

ORDINANCE NO. 101

AN ORDINANCE PROVIDING FOR THE ADOPTION BY REFERENCE OF THE CURRENT RULES AND REGULATIONS OF THE STATE BOARD OF HEALTH FOR FOOD SERVICE SANITATION AS THE SAME MAY NOW EXIST OR HEREAFTER BE AMENDED, WITH CERTAIN ADDITIONS AND AMENDMENTS, TOGETHER WITH THE INTERPRETATIONS THEREOF CONTAINED IN THE COMPLIANCE AND ENFORCEMENT PROVISIONS (EXCEPT THAT SECTION PERTAINING TO "GRADING OF FOOD SERVICE ESTABLISHMENTS" SHALL NOT BE INCLUDED) OF THE CURRENT EDITION OF THE "UNITED STATES PUBLIC HEALTH SERVICE FOOD SERVICE SANITATION ORDINANCE AND CODE" WHERE APPLICABLE, AND PROVIDING FOR VIOLATIONS THEREOF.

THE WALLA WALLA COUNTY BOARD OF HEALTH DOES ORDAIN:

Section 1. That the Rules and Regulations of the Washington State Board of Health for Food Service Sanitation, adopted June 3, 1963, together with the interpretation thereof contained in the compliance provisions of the 1962 edition of the "United States Public Health Service Food Service Sanitation Ordinance and Code" is hereby adopted by reference as the restaurant and food service sanitation code of the County of Walla Walla, Washington, together with amendments thereof and additions thereto as hereinafter set forth. All amendments and additions to the Rules and Regulations of the Washington State Board of Health with regard to food service sanitation, when printed and filed with the County Auditor shall become amendments and additions hereto.

Section 2. The provisions of the State Board of Health for food and beverage service workers permits (WAC 248-86-999) and the Rules and Regulations of the State Board of Health governing food workers (87.001.87.020) and Chapter 197, Laws of 1957 (Chapter 69.06 RCW) shall be complied with except that it shall be illegal for a food service establishment operator to have in his employ a person who does not possess a current worker's permit unless said person is in possession of a seven day waiver signed by the health officer.

Section 3. A. Permit. It shall be unlawful for any person to operate a food service establishment within the County of Walla Walla who does not possess a valid permit issued to him by the health officer. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person to another person or place. A valid permit shall be posted in every food service establishment shall be issued for a period of time not to exceed 14 days.

- (1) Fees. The fee for a permit to operate a restaurant, restaurant with bar, or tavern shall be twenty five dollars (\$25.00) per year.

The fee for a permit to operate a grocery store and/or meat or fish market shall be twenty five dollars(\$25.00) for the first inspection (new business).
Renewals thereafter shall be ten dollars (\$10.00)per year.

- (2) Issuance of Permits. Any person desiring to operate a food service establishment shall make written application for a permit on forms provided by the health officer. Such application shall include: the applicant's full name and post office address and whether such applicant is an individual, firm or corporation, and, if a partnership, the names of the partners, together with their addresses, shall be included; the location and type of the proposed food service establishment; and the signature of the applicant or applicants. If the application is for a temporary food service establishment, it shall also include the inclusive dates of the proposed operation. Upon receipt of such appli-

cation, the health officer shall make an inspection of the food service establishment to determine compliance with the provisions of this ordinance. When inspection reveals that the applicable requirements of this ordinance have been met, a permit shall be issued to the applicant by the health officer.

- (3) Suspension of Permits: Permits may be suspended temporarily by the health officer for failure of the holder to comply with the requirements of this ordinance. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this section, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended, and that the opportunity for a hearing will be provided if a written request for a hearing is filed with the health officer by the permit holder within five days from the service of the notice. Notwithstanding any other provisions of this ordinance, whenever the health officer finds insanitary conditions in the operation of a food service establishment which, in his judgment, constitutes a substantial hazard to the public health, he may without warning, notice or hearing, issue a written notice to the permit holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and, if deemed necessary, such order shall state that the permit is immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the health officer, shall be afforded a hearing as soon as possible.
- (4) Reinstatement of Suspended Permits: Any person whose permit has been suspended, may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within 10 days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the health officer shall make re-inspection. If the applicant is complying with the requirements of this ordinance, the permit shall be reinstated.
- (5) Revocation of Permits: For serious or repeated violations of any of the requirements of this ordinance, or for interference with the health officer in the performance of his duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the health officer. Prior to such action, the health officer shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five days following service of such notice, unless a request for a hearing is filed with the health officer, by the permit holder, within such five-day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

(6) Hearing: The hearings provided for in this section shall be conducted by the health officer at a time and place designated by him. Based upon the record of such hearing, the health officer shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the health officer.

Section 4. Anyone violating or failing to comply with the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than Three Hundred Dollars (\$300.00) or to imprisonment of not more than ninety (90) days in the city jail, or by both such fine and imprisonment. Each day a violation of this ordinance continues shall be considered a separate offense.

Section 5. Should any part of this ordinance be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remainder hereof.

Section 6. This ordinance shall be in full force and effect upon its passage and publication as required by law.

Dated at Walla Walla, Washington this ^{25th} 8th day of ^{March} October, 1974. ¹⁹⁷⁵

Attest: Theodore S. Bjerke
County Auditor and ex officio Clerk of the Board

Eugene V. Kelly
Chairman

James A. Stenquist
Commissioner

Donald O. Fischer
Commissioner

Constituting the Board of County Commissioners
of Walla Walla County, Washington, and
and acting as the County Board of Health.

FILED FOR RECORD Oct 8, 1974 AT 3:57 P. M
BY County Commissioners
THEODORE S. BJERKE, Walla Walla County Auditor

\$20,700 Land in Melcdy Park Addn to WW Commerce Mtg Co to Western Southern Life Ins Co Assgn Deed of Trust Executed by Paul L. Dobbins et ux Sherwood & Roberts Inc to Equitable Sav's & Loan

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners will hold a public hearing at 9:00 a.m. on Tuesday, October 8, 1974 in the office of the Board at the County Courthouse in Walla Walla on the following proposed Ordinance No. 101:

ORDINANCE NO. 101

AN ORDINANCE PROVIDING FOR THE ADOPTION BY REFERENCE OF THE CURRENT RULES AND REGULATIONS OF THE STATE BOARD OF HEALTH FOR FOOD SERVICE SANITATION AS THE SAME MAY NOW EXIST OR HEREAFTER BE AMENDED, WITH CERTAIN ADDITIONS AND AMENDMENTS, TOGETHER WITH THE INTERPRETATIONS THEREOF CONTAINED IN THE COMPLIANCE AND ENFORCEMENT PROVISIONS (EXCEPT THAT SECTION PERTAINING TO "GRADING OF FOOD SERVICES ESTABLISHMENTS" SHALL NOT BE INCLUDED) OF THE CURRENT EDITION OF THE "UNITED STATES PUBLIC HEALTH SERVICE FOOD SERVICE SANITATION ORDINANCE AND CODE" WHERE APPLICABLE, AND PROVIDING FOR VIOLATIONS THEREOF.

THE WALLA WALLA COUNTY BOARD OF HEALTH DOES ORDAIN:

Section 1. That the Rules and Regulations of the Washington State Board of Health for Food Service Sanitation, adopted June 3, 1963, together with the interpretation thereof contained in the compliance provisions of the 1962 edition of the "United States Public Health Service Food Service Sanitation Ordinance and Code" is hereby adopted by reference as the restaurant and food service sanitation code of the County of Walla Walla, Washington, together with amendments thereof and additions thereto as hereinafter set forth. All amendments and additions to the Rules and Regulations of the Washington State Board of Health with regard to food service sanitation, when printed and filed with the County Auditor shall become amendments and additions hereto.

Section 2. The provisions of the State Board of Health for food and beverage service workers permits (WAC 248-86-999) and the Rules and Regulations of the State Board of Health governing food workers (87.001.87.020) and Chapter 197, Laws of 1957 (Chapter 69.06 RCW) shall be complied with except that it shall be illegal for a food service establishment operator to have in his employ a person who does not possess a current worker's

permit unless said person is in possession of a seven day waiver signed by the health officer.

Section 3. A. Permit. It shall be unlawful for any person to operate a food service establishment within the County of Walla Walla who does not possess a valid permit issued to him by the health officer. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person to another person or place. A valid permit shall be posted in every food service establishment. Permits for temporary food service establishments shall be issued for a period of time not to exceed 14 days.

(1) **Fees.** The fee for a permit to operate a restaurant, restaurant with bar, or tavern shall be twenty five dollars (\$25.00) per year.

The fee for a permit to operate a grocery store and/or meat or fish market shall be twenty five dollars (\$25.00) for the first inspection (new business). Renewals thereafter shall be ten dollars (\$10.00) per year.

(2) **Issuance of Permits.** Any person desiring to operate a food service establishment shall make written application for a permit on forms provided by the health officer. Such application shall include: the applicant's full name and post office address and whether such applicant is an individual, firm or corporation, and, if a partnership, the names of the partners, together with their addresses, shall be included; the location and type of the proposed food service establishment; and the signature of the applicant or applicants. If the application is for a temporary food service establishment, it shall also include the inclusive dates of the proposed operation. Upon receipt of such application, the health officer shall make an inspection of the food service establishment to determine compliance with the provisions of this ordinance. When inspection reveals that the applicable requirements of this ordinance have been met, a permit shall be issued to the applicant by the health officer.

(3) **Suspension of Permits:** Permits may be suspended temporarily by the health officer for failure of the holder to comply with the requirements of this ordinance. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this section, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended, and that the opportunity for a hearing will be provided if a written request for a hearing is filed with the health officer by the permit holder within five days from the service of the notice. Notwithstanding any other provisions of this ordinance, whenever the health officer finds unsanitary conditions in the operation of a food service establishment which, in his judgment constitutes a substantial hazard to the

action to be taken, and specifying the time period within which such action shall be taken; and, if deemed necessary, such order shall state that the permit is immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the health officer, shall be afforded a hearing as soon as possible.

(4) **Reinstatement of Suspended Permits:** Any person whose permit has been suspended, may, at any time, make application for a reinspection for the purpose of re-instatement of the permit. Within 10 days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the health officer shall make re-inspection. If the applicant is complying with the requirements of this ordinance, the permit shall be reinstated.

(5) **Revocation of Permits:** For serious or repeated violations of any of the requirements of this ordinance, or for interference with the health officer in the performance of his duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the health officer. Prior to such action, the health officer shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five days following service of such notice, unless a request for a hearing is filed with the health officer, by the permit holder, within such five-day period. A permit may be suspended for cause pending its revocation for a hearing relative thereto.

(6) **Hearing:** The hearings provided for in this section shall be conducted by the health officer at a time and place designated by him. Based upon the record of such hearing, the health officer shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the health officer.

Section 4. Anyone violating or failing to comply with the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than Three Hundred Dollars (\$300.00) or to imprisonment of not more than ninety (90) days in the city jail, or by both such fine and imprisonment. Each day a violation of this ordinance continues shall be considered a separate offense.

Section 5. Should any part of this ordinance be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remainder hereof.

Section 6. This ordinance shall be in full force and effect upon its passage and publication as required by law.

Dated at Walla Walla, Washington September 17, 1974.

Theodore S. Bierke

Proof of Publication

Case No.

STATE OF WASHINGTON, }
County of Walla Walla } ss.

Thomas C. Baker, being first duly sworn on oath, deposes and says: That he is the Publisher of The Times, a weekly newspaper which has been established, published in the English language, and circulated continuously as a weekly newspaper in the City of Waitsburg, and in said County and State, and of general circulation in said County for more than six (6) months prior to the date of the first publication of the Notice hereto attached.

That said newspaper is the official newspaper of the City of Waitsburg and of the County of Walla Walla.

That The Times was on the 14th day of June, 1955, approved as a legal newspaper by the Superior Court of said Walla Walla County and that the annexed is a true copy of a

Notice of Hearing No. 101

as it appeared in the regular and entire issue of said newspaper itself and ^{one} not in a supplement thereof for a period of consecutive weeks, Commencing on the 26th day of September, 1974 and ending on the day of, 19..... and that said newspaper was regularly distributed to its subscribers during all of this period.

That the full amount of \$57.60 has been paid in full, at the rate of \$4.20 a hundred words for the first insertion, and \$3.15 a hundred words for each subsequent insertion.

Anita B. Baker, Publisher

Subscribed and sworn to before me this
26th September 74
..... day of, 19.....

Bettie L. Chase

Notary Public in and for the State of Washington,
Residing at Waitsburg, Washington 99361

Proof of Publication

Case No. _____

STATE OF WASHINGTON, } ss.
County of Walla Walla

Thomas C. Baker, being first duly sworn on oath, deposes and says: That he is the Publisher of The Times, a weekly newspaper which has been established, published in the English language, and circulated continuously as a weekly newspaper in the City of Waitsburg, and in said County and State, and of general circulation in said County for more than six (6) months prior to the date of the first publication of the Notice hereto attached.

That said newspaper is the official newspaper of the City of Waitsburg and of the County of Walla Walla.

That The Times was on the 14th day of June, 1955, approved as a legal newspaper by the Superior Court of said Walla Walla County and that the annexed is a true copy of a

Notice of Hearing

as it appeared in the regular and entire issue of said newspaper itself and not in a supplement thereof for a period one consecutive weeks, Commencing on the 24 day of August, 19 78 and ending on the _____ day of _____, 19 _____ and that said newspaper was regularly distributed to its subscribers during all of this period.

That the full amount of \$ 25.48 has been paid in full, at the rate of \$1.96 per column inch.

Anita B. Baker Publisher

Subscribed and sworn to before me this
24th day of August, 19 78

Bettie L. Chase
Notary Public in and for the State of Washington,
Residing at Waitsburg, Washington 99361

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners will hold a public hearing at 9:00 a.m., Tuesday, September, 12, 1978 in the office of the Board at the County Courthouse in Walla Walla on the following proposed Ordinance Amendment:

Amendment No. 1

County Ordinance No. 101

WHEREAS, section three of Walla Walla County Ordinance No. 101 requires the issuance of a permit by the Health Officer prior to the operation of any food service establishment, and

WHEREAS, a "food service establishment" is defined as any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette grill; tea-room; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial feeding establishment; retail grocery; retail food market; retail meat market; retail bakery; private, public or non-profit organization routinely serving food; catering kitchen; commissary or similar place where food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge," and

WHEREAS, a "temporary food service establishment is defined as: 'any food service establishment which operates at a fixed location for a temporary period of time, not to exceed 2 weeks, in connection with a fair, carnival circus, public exhibition, or similar transition gathering,' and

WHEREAS, the County Health Officer recommends the adoption of a more comprehensive food service establishment fee schedule,

THEREFORE, the Walla Walla County Board of Health does ordain that (1) under subsection (A) of section (3) be amended to read as follows:

- (1) Fees:
- (a) Restaurant \$25.00/year
- (b) Restaurant/W Bar \$25.00/year
- (c) Grocery Store \$25.00/year
- (d) Grocery Store W/Bakery & or Meat Market \$25.00/year
- (e) Temporary Food Service Establishment \$2.00 per occasion
- (f) Concession Stand Operation On a Continuous Basis \$5.00/year
- (g) Retail Fish and Meat Market \$25.00/year
- (h) Retail Bakery \$25.00/year
- (i) Mobile Food Service Operating On a Continuous Basis \$5.00/year
- (j) Vending or Catering Kitchen \$25.00/year
- (k) Tavern \$25.00/year

The effective date shall be January 1, 1979.

Dated at Walla Walla, Washington, August 15, 1978

C. Lynn Smith
Clerk of the Board
of County Commissioners

The Times
August 24, 1978

7807990

7807990

AMENDMENT TO COUNTY ORDINANCE NO. 101

AMENDMENT NO. 1

WHEREAS, section three of Walla Walla County Ordinance No. 101 requires the issuance of a permit by the Health Officer prior to the operation of any food service establishment, and

WHEREAS, a "food service establishment" is defined as any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tea-room; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial feeding establishment; retail grocery; retail food market; retail meat market; retail bakery; private, public or non-profit organization routinely serving food; catering kitchen; commissary or similar place where food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge," and

WHEREAS, a "temporary food service establishment is defined as: 'any food service establishment which operates at a fixed location for a temporary period of time, not to exceed 2 weeks, in connection with a fair, carnival, circus, public exhibition, or similar transition gathering,'" and

WHEREAS, the County Health Officer recommends the adoption of a more comprehensive food service establishment fee schedule,

THEREFORE, the Walla Walla County Board of Health does ordain that (#1) under subsection (A) of section (#3) be amended to read as follows:

(1) Fees:

- (a) Restaurant \$25.00/year
- (b) Restaurant/W Bar \$25.00/year
- (c) Grocery Store \$25.00/year
- (d) Grocery Store W/Bakery &/or Meat Market \$25.00/year
- (e) Temporary Food Service Establishment \$2.00 per occasion
- (f) Concession Stand Operation on a Continuous Basis \$5.00/year
- (g) Retail Fish and Meat Market \$25.00/year
- (h) Retail Bakery \$25.00/year
- (i) Mobile Food Service Operating on a Continuous Basis \$5.00/year
- (j) Vending or Catering Kitchen \$25.00/year
- (k) Tavern \$25.00/year

The effective date shall be January 1, 1979.

Dated at Walla Walla, Washington this 12th day of September 1978.

ATTEST: Colleen Gardner
Deputy COUNTY AUDITOR and EX OFFICIO CLERK OF THE BOARD

Harmon Johnson
CHAIRMAN

Eugene V. Kelly
COMMISSIONER

Franklin F. Cline
COMMISSIONER



Constituting the Board of County Commissioners of Walla Walla County, Washington and acting as the County Board of Health

FILED FOR RECORD
IN WALLA WALLA CO. WASH.
BY C. Auditor

SEP 12 10 05 AM '78

C. LYNN SMITH
AUDITOR