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**Ordinance 2019-1**

**AN ORDINANCE OF GRANT COUNTY HEALTH DISTRICT RELATING TO RECURRING TEMPORARY FOOD ESTABLISHMENT 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 establishments in Grant County.

**Section 3.0 DEFINITIONS:**

**Event Coordinator:** The person in charge of an 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 (TFE):** 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 RECURRING TEMPORARY FOOD ESTABLISHMENT PERMITS - ELIGIBILITY AND REQUIREMENTS:**

- 4.1. A TFE is eligible for a recurring temporary food permit if:
  - 4.1.1 It is operating in conjunction with an approved recurring event at a fixed location for no more than 3 days per week.
  - 4.1.2 It has a fixed menu.
  - 4.1.3 It uses a fixed booth set up.
  - 4.1.4 all food service workers (as defined by WAC 246-217) have Washington State Food Worker cards.
  - 4.1.5 The recurring event has an approved Event Coordinator.
  - 4.1.6 It has had consecutive inspections in the present calendar year at that event without a red critical violation as described below:
    - 4.1.6.1 One 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 The TFE must re-meet these eligibility requirements each calendar year.
- 4.2 For a Recurring Event to be eligible for Recurring Temporary Food Establishment 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:
  - 4.2.1 No TFEs will be allowed to operate at the recurring event without GCHD approval and/or permit as appropriate;
  - 4.2.2 All TFEs operating at the event will have applied for a permit at least one business day before the event;
  - 4.2.3 Appropriate sanitation equipment (restrooms, potable water, wastewater disposal) is provided to TFEs and patrons as required by GCHD;
  - 4.2.4 Must demonstrate possession of current Washington State Food Worker Card.
  - 4.2.5 Must provide the operation schedule of the event (weekly day(s) and hours), including start and end dates for the year.
- 4.3 All Recurring Temporary Food Establishment Permits will expire after the last operation day of the event in the calendar year, or on December 31, whichever is sooner.

#### **Section 5.0 RECURRING TEMPORARY FOOD ESTABLISHMENT PERMITS - PROCEDURES:**

- 5.1 All TFEs operating at approved recurring events must obtain (or be working towards obtaining) a Recurring Temporary Food Permit. A TFE that meets the eligibility requirements in 4.1 must apply for a Recurring Temporary Food Permit by submitting a complete "Recurring TFE Permit application" with all required items and the appropriate fee to GCHD at least 5 days before next event operation day
  - 5.2 GCHD staff will review the application for completeness, appropriate risk level and confirm eligibility. If all requirements are met, the permit will be issued. A hard copy of the approved
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application, which will contain the approved menu and floor plan, will be given to the permit holder for reference upon permit issuance.

- 5.3 Once in operation, recurring TFEs will receive up to three (3) unannounced routine inspections during the calendar year.
  - 5.3.1 If 25 red critical points or more are noted during a routine inspection, a reinspection will usually occur within 2 weeks. If the same 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 reinspection, the Recurring Temporary Food Establishment Permit will be revoked.
  - 5.3.2 If 25 red critical points are noted on two routine inspections, the Recurring Temporary Food Establishment Permit will be revoked. An Establishment with a revoked Recurring Temporary Food Permit is eligible to apply for another Recurring Temporary Food Permit during the same calendar year only after the eligibility requirements have been re-met.
- 5.4 Re-inspections (follow ups) are billed to the permit holder at the rate of half the permit fee.
- 5.5 If an approved Recurring Event is found to have temporary food establishments operating without appropriate GCHD approval or permits at the event, the following enforcement actions will take place:
  - 5.5.1 The first instance in a calendar year will result in a warning letter with copies sent to all approved Recurring Temporary Food Establishment Permit holders for that recurring event.
  - 5.5.2 The second instance in a calendar year will result in a mandatory office hearing with the Event Coordinator.
  - 5.5.3 The third instance in a calendar year will result in the Event Coordinator losing their good standing and all existing approved Recurring Temporary Food Establishment Permits for that recurring event will be revoked.
- 5.6 Recurring TFE permit holders that wish to alter the approved menu or booth setup must submit proposed changes with appropriate plan review fee at least 5 days in advance. If the proposed menu change results in a higher risk level, a regular temporary food establishment permit must be applied for, and a satisfactory inspection of the new menu items must take place before the new menu can be approved.
- 5.7 Recurring TFEs are required to have the permit posted in view of the public, as well as name of the establishment (must match permit name) prominently posted in at least two-inch lettering at the front of the booth.

#### **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.
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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.


**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 \_\_\_\_\_ AND SHALL TAKE EFFECT ON \_\_\_\_\_.

ATTEST:

  
Theresa Adkinson, Administrator

  
Mark Wanke, Board of Health Vice Chair

Approved as to Form:

  
Katherine Kennison, GCHD Attorney