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**ORDINANCE NO. 472 AN ORDINANCE AMENDING WALLA WALLA COUNTY CODE CHAPTERS 8.04 AND 8.32, ADDING ADDITIONAL REQUIREMENTS FOR MOBILE FOOD UNITS AND REVISING THE DEPARTMENT OF COMMUNITY HEALTH FEE SCHEDULE TO UPDATE FEES.**

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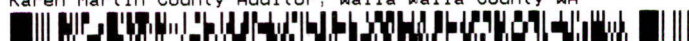
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**BOARD OF COUNTY COMMISSIONERS  
WALLA WALLA COUNTY, WASHINGTON**

**ORDINANCE NO. 472**

**AN ORDINANCE AMENDING WALLA WALLA COUNTY CODE CHAPTERS 8.04 AND 8.32, ADDING ADDITIONAL REQUIREMENTS FOR MOBILE FOOD UNITS AND REVISING THE DEPARTMENT OF COMMUNITY HEALTH FEE SCHEDULE TO UPDATE FEES.**

**Whereas**, the Walla Walla County Department of Community Health has reviewed its fee schedules; 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; and

**Whereas**, additional requirements are needed for mobile food units to reflect changes in state law;

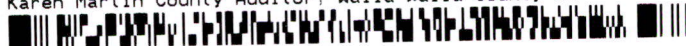
**NOW THEREFORE,**

**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 Department of Community Health fee schedule, at WWCC Chapter 8.32, is based on the costs of processing various permits, reviews, inspections and other health related activities.
2. Notices of a Public Hearing were published in the Walla Walla Union Bulletin on September 13, 2018.
3. The Board of County Commissioners held a public hearing on October 8, 2018 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 new regulations in Chapter 8.04 regarding mobile food units are consistent with state law.
3. The fees established by the revised Department of Health Fee Schedule, at WWCC Chapter 8.32, are fair and commensurate with the services provided.

**Section III. Amendments to Walla Walla County Code Chapter 8.32.** The amendments to Chapter 8.04 and Chapter 8.32 are **adopted** as presented to the Board of County Commissioners on this date as attached in Exhibit A and Exhibit B.

**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.** 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 day 8<sup>th</sup> of October, 2018.

Attest:

  
Connie R. Vinti, Clerk of the Board

  
James K. Johnson, Chairman, District 1

  
Todd L. Kimball, 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





## EXHIBIT A

### CHAPTER 8.04 - FOOD SERVICE SANITATION

#### 8.04.010 - Adoption by reference.

The Washington State Board of Health Rules and Regulations for Food Service Standards (WAC Chapter 246-215, WAC Chapter 246-217) as the same may now exist or hereafter be amended, are hereby adopted by reference as the food service standards for Walla Walla County.

(Ord. No. 418A, § III(Exh. A), 11-4-2013)

#### 8.04.012 – Mobile Food Unit Requirements

A. In addition to the requirements of the Washington Administrative Code (WAC) 246-215-09100, all mobile food units must have mechanical refrigeration that is sufficient in size to accommodate storage of all potentially hazardous foods. Ice chests are not allowed to store potentially hazardous foods.

B. If requesting to not have a commissary under RCW 43.20.148, additional refrigeration may be required if the mobile food unit is proposing food preparation steps beyond cold holding. For example, if a mobile food unit cooks an item on the unit and then cools it down using the refrigeration on the unit, the unit would need an additional mechanical refrigerator to handle the cooling down step.

C. If requesting to not have a commissary, a mobile unit must meet all of the requirements of WAC 246-215. The number and type of sinks will depend on the menu.

D. All food preparation must occur within the mobile unit; temporary tables and pop up canopies are not allowed.

E. Smokers and barbecues may be allowed as a source of cooking as long as there is an electrical device on the mobile unit that can keep foods hot and the smokers or barbecues are easily attached to the mobile unit for transporting.

F. The Health Officer may impose additional requirements on a mobile food unit to insure proper food safety procedures are being conducted.

#### 8.04.020 - Violation—Penalty.

Anyone violating or failing to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction, shall be subject to a fine of not more than three hundred dollars or to imprisonment of not more than ninety days or by both such fine and imprisonment. Each day a violation of this chapter continues shall be considered a separate offense.

(Ord. No. 418A, § III(Exh. A), 11-4-2013)

#### 8.04.030 - Severability.

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

(Ord. No. 418A, § III(Exh. A), 11-4-2013)

EXHIBIT B

CHAPTER 8.32 - ~~HEALTH DEPARTMENT~~ DEPARTMENT OF COMMUNITY HEALTH FEE  
SCHEDULE

8.32.010 - Establishment of schedule.

The Walla Walla ~~hBoard~~ of ~~eCounty eCommissioners~~ acting as the Walla Walla County ~~hBoard~~ of ~~hHealth~~ ordains that the fee schedule set out in this chapter be established for the environmental health services of the Walla Walla County Department of Community Health.

(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)

8.32.015 - General conditions.

- A. Any permitted establishment that has an outstanding balance with the Department of Community Health must pay all fees before a renewal permit can be issued. Example: A food establishment is assessed a fee for a follow-up inspection but fails to pay that fee and renewals are sent out for the next year. That establishment will not receive a renewal permit until all fees are paid.
- B. Miscellaneous Program Fee: A charge of \$100.00 per hour after the first hour with a minimum charge of \$100.00 will be assessed to any Environmental Health Program that does not have a per hour rate already assigned to it or if work in a program goes beyond what the normal fee covers. For Example: A customer is proposing a new composting facility and review of the application takes five hours instead of three hours. The customer would then be charged for an additional two hours of review time because the permit review fee for a new composting facility gives a three-hour allowance for review of the application.

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

8.32.020 - Sewage program fees.

Sewage program fees shall be as follows:

- A. ~~Septic tank permit~~ Onsite Sewage Permit—New system ..... ~~\$875.00~~ \$900.00
- B. ~~Septic tank permit~~ Onsite Sewage Permit—Major replacement (total system or drainfield) ..... \$500.00
- C. ~~Septic tank permit~~ Onsite Sewage Permit—Replacement of septic tank only ..... ~~100.00~~ \$150.00
- D. Greywater subsurface irrigation installation permit:
  - 1. Tier 1 ..... \$400.00
  - 2. Tier 2 ..... \$400.00
  - 3. Tier 3 ..... \$400.00
- E. Shop septic system up to 100 lineal feet of drainfield ..... \$250.00.



- F. ~~Bedroom addition to an existing septic system up to 100 lineal feet of drainfield~~ Single bedroom addition..... \$250.00. Any bedroom addition greater than 1 bedroom will require a new installation permit.
- G. ~~Septic tank~~ Onsite Sewage permit - holding tank or pit privy ..... ~~300.00~~ \$350.00
- H. ~~Septic tank~~ Onsite Sewage permit fees will be doubled for any person who fails to obtain a septic permit when required.
- I. Sewage system cleaner's license—Initial ..... ~~160.00~~ \$250.00
- J. Sewage system cleaner's license—Annual renewal ..... ~~110.00~~ \$150.00
- K. Sewage system installer's license—Initial ..... ~~215.00~~ \$250.00
- L. Sewage system installer's license—Annual renewal ..... ~~110.00~~ \$150.00
- M. ~~Miscellaneous sewage program work, including test holes not included in a current permit application process and more than one follow up compliance inspection, shall be charged at the rate of \$100.00 per hour with a minimum charge of \$100.00 per follow up. Charges after the first hour will be calculated in ¼ hour increments.~~
- M. Site visits and test holes for new septic permit application \$200.00. An additional \$100.00 per hour will be charged for each additional hour in excess of 2 hours. Charges after the first two hours will be calculated in ¼-hour increments.
- N. Site visit and test holes not associated with a septic permit application \$200.00. An additional \$100.00 per hour will be charged for each additional hour in excess of 2 hours. Charges after the first two hours will be calculated in ¼-hour increments.
- O. Winter Observation if required \$500.00
- NP. For properties that are applying for a medical/personal hardship for temporary placement of a mobile/manufactured home, as determined by the Walla Walla County Community Development Department, the on-site sewage permit shall be \$215.00.

(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)

#### 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 eleven 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; Ord. No. 455, § III(Exh. A), 9-26-2016)

#### 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 ..... \$535.00
- Category 2 ..... \$615.00
- Category 3 ..... \$800.00

B. Grocery Stores:

- Category 1 ..... \$295.00
- Category 2 ..... \$535.00
- Category 3 ..... \$800.00

C. Mobile and vending food units:

- Category 1 ..... \$200.00
- Category 2 ..... \$320.00
- Category 3 ..... \$535.00

- Seasonal (6 months or less) Mobile Category 1 ..... \$110.00
  - Seasonal (6 months or less) Mobile Category 2 ..... \$160.00
  - Seasonal (6 months or less) Mobile Category 3 ..... \$270.00
- D. Bars, taverns, wineries and Transient Accommodations:
- Category 1 ..... \$200.00
  - Category 2 ..... \$375.00
  - Category 3 ..... \$600.00
- E. Caterer ..... \$200.00
- F. Bed & breakfast kitchen ..... \$200.00
- G. Concession Stand/Snack Bars:
1. Commercial ..... \$280.00
  2. Seasonal commercial (6 months or less) ..... \$145.00
  3. Concession fees for non-profit organizations shall be one-half the commercial rate.
- H. Food ~~handler~~ Worker cards:
1. Food worker cards (fee mandated by WAC 246-217-025) ..... \$10.00
  2. Reprint of lost food worker card ..... \$5.00
- 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—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~~ recurring 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.
  7. Temporary vendors that do not submit an application within three business days before the start of the event shall be charged a late fee of \$25.00. For example, if there is a temporary event on a Saturday, the vendor will have until the Wednesday before the event to submit an application before a late fee will apply. Another example is if there is an event on Tuesday, the vendor will have until Thursday of the previous week to submit an application before a late fee is applied.



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

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

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 of 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. 3. 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. 4. Charitable non-profit organizations serving food to the needy are exempt from paying food service fees.
6. 5. 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.

~~7.6.~~ Food service plan reviews and HACCP plan reviews shall be billed at \$100.00. Miscellaneous food program work shall be billed at the rate of \$100.00 per hour. Charges after the first hour will be calculated in one-quarter-hour increments.

~~8.7.~~ Establishments that require ~~more than one~~ a follow-up compliance inspection shall be charged ~~\$60.00~~ 25% of their food establishment annual permit fee for each follow up compliance inspection.

~~9. 8.~~ 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 10<sup>th</sup> 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.

~~10.9.~~ Permanent non-seasonal food service establishments (subsections A through 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.
- ~~11.10.~~ Institutional kitchen evaluations (school and jail kitchens) shall be billed at \$100.00 per hour with a \$100.00 minimum fee.
- ~~12.11.~~ Daycare/childcare facilities shall be billed at \$100.00 per hour with a \$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; Ord. No. 455, § III(Exh. A), 9-26-2016)

#### 8.32.050 - Solid waste program fees.

Solid waste program fees shall be as follows:

- A. Sanitary landfill New permit ..... \$2,000.00
- B. Sanitary landfill Renewal ..... ~~750.00~~ \$800.00
- C. Composting site New permit ..... ~~300.00~~ \$350.00
- D. Composting sites Renewal ..... ~~200.00~~ \$250.00
- E. Other solid waste facilities/sites New permit ..... \$500.00
- F. Other solid waste facilities/sites Renewal ..... ~~200.00~~ \$250.00

(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)

#### 8.32.070 - Plat review fees.

Plat review fees shall be as follows:

- A. Short plat review ..... \$200.00
- B. Long plat review ..... \$400.00
- C. Boundary Line Adjustment ..... \$100.00

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

#### 8.32.080 - Primary and secondary school inspection and plan review fees.

Inspection and plan review fees for primary and secondary schools shall be as follows:

- A. Plan review and inspections shall be billed at the rate of \$100.00 per hour with a minimum charge of \$100.00. Charges after the first hour will be calculated in one-quarter-hour increments.

(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)

8.32.090 – Recreational Water Facilities; Public swimming pools and spas inspections.

~~Public swimming pool and spa inspection~~ Recreational Water Facility operating permits fees shall be as follows:

A. ~~Operating permit fees:~~

1. General use, Limited use swimming pools and spas as defined by WAC 246-260..... \$300.00

2. Seasonal (6months or less) General use, Limited use swimming pools and spas as defined by WAC 246-260..... \$150.00

1. ~~General use swimming pool permit fee ..... \$235.00/year~~

2. ~~General use swimming pool permit fee—Seasonal ..... 175.00/year~~

3. ~~Limited use swimming pool permit fee ..... 125.00/year~~

4. ~~Limited use swimming pool permit fee—Seasonal ..... 85.00/year~~

5. ~~General use spa permit fee ..... 125.00/year \$200.00~~

6. ~~General use spa permit fee—Seasonal ..... 85.00/year~~

7. ~~Limited use spa permit fee ..... 85.00/year~~

8. ~~Limited use spa permit fee—Seasonal ..... 60.00/year~~

9. ~~3. Pool or spa facilities that require more than one follow-up inspection shall be charged at the rate of \$60.00 per hour, with a minimum charge of \$60.00. 25% of the permit fee per follow-up. Charges after the first hour will be calculated in one-quarter hour increments.~~

- ~~10.4.~~ Additional permit fees shall be charged for the following:

Pool and spa permits shall be issued ~~on the~~ from May 1—April 30. Pools or spas that have not renewed their annual permit by May 1st of the renewal year shall be charged a 25 percent service fee in addition to the normal permit fee. Existing pools or spas that have not renewed their annual ~~operating~~ permit by June 1st of the renewal year shall have their operating permit suspended, and the pool or spa will be closed until the permit is renewed and the late fee is paid.

(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)



8.32.100 - Drinking water Group B water systems.

Group B water system approvals and sanitary surveys fees shall be as follows:

1. Approval of a simple Group B water system as defined in WAC 246-291-120(4)(a-e): ~~\$400.00~~ \$500.00. An additional \$100.00 per hour will be charged for each additional hour in excess of four hours.
2. Group B water system requesting a variance: an additional ~~\$150.00~~ \$200.00 will be added to the approval fee. An additional \$100.00 per hour will be charged for each additional hour in excess of one hour.
3. Group B water system requiring a sanitary survey due to bad test result: will be billed at a rate of \$100.00 per hour with a minimum charge of \$100.00
4. Well site inspections for public water system approval.... \$200.00

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