

**Title R5
FOOD-SERVICE ESTABLISHMENTS***

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*Editor's note: For board rules and regulations relevant to the administrative rules in BOH Title R5, see BOH Title 5.

Chapters:

- R5.02 GENERAL PROVISIONS**
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R5.02 GENERAL PROVISIONS

Sections:

- R5.02.010 Permit exemptions.

R5.02.010 Permit exemptions. Food-service establishments which sell, serve and/or offer for sale only commercially prepared and packaged, nonpotentially hazardous foods shall be exempt from this code. (HDR 27 §1, 6-20-91).

R5.04 BAKE SALES

Sections:

- R5.04.010 Definitions.
- R5.04.020 When allowed.
- R5.04.030 Protection of items.
- R5.04.040 Regulation of certain substances.
- R5.04.050 Permits.

R5.04.010 Definitions. The following words and phrases used herein shall mean as follows:

A. "Bake sale" means any temporary noncommercial sale of baked goods such as breads, cakes, cookies and candies conducted by a religious, charitable or community service organization either alone or in conjunction with a community celebration or fair to raise funds for such organization. It shall not apply to individuals or commercial enterprises such as food-service establishments who wish to make a profit.

B. "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (a) value of 0.85 or less.

C. "Temporary" means not to exceed three (3) days. (HDR 15 § 1, 11-3-82).

R5.04.020 When allowed. The sale of home-baked goods such as breads, cakes, cookies, and candies will be allowed only when such items are not considered to be potentially hazardous. (HDR 15 § 2, 11-3-82).

R5.04.030 Protection of items. All such items offered for sale must be wrapped or otherwise protected from contamination while on display and being offered for sale. (HDR 15 § 3, 11-3-82).

R5.04.040 Regulation of certain substances. Custard or cream fillings or toppings are prohibited. Whipped cream or nondairy whipped fillings or toppings are prohibited. No unpasteurized dairy product may be used unless it is completely baked (cooked) after being added. (No unpasteurized butter can be used in butter frostings.) (HDR 15 § 4, 11-3-82).

R5.04.050 Permits. Sponsors of bake sales conducted thin the building of the sponsor such as in a church or school where the products are sold mainly to the members or to the parents and/or students will not be required to obtain a food permit as provided in Seattle Municipal Code Section 10.11.211 and Title 5 of this code, as amended. The sponsor of any bake sale held away from the premises of the sponsoring organization is required to obtain a temporary food-service establishment permit from the health

officer for each location as provided in Seattle Municipal Code Section 10.11.911 and Chapter 5.68 of this code. (HDR 15 § 5, 11-3-82).

R5.08 PRODUCE STANDS AND VEHICLES

Sections:

R5.08.010	Definitions.
R5.08.020	Compliance required.
R5.08.030	Permits.
R5.08.040	General requirements for employees and operators.
R5.08.050	Wholesome food required.
R5.08.060	Fruits and vegetables.
R5.08.070	Sanitary premises required.
R5.08.080	Storage and display of wares.
R5.08.090	Unattended or overnight storage.
R5.08.100	Drainage and protection from dust contamination.
R5.08.110	Garbage and refuse disposal and storage.
R5.08.120	Liquid waste disposal.
R5.08.130	Toilet facilities.
R5.08.140	Plan review.
R5.08.150	Notice of violation.

R5.08.010 Definitions. The following words and phrases used herein shall mean as follows:

A. "Mobile produce vehicle" means a vehicle which operates as a food establishment at one or more approved locations and which offers for sale only fresh whole fruits and/or vegetables.

B. "Produce stand" means an approved roadside stand and/or similar structure which operates as a food establishment at a fixed location and offers for sale only fresh whole fruits and/or vegetables. (HDR 23 § 1, 1-16-86).

R5.08.020 Compliance required. As an alternative to compliance with all provisions of Seattle Municipal Code Chapter 10.11 or Title 5 of this code, as amended, a produce stand or mobile produce vehicle must comply with the standards set out in this chapter. (HDR 23 § 2(part), 1-16-86).

R5.08.030 Permits. Each produce stand and mobile produce vehicle must have a valid food service establishment permit posted conspicuously at all times. Each permit is nontransferable and is valid only for the operator and fixed location for which it is issued. A produce stand permit is required if it is a fixed nonmovable stand. A mobile cart permit is required if the produce is removed from the location each day. Seasonal produce stands require a seasonal permit. Except as may be hereafter provided by law, each location at which a mobile produce vehicle operates shall require a separate food service permit. (HDR 23 § 2(1), 1-16-86).

R5.08.040 General requirements for employees and operators. All employees and operators shall have valid food and beverage service worker's permits, wear clean outer garments, maintain personal cleanliness, and conform to good hygienic practices while on duty. (HDR 23 § 2(2), 1-16-86).

R5.08.050 Wholesome food required. Only food which is clean, wholesome, free from spoilage and adulteration shall be sold. (HDR 23 § 2(3), 1-16-86).

R5.08.060 Fruits and vegetables. Only whole fruits and vegetables may be sold and no cutting of fruit such as melons, or sale of cut fruits will be permitted unless all applicable provisions of the food-service ordinance are complied with. The provision is not intended to preclude any necessary trimming of vegetables such as lettuce or cabbage. (HDR 23 § 2(4), 1-16-86).

R5.08.070 Sanitary premises required. Premises and surroundings shall be kept in a clean, sanitary condition. All equipment and utensils shall be kept clean. (HDR 23 § 2(5), 1-16-86).

R5.08.080 Storage and display of wares. All fruit and vegetables shall be stored or displayed at least eighteen (18) inches above ground level and in such a manner as to protect food from contamination by splash, foot traffic, dust, animals, or other means. (HDR 23 § 2(6), 1-16-86).

R5.08.090 Unattended or overnight storage. Produce may not be displayed unattended or stored overnight except in a clean, completely enclosed rodent-proof vehicle or structure. (HDR 23 § 2(7), 1-16-86).

R5.08.100 Drainage and protection from dust contamination. Unsurfaced areas around the vehicle or building shall be graded to drain, and shavings, gravel or other acceptable measures used to reduce dust contamination. (HDR 23 § 2(8), 1-16-86).

R5.08.110 Garbage and refuse disposal and storage. Garbage and refuse shall be kept in tightly covered, watertight containers until removed and shall be disposed of daily in a place and manner that does not create a public health hazard. (HDR 23 § 2(9), 1-16-86).

R5.08.120 Liquid waste disposal. Liquid waste shall be disposed of in a public sewer or in the absence of a public sewer in a method which complies with the applicable local and state rules and regulations. All plumbing must also comply with such applicable regulations. (HDR 23 § 2(10), 1-16-86).

R5.08.130 Toilet facilities. Convenient toilet and handwashing facilities shall be available for the use of employees within three hundred feet (300') of employee work areas. If such facilities are not located on the premises, the permit applicant must submit to the health officer written proof of availability of restroom facilities. Such facilities must be available at all times when the fruit and vegetable establishment is in operation, and shall be equipped with hot and cold or tempered running water, hand-cleaning soap or detergent, and sanitary towels or hand-drying device. (HDR 23 § 2(11), 1-16-86).

R5.08.140 Plan review. Building and site plans for fresh fruit and vegetable food establishments must be submitted to the health authority prior to the issuance of a permit where required by local regulations, when the building is of a permanent nature. (HDR 23 § 2(12), 1-16-86).

R5.08.150 Notice of violation. Notice of violations of this chapter will be in writing. Violations must be corrected within a specified time not to exceed three (3) days. Failure to comply with such notice shall result in the immediate suspension of the establishment permit. Application for reinstatement may be made pursuant to procedures set forth in the Food Code. (HDR 23 § 2(13), 1-16-86).

R5.11 MODIFIED ATMOSPHERE PACKAGING

Sections:

- R5.11.010 Definitions.
- R5.11.020 When permitted generally.
- R5.11.030 When permitted with acceptable controls.
- R5.11.040 Special requirements.
- R5.11.050 Aquatic foods.
- R5.11.060 Person in charge.
- R5.11.070 Labeling.
- R5.11.080 Expired foods.

R5.11.010 Definitions. The following words and phrases used in this chapter shall mean as follows:

A. "Hazard analysis critical control point (HACCP)" means a method used to reduce the risk of foodborne illness by:

1. Identifying hazards of high-risk foods;
2. Assessing the hazards posed by each preparation step;
3. Determining the critical points for controlling hazards;
4. Implementing immediate and appropriate action when control criteria are not met; and
5. Monitoring critical control points.

B. "Modified atmosphere packaging" means a process in which food is encased in an impermeable or partially permeable membrane and a partial or complete vacuum is attained or a gas or mixture of gasses is substituted for the air surrounding the food. This definition excludes hermetically sealed containers.

C. "pH" means a measure of the amount of acid in a food product.

D. "Perishable food" means foods other than potentially hazardous foods that deteriorate or spoil due to loss of moisture and/or growth of molds and bacteria.

E. "Potentially hazardous food" means any food or ingredient, natural or synthetic, in a form capable of supporting: (1) the rapid and progressive growth of infectious or toxigenic microorganisms, or (2) the slower growth of *Clostridium botulinum*. Included is any food of animal origin either raw, cooked or

processed, and certain foods of plant origin which have been cooked including but not limited to potato products, legumes and rice. Excluded are the following:

1. Foods with a water activity (Aw) value of 0.90 or less;
2. Foods with a pH level of 4.6 or below;
3. Foods, in unopened hermetically sealed containers, which have been commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution; and

4. Foods for which laboratory evidence (acceptable to the health officer) demonstrates that rapid and progressive growth of infectious and toxigenic microorganisms or the slower growth of *C. botulinum* cannot occur.

F. "Smoked" means smoke is added as a flavoring or preservative during the cooking process.

G. "Water activity" means a measure of the amount of moisture in a food available for bacterial growth. (HDR 28 § 1, 6-20-91)

R5.11.020 When permitted generally. Modified atmosphere packaging in retail food service establishments is permitted only for the following:

1. Nonpotentially hazardous foods;
2. Raw meat;
3. Natural hard and semisoft cheeses containing live starter culture organisms;
4. Foods which are rapidly frozen and are stored frozen until heated or thawed for service; foods frozen under this subsection shall meet the following cooling and freezing requirements:
 - a. Cooling foods from one hundred forty degrees Fahrenheit (140° F) to forty-five degrees Fahrenheit (45° F) or below within four (4) hours,
 - b. Cooling foods to below thirty-eight degrees Fahrenheit (38° F) within twelve (12) hours, and
 - c. Freezing foods completely to below ten degrees Fahrenheit (10° F) within twenty-four (24) hours. (HDR 28 § 2(part), 6-20-91)

R5.11.030 When permitted with acceptable controls. The health officer may allow foods in addition to those listed in Section R5.11.020 to be modified atmosphere packaged only if an approved hazard analysis critical control point based procedure which controls the growth of *Clostridium botulinum* is in place. Acceptable controls would be:

- A. Controlling water activity (Aw) below 0.93; or
- B. Controlling pH level below 4.6; or
- C. Using meats or meat products, poultry or poultry products properly processed in a plant regulated by USDA and received in an intact package prior to modified atmosphere packaging; or
- D. Properly curing the food on the site using a standard recipe approved by the health officer with an initial sodium nitrite concentration of one hundred twenty parts per million (120 ppm) and three and five-tenths percent (3.5%) brine concentration. The water activity, pH or nitrite and brine concentration must be confirmed in a certified lab;
- E. Properly processing uncured meats or poultry on-site. (HDR 28 § 2(part), 6-20-91)

R5.11.040 Special requirements. Whenever foods are modified atmosphere packaged under Section R5.11.030, the health officer shall require all of the following:

- A. Store the food at thirty-eight degrees Fahrenheit (38° F) or below.
- B. Sell the food within fourteen (14) days of processing.
- C. The fourteen (14) day sell-by date may not extend past the original processor's shelf life.
- D. Establish critical control points during processing, packaging and storage;
- E. The hazard analysis critical control based procedure for each food shall be submitted to the health department for review prior to any modified atmosphere packaging. Monitoring shall include any or all of the following information:
 1. Routine laboratory testing;
 2. Refrigerated storage temperatures after packaging;
 3. Measurement of temperatures if a smoking or cooking process is used; and
 4. Other information as requested by the health officer.
- F. Maintain accurate records of monitoring in subsection E of this section for the health officer. (HDR 28 § 2(part), 6-20-91)

R5.11.050 Aquatic foods. Modified atmosphere packaging of aquatic foods, including fish, is prohibited in retail food-service establishments, except for aquatic foods which are rapidly frozen and are stored frozen until thawed for use, or for aquatic foods processed where water activity or pH are controlled or nitrites are used as per Section R5.11.030. (HDR 28 § 2(part), 6-20-91)

5.11.060 Person in charge. The food-service establishment owner shall designate a person in charge of modified atmosphere packaging operations. The person in charge shall ensure all control measures are complied with. (HDR 28 § 2(part), 6-20-91)

R5.11.070 Labeling.

A. Modified atmosphere packaged foods produced or packaged in a food-service establishment under Section R5.11.030 of this section shall be properly labeled as follows:

1. "Keep refrigerated at 38° F. or below and use within 7 days of purchase, unless frozen"; and
2. "Sell by month/day/year" with the date established within fourteen (14) days of packaging.

B. Labeling exemptions: Modified atmosphere packaged foods packaged in USDA or FDA regulated plants and maintained in intact packages are exempt from meeting labeling requirements contained in subsection A of this section. (HDR 28 § 2(part), 6-20-91)

R5.11.080 Expired foods.

A. Modified atmosphere packaged foods which have exceeded the requirement for foods to be sold within fourteen (14) days of packaging must be destroyed, except prior to that time, modified atmosphere packaged foods may be:

1. Frozen; or
2. Removed from the packaging and used in the food-service establishment.

B. Modified atmosphere packaged foods which have exceeded the requirement for foods to be sold within fourteen (14) days of packaging are prohibited from sale in salvage operations. (HDR 28 § 2(part), 6-20-91).

R5.12 TEMPORARY FOOD-SERVICE ESTABLISHMENTS

Sections:

R5.12.010	Definitions.
R5.12.020	Permit issuance.
R5.12.030	Hours and days of business.
R5.12.040	Application for permit.
R5.12.050	Suspension of permit.
R5.12.060	Compliance--Additional requirements.
R5.12.070	Classifications.
R5.12.080	Food preparation.
R5.12.090	Food protection.
R5.12.100	Ice--Water.
R5.12.110	Food equipment.
R5.12.120	Single-service articles.
R5.12.130	Construction requirements.
R5.12.140	Plumbing facilities.
R5.12.150	Wastewater.
R5.12.160	Garbage.
R5.12.170	Health cards.

R5.12.010 Definitions. The following words and phrases used herein shall mean as follows:

A. "Temporary food-service establishment" means a food-service establishment that operates at affixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration, such as a fair, carnival, circus, or public exhibition. (HDR 22 § 1, 8-15-83).

R5.12.020 Permit issuance. Temporary food-service establishment permits shall be issued only to establishments that are recognized participants in the event by the event organizers or that are located within three hundred feet (300') from a recognized participant. (HDR 22 § 2, 8-15-83).

R5.12.030 Hours and days of business. Hours and days of business must be the same as those of the event. (HDR 22 § 3, 8-15-83).

R5.12.040 Application for permit.

A. Any person desiring to operate a temporary food-service establishment, shall submit a written application to the department, on a form to be provided by the health officer, for a permit for such operation. Such application shall include the applicant's full name, post office address, and the signature of an authorized representative of the applicant; shall disclose whether such applicant is an individual, firm, or corporation, and, if a partnership, the names and addresses of the partners; the location and type of the

proposed foodservice establishment; the inclusive dates of the proposed operation; the proposed menu of the establishment; the proposed methods of preparation and service of the foods and beverages intended to be served; and such other information as the health officer deems necessary; and shall be accompanied by the permit fee amount described in Seattle Municipal Code Section 10.03.110A or subsection A of Section 5.68.020 of this code (Temporary food-service establishment).

B. All equipment to be used, including but not limited to refrigeration units, sinks, grills, and utensils, must be made available for inspection by the health officer upon request. After the health officer has inspected and approved the equipment to be used in such food service establishment, no other equipment may be substituted therefor without prior inspection and approval of the health officer.

C. After the health officer has approved the menu of food and beverages to be served and methods of preparation and service, no substitutions will be allowed without prior approval by the health officer.

D. No applicant shall be eligible to receive a temporary food-service establishment permit unless the application for such permit is received by the health officer at least fourteen (14) calendar days prior to the first day of the event.

E. When inspection reveals that the applicable requirements of this chapter, and directives of the health officer have been met and the applicable permit fee has been paid, a permit shall be issued to the applicant by the health officer. (HDR 22 § 4, 8-15-83).

R5.12.050 Suspension of permit. The health officer may, without warning or hearing, suspend any permit to operate a food-service establishment if the permittee does not comply with the requirements of this title, or the lawful directives of the health officer, or if the operation of the establishment is not in compliance with the requirements of this title, or if violations of this title have not been corrected within the time specified in an inspection report; provided, that the health officer shall suspend the permit of a food-service establishment whenever he finds that the operation of such food-service establishment constitutes a substantial hazard to public health. Suspension is effective upon service of written notice. When a permit is suspended, food service operations shall immediately cease. (HDR 22 § 5, 8-15-83).

R5.12.060 Compliance--Additional requirements. A temporary food-service establishment shall comply with the requirements of this rule, except as otherwise provided in this chapter. The health officer may impose additional requirements to protect against health hazards related to the conduct of temporary food-service establishments, may prohibit the sale of some or all potentially hazardous foods, and may waive or modify requirements of this rule when, in his/her opinion, a health hazard is not likely to result from such waiver or modification. (HDR 26 § 1, 6-20-91).

R5.12.070 Classifications.

A. "Low-hazard operation" means a temporary food-service establishment that serves only nonpotentially hazardous foods which require no preparation at the event, and hot dogs and cotton candy.

B. "High-hazard operation" means a temporary food-service establishment that serves either potentially hazardous foods or foods which require preparation at the event.

C. "Saturday Market" means a temporary food-service establishment that operates at a fixed location for not more than fourteen days during a period of no more than three (3) consecutive months in conjunction with weekend events sponsored by an organized community group. (HDR 26 § 2, 6-20-91).

R5.12.080 Food preparation. Food preparation shall be simplified to reduce or eliminate hazardous food preparation steps identified by hazard analysis.

A. The health officer may review food preparation steps of any menu item being prepared at the temporary food booth and at the commissary/restaurant, and may modify the food preparation steps, if necessary, to assure safe food.

B. Cooling: Foods that require cooling shall be cooled only at the commissary/restaurant. Cooling foods in the temporary food booth is prohibited.

C. Portioning/bulk dispensing: i.e., slicing, ladling, spooning, scooping.

1. Foods shall be dispensed using clean/sanitized utensils.

2. Utensils shall be changed at intervals approved by the health officer.

3. Use of a three-compartment sink or a commercial dishwasher is required for proper dishwashing of reusable utensils and equipment.

4. Cleaning and sanitizing of utensils must be in conformance with Section R5.12.140(B).

5. Dispensing of hard ice cream in bulk shall also require dipper wells with running water from an approved source.

D. Menu Limitations. Number of menu items may be limited by the health officer based on the types of foods served and the extent of food preparation. (HDR 26 § 3, 6-20-91).

R5.12.090 Food protection.

A. Food shall be protected at all times from potential contamination such as dust, flies, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leaks.

B. Potentially hazardous foods shall be kept at safe temperatures at all times: hot, one hundred forty degrees Fahrenheit (140° F) or above; or cold, forty-five degrees Fahrenheit (45° F) or below.

C. Foods on display shall be protected from consumer contamination by the use of packaging, by the use of enclosed display cases, by the use of protective shields commonly known as sneeze guards, or by covering the food items with a protective wrap or cover.

D. There shall be no customer self-service of any unpackaged/unwrapped foods. (HDR 26 § 4, 6-20-91).

R5.12.100 Ice--Water.

A. Ice for consumption shall be from an approved source. Ice shall be dispensed from the original package with use of proper dispensing utensils or gravity dispenser. Ice scoop handles shall not contact ice.

B. Water shall be from an approved source. If pressurized water is plumbed on site, fixtures must be protected from cross-contamination. (HDR 26 § 5, 6-20-91).

R5.12.110 Food equipment.

A. Hot holding equipment must maintain foods at an internal temperature of one hundred forty degrees Fahrenheit (140° F) or above.

B. Refrigeration must maintain food at an internal temperature of forty-five degrees Fahrenheit (45° F) or below. A thermometer is required.

1. Commercial mechanical refrigeration equipment is preferred.

2. Dry ice and refreezable ice is allowed with insulated containers.

3. Storage of food in direct contact with wet ice is prohibited, except for canned or bottled, nonpotentially hazardous beverages.

C. Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination. They shall be stored six inches above the floor in a clean dry location that protects them from contamination by splash, dust and other means.

D. Food contact surfaces of equipment and utensils shall be easily cleanable and there shall be no reuse of unclean equipment or utensils.

E. Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the establishment.

F. Dangerous equipment, such as deep fryers and barbecues, shall be located at least three feet from public access. (HDR 26 § 6, 6-20-91).

R5.12.120 Single-service articles.

A. All temporary food-service establishments, with or without effective facilities for cleaning and sanitizing tableware, shall provide only single-service articles for use by the consumer.

B. Single-service articles such as disposable knives, spoons and forks shall be stored off the floor in closed cartons or containers and shall be handled and dispensed in a manner that will prevent contamination by splash, dust and other means.

C. If single-service tableware is not prewrapped or prepackaged, single-service tableware holders shall be provided to protect it from contamination and present the handle of the utensil to the consumer.

D. Reuse of single-service articles is prohibited. (HDR 26 § 7, 6-20-91).

R5.12.130 Construction requirements. A temporary food-service establishment shall meet the following construction requirements; however, construction requirements may be waived or modified by the health officer if all foods are suitably protected from contamination during storage, preparation, display and service.

A. Floors shall be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair. Other suitable material may be used if it provides adequate drainage and dust protection.

B. Overhead protection shall be provided, and constructed of a suitable, weatherproof material.

C. Walls shall be constructed in a way that prevents public access and provides food protection. Counter service areas must provide protection from contamination.

D. Barbecues may be used without overhead protection to ventilate smoke; however, public access must not be closer than three (3) feet.

E. Safety precautions shall be required as deemed necessary by the health officer. (HDR 26 § 8, 6-20-91)

R5.12.140 Plumbing facilities.

A. Handwashing is required in all food booths. A minimum two (2) gallon insulated container filled with hot water with a spigot, a tub/bucket for wastewater, pump soap and paper towels are acceptable minimum handwashing facilities.

B. A three (3) compartment sink or a commercial dishwasher is required when equipment and utensils are reused on the site.

1. Each compartment of the sink must be of adequate size to accommodate the largest utensil used.

2. Pressurized hot and cold running water from an approved source must be available to the sinks.

3. The sinks must be within seventy-five (75) feet of the food booths. Common use sinks must be adequate to meet user demands.

4. A utility sink may be required for high-volume wastewater disposal.

5. Detergent and approved sanitizer must be maintained and used at the sinks at all times.

C. Toilet facilities available to the food service workers must be located within one hundred fifty (150) feet of the temporary food-service establishment booths. Toilet facilities must be equipped with handwashing sinks with hot and cold or tepid running water, hand-cleansing soap and sanitary towels. (HDR 26 § 9, 6-20-91).

R5.12.150 Wastewater. Disposal of wastewater onto the surface of the ground is prohibited. Wastewater must be properly disposed of in an approved sanitary sewer. Portable plumbing facilities shall hold wastewater in holding tanks or other vessels which can be pumped out and/or emptied properly in a sanitary manner. (HDR 26 § 10, 6-20-91).

R5.12.160 Garbage. Adequate refuse containers must be provided for garbage disposal. Containers must be covered when not in continual use. Containers must be emptied frequently to prevent overflow. (HDR 26 § 11, 6-20-91).

R5.12.170 Health cards. All persons involved in food handling shall obtain a valid food and beverage service worker permit prior to working in a temporary food-service establishment. (HDR 26 § 12, 6-20-91).

R5.36 TOILET FACILITIES

Sections:

R5.36.005 Definitions (takes effect December 1, 2019)

R5.36.010 Toilet requirements (in effect until December 1, 2019).

R5.36.010 Toilet requirements (takes effect December 1, 2019).

R5.36.005 Definitions (takes effect December 1, 2019). The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "All-gender restroom" means toileting facilities with a single room, which are designated for use by any person, regardless of sex or gender identity.

B. "Appropriate signage" means signage that indicated that single-occupant restrooms are not restricted to a single gender. Examples of "appropriate signage" include, but are not limited to, signs with the words "washroom," "restroom," "all-gender restroom," "gender-neutral restroom" or "unisex" or that use images to indicate that restrooms are accessible to all genders.

C. "Gender identity" means a person's gender-related identity, appearance or expression, whether or not traditionally associated with one's biological sex or one's sex at birth, and including a person's attitudes, preferences, beliefs and practices pertaining thereto. (HDR 30, § 1, 2019).

Reviser's note: This rule takes effect December 1, 2019. (HDR 30, 2019).

R5.36.010 Toilet requirements (in effect until December 1, 2019).

A. Each food-service establishment shall be provided with adequate, conveniently located toilet facilities for its personnel. Employee toilet facilities must be provided for each sex whenever more than four (4) people are employed and such employees are not of the same sex.

B. Toilet facilities for patrons shall be required in the following instances:

1. When liquor is consumed on the premises.

2. When food is consumed on the premises and there are more than twelve (12) seats, or other similar provisions for twelve (12) persons for consumption on premises.

C. Toilet facilities shall include a minimum of one (1) toilet and one (1) handwashing facility for each sex, and at least one (1) urinal for males. Minimum number of toilet fixtures in food-service establishments must conform to Appendix C of the Seattle-King County Plumbing Code.

D. Toilet facilities for patrons shall be available when the establishment is in operation, shall be within one hundred fifty (150) feet of the establishment in the same building, and shall be no more than one (1) flight of stairs from the work area or dining area of the establishment.

E. In establishments with twelve (12) seats or less, the toilet facility provided for the employees shall also be accessible to the patrons provided that the patrons' access to the restroom does not interfere with any part of the food-service operation.

F. Drive-in type establishments which do not have inside seating, but have more than six (6) parking stalls, shall provide patrons with toilet facilities for each sex. (HDR 25 § 1, 6-20-91).

R5.36.010 Toilet requirements (takes effect December 1, 2019).

A. This section applies to food service establishments that require restrooms as required by the state of Washington's provisions regarding plumbing systems, WAC 51-50-2900.

B. Single-use toilet facilities in food-service establishments shall not be restricted to a specific sex or gender identity and shall use appropriate signage to indicate such facilities are designated for use by any person, regardless of sex or gender identity. (HDR 30 § 2, 5-9-19: HDR 25 § 1, 6-20-91).

Reviser's note: This rule takes effect December 1, 2019. (HDR 30, 2019).

R5.65 FOOD DEMONSTRATION AND FOOD PROMOTION

Sections:

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R5.65.010 Compliance generally--Additional requirements. Food demonstrations and food promotions shall comply with the requirements of Seattle Municipal Code Title 10, except as otherwise provided in this chapter. The health officer may impose additional requirements to protect against health hazards related to the conduct of food demonstrations and food promotions, may prohibit the serving of some or all potentially hazardous foods and may waive or modify requirements of this rule when, in his/her opinion, a health hazard is not likely to result from such waiver or modification. (HDR 24 § 1, 6-20-91).

R5.65.020 Permits required--Location.

A. A food demonstrator permit is required for any business which provides personnel who conduct food demonstrations.

B. A food promoter permit is required for any business which provides personnel who conduct food promotions.

C. A food demonstration or food promotion must take place in a food service establishment under permit with the department or under the sponsorship of such food service establishment, in an area immediately adjacent to and under the control of the establishment. In addition, a food promotion may take place at other special events.

D. The person conducting the food demonstration or food promotion must have a copy of a valid food demonstration or food promotion permit on the site.

E. Each person engaged in food demonstration or food promotion must have a valid food and beverage service worker's permit. (HDR 24 § 2, 6-20-91).

R5.65.030 Food preparation and protection.

A. All food must be from an approved source.

B. If any food preparation is performed prior to food demonstration, it shall be done in an approved food preparation area.

C. Food preparation at the demonstration site shall be limited to portioning, cooling and reheating the foods.

D. Potentially hazardous foods must be served within thirty minutes following preparation unless kept at temperatures at or above one hundred forty degrees Fahrenheit (140° F) or below forty-five degrees Fahrenheit (45° F).

E. Foods on display shall be protected from potential contamination by the use of protective shields, such as sneeze guards, dome covers or plastic wrap.

F. Food preparation at food promotions shall be limited to cooking and hot holding of hot dogs. (HDR 24 § 3, 6-20-91).

R5.65.040 Food dispensing.

- A. To avoid unnecessary manual contact with food, suitable utensils shall be used, such as:
 - 1. Single-service tableware, to be discarded frequently if used for portioning; or
 - 2. Single-service tableware, to be dispensed with each consumer's serving and not reused; or
 - 3. Clean and sanitized utensils, stored in the food with the handle extended out of the food, and replaced at frequent intervals. Exception: Scooping frozen deserts with a reusable scoop requires a running water dipper well.
- B. Consumer servings must be served in single-service articles or be separated in such a way that customers will not contact portions to be served to others. (HDR 24 § 4, 6-20-91).

R5.65.050 Waste--Personal sanitation.

- A. All wiping cloths shall be sanitized and stored in a sanitizer.
- B. Approved toilet and handwashing facilities must be available in the food service establishment in which the food demonstration or food promotion is held.
- C. Temporary handwashing facilities shall be provided if the food demonstration or food promotion site is outdoors, or farther than one hundred fifty (150) feet from a food service establishment or on another floor. An acceptable temporary handwashing facility is comprised of a minimum two (2) gallon insulated container filled with hot water with a spigot, a tub/bucket for wastewater, pump soap and paper towels.
- D. Leakproof containers must be available for disposal of waste from the food demonstration or food promotion. (HDR 24 § 5, 6-20-91).