



Signature Report

July 17, 2009

R&R

Proposed No. BOH09-05.2

1 A RULE AND REGULATION relating to fees and charges
2 for environmental health services; amending R&R 09-01,
3 Section 1, as amended, and BOH 2.06.008, R&R 91,
4 Section 1 (part), as amended, and BOH 2.10.020, R&R 05-
5 05, Sections 15, 21, 35, 36, 37, 38, 39 and 40, as amended,
6 and BOH 2.10.040, R&R 05-05, Section 22, as amended,
7 and BOH 2.10.050, R&R 05-06, Section 6, as amended,
8 and BOH 5.04.040, R&R 91, Section 1 (part), as amended,
9 and BOH 5.04.620 and R&R 05-06, Section 23, and BOH
10 5.34.030 and adding new sections to BOH chapter 5.04;
11 enacted pursuant to RCW 43.20.050 and 70.05.060,
12 including the latest amendments or revisions thereto.

13
14 BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

15 SECTION 1. R&R 09-01, Section 1, as amended, and BOH 2.06.008 are each
16 hereby amended to read as follows:

17 **Annual review and fee adjustment where costs of providing services will**
18 **increase by less than five percent or decrease.**

19 A. The board directs that the fees established in BOH Title 2 for issuing or
20 renewing licenses or permits or for such other services shall be reviewed by the director
21 of the Seattle-King County Department of Public Health annually to determine, based on
22 and consistent with the annual budget adopted by the King County Council, whether the
23 cost of providing services will increase by less than five percent of the cost of providing
24 services during the current year. If the director determines that the cost of providing
25 services will increase by less than five percent of the cost of providing services during the
26 current year, the director shall reduce fees from the levels established in BOH Title 2 so
27 that the fees for services shall not exceed the actual cost of providing the services. If the
28 director determines that the cost of providing service will be less than the amounts
29 established herein due to, but not limited to, a reduction in the PERS contribution rate,
30 the director shall reduce fees from the levels established in BOH Title 2 by an amount
31 equivalent to the reduction in actual costs. This authority does not include the authority
32 to adjust penalties established by the board.

33 B. The director shall report in writing to the board any reduction in fees by
34 December 15 before the year the reduced fees are to take effect. The director shall also
35 report to the board on any reduction in fees at the next regularly scheduled or special
36 meeting of the board after December 15.

37 C. The director shall post the amounts of any reduced fees in both written and
38 electronic form for inspection, review and copying by the public, including providing a
39 copy, in writing or by electronic format, of the fees to the clerk of the board and each

40 member of the board of health and posting the fee on the Internet, on or before December
41 31."

42 SECTION 2. R&R 91, Section 1 (part), as amended, and BOH 2.10.020 are each hereby
43 amended to read as follows:

44 **Permit fee schedule.**

45 **Part 1 — Permit Fee Schedule.**

46 **Effective Through December 31, 2009.**

47 The owner or operator of a food establishment subject to the permit requirement
48 of WAC 246-215-200 or Food Code Paragraph 8-301.11 shall pay to the health officer a
49 food establishment permit fee as set forth in Table 1, based on the establishment type and
50 the risk category for the establishment. Where more than one type of food establishment
51 exists within or as part of another food establishment (for example, a bakery within a
52 grocery store or a deli within a meat market), the owner or operator shall pay the permit
53 fee for each applicable food establishment type; except that the owner or operator of a
54 grocery store with no more than two checkout stands, a general food establishment with
55 no more than two checkout stands and no more than twelve seats for customers for on-
56 site consumption of food or a meat/fish market with no more than two checkout stands
57 shall pay only the highest applicable risk category permit fee without being required to
58 obtain a separate permit for each type of food handling activity at the establishment. For
59 purposes of this section, "highest applicable risk category permit fee" means the fee
60 corresponding to the highest risk category of food handling activity at the establishment.

61 **TABLE 1**

62 **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
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

63 Footnotes to Table 1:

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

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

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

71 4. A school kitchen is designated as either Risk 2 or Risk 3, not Risk 1.

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

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

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

78 **Part 2 — Permit Fee Schedule.**

79 **Effective January 1, 2010, Through December 31, 2010.**

80 The owner or operator of a food establishment subject to the permit requirement
81 of WAC 246-215-200 or Food Code Paragraph 8-301.11 shall pay to the health officer a
82 food establishment permit fee as set forth in Table 1, based on the establishment type and
83 the risk category for the establishment. Where more than one type of food establishment
84 exists within or as part of another food establishment (for example, a bakery within a

85 grocery store or a deli within a meat market), the owner or operator shall pay the permit
 86 fee for each applicable food establishment type; except that the owner or operator of a
 87 grocery store with no more than two checkout stands, a general food establishment with
 88 no more than two checkout stands and no more than twelve seats for customers for on-
 89 site consumption of food or a meat/fish market with no more than two checkout stands,
 90 shall pay only the highest applicable risk category permit fee without being required to
 91 obtain a separate permit for each type of food handling activity at the establishment. For
 92 purposes of this section, "highest applicable risk category permit fee" means the fee
 93 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	\$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

R&R

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 ((Service)) <u>Unit</u>			
Risk 1			\$317.00
Risk 2			\$528.00

Risk 3	\$732.00
<u>Commissary for Mobile Food Unit</u>	
<u>Risk 1</u>	<u>\$120.00</u>
<u>Risk 2 and Risk 3</u>	<u>\$218.00</u>
Nonprofit Institution⁴	
Risk 1	((To be determined by future rule of the board of health.))
	<u>\$317.00</u>
Risk 2	((To be determined by future rule of the board of health.))
	<u>\$528.00</u>
Risk 3	((To be determined by future rule of the board of health.))
	<u>\$732.00</u>
School ((Kitchen)) <u>Lunch Program</u>⁴	
((Risk 2	To be determined by future rule of the board of health.
Risk 3	To be determined by future rule of the board of health.))
Seasonal Food Establishment((⁶))⁵	
	((One half the applicable annual permit fee))
<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>
Temporary Food Establishment⁽⁵⁾	<u>\$255.00</u>
((Low Risk	<u>\$203.00</u>
High Risk	<u>\$211.00))</u>
<u>Limited Temporary Food Establishment</u>	<u>\$50.00</u>
<u>Farmers Market or Recurring Event Food Establishment</u>	<u>\$255.00</u>
<u>Limited Farmers Market or Recurring Event Food Establishment</u>	<u>\$50.00</u>
<u>Farmers Market or Recurring Event Coordinator</u>	<u>\$100.00</u>

96 Footnotes to Table 1:

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

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

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

104 4. A school kitchen (~~(is designated as either Risk 2 or Risk 3, not Risk 1.)~~) not qualifying
105 as a school lunch program shall be classified as a nonprofit institution.

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

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

110 **Part 3 — Permit Fee Schedule.**

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

112 The owner or operator of a food establishment subject to the permit requirement
113 of WAC 246-215-200 or Food Code Paragraph 8-301.11 shall pay to the health officer a
114 food establishment permit fee as set forth in Table 1, based on the establishment type and
115 the risk category for the establishment. Where more than one type of food establishment
116 exists within or as part of another food establishment (for example, a bakery within a
117 grocery store or a deli within a meat market), the owner or operator shall pay the permit
118 fee for each applicable food establishment type, except that the owner or operator of a
119 grocery store with no more than two checkout stands, a general food establishment with
120 no more than two checkout stands and no more than twelve seats for customers for on-
121 site consumption of food or a meat/fish market with no more than two checkout stands
122 shall pay only the highest applicable risk category permit fee without being required to
123 obtain a separate permit for each type of food handling activity at the establishment. For
124 purposes of this section, "highest applicable risk category permit fee" means the fee
125 corresponding to the highest risk category of food handling activity at the establishment.

126 **TABLE 1**

127 **Food Establishment Categories and Permit Fees**

Type of Food Establishment			Applicable Fee¹
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 ((Service)) Unit

Risk 1	\$332.00
Risk 2	\$554.00
Risk 3	\$768.00

Commissary for Mobile Food Unit

<u>Risk 1</u>	<u>\$143.00</u>
<u>Risk 2 and Risk 3</u>	<u>\$229.00</u>

Nonprofit Institution⁴

Risk 1	((To be determined by future rule of the board of health.)) <u>\$332.00</u>
Risk 2	((To be determined by future rule of the board of health.)) <u>\$554.00</u>

Risk 3	((To be determined by future rule of the board of health.))
	<u>\$768.00</u>
School ((Kitchen)) <u>Lunch Program</u> ⁴	<u>\$443.00</u>
((Risk 2	To be determined by future rule of the board of health.
Risk 3	To be determined by future rule of the board of health.))
Seasonal Food Establishment ((⁶)) ⁵	((One half the applicable annual permit fee))
<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>
Temporary Food Establishment ((⁵))	<u>\$267.00</u>
((Low Risk	\$213.00
High Risk	\$221.00))
<u>Limited Temporary Food Establishment</u>	<u>\$53.00</u>
<u>Farmers Market or Recurring Event Food</u>	<u>\$267.00</u>

Establishment

Limited Farmers Market or Recurring Event Food \$53.00

Establishment

Farmers Market or Recurring Event Coordinator \$100.00

128 Footnotes to Table 1:

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

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

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

136 4. A school kitchen ~~((is designated as either Risk 2 or Risk 3, not Risk 1))~~ not qualifying
137 as a school lunch program shall be classified as a nonprofit institution.

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

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

142 **Part 4 — Permit Fee Schedule.**

143 **Effective January 1, 2012, and Thereafter.**

144 The owner or operator of a food establishment subject to the permit requirement
145 of WAC 246-215-200 or Food Code Paragraph 8-301.11 shall pay to the health officer a
146 food establishment permit fee as set forth in Table 1, based on the establishment type and
147 the risk category for the establishment. Where more than one type of food establishment
148 exists within or as part of another food establishment (for example, a bakery within a

149 grocery store or a deli within a meat market), the owner or operator shall pay the permit
 150 fee for each applicable food establishment type; except that the owner or operator of a
 151 grocery store with no more than two checkout stands, a general food establishment with
 152 no more than two checkout stands and no more than twelve seats for customers for on-
 153 site consumption of food or a meat/fish market with no more than two checkout stands
 154 shall pay only the highest applicable risk category permit fee without being required to
 155 obtain a separate permit for each type of food handling activity at the establishment. For
 156 purposes of this section, "highest applicable risk category permit fee" means the fee
 157 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 ((Service)) <u>Unit</u>			
Risk 1			\$350.00
Risk 2			\$583.00

Risk 3	\$808.00
<u>Commissary for Mobile Food Unit</u>	
<u>Risk 1</u>	<u>\$151.00</u>
<u>Risk 2 and Risk 3</u>	<u>\$241.00</u>
Nonprofit Institution	
Risk 1	((To be determined by future rule of the board of health.)) <u>\$350.00</u>
Risk 2	((To be determined by future rule of the board of health.)) <u>\$583.00</u>
Risk 3	((To be determined by future rule of the board of health.)) <u>\$808.00</u>
School ((Kitchen)) <u>Lunch Program</u>⁴	
((Risk 2	To be determined by future rule of the board of health.
Risk 3	To be determined by future rule of the board of health.))
Seasonal Food Establishment((⁶))⁵	
<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>
Temporary Food Establishment⁽⁵⁾	<u>\$281.00</u>
(Low Risk	\$224.00
High Risk	\$233.00))
<u>Limited Temporary Food Establishment</u>	<u>\$55.00</u>
<u>Farmers Market or Recurring Event Food Establishment</u>	<u>\$281.00</u>
<u>Limited Farmers Market or Recurring Event Food Establishment</u>	<u>\$55.00</u>
<u>Farmers Market or Recurring Event Coordinator</u>	<u>\$100.00</u>

160 Footnotes to Table 1:

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

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

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

168 4. A school kitchen (~~is designated as either Risk 2 or Risk 3, not Risk 1~~) not qualifying
169 as a school lunch program shall be classified as a nonprofit institution.

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

171 6.) The applicant for a seasonal food establishment permit(~~, or a food establishment~~
172 ~~that is to be operated no longer than any period of six consecutive months,~~) shall pay (~~one-half~~
173 ~~the applicable~~) an annual permit fee prorated to a quarterly schedule as specified in Table 1 (~~, or~~
174 ~~above~~).

175 SECTION 3. R&R 05-05, Sections 15, 21, 35, 36, 37, 38, 39 and 40, as amended,
176 and BOH 2.10.040 are each hereby amended to read as follows:

177 **Plan review fees.**

178 **Part 1 — Plan Review Fees.**

179 **Effective Through December 31, 2009.**

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

- | | | |
|----|---|--|
| A. | New construction | \$694.00 base fee plus
\$173.00 per hour for each
hour after four hours |
| B. | Remodel | \$520.00 base fee plus
\$173.00 per hour for each
hour after three hours |
| C. | Two or more plan reviews for one facility | \$520.00 base fee plus
\$173.00 per hour for each
hour after three hours |

- D. Plan resubmittal \$173.00 per hour
- E. Subsequent preoccupancies, on-site inspection \$347.00 base fee plus
before plan submittal, or on-site inspection \$173.00 per hour for each
when no plan review is required hour after two hours
- F. Temporary food establishment (all categories) \$25 per review
- G. Change to mobile or limited food service \$347.00 base fee plus
establishment \$173.00 per hour for each
hour after two hours

183

Part 2 — Plan Review Fees.

184

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

185

The owner or operator of a food establishment shall pay to the health officer plan

186

review fees for reviewing plans and specifications, conducting preoperational inspections

187

and providing consultation, as follows:

- A. New construction \$728.00 base fee plus \$182.00
per hour for each hour after
four hours
- B. Remodel \$546.00 base fee plus \$182.00
per hour for each hour after
three hours
- C. Two or more plan reviews for one facility \$546.00 base fee plus \$182.00
per hour for each hour after
three hours
- D. Plan resubmittal \$182.00 per hour

- E. Subsequent preoccupancies, on-site inspection before plan submittal, or on-site inspection when no plan review is required \$364.00 base fee plus \$182.00 per hour for each hour after two hours
- F. ~~((Temporary food establishment (all categories)))~~ Plan review for new farmers market or recurring event food establishment ~~\$((25.00))~~ 364.00 per review
- G. Change to mobile or limited food service establishment \$364.00 base fee plus \$182.00 per hour for each hour after two hours

188

Part 3 — Plan Review Fees.

189

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

190

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:

191

192

- A. New construction \$764.00 base fee plus \$191.00 per hour for each hour after four hours
- B. Remodel \$573.00 base fee plus \$191.00 per hour for each hour after three hours
- C. Two or more plan reviews for one facility \$573.00 base fee plus \$191.00 per hour for each hour after three hours

- D. Plan resubmittal \$191.00 per hour
- E. Subsequent preoccupancies, on-site inspection \$382.00 base fee plus
before plan submittal, or on-site inspection \$191.00 per hour for each
when no plan review is required hour after two hours
- F. ~~((Temporary food establishment (all~~ \$~~((25.00))~~ 382.00 per review
~~categories)))~~ Plan review for new farmers
market or recurring event food establishment
- G. Change to mobile or limited food service \$382.00 base fee plus
establishment \$191.00 per hour for each
hour after two hours

Part 4 — Plan Review Fees.

Effective January 1, 2012, and Thereafter.

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 \$804.00 base fee, plus
\$201.00 per hour for each
hour after four hours
- B. Remodel \$603.00 base fee plus
\$201.00 per hour for each
hour after three hours
- C. Two or more plan reviews for one facility \$603.00 base fee plus
\$201.00 per hour for each

- hour after three hours
- D. Plan resubmittal \$201.00 per hour
- E. Subsequent preoccupancies, on-site inspection \$402.00 base fee plus
before plan submittal, or on-site inspection \$201.00 per hour for each
when no plan review is required hour after two hours
- F. ~~((Temporary food establishment (all~~ \$~~((25.00))~~ 402.00 per review
~~categories)))~~ Plan review for new farmers
market or recurring event food establishment
- G. Change to mobile or limited food service \$402.00 base fee plus
establishment \$201.00 per hour for each
hour after two hours

198 SECTION 4. R&R 05-05, Section 22, as amended, and BOH 2.10.050 are each
199 hereby amended to read as follows:

200 **Late fees.** Notwithstanding the provisions of BOH chapter 2.06, the food
201 establishment owner or operator shall pay the following late fees, as applicable:

- A. Annual permit fee payment delinquent by ten to thirty days Ten percent of applicable permit fee.
- B. Annual permit fee payment delinquent by thirty-one to sixty days Twenty percent of applicable permit fee.
- C. Annual permit fee payment delinquent by more than sixty days Thirty percent of applicable permit fee.
- D. Temporary food establishment permit \$~~((25.00))~~ 50.00
application submitted ~~((nine to twelve))~~ three to

five days ((prior to)) before the event

E. Temporary food establishment permit \$((50.00)) 100.00

application submitted ((three to eight)) one to

two days ((prior to)) before the event

202 NEW SECTION. SECTION 5. There is hereby added a new section to BOH

203 Chapter 5.04 to read as follows:

204 **Farmers market or recurring event coordinator.** WAC 246-215-011 is

205 supplemented with the following:

206 Farmers market or recurring event coordinator (WAC 246-215-011(10.1)).

207 "Farmers market or recurring event coordinator" means an individual authorized
208 by the health officer to be responsible for the operation of the farmers market or recurring
209 event in conformance to the requirements of this title and the lawful orders of the health
210 officer, including providing the common facilities for and monitoring the farmers market
211 or recurring event food establishments and limited food establishments.

212 NEW SECTION. SECTION 6. There is hereby added a new section to BOH

213 chapter 5.04 to read as follows:

214 **Farmers market or recurring event food establishment.** WAC 246-215-011 is

215 supplemented with the following:

216 Farmers market or recurring event food establishment (WAC 246-215-011(10.2)).

217 "Farmers market or recurring event food establishment" means either a temporary
218 or a limited temporary food establishment at a farmers market or recurring event.

219 SECTION 7. R&R 05-06, Section 6, as amended, and BOH 5.04.040 are each

220 hereby amended to read as follows:

221 **Food establishment.** WAC 246-215-011(~~((36)(a) is not adopted and the~~
222 ~~following is substituted~~) is supplemented with the following:

223 Food establishment (WAC 246-215-011(~~((36)(a))~~) (12.1)).

224 (a) "Food establishment," (~~means~~) as defined in subparagraph 1-201.10
225 (B)(36)(a) of the 2001 edition of the Food Code of the United States Public Health
226 Service, Food and Drug Administration, is amended to mean an operation that stores,
227 prepares, packages, serves, vends, or otherwise provides food for human consumption:

228 (i) Such as a general food service; limited food service; grocery store; bakery;
229 meat/fish market; bed-and-breakfast; school kitchen; school lunch program; nonprofit
230 institution; restaurant; satellite or catered feeding location; catering operation if the
231 operation provides food directly to a consumer or to a conveyance used to transport
232 people; market; vending location; mobile food unit; commissary; conveyance used to
233 transport people; institution; or food bank; and

234 (ii) That relinquishes possession of food to a consumer directly, or indirectly
235 through a mobile food unit, caterer, temporary food establishment, delivery service such
236 as home delivery of grocery orders or restaurant takeout orders, or delivery service that is
237 provided by common carriers.

238 (b) "Food establishment" as defined in subparagraph 1-201.10 (B)(36)(b)(i) of
239 the 2001 edition of the Food Code of the United States Public Health Service, Food and
240 Drug Administration, is amended to mean an element of the operation such as a
241 transportation vehicle or a central preparation facility that supplies a vending location or
242 satellite feeding location.

243 NEW SECTION. SECTION 8. There is hereby added a new section to BOH
244 chapter 5.04 to read as follows:

245 **Limited temporary food establishment.** WAC 246-215-011 is supplemented
246 with the following:

247 Limited temporary food establishment (WAC 246-215-011(15.2)).

248 "Limited temporary food establishment" means a temporary food establishment
249 serving only foods that have been commercially prepared, prepackaged, pre-cooked, or
250 that require limited handling and preparation, such as espresso, personal pizzas,
251 pasteurized dairy products, farmer processed frozen meat, beverages, or other low risk or
252 non-potentially hazardous foods.

253 SECTION 9. R&R 91, Section 1 (part), as amended, and BOH 5.04.620 are each
254 hereby amended to read as follows:

255 **School kitchen.** WAC 246-205-011 is supplemented with the following:

256 School kitchen (WAC 246-215-011(24.1)).

257 "School kitchen" means a food establishment in an institution for learning limited
258 to the K-12 grades.

259 NEW SECTION. SECTION 10. There is hereby added a new section to BOH
260 chapter 5.04 to read as follows:

261 **School lunch program.** WAC 246-215-011 is supplemented with the following:

262 School lunch program (WAC 246-215-011(24.2)).

263 "School lunch program" means a school kitchen participating in the United States
264 Department of Agriculture National School Lunch Program under the Child Nutrition and
265 WIC Reauthorization Act of 2004 (Public Law 108-265).

266 SECTION 11. R&R 05-06, Section 23, and BOH 5.34.030 are each hereby
267 amended to read as follows:

268 **Mobile food units – Additional requirements.** WAC 246-215-121(21) is not
269 adopted and the following is substituted:

270 Mobile food units – Additional requirements (WAC 246-215-121(21)).

271 The health officer may allow a person to operate a food establishment with a
272 limited menu in a movable building without permanent plumbing under applicable
273 provisions of this section. In addition the following provisions must be met:

274 (a) Toilet facilities must be within 200 feet of the establishment and available at
275 all times that the establishment is operating.

276 (b) Facilities for cleaning and sanitizing must meet the provisions of this title
277 and be located within 200 feet of the establishment and available at all times that the
278 establishment is operating.

279 (c) The owner of a mobile food unit operating in King County shall use a
280 commissary kitchen located in King County. The owner shall obtain a single, separate
281 mobile food unit permit for each mobile food unit. In addition, the owner shall obtain a
282 single, separate commissary permit for each commissary kitchen used, regardless of
283 whether any other mobile food unit owner uses the same commissary kitchen.

284 SECTION 12. The Seattle-King County department of public health shall assist
285 non-profit organizations in determining which type of food establishment permit is most
286 appropriate to cover an organization’s operations. By April 30, 2010, the department
287 shall report to the board of health on the permit status of nonprofit organizations in 2010
288 relative to 2009.

289 SECTION 13. By August 31, 2010, the Seattle-King County department of
290 public health shall report to the board of health on an evaluation of the farmers market
291 program to ensure adequate time is allocated for food protection for the public. The
292 department shall report on:

- 293 A. The frequency and severity of food code violations at farmers markets;
- 294 B. The amount of time required in the food program for inspection, enforcement,
295 investigation and education related to compliance with the food code at farmers markets;
296 and
- 297 C. Proposed revisions to fees and policies for farmers markets in 2011 and 2012
298 based on a review of the data required in subsections A. and B. of this section.

299 SECTION 14. By April 30, 2010, the Seattle-King County department of public
300 health shall report to the board of health on an evaluation of the school food protection
301 program to ensure adequate time is allocated for food protection at schools. The
302 department shall report on:

- 303 A. The frequency and severity of food code violations at schools;
- 304 B. The amount of time required in the school food protection program for
305 inspection, enforcement, investigation, and education related to compliance with the food
306 code at schools;
- 307 C. A review of methods of work and how they might be modified to further mitigate fees
308 while maintaining adequate food protection, and
- 309 D. Proposed revisions to fees and policies for schools based on a review of the
310 data required in subsections A., B. and C. of this section.

311 SECTION 15. Severability. If any provision of this rule or its application to any
312 person or circumstance is held invalid, the remainder of the rule or the application of the
313 provision to other persons or circumstances is not affected.

314 SECTION 16. Effective date. Except as otherwise stated in this rule, this rule
315 takes effect January 1, 2010.

316

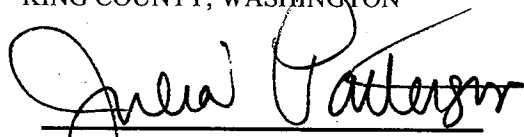
R&R was introduced and passed as amended by the Board of Health on 7/16/2009, by the following vote:

Yes: 10 - Ms. Lambert, Ms. Patterson, Ms. Clark, Mr. Rasmussen, Mr. Hutchinson, Ms. Frisinger and Mr. Gossett

No: 0

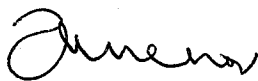
Excused: 7 - Mr. Dunn, Dr. Sherman, Dr. Nicola, Ms. Manning, Dr. Counts and Mr. Licata

BOARD OF HEALTH
KING COUNTY, WASHINGTON



Julia Patterson, Chair

ATTEST:



Anne Noris, Clerk of the Board

Attachments None