



KING COUNTY
Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

December 16, 2011

R&R

Proposed No. BOH11-05.2

Sponsors

1 A RULE AND REGULATION relating to farmers markets
2 and farmers market permit fees; adding a reporting
3 requirement; amending R&R 91, Section 1 (part), as
4 amended, and BOH 2.10.020 and R&R 91, Section 1 (part),
5 as amended, and BOH 5.04.640 and adding a new section to
6 BOH chapter 5.42; enacted pursuant to RCW 70.05.060,
7 including the latest amendments or revisions thereto.

8 BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

9 SECTION 1. R&R 91, Section 1 (part), as amended, and BOH 2.10.020 are each
10 hereby amended to read as follows:

11 **Permit fee schedule.**

12 ~~((Part 1 – Permit fee Schedule.~~

13 ~~Effective Through December 31, 2009.~~

14 ~~The owner or operator of a food establishment subject to the permit requirement~~
15 ~~of WAC 246-215-200 or Food Code Paragraph 8-301.11 shall pay to the health officer a~~
16 ~~food establishment permit fee as set forth in Table 1, based on the establishment type and~~
17 ~~the risk category for the establishment. Where more than one type of food establishment~~
18 ~~exists within or as part of another food establishment (for example, a bakery within a~~
19 ~~grocery store or in a deli within a meat market), the owner or operator shall pay the~~

20 permit fee for each applicable food establishment type; except that the owner or operator
 21 of a grocery store with no more than two checkout stands, a general food establishment
 22 with no more than two checkout stands and no more than twelve seats for customers for
 23 on-site consumption of food or a meat/fish market with no more than two checkout
 24 stands, shall pay only the highest applicable risk category permit fee without being
 25 required to obtain a separate permit for each type of food handling activity at the
 26 establishment. For purposes of this section, "highest applicable risk category permit fee"
 27 means the fee corresponding to the highest risk category of food handling activity at the
 28 establishment.

29 **TABLE 1**

30 **Food Establishment Categories and Permit fees**

Type of Food Establishment	Applicable Fee¹
General Food Service²	
Seating Capacity 0 – 12 Risk 1	\$302.00
Seating Capacity 0 – 12 Risk 2	\$503.00
Seating Capacity 0 – 12 Risk 3	\$697.00
Seating Capacity 13 – 50 Risk 1	\$306.00
Seating Capacity 13 – 50 Risk 2	\$510.00
Seating Capacity 13 – 50 Risk 3	\$736.00
Seating Capacity 51 – 150 Risk 1	\$312.00
Seating Capacity 51 – 150 Risk 2	\$536.00
Seating Capacity 51 – 150 Risk 3	\$785.00

Seating Capacity 151– 250 Risk 1	\$324.00
Seating Capacity 151– 250 Risk 2	\$548.00
Seating Capacity 151– 250 Risk 3	\$833.00
Seating Capacity over 250 Risk 1	\$337.00
Seating Capacity over 250 Risk 2	\$552.00
Seating Capacity over 250 Risk 3	\$870.00
Limited Food Service	\$302.00
Bakery – No customer seating³	
Risk 1	\$302.00
Risk 2	\$503.00
Risk 3	\$697.00
Bed and Breakfast Operation	\$302.00
Grocery Store – No customer seating³	
Risk 1	\$302.00
Risk 2	\$503.00
Risk 3	\$697.00
Catering operation	
Risk 1	\$302.00
Risk 2	\$503.00
Risk 3	\$697.00
Meat/Fish Market	\$567.00
Vending Machine	\$302.00

Mobile Food Service	
Risk 1	\$302.00
Risk 2	\$503.00
Risk 3	\$697.00
Nonprofit Institution⁷	
Risk 1	\$302.00
Risk 2	\$504.00
Risk 3	\$696.00
School Kitchen^{4, 7}	
Risk 2	\$504.00
Risk 3	\$696.00
Seasonal Food Establishment⁶	One-half the applicable annual permit fee
Temporary Food Establishment⁵	
Low Risk	\$193.00
High Risk	\$201.00

31 Footnotes to Table 1:

32 1. All food establishment permit fees set forth in this table are annual fees, except
 33 those for temporary food establishments (including temporary nonprofit institution food
 34 establishments) and seasonal food establishments.

35 2. General food service includes a grocery store or bakery offering seating for on-
 36 site consumption of food.

37 ~~3. A bakery or grocery store offering seating for on-site consumption of food~~
38 ~~shall be classified as a general food service establishment.~~

39 ~~4. A school kitchen is designated as either Risk 2 or Risk 3, not Risk 1.~~

40 ~~5. A temporary food establishment is designated as either Low Risk or High~~
41 ~~Risk.~~

42 ~~6. The applicant for a seasonal food establishment permit, or a food establishment~~
43 ~~that is to be operated no longer than any period of six consecutive months, shall pay one-~~
44 ~~half the applicable annual permit fee specified in Table 1.~~

45 ~~7. The owners or operators of school kitchens and nonprofit institutions shall in~~
46 ~~2009 be charged fifty percent of the fee established to be paid by them as set forth in~~
47 ~~Table 1.~~

48 **Part 2 – Permit Fee Schedule.**

49 **Effective January 1, 2010, Through December 31, 2010.**

50 The owner or operator of a food establishment subject to the permit requirement
51 of WAC 246-215-200 or Food Code Paragraph 8-301.11 shall pay to the health officer a
52 food establishment permit fee as set forth in Table 1, based on the establishment type and
53 the risk category for the establishment. Where more than one type of food establishment
54 exists within or as part of another food establishment (for example, a bakery within a
55 grocery store or a deli within a meat market), the owner or operator shall pay the permit
56 fee for each applicable food establishment type; except that the owner or operator of a
57 grocery store with no more than two checkout stands, a general food establishment with
58 no more than two checkout stands and no more than twelve seats for customers for on-
59 site consumption of food or a meat/fish market with no more than two checkout stands;

60 shall pay only the highest applicable risk category permit fee without being required to
 61 obtain a separate permit for each type of food handling activity at the establishment. For
 62 purposes of this section, "highest applicable risk category permit fee" means the fee
 63 corresponding to the highest risk category of food handling activity at the establishment.

64 **TABLE 1**

65 **Food Establishment Categories and Permit Fees**

Type of Food Establishment	Applicable Fee¹
General Food Service²	
Seating Capacity 0 – 12 Risk 1	\$317.00
Seating Capacity 0 – 12 Risk 2	\$528.00
Seating Capacity 0 – 12 Risk 3	\$732.00
Seating Capacity 13 – 50 Risk 1	\$320.00
Seating Capacity 13 – 50 Risk 2	\$535.00
Seating Capacity 13 – 50 Risk 3	\$772.00
Seating Capacity 51 – 150 Risk 1	\$328.00
Seating Capacity 51 – 150 Risk 2	\$562.00
Seating Capacity 51 – 150 Risk 3	\$824.00
Seating Capacity 151 – 250 Risk 1	\$340.00
Seating Capacity 151 – 250 Risk 2	\$575.00
Seating Capacity 151 – 250 Risk 3	\$874.00
Seating Capacity over 250 Risk 1	\$353.00
Seating Capacity over 250 Risk 2	\$579.00

Seating Capacity over 250 Risk 3	\$914.00
Limited Food Service	\$317.00
Bakery – No customer seating³	
Risk 1	\$317.00
Risk 2	\$528.00
Risk 3	\$732.00
Bed and Breakfast Operation	\$317.00
Grocery Store – No customer seating³	
Risk 1	\$317.00
Risk 2	\$528.00
Catering operation	
Risk 1	\$317.00
Risk 2	\$528.00
Risk 3	\$732.00
Meat/Fish Market	\$595.00
Vending Machine	\$317.00
Mobile Food Unit	
Risk 1	\$317.00
Risk 2	\$528.00
Risk 3	\$732.00
Commissary for Mobile Food Unit	\$218.00

Nonprofit Institution⁴	
Risk 1	\$317.00
Risk 2	\$528.00
Risk 3	((To be determined by future rule of the board of health.)) \$732.00
School Lunch Program⁴	\$422.00
Seasonal Food Establishment⁵	One-half the applicable annual permit fee
Operating for more than ten and up to twelve months	One hundred percent of the applicable annual permit fee
Operating for more than seven and up to ten months	Seventy five percent of the applicable annual permit fee
Operating for more than four and up to seven months	Fifty percent of the applicable annual permit fee
Operating for four or fewer months	Twenty five percent of the applicable annual permit fee
Temporary Food Establishment	\$255.00
Limited Temporary Food Establishment	\$50.00
Farmers Market or Recurring Event Food Establishment	\$255.00
Limited Farmers Market or Recurring Event Food	\$50.00

Establishment	
Farmers Market or Recurring Event Coordinator	\$100.00

66 Footnotes to Table 1:

67 ~~1. All food establishment permit fees set forth in this table are annual fees, except~~
68 ~~those for temporary and limited temporary food establishments (including temporary~~
69 ~~nonprofit institution food establishments) and seasonal food establishments.~~

70 ~~2. General food service includes a grocery store or bakery offering seating for on-~~
71 ~~site consumption of food.~~

72 ~~3. A bakery or grocery store offering seating for on-site consumption of food~~
73 ~~shall be classified as a general food service establishment.~~

74 ~~4. A school kitchen not qualifying as a school lunch program shall be classified~~
75 ~~as a nonprofit institution.~~

76 ~~5. The applicant for a seasonal food establishment permit shall pay an annual~~
77 ~~permit fee prorated to a quarterly schedule as specified in Table 1.~~

78 **Part 3 – Permit Fee Schedule.**

79 **~~Effective January 1, 2011, Through December 31, 2011.~~**

80 ~~The owner or operator of a food establishment subject to the permit requirement~~
81 ~~of WAC 246-215-200 or Food Code Paragraph 8-301.11 shall pay to the health officer a~~
82 ~~food establishment permit fee as set forth in Table 1, based on the establishment type and~~
83 ~~the risk category for the establishment. Where more than one type of food establishment~~
84 ~~exists within or as part of another food establishment (for example, a bakery within a~~
85 ~~grocery store or a deli within a meat market), the owner or operator shall pay the permit~~
86 ~~fee for each applicable food establishment type, except that the owner or operator of a~~

87 ~~grocery store with no more than two checkout stands, a general food establishment with~~
 88 ~~no more than two checkout stands and no more than twelve seats for customers for on-~~
 89 ~~site consumption of food or a meat/fish market with no more than two checkout stands~~
 90 ~~shall pay only the highest applicable risk category permit fee without being required to~~
 91 ~~obtain a separate permit for each type of food handling activity at the establishment. For~~
 92 ~~purposes of this section, "highest applicable risk category permit fee" means the fee~~
 93 ~~corresponding to the highest risk category of food handling activity at the establishment.~~

TABLE 1

Food Establishment Categories and Permit Fees

Type of Food Establishment	Applicable Fee¹
General Food Service²	
Seating Capacity 0 – 12 Risk 1	\$332.00
Seating Capacity 0 – 12 Risk 2	\$554.00
Seating Capacity 0 – 12 Risk 3	\$768.00
Seating Capacity 13 – 50 Risk 1	\$336.00
Seating Capacity 13 – 50 Risk 2	\$562.00
Seating Capacity 13 – 50 Risk 3	\$810.00
Seating Capacity 51 – 150 Risk 1	\$344.00
Seating Capacity 51 – 150 Risk 2	\$590.00
Seating Capacity 51 – 150 Risk 3	\$865.00
Seating Capacity 151 – 250 Risk 1	\$357.00
Seating Capacity 151 – 250 Risk 2	\$604.00

Seating Capacity 151 – 250 Risk 3	\$917.00
Seating Capacity over 250 Risk 1	\$371.00
Seating Capacity over 250 Risk 2	\$607.00
Seating Capacity over 250 Risk 3	\$959.00
Limited Food Service	\$332.00
Bakery – No customer seating³	
Risk 1	\$332.00
Risk 2	\$554.00
Risk 3	\$768.00
Bed and Breakfast Operation	\$332.00
Grocery Store – No customer seating³	
Risk 1	\$332.00
Risk 2	\$554.00
Catering operation	
Risk 1	\$332.00
Risk 2	\$554.00
Risk 3	\$768.00
Meat/Fish Market	\$625.00
Vending Machine	\$332.00
Mobile Food Unit	
Risk 1	\$332.00
Risk 2	\$554.00

Risk 3	\$768.00
Commissary for Mobile Food Unit	
Risk 1	\$143.00
Risk 2 and 3	\$229.00
Nonprofit Institution⁴	
Risk 1	\$332.00
Risk 2	\$554.00
Risk 3	\$768.00
School Lunch Program⁴	\$443.00
Seasonal Food Establishment⁵	
Operating for more than ten and up to twelve months	One hundred percent of the applicable annual permit fee
Operating for more than seven and up to ten months	Seventy five percent of the applicable annual permit fee
Operating for more than four and up to seven months	Fifty percent of the applicable annual permit fee
Operating for four or fewer months	Twenty five percent of the applicable annual permit fee
Temporary Food Establishment	\$267.00
Limited Temporary Food Establishment	\$53.00
Farmers Market or Recurring Event Food Establishment	\$267.00

Limited Farmers Market or Recurring Event Food Establishment	\$53.00
Farmers Market or Recurring Event Coordinator	\$100.00

96 Footnotes to Table 1:

97 1. ~~All food establishment permit fees set forth in this table are annual fees, except~~
 98 ~~those for temporary and limited temporary food establishments (including temporary~~
 99 ~~nonprofit institution food establishments) and seasonal food establishments.~~

100 2. ~~General food service includes a grocery store or bakery offering seating for on-~~
 101 ~~site consumption of food.~~

102 3. ~~A bakery or grocery store offering seating for on-site consumption of food~~
 103 ~~shall be classified as a general food service establishment.~~

104 4. ~~A school kitchen not qualifying as a school lunch program shall be classified~~
 105 ~~as a nonprofit institution.~~

106 5. ~~The applicant for a seasonal food establishment permit shall pay an annual~~
 107 ~~permit fee prorated to a quarterly schedule as specified in Table 1.~~

108 **~~Part 4 Permit Fee Schedule.~~**

109 **~~Effective January 1, 2012, and Thereafter.))~~**

110 **Part 1-Permit Fee Schedule.**

111 **Effective January 14, 2012, Through May 31, 2012.**

112 The owner or operator of a food establishment subject to the permit requirement
 113 of WAC 246-215-200 or Food Code Paragraph 8-301.11 shall pay to the health officer a
 114 food establishment permit fee as set forth in Table 1, based on the establishment type and
 115 the risk category for the establishment. Where more than one type of food establishment

116 exists within or as part of another food establishment (for example, a bakery within a
 117 grocery store or a deli within a meat market), the owner or operator shall pay the permit
 118 fee for each applicable food establishment type; except that the owner or operator of a
 119 grocery store with no more than two checkout stands, a general food establishment with
 120 no more than two checkout stands and no more than twelve seats for customers for on-
 121 site consumption of food or a meat/fish market with no more than two checkout stands
 122 shall pay only the highest applicable risk category permit fee without being required to
 123 obtain a separate permit for each type of food handling activity at the establishment. For
 124 purposes of this section, "highest applicable risk category permit fee" means the fee
 125 corresponding to the highest risk category of food handling activity at the establishment.

126 **TABLE 1**127 **Food Establishment Categories and Permit Fees**

Type of Food Establishment	Applicable Fee¹
General Food Service²	
Seating Capacity 0 - 12 Risk 1	\$350.00
Seating Capacity 0 - 12 Risk 2	\$583.00
Seating Capacity 0 - 12 Risk 3	\$808.00
Seating Capacity 13 - 50 Risk 1	\$354.00
Seating Capacity 13 - 50 Risk 2	\$591.00
Seating Capacity 13 - 50 Risk 3	\$852.00
Seating Capacity 51 - 150 Risk 1	\$362.00
Seating Capacity 51 - 150 Risk 2	\$621.00

Seating Capacity 51 - 150 Risk 3	\$911.00
Seating Capacity 151 - 250 Risk 1	\$376.00
Seating Capacity 151 - 250 Risk 2	\$635.00
Seating Capacity 151 - 250 Risk 3	\$965.00
Seating Capacity over 250 Risk 1	\$390.00
Seating Capacity over 250 Risk 2	\$639.00
Seating Capacity over 250 Risk 3	\$1,009.00
Limited Food Service	\$350.00
Bakery - No customer seating³	
Risk 1	\$350.00
Risk 2	\$583.00
Risk 3	\$808.00
Bed and Breakfast Operation	\$350.00
Grocery Store - No customer seating³	
Risk 1	\$350.00
Risk 2	\$583.00
Catering operation	
Risk 1	\$350.00
Risk 2	\$583.00
Risk 3	\$808.00
Meat/Fish Market	\$657.00
Vending Machine	\$350.00

Mobile Food Unit	
Risk 1	\$350.00
Risk 2	\$583.00
Risk 3	\$808.00
Commissary for Mobile Food Unit	
Risk 1	\$151.00
Risk 2 and 3	\$241.00
Nonprofit Institution	
Risk 1	\$350.00
Risk 2	\$583.00
Risk 3	\$808.00
School Lunch Program⁴	\$466.00
Seasonal Food Establishment⁵	
Operating for more than ten and up to twelve months	One-hundred percent of the applicable annual permit fee
Operating for more than seven and up to ten months	Seventy-five percent of the applicable annual permit fee
Operating for more than four and up to seven months	Fifty percent of the applicable annual permit fee
Operating for four or fewer months	Twenty-five percent of the applicable annual permit fee
Temporary Food Establishment (other than farmers	\$281.00

<u>market or recurring event temporary food establishments)</u>	
Limited Temporary Food Establishment (other than farmers market or recurring event limited temporary food establishments)	\$55.00
<u>Farmers Market</u>	
<u>Tier 1</u>	<u>\$0.00</u>
<u>Tier 2</u>	<u>\$100.00</u>
<u>Tier 3</u>	<u>\$100.00</u>
Farmers Market ((or Recurring Event)) <u>Temporary Food Establishment</u>	\$281.00
((Limited)) Farmers Market ((or Recurring Event)) <u>Limited Temporary Food Establishment</u>	\$55.00
((Farmers Market or)) Recurring Event ((Coordinator))	\$100.00
<u>Recurring Event Temporary Food Establishment</u>	<u>\$281.00</u>
<u>Recurring Event Limited Temporary Food Establishment</u>	<u>\$55.00</u>

128 Footnotes to Table 1:

129 1. All food establishment permit fees set forth in this table are annual fees, except
130 those for temporary and limited temporary food establishments(((including temporary
131 nonprofit institution food establishments))), farmers market temporary and limited

132 temporary food establishments, recurring event temporary and limited temporary food
133 establishments and seasonal food establishments.

134 2. General food service includes a grocery store or bakery offering seating for
135 on-site consumption of food.

136 3. A bakery or grocery store offering seating for on-site consumption of food
137 shall be classified as a general food service establishment.

138 4. A school kitchen not qualifying as a school lunch program shall be classified
139 as a nonprofit institution.

140 5. The applicant for a seasonal food establishment permit shall pay an annual
141 permit fee prorated to a quarterly schedule as specified in Table 1.

142 **Part 2-Permit Fee Schedule.**

143 **Effective June 1, 2012, and Thereafter.**

144 The owner or operator of a food establishment subject to the permit requirement
145 of WAC 246-215-200 or Food Code Paragraph 8-301.11 shall pay to the health officer a
146 food establishment permit fee as set forth in Table 1, based on the establishment type and
147 the risk category for the establishment. Where more than one type of food establishment
148 exists within or as part of another food establishment (for example, a bakery within a
149 grocery store or a deli within a meat market), the owner or operator shall pay the permit
150 fee for each applicable food establishment type; except that the owner or operator of a
151 grocery store with no more than two checkout stands, a general food establishment with
152 no more than two checkout stands and no more than twelve seats for customers for on-
153 site consumption of food or a meat/fish market with no more than two checkout stands
154 shall pay only the highest applicable risk category permit fee without being required to

155 obtain a separate permit for each type of food handling activity at the establishment. For
 156 purposes of this section, "highest applicable risk category permit fee" means the fee
 157 corresponding to the highest risk category of food handling activity at the establishment.

TABLE 1**Food Establishment Categories and Permit Fees**

<u>Type of Food Establishment</u>	<u>Applicable Fee¹</u>
<u>General Food Service²</u>	
<u>Seating Capacity 0 - 12 Risk 1</u>	<u>\$350.00</u>
<u>Seating Capacity 0 - 12 Risk 2</u>	<u>\$583.00</u>
<u>Seating Capacity 0 - 12 Risk 3</u>	<u>\$808.00</u>
<u>Seating Capacity 13 - 50 Risk 1</u>	<u>\$354.00</u>
<u>Seating Capacity 13 - 50 Risk 2</u>	<u>\$591.00</u>
<u>Seating Capacity 13 - 50 Risk 3</u>	<u>\$852.00</u>
<u>Seating Capacity 51 - 150 Risk 1</u>	<u>\$362.00</u>
<u>Seating Capacity 51 - 150 Risk 2</u>	<u>\$621.00</u>
<u>Seating Capacity 51 - 150 Risk 3</u>	<u>\$911.00</u>
<u>Seating Capacity 151 - 250 Risk 1</u>	<u>\$376.00</u>
<u>Seating Capacity 151 - 250 Risk 2</u>	<u>\$635.00</u>
<u>Seating Capacity 151 - 250 Risk 3</u>	<u>\$965.00</u>
<u>Seating Capacity over 250 Risk 1</u>	<u>\$390.00</u>
<u>Seating Capacity over 250 Risk 2</u>	<u>\$639.00</u>
<u>Seating Capacity over 250 Risk 3</u>	<u>\$1,009.00</u>

<u>Limited Food Service</u>	<u>\$350.00</u>
<u>Bakery - No customer seating³</u>	
<u>Risk 1</u>	<u>\$350.00</u>
<u>Risk 2</u>	<u>\$583.00</u>
<u>Risk 3</u>	<u>\$808.00</u>
<u>Bed and Breakfast Operation</u>	<u>\$350.00</u>
<u>Grocery Store - No customer seating³</u>	
<u>Risk 1</u>	<u>\$350.00</u>
<u>Risk 2</u>	<u>\$583.00</u>
<u>Catering operation</u>	
<u>Risk 1</u>	<u>\$350.00</u>
<u>Risk 2</u>	<u>\$583.00</u>
<u>Risk 3</u>	<u>\$808.00</u>
<u>Meat/Fish Market</u>	<u>\$657.00</u>
<u>Vending Machine</u>	<u>\$350.00</u>
<u>Mobile Food Unit</u>	
<u>Risk 1</u>	<u>\$350.00</u>
<u>Risk 2</u>	<u>\$583.00</u>
<u>Risk 3</u>	<u>\$808.00</u>
<u>Commissary for Mobile Food Unit</u>	
<u>Risk 1</u>	<u>\$151.00</u>
<u>Risk 2 and 3</u>	<u>\$241.00</u>

<u>Nonprofit Institution</u>	
<u>Risk 1</u>	<u>\$350.00</u>
<u>Risk 2</u>	<u>\$583.00</u>
<u>Risk 3</u>	<u>\$808.00</u>
<u>School Lunch Program⁴</u>	<u>\$466.00</u>
<u>Seasonal Food Establishment⁵</u>	
<u>Operating for more than ten and up to twelve months</u>	<u>One-hundred percent of the applicable annual permit fee</u>
<u>Operating for more than seven and up to ten months</u>	<u>Seventy-five percent of the applicable annual permit fee</u>
<u>Operating for more than four and up to seven months</u>	<u>Fifty percent of the applicable annual permit fee</u>
<u>Operating for four or fewer months</u>	<u>Twenty-five percent of the applicable annual permit fee</u>
<u>Temporary Food Establishment</u> (other than farmers market or recurring event temporary food establishments)	<u>\$281.00</u>
<u>Limited Temporary Food Establishment</u> (other than farmers market or recurring event limited temporary food establishments)	<u>\$55.00</u>
<u>Farmers Market</u>	
<u>Tier 1</u>	<u>\$0.00</u>

<u>Tier 2</u>	<u>\$302.00</u>
<u>Tier 3</u>	<u>\$502.00</u>
<u>Farmers Market Temporary Food Establishment</u>	<u>\$281.00</u>
<u>Farmers Market Limited Temporary Food Establishment</u>	<u>\$55.00</u>
<u>Recurring Event</u>	<u>\$100.00</u>
<u>Recurring Event Temporary Food Establishment</u>	<u>\$281.00</u>
<u>Recurring Event Limited Temporary Food Establishment</u>	<u>\$55.00</u>

160 Footnotes to Table 1:

161 1. All food establishment permit fees set forth in this table are annual fees, except
 162 those for temporary and limited temporary food establishments, farmers market
 163 temporary and limited temporary food establishments, recurring event temporary and
 164 limited temporary food establishments and seasonal food establishments.

165 2. General food service includes a grocery store or bakery offering seating for
 166 on-site consumption of food.

167 3. A bakery or grocery store offering seating for on-site consumption of food
 168 shall be classified as a general food service establishment.

169 4. A school kitchen not qualifying as a school lunch program shall be classified
 170 as a nonprofit institution.

171 5. The applicant for a seasonal food establishment permit shall pay an annual
 172 permit fee prorated to a quarterly schedule as specified in Table 1.

173 SECTION 2. R&R 91, Section 1 (part), as amended, and BOH 5.04.640 are each
174 hereby amended to read as follows:

175 **Seasonal food establishment.** WAC 246-215-011 is supplemented with the
176 following:

177 Seasonal food establishment (WAC 246-215-011(24.1)).

178 "Seasonal food establishment" means a food establishment that routinely operates
179 for no more than (~~six~~) ten consecutive months each year.

180 NEW SECTION. SECTION 3. There is hereby added to BOH chapter 5.42 a
181 new section to read as follows:

182 **Farmers markets and recurring events.** WAC 246-215-131 is supplemented as
183 follows:

184 Farmers markets and recurring events (WAC 246-215-131(12)).

185 (a) The health officer shall designate each farmers market as tier 1, tier 2 or tier
186 3 based on the types of foods offered and the standards of this section.

187 (b) Any farmers market having no participating food establishments as defined
188 under BOH 5.04.040 and WAC 246-215-011(12).

189 (c) Any farmers market where all participating food establishments are exempt
190 from the food establishment permit requirement under WAC 246-215-191 shall be
191 designated as tier 2.

192 (d) Any farmers market where any participating food establishment is required
193 to obtain a farmers market temporary or limited temporary food establishment permit
194 shall be designated as tier 3.

195 (e) A farmers market coordinator shall be responsible for the operation of the
196 farmers market in conformance with the requirements of this title and the lawful orders of
197 the health officer, including providing the common facilities for and monitoring the
198 participating food establishments and vendors. The farmers market coordinator shall pay
199 the applicable tier 1, tier 2 or tier 3 farmers market permit fee as set forth in BOH chapter
200 2.10.

201 (f) A recurring event coordinator shall be responsible for the operation of the
202 recurring event in conformance with the requirements of this title and the lawful orders of
203 the health officer, including providing the common facilities for and monitoring the
204 recurring event temporary and limited temporary food establishments and payment of the
205 recurring event permit fee as set forth in BOH chapter 2.10.

206 (g) By March 31, 2013, and annually thereafter, the Seattle-King County
207 department of public health shall report to the board of health on the number of farmers
208 markets in each tier, the frequency and severity of food code violations at farmers
209 markets, and identification of any noteworthy changes from the preceding calendar year.
210 The department shall provide a written report by March 31 each year in electronic format
211 to the board of health administrator who will distribute the report to all board of health
212 members.

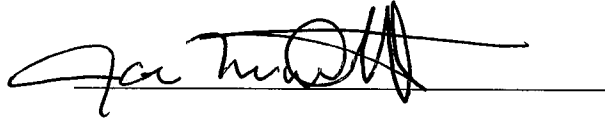
213 SECTION 4. Severability. If any provision of this rule or its application to any

214 person or circumstance is held invalid, the remainder of the rule or the application of the
215 provision to other persons or circumstances is not affected.
216

R&R was introduced on and passed as amended by the Board of Health on
12/15/2011, by the following vote:

Yes: 8 - Ms. Frisinger, Mr. Hutchinson, Ms. Lambert, Dr. Nicola, Dr.
Danielson and Mr. McDermott
No: 2 - Mr. Licata and Ms. Clark
Excused: 2 - Mr. Conlin and Ms. Patterson

BOARD OF HEALTH
KING COUNTY, WASHINGTON



Joe McDermott, Chair

ATTEST:



Anne Noris, Clerk of the Board

Attachments: None