

Ordinance 21-1

AN ORDINANCE OF THE GRANT COUNTY HEALTH DISTRICT RELATING TO RENEWAL OF ANNUAL OPERATING PERMITS DURING COVID-19 PANDEMIC. BE IT ORDAINED BY THE BOARD OF HEALTH OF THE GRANT COUNTY HEALTH DISTRICT AS FOLLOWS:

1.0 PURPOSE

Per GCHD Ordinance 15-2 concerning food service sanitation and GCHD Ordinance 2010-2 concerning water recreation facilities, annually permit fees are due by December 31 of the year they expire. This ordinance allows for delayed payment of annual fees for temporarily closed food establishments and water recreation facilities.

2.0 SCOPE:

This ordinance applies to the following who hold an annual permit to operate issued by the Grant County Health District:

- 1) Annual Food Establishments
- 2) Annual Water Recreation Facilities

3.0 DEFINITIONS:

- 1) Board of Health – Grant County Board of Health
- 2) GCHD – Grant County Health District
- 3) Health Officer – Grant County Health Officer or authorized representative
- 4) Regulatory authority – the local, state, or federal enforcement body or authorized representative having jurisdiction over the food establishment or water recreation facility.
- 5) Temporarily closed – not operating in any capacity due to COVID-19 restriction

4.0 POLICY:

- 1) An annually permitted food establishment or water recreation facility that is temporarily closed as of January 1, 2021 due to local, state, or federal COVID-19 requirements or restrictions must submit the permit fee per the current fee schedule and renewal application to obtain an annual permit prior to operating in any capacity.
- 2) For temporarily closed food establishments, automatically applied fees due to non-payment of the annual fee by January 31 in accordance with Ordinance 15-2 will be waived.
- 3) For temporarily closed water recreation facilities, automatically applied fees due to non-payment of the annual fee by January 31 in accordance with Ordinance 2010-2 will be waived.

5.0 Penalty

- 1) Anyone failing to comply with any terms of this ordinance shall be in violation of this Ordinance. The regulatory authority may proceed to commence a civil action to recover a penalty of \$500 for each violation of this ordinance. Each day a continuing violation exists shall be considered a separate violation.

6.0 Appeals

- 1) Any person requesting appeal of an action by GCHD staff regarding the administration of this ordinance may appeal in writing to the Grant County Health Officer within ten (10) days of a written notice or directive of GCHD staff.
 - a. First Appeal
 - i. Within 30 days of receipt of an appeal, the Health Officer may conduct an investigation into the disputed matter.
 - ii. The investigation may include an administrative hearing. The investigation may include taking evidence orally and written from GCHD staff, the party aggrieved, and witnesses.
 - iii. A decision will be given in writing to the party making the appeal.
 - b. Second Appeal
 - i. Within ten (10) days of the health Officer's written decision, any person not satisfied with the Health Officer's decision shall make a written request for a meeting with the Grant County Board of Health.
 1. The appellant will be provided the opportunity to address the Board of Health at the next regularly scheduled meeting or sooner if the aggrieved party demonstrates extraordinary hardship of duress caused by the Health Officer's decision.
 2. The matter under appeal will be decided by a majority vote of the Board of Health.

7.0 Severability

If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional for any reason, such declaration shall not affect the remainder.

8.0 Effective Date

This Ordinance shall take effect after its passage, approval, and execution. PASSED by the Grant County Board of Health on _____ and signed by its chair _____.

Attest:

Rita Morfin, Clerk

Tony Massa, Chair

Approved as to form: _____
Katherine Kenison, GCHD Attorney
