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ORDINANCE NO. 455 – AN ORDINANCE AMENDING WALLA WALLA COUNTY CODE CHAPTER 8.32, REVISING THE SCHEDULE FOR FOOD SERVICE FEES.

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Karen Martin County Auditor, Walla Walla County WA

BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON

ORDINANCE NO. 455

AN ORDINANCE AMENDING WALLA WALLA COUNTY CODE CHAPTER 8.32, REVISING THE SCHEDULE FOR FOOD SERVICE FEES.

Whereas, the Walla Walla County Department of Community Health has reviewed its food service sanitation fee regulations, and determined that the regulations need to be updated; and

Whereas, the Walla Walla County Department of Community Health has studied the cost of processing such applications and providing related services; and

Whereas, it is the desire of Walla Walla County to charge fees to partially offset the actual cost to the County of processing such applications and providing related services;

NOW THEREFORE,

BE IT ORDAINED, by the Walla Walla County Board of County Commissioners that:

Section I. The Board of County Commissioners Makes the Following Findings of Fact:

1. The revised fee schedule, at WWCC Chapter 8.32, is based on the costs of processing various permits, reviews, inspections and other Department of Community Health activities.

2. Notices of a Public Hearing were published in the Walla Walla Union-Bulletin on September 8, 2016.

3. The Board of County Commissioners held a public hearing on September 19, 2016 for the purpose of receiving testimony on the proposed revisions.

Section II. The Board of County Commissioners Makes the Following Conclusions of Law:

1. The County has reviewed and evaluated comments received from the public.

2. The fees established by the revised fee schedule, at WWCC Chapter 8.32, are fair and commensurate with the services provided.

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Section III. Amendments to Walla Walla County Code Chapter 8.32. The amendments to Walla Walla County Code Chapter 8.32.035 and 8.32.040, are **adopted** as presented to the Board of County Commissioners on this date as attached in Exhibit A.

Section IV. Effective Date and Savings. This ordinance is effective as of the date of signing.

Section V. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section VI. Index. The index to any chapter of the Walla Walla County Code in which sections are added or removed or in which section titles are changed herein shall also be amended to reflect the section amendments.

Section VII. This ordinance will be published by an approved summary consisting of the title.

PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 26th day of September, 2016 .

Attest:

Connie R. Vinti, Clerk of the Board

James K. Johnson, Chairman, District 1

Perry L. Dozier, Commissioner, District 2

James L. Duncan, Commissioner, District 3

Constituting the Board of County Commissioners of Walla Walla County, Washington

Approved as to form

Jesse D. Nolte, Deputy Prosecuting Attorney

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8.32.035 Food service risk factors and categories.

A. Risk factors are the following:

1. *Bare Hand Contact:* Potential for bare hand contact with ready-to-eat foods.
2. *Cold Holding:* Cold holding of potentially hazardous foods.
3. *Hot Holding:* Hot holding of potentially hazardous foods.
4. *Cooking:* Cooking of potentially hazardous foods (does not include heating commercially, pre-cooked foods).
5. *Cooling:* Cooling of potentially hazardous foods.
6. *Reheating:* Reheating of potentially hazardous foods for the purpose of hot holding.
7. *Produce Preparation:* Washing and/or cutting produce to serve as a ready to eat food.
8. *Highly Susceptible Population:* Establishment primarily serves a population at a higher risk of foodborne illness (pre-school age children, senior citizens).
9. *Consumer Advisory:* Has or needs a consumer advisory for undercooked potentially hazardous foods.
10. *Time as a Control:* When a food establishment replaces hot or cold holding with time as a control for a food item.
11. *Special Processes*: When a food establishment utilizes a process specified in Washington Administrative Code 246-215-03535 and 246-215-03540.

One point will be awarded for each risk factor associated with the menu of foods served. The total number of points awarded will determine the classification of the food establishment.

B. Food service categories are based on the ~~nine~~ ten 11 risk factors:

1—3 points—Category 1.

4—6 points—Category 2.

7 or more points—Category 3.

(Ord. No. 418A, § III(Exh. C), 11-4-2013; Ord. No. 431, § III(Exh. A), 4-27-2015)

Editor's note— The editor changed the number of risk factors in Subsection 8.32.035.B from nine to ten in order to correct a scrivener's error in Ord. No. 431, § III(Exh. A).

8.32.040 Food program fees.

Food service fees are on a per year basis unless otherwise noted. Food program fees shall be as follows:

A. Restaurants:

- Category 1 .....~~$500.00~~ $535.00
- Category 2 .....~~575.00~~ $615.00
- Category 3 .....~~750.00~~ $800.00

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B. Grocery Stores:

- Category 1 .....~~275.00~~ $295.00
- Category 2 .....~~500.00~~ $535.00
- Category 3 .....~~1,150.00~~ $800.00

C. Mobile and vending food units:

- Category 1 .....~~185.00~~ $200.00
- Category 2 .....~~300.00~~ $320.00
- Category 3 .....~~500.00~~ $535.00
- Seasonal (6 months or less) Mobile Category 1 .....~~100.00~~ $110.00
- Seasonal (6 months or less) Mobile Category 2 .....~~150.00~~ $160.00
- Seasonal (6 months or less) Mobile Category 3 .....~~250.00~~ $270.00

D. Bars, taverns, wineries:

- Category 1 .....~~185.00~~ $200.00
- Category 2 .....~~350.00~~ $375.00
- Category 3 .....~~560.00~~ $600

E. Caterer $200.00

~~E.~~ F. Bed & breakfast kitchen .....~~185.00~~ $200.00

~~F.~~G. Concession Stand/Snack Bars:

1. Commercial .....~~270.00~~ $280.00
2. Seasonal commercial (6 months or less) .....~~135.00~~ $145.00
3. Concession fees for non-profit organizations shall be one-half the commercial rate.

~~G~~H. Food handler's cards:

1. Food worker cards (fee mandated by WAC 246-217-025) 10.00
2. Reprint of lost food worker card 5.00

~~H.~~I. Temporary Food Establishments (operating 21 days or less):

1. Category 1 temporary food service permit .....$35.00 + 10.00 per day
2. Category 2 temporary food service permit .....$75.00 + 10.00 per day
3. Temporary food service fees for non-profit organizations shall be one-half of the commercial rates.
4. Temporary food service multi-event fee multiple permits applied for and paid 14 days or more before first event shall be 85 percent of regular total fee.
5. Food establishments that have a current food service permit as specified in subsections A—~~D~~E of this section shall receive a 75 percent fee discount for single event that they are participating in. This fee reduction shall not apply to those applying for the Farmers Market, Temporary Events that recur for more than 21 days or any other discount.
6. Temporary and re-occurring temporary food vendors operating without a valid food service permit will be closed until all fees are paid and be charged an operating without a permit fee.

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7. Temporary establishments which operate without a valid permit shall be charged a 50-percent service fee in addition to the normal permit fee. Permit discounts will not apply.

~~I.~~J. Temporary food establishments (recurring more than 21 days, for Farmers Market or other occasions where a temporary food vendor is at the same event that recurs for 21 days or more).

1. Category 1 permit 100.00
2. Category 2 permit 150.00

~~J.~~K. Special Considerations:

1. For permanent non-seasonal establishments, new food permits issued after March 31st shall be charged 75 seventy-five percent of the normal permit fees listed above, after June 30th shall be charged 50 percent of the normal permit fees listed above, and after September 30th shall be charged 25 percent of the normal permit fees listed above. New food permits issued after November 30th shall be charged 100 percent of the next year's fee and will be effective from the opening date through the next calendar year. Discounts do not apply to permanent non-seasonal establishments operating without a valid food service permit.
2. Permanent non-seasonal food establishments can request to obtain a nine-month permit. The nine-month permit shall be 75 percent the original food service permit fee and can only be granted as long as the business does not have any past due fees for their annual food service permit. The food establishment must make arrangements with the regulatory authority two weeks before the current year's permit expires.
3. A permanent non-seasonal food service establishment can apply for a split in its food service fee. The split fee allows a food establishment to pay 50 percent of its food service permit before December 31st, and the remainder of its permit fee by July 1st, with an additional $50.00 processing fee. The processing fee will be waived if the food establishment voluntarily pays the remainder of its food service fee before the reminder notice is sent on June 1st. The food service establishment must apply for the special condition by December 15th. If the first fee is not paid by February 1st of the renewal year then the operating permit will be suspended and the establishment will be closed until the permit is renewed and the late fee is paid. If the second payment is not received by July 31st of the renewal year then the operating permit will be suspended and the establishment will be closed until the permit is renewed and the late fee is paid.
4. Food establishment owners that close their food establishment may receive a refund if requested by the owner: 50 percent for January—March 31st, 25 percent for April—June 30th. No refund will be issued after June 30th.
5. Charitable non-profit organizations serving food to the needy are exempt from paying food service fees.
6. Food service fees for non-profit 501(c) (3), 501(c) (8), 501(c) (10), and 501(c) (19) organizations shall be one-half of the commercial rates. Discount does not apply to permanent non-seasonal non-profit establishments operating without a valid food service permit.
7. Food service plan reviews ~~and miscellaneous food program work~~ shall be billed at ~~the rate of $70.00~~$100.00 ~~per hour.~~ ~~with a minimum charge~~ Miscellaneous food program work shall be billed at the rate of ~~$70.00~~$100.00 per hour. Charges after the first hour will be calculated in one-quarter-hour increments.
8. Establishments that require more than one follow-up compliance inspection shall be charged ~~at the rate of~~ $60.00 for each follow up compliance inspection ~~per hour, with a minimum charge of $60.00 per follow-up. Charges after the first hour will be will be calculated in one-quarter-hour increments~~.

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9. Additional permit fees shall be charged for the following:

   a. Existing permanent non-seasonal food service establishments that have not renewed their annual permit by January 1st of the renewal year shall be charged a 25-percent service fee, in addition to the normal permit fee. Existing permanent non-seasonal food service establishments not renewing their annual permit by February 1 of the renewal year shall have their operating permit suspended, and the establishment will be closed until the permit is renewed and the late fee is paid.

   b. New establishments that begin operation without a valid permit shall be charged an additional 50-percent service fee in addition to the normal permit fee. Permit discounts will not apply.

   c. Seasonal establishments which operate without a valid permit shall be charged a 50-percent service fee in addition to the normal permit fee. Permit discounts will not apply.

   d. If more than one Health Officer Order instructing the establishment to pay for their current year permit fees is sent to the establishment, that establishment must pay two and one-half (2.5) times the normal permit fee. Permit discounts do not apply.

10. Permanent non-seasonal food service establishments (subsections A through ~~F~~ G) can receive a 25-percent discount on annual permit renewal if:

    a. The food establishment has no critical items on three out of the past four consecutive food service inspection reports for inspections after June of 2012 and has an internal audit program.

    b. The internal audit program must consist of the following, but is not limited to, just these items:

       - Compliance with required and approved processes; such as a HACCP plan.
       - Paying the annual food service permit renewal on time.
       - Having instituted a self-auditing program specific to the establishment. This includes but is not limited to:
         - Daily temperature monitoring of hot and cold potentially hazardous food items.
         - Employee health monitoring.
         - Proper cooling and reheating verification.

    c. The health officer may add additional items as determined necessary if the food establishment added a process or food item that requires additional tracking not mentioned above.

    d. If the results of a November or December inspection make a food establishment eligible for a discount, the discount will not apply until the next following year's renewal cycle. For example, if an establishment receives, for a third time, no critical items on an inspection occurring in November or December of 2013, the discount may be received for the 2015 renewal, so long as the establishment receives no critical items on interim inspections before the 2015 renewal.

    e. New establishments must have three routine inspections completed before any discount can be received.

11. Institutional kitchen evaluations (school and jail kitchens) shall be billed at $100.00 per hour with a $100.00 minimum fee.

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12. Daycare/childcare facilities shall be billed at ~~$60.00~~$100.00 per hour with a ~~$60.00~~ $100.00 minimum fee.

(Ord. No. 410, § III(Exh. C), 4-30-2012; Ord. No. 418A, § III(Exh. C), 11-4-2013; Ord. No. 431, § III(Exh. A), 4-27-2015)

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