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## Ordinance 2016-1

AN ORDINANCE OF THE GRANT COUNTY HEALTH DISTRICT RELATING TO TEMPORARY FOOD SERVICE PERMITTING.

BE IT ORDAINED BY THE BOARD OF HEALTH OF THE GRANT COUNTY HEALTH DISTRICT AS FOLLOWS:

**Section 1.0** PURPOSE/REFERENCES:

To establish a system for allowing temporary food permits that last for an entire season of a recurring event.

**Section 2.0** SCOPE:

This policy guiding document is applicable to all eligible temporary food service permits in Grant County.

**Section 3.0** DEFINITIONS:

Event Coordinator: The person in charge of a recurring temporary event where food is served to the public. Duties of the Event Coordinator include, but are not limited to assuring adequate sanitation facilities to support safe handling and service of food, assuring food vendors are approved by GCHD, and assigning of booth spaces to vendors.

GCHD: Grant County Health District.

Recurring Event: An event at a fixed location and on a fixed schedule with multiple vendors. A recurring event cannot operate more than 3 days per week. Vendors may include those not selling food.

Temporary Food Establishment: A food establishment operating at a fixed location, with a fixed menu, for not more than twenty-one consecutive days in conjunction with a single event or celebration, such as a fair or festival or operating not more than three days a week at a fixed location, with a fixed menu, in conjunction with an approved recurring, organized event, such as a farmers market or flea market.



## **Section 4.0 SEASONAL TEMPORARY FOOD PERMITS – ELIGIBILITY AND REQUIREMENTS:**

- 4.1. A temporary food establishment is eligible for a seasonal temporary food permit if:
  - 4.1.1 It is operating in conjunction with a recurring event at a fixed location for no more than 3 days per week.
  - 4.1.2 The temporary food establishment has a fixed menu.
  - 4.1.3 The temporary food establishment uses a fixed booth set up.
  - 4.1.4 All food workers (people preparing food) have Washington State Food Worker cards.
  - 4.1.5 The recurring event has an Event Coordinator.
  - 4.1.6 The temporary food establishment has had consecutive inspections in the present calendar year at that event without a red critical violation:
    - 4.1.6.1 One consecutive inspection if low risk menu.
    - 4.1.6.2 Two consecutive inspections if moderate risk menu.
    - 4.1.6.3 Three consecutive inspections if high risk menu.
  - 4.1.7 An establishment must re-meet these eligibility requirements each calendar year.
- 4.2 For a recurring event to be eligible for Seasonal Temporary Food Permits, an Event Coordinator must be approved by GCHD. For an Event Coordinator to receive approval and be in good standing it must assure in writing that:
  - 4.2.2 No temporary food establishments will be allowed to operate at the recurring event without GCHD approval and/or permit as appropriate;
  - 4.2.3 All temporary food establishments operating at the event will have applied for a permit at least one business day before the event;
  - 4.2.4 Appropriate sanitation equipment (restrooms, potable water, wastewater disposal) is provided to temporary food establishments as required by GCHD;
  - 4.2.5 Must demonstrate possession of current Washington State Food Worker Card.
- 4.3 Approved Seasonal Temporary Food Establishments that receive multiple red critical violations will have their Seasonal Temporary Food Permits revoked and will need to revert to the standard temporary food permit as described in the GCHD Fee Schedule.
- 4.4 All Seasonal Temporary Food Establishment Permits will expire on December 31.

## **Section 5.0 SEASONAL TEMPORARY FOOD PERMITS - PROCEDURES:**

- 5.1 A Temporary Food Establishment that meets the eligibility requirements in 4.1 may apply for Seasonal Temporary Food Permit by:
    - 5.1.1 Submitting the Seasonal Temporary Food Establishment Permit Application with the appropriate fee to GCHD;
    - 5.1.2 Assuring an approved Event Coordinator in good standing is on file with GCHD; and
    - 5.1.3 Submitting application at least 5 days before next event operation day.
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- 5.2 GCHD staff will review Seasonal Temporary Food Establishment applications for completeness, appropriate risk level, and eligibility. If all requirements are met, permit will be issued. The hard copy of the permit will contain the approved menu and floor plan.
- 5.3 Seasonal Temporary Food Establishments will receive 3 unannounced routine inspections during the calendar year.
  - 5.3.1 If 25 red critical points or more are noted during the inspection, a reinspection will occur within 2 weeks.
  - 5.3.2 If the same (same food and same situation) red critical item(s) , ten (10) points or greater, are repeated during the reinspection or 25 red critical points or more are noted during the inspection, the Seasonal Temporary Food Establishment Permit will be revoked.
  - 5.3.3 If 25 red critical points or greater are noted on two routine inspections, the Seasonal Temporary Food Establishment Permit will be revoked.
  - 5.3.4 Establishments with revoked Seasonal Temporary Food Establishment Permits are not eligible to apply for another Seasonal Temporary Food Establishment Permit until the new calendar year and the eligibility requirements have been re-met.
- 5.4 If an event with an approved Event Coordinator is found to have temporary food establishments operating without appropriate GCHD approval or permits at the recurring event:
  - 5.4.1 The first instance in a calendar year will result in a warning letter with copies sent to all approved Seasonal Temporary Food Establishment Permit holders for that recurring event.
  - 5.4.2 The second instance in a calendar year will result in a mandatory hearing
  - 5.4.3 The third instance in a calendar year will result in the Event Coordinator to lose their good standing and all existing approved Seasonal Temporary Food Establishment Permits for that recurring event will be revoked.
- 5.5 Approved Seasonal Temporary Permitted establishments that want to alter the approved menu or booth setup must submit proposed changes with appropriate fee at least 5 days prior to date the new menu or set up will be in effect.

**Section 6.0 PENALTY:**

- 6.1 Anyone failing to comply with any of the terms of this ordinance shall be in violation of this ordinance. The GCHD may proceed to commence a civil action to recover a penalty of \$500.00 for each violation of this ordinance. Each day a continuing violation exists shall be considered a separate violation.
- 6.2 In conjunction with, or as an alternative to, civil action allowed in Section 6.1 the GCHD may move to enjoin any violations of this ordinance.

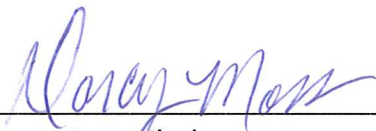
**Section 7.0 SEVERABILITY:**

- 7.1 Should any section of this ordinance be declared unconstitutional or invalid for any reason such declaration shall not affect the validity of the remainder.
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**Section 8.0 EFFECTIVE DATE:**

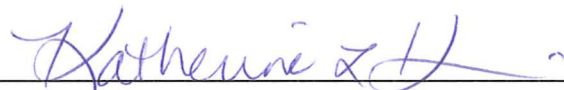
8.1 This ordinance shall take effect after its passage upon being signed by the undersigned chair of the Board of Health of the GCHD and attested to by the undersigned clerk.  
PASSED BY THE GRANT COUNTY BOARD OF HEALTH AND SIGNED BY ITS CHAIR ON 2/10/16  
AND SHALL TAKE EFFECT ON 2/10/16.

ATTEST:

  
\_\_\_\_\_  
Darcy Moss, Clerk

  
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Tony Massa, Board of Health Chair

Approved as to Form:

  
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Katherine Kennison, GCHD Attorney