

CHAPTER 6.40
FOOD SERVICE SANITATION

SECTIONS:

6.40.010	Adoption of State Rules
6.40.020	Definitions
6.40.030	Permit Required
6.40.040	Application for Permit
6.40.050	Issuance of Permit - Expiration
6.40.060	Fees for Permits
6.40.070	Renewal of Permit
6.40.080	Certificates of Recognition
6.40.090	Suspension of Permits
6.40.095	Revocation of Permits
6.40.101	Service of Notices
6.40.105	Hearings
6.40.110	Appeal
6.40.120	Violations - Penalties

6.40.010 ADOPTION OF STATE RULES. Subject to the provisions of RCW 36.32.120, the "Rules and Regulations of the Washington State Board of Health Governing Food Service Sanitation," revised and adopted by the State Board of Health, November 1, 1980, WAC 248.84.002; 248.84.010; 248.84.015; 248.84.020; 248.84.025; 248.84.030; 248.84.035; 248.84.040; 248.84.045; 248.84.050; 248.84.055; 248.84.060; 248.84.065; 248.84.085; 248.84.090; 248.84.095; 248.84.100; 248.84.105; 248.84.110; 248.84.500; and 248.84.900 (hereinafter called "Rules and Regulations") and all future amendments, modifications and changes thereto, are adopted by reference, except as provided in this chapter.
[Ord. 129 (1977) ■ 1; Ord. 150 (1981) ■ 2]

6.40.020 DEFINITIONS. When used in this chapter, the following words and expressions shall have the meanings ascribed to them below:

(a) "Health Officer" means the health officer of the Benton-Franklin District Health Department or an authorized representative of such officer.

(b) "Person" means any natural person, firm, corporation, partnership, association, or agency of state, county, or municipal government, or agency of the federal government which is subject to the jurisdiction of the state.
[Ord. 129 (1977) ▪ 2; Ord. 294 (1996) ▪ 1]

6.40.030 PERMIT REQUIRED. It is unlawful for any person to operate a food service establishment or temporary food service establishment without having in such person's possession an unrevoked permit issued by the health officer as hereinafter provided.
[Ord. 129 (1977) ▪ 3; Ord. 294 (1996) ▪ 2]

6.40.040 APPLICATION FOR PERMIT. (a) Any person desiring to obtain a permit shall make application therefor to the health officer on forms to be provided by such health officer. The application shall include:

- (1) Name and permanent address of owner or operator, or person who shall be responsible for the operation;
- (2) Type of establishment desired to be operated, including types of food, drink, etc., planned to be served to the public, if any;
- (3) Location and site of proposed establishment;
- (4) Statement as to the source of the water supply to be used;
- (5) Statement as to the method of disposal of liquid wastes;
- (6) Statement as to the method of disposal of garbage and refuse;
- (7) Statement as to the use of approved facilities for properly washing and sanitizing utensils;
- (8) Statement as to the toilet facilities to be used;
- (9) Statement as to the use, if any, of single-service utensils.

(b) Applications for permits for temporary food service establishments shall also include:

(1) Duration of time the temporary food service establishment is to be operated;

(2) An agreement by the applicant to restore the premises to a clean and sanitary condition following the cessation of operations;

(c) The health officer may require applicants to furnish such other information, either as a part of the application or separately, as the health officer may believe is required to carry out the provisions of this chapter. The health officer may waive such requirements of BCC 6.40.040(a) as the health officer believes are not required to carry out the provisions of the other parts of this chapter.

[Ord. 129 (1977) ▪ 4; Ord. 294 (1996) ▪ 3]

6.40.050 ISSUANCE OF PERMIT - EXPIRATION. If the health officer determines that the proposed operation is in a suitable location, and that the applicant has agreed to adhere to the applicable sanitary requirements of this chapter, and that the proposed method of operation is in accordance with the requirements of this chapter, and that the permit fee has been paid as hereinafter provided, the health officer shall issue an appropriate permit. Permits for temporary food service establishments shall expire at the end of the period stated in the application, which shall not exceed twenty-one (21) calendar days. Permits for other food service establishments shall expire on the thirty-first day of December, annually.

[Ord. 129 (1977) ▪ 5; Ord. 294 (1996) ▪ 4]

6.40.060 FEES FOR PERMITS. The fee for a food service establishment permit, including renewals thereof, shall be in an amount established by resolution of the Benton-Franklin District Board of Health. All permit fees shall be paid to the Benton-Franklin District Health Department. No permit shall be issued by the health officer until the appropriate fee as provided herein has

been received.

[Ord. 129 (1977) ▪ 6; Ord. 174 (1983) ▪ 1; Ord. 213 (1987) ▪ 1; Ord. 294 (1996) ▪ 5]

6.40.070 RENEWAL OF PERMIT. Permits shall be renewed annually without further application upon receipt by the Benton-Franklin District Health Department of the renewal fee on or before the thirty-first day of January. Renewal fees shall be delinquent after that date and may be subject to late fees in amounts established by resolution of the Benton-Franklin District Board of Health. If, however, the health officer determines that any permit holder has violated the provisions of this chapter to such an extent that continued operation by such permit holder constitutes a substantial risk to the health of the permit holder's employees or others, the health officer may decline to reissue the permit of the person. Ten days notice of such decision shall be given the permit holder.

[Ord. 129 (1977) ▪ 7; Ord. 213 (1987) ▪ 2; Ord. 294 (1996) ▪ 6]

6.40.080 CERTIFICATES OF RECOGNITION. The health officer is authorized to award operators of food service establishments certificates of recognition for consistent adherence to superior standards of sanitation; such certificates may be in the form of special markings upon permits.

[Ord. 129 (1977) ▪ 8]

6.40.090 SUSPENSION OF PERMITS. (a) The health officer may suspend any permit to operate a food service establishment, mobile food unit or temporary food service establishment if the holder of the permit does not comply with the requirements of these regulations, or if the operation of the food service establishment otherwise constitutes a substantial hazard to public health. Suspension is effective upon service of the notice required by BCC 6.40.090(b). When a permit is suspended, food service operations shall immediately cease.

(b) Whenever a permit is suspended, the holder of the permit or the person in charge shall be notified in writing that the permit

is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if a written request for hearing is filed with the health officer by the holder of the permit within ten days. If no written request for hearing is filed within ten days, the suspension is sustained.

(c) 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 two working days following receipt of a written request for reinspection, including a statement signed by the applicant that in the applicant's opinion the conditions causing suspension of the permit have been corrected, the health officer shall make a reinspection. If the applicant is complying with the requirements of these regulations, the permit shall be reinstated.
[Ord. 129 (1977) § 9; Ord. 150 (1981) § 3; Ord. 294 (1996) § 7]

6.40.095 REVOCATION OF PERMITS. (a) The health officer may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of these regulations, or for interference with the health officer in the performance of duty.

(b) Prior to revocation, the health officer shall notify, in writing, the holder of the permit, or the person in charge, of the specific reason(s) for which the permit is to be revoked and that the permit shall be revoked at the end of the ten days following service of such notice unless a written request for hearing is filed with the health officer by the holder of the permit within such ten-day period. If no request for hearing is filed within the ten-day period, the revocation of the permit becomes final.

(c) Any person whose permit has been revoked may make a written application for the purpose of obtaining a new permit. A hearing will be provided before the health officer to determine if a new permit shall be issued.
[Ord. 150 (1981) § 4]

6.40.101 SERVICE OF NOTICES. A notice provided for in these regulations is properly served when it is delivered to the holder of the permit, or the person in charge, or when it is sent by

registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the health officer.
[Ord. 150 (1981) ▪ 6]

6.40.105 HEARINGS. The hearings provided for in these regulations shall be conducted by the health officer at a time and place designated by him/her. The health officer shall make a final finding based upon the complete hearing record and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the health officer.
[Ord. 150 (1981) ▪ 7]

6.40.110 APPEAL. Any person aggrieved by the decision of the health officer may, after the hearing provided for in BCC 6.40.090 - BCC 6.40.095, appeal to the Benton-Franklin District Board of Health in writing within ten (10) days of such hearing. An appeal hearing shall be held before the Benton-Franklin District Board of Health within twenty (20) days of receipt of the written appeal, and five (5) days notice of such hearing shall be given all persons concerned.
[Ord. 129 (1977) ▪ 11; Ord. 150 (1981) ▪ 8; Ord. 294 (1996) ▪ 8]

6.40.120 VIOLATIONS - PENALTIES. Any person violating any provision of this chapter shall be guilty of a misdemeanor.
[Ord. 129 (1977) ▪ 12; Ord. 214 (1987) ▪ 16]