31, 2013, and annually thereafter, 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 4. 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.

14 days prior

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