

Subchapter III Property and Panic Alarm Systems

10.08.135 Purpose.

The purpose of Sections 10.08.140 through 10.08.178 is to encourage security alarm users and security alarm monitoring companies to maintain the operational reliability and the proper use of alarm systems in order to reduce unnecessary police responses to false alarms and to require in-person or other independent verification before responding to emergency calls at premises where an automatic property and/or automatic burglary alarm system has a record of unreliability.

The express purpose of this chapter is to provide for and promote the health, safety and welfare of the general public, and not to protect individuals or create or otherwise establish or designate any particular class or group of persons who will or should be especially affected by the terms of this chapter. This chapter imposes or creates no duties on the part of the City or any of its departments, and the obligation of complying with the requirements of this chapter, and any liability for failing to do so, is placed upon the parties responsible for owning, operating, monitoring or maintaining automatic alarm systems. (Ord. 116702 § 1(part), 1993.)

10.08.140 Definitions.

As used in this subchapter, the following terms have the meanings indicated unless the context clearly requires another interpretation:

A. "Alarm system monitoring company" means any individual, partnership, corporation, or other form of association that engages in the business of monitoring property, burglary, robbery, or panic alarms, and reporting any activation of such alarm systems to the Seattle Police Department.

B. "Alarm system user" means the person having or maintaining a property, burglary, robbery, or panic alarm. It means only the subscriber when the system is connected to an alarm system monitoring company.

C. Burglary alarm. See "Property alarm" below.

D. "Chief of Police" or "Chief" means the Chief of Police of The City of Seattle and his or her designee.

E. "Department" means the Seattle Police Department.

F. "False alarm" means the activation of a property or burglary alarm when:

1. There is no evidence of a crime or other activity on the premises that would warrant a call for immediate police assistance or police investigation; and

2. No individual who was on or near the premises or who had viewed a video communication from the premises, called for the dispatch or confirmed a need for an immediate police response.

G. Panic alarm. See "Robbery alarm" below.

H. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated entity, or other entity or group of persons, but excludes the United States, the State of Washington and any political subdivision or municipal corporation thereof.

I. "Property alarm" or "burglary alarm" means any system, device, or mechanism for detection and reporting of any unauthorized entry or attempted entry or property damage upon real property protected by the system which may be activated by sensors or other techniques, and, when activated, automatically transmits a telephone message, emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a signal beyond the protected premises.

J. "Residence" means a building or structure or portion thereof designed to be used as a place of abode for human beings and not used for any other purpose. The term includes all dwelling units within the definition of a "residential use," as defined in Section 23.84.032.

K. "Robbery alarm" or "panic alarm" means any system, device, or mechanism, activated by an individual on or near the premises, to alert others that a robbery or any other crime is in progress, or that the user is in need of immediate assistance or aid in order to avoid injury or serious bodily harm, which meets the following criteria:

1. The system is installed on real property (the "protected premises");

2. It is designed to be activated by an individual for the purpose of summoning assistance to the premises;

3. It transmits a telephone message or emits an audible, visible, or electronic signal that can be heard, seen or received by persons outside the protected premises; and

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4. It is intended to summon police assistance to the premises.

L. Verification. See Section 10.08.165. (Ord. 116702 § 1(part), 1993.)

10.08.145 Audible alarm standards.

On or after September 1, 1993, no automatic property or burglary alarm which, when activated, causes an audible sound to be heard off the premises continuously for more than ten (10) minutes shall be installed on privately-owned premises in Seattle.

Owners of existing automatic property or burglary alarms which, when activated, sound continuously until turned off and send audible sounds off the premises are encouraged to limit the duration of the sound to ten (10) minutes or less by such methods as installing an automatic shutoff mechanism, connecting to a monitoring system, or converting to more modern equipment.

Nothing in this section shall limit the duration of a fire or other evacuation alarm during a bona fide emergency when the sound may assist in saving life or avoiding injury. (Ord. 116702 § 1(part), 1993.)

10.08.150 Notice—Alarm turnoff.

Anyone who shall have or maintain on any premises an audible-type property, burglary and/or robbery alarm shall maintain posted at the main entrance to such premises a prominent notice of the telephone numbers at which the person or persons authorized to enter such premises and turn off such alarm can be reached at all times. (Ord. 116702 § 2, 193: Ord. 101476 § 1, 1972.)

10.08.155 Ten-minute limit on audible alarms.

The sounding of an audible automatic property or burglary alarm in a manner that the sound can be heard continuously off the premises for more than ten (10) minutes is a civil infraction, and shall be processed as contemplated by RCW Chapter 7.80. It shall be charged to the alarm system user.

It is a defense that the continuous sounding of the alarm assisted in saving life or avoiding injury in a bona fide emergency.

It is a mitigating circumstance that the alarm was caused by a malfunction of the equipment without prior knowledge of the owner, or activated by an unauthorized entry or by criminal activity.

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(Ord. 116702 § 1(part), 1993.)

10.08.160 Unlawful activation or report of alarm.

No person shall activate any robbery, panic, property, or burglary alarm for the purpose of summoning police except in the event of an unauthorized entry, robbery or other crime being committed or attempted on the premises, or the user needs immediate assistance in order to avoid injury or serious bodily harm.

Anyone who shall notify the police of an activated alarm and have knowledge that such activation was apparently caused by an electrical or other malfunction of the alarm system, shall at the same time notify the police of such apparent malfunction.

(Ord. 116702 § 3, 1993: Ord. 101476 § 2, 1972.)

10.08.165 Alarm system monitoring companies—Verification process.

Every alarm system monitoring company engaging in business activities in Seattle shall:

A. Obtain a City of Seattle business license from the Department of Finance;

B. Provide the Chief of Police such information about the nature of its property alarms, burglary alarms, robbery alarms, and panic alarms; its method of monitoring; its program for preventing false alarms; and its method of disconnecting audible alarms, each as the Chief may require by rule adopted pursuant to the Administrative Code, Chapter 3.02;

C. Maintain a current list of all subscribers' names and the associated protected premises it serves, which list shall be accessible to the Chief at all times;

D. Maintain a verification process with those subscribers who have an automatic alarm system to prevent false alarms from resulting in unnecessary police dispatches; and

E. When the Chief reports that there appears to have been a false alarm at a subscriber's premises, work cooperatively with the subscriber and the Chief in order to determine the cause thereof and prevent recurrences.

A verification process is an independent method of determining that a signal from an automatic alarm system reflects a need for immediate police assistance or investigation. The verification process shall not take more than five (5) minutes calculated from the time that the alarm signal has been accepted by the alarm system monitoring company until a decision is made whether to call for a police dispatch. The means of verification may include one (1) or more of the following:

1. The establishment of voice communication with an authorized person at or near the premises who may indicate whether or not need for immediate police assistance or investigation exists;

2. A feature that permits the alarm system user or a person authorized by the user to send a special signal to the alarm system monitoring company that will cancel an alarm immediately after it has been sent and prevent the monitoring company calling for a police dispatch;

3. The installation of a video system that provides the alarm system monitoring company when the signal is received with the ability to ascertain that activity is occurring which warrants immediate police assistance or investigation;

4. A confirmation that a signal reflects a need for immediate police assistance or investigation either by the alarm system user, a person at or near the premises, or an alternate response agency made before dispatching police; or

5. An alternate system that the Chief determines has or is likely to have a high degree of reliability.

(Ord. 120181 § 114, 2000; Ord. 118397 § 99, 1996; Ord. 117169 § 127, 1994; Ord. 116702 § 1(part), 1993.)

10.08.168Determination—Rebuttable presumption.

For the purposes of this subchapter, there is a rebuttable presumption that the following determinations made by the Chief of Police, or made on behalf of the Chief by a police officer dispatched to the premises, are correct:

A. There is no evidence of a crime or other activity that would warrant a call for immediate police assistance or police investigation at the premises; and

B. No individual who was on or near the premises, or who had viewed a video communication from the premises, called for the dispatch

or verified a need for an immediate police response.

(Ord. 116702 § 1(part), 1993.)

10.08.173Penalty for false alarms.

The sending of an alarm by an automatic property alarm and/or automatic burglary alarm, which results in the dispatch of the police to the premises on an emergency basis, is a civil infraction and shall be processed as contemplated by RCW Chapter 7.80 whenever: (A) there is no evidence of a crime or other activity that would warrant a call for immediate police assistance or investigation at the premises; and (B) no individual who was on or near the premises, or who had viewed a video communication from the premises, called for the dispatch or confirmed a need for an immediate police response. The infraction shall be charged to the alarm system user who shall be assessed a monetary penalty. It shall be classified as a Class 3 civil infraction under RCW 7.80.120. (Ord. 116702 § 1(part), 1993.)

10.08.178Frequent false alarms— Process for disregarding automatic alarms—In-person verification.

A. In exercising his or her discretion to make an immediate dispatch in response to an automatic property or automatic burglary alarm, the Chief of Police shall disregard a call for emergency assistance when:

1. The premises are not a residence; and

2. The call comes from or is prompted by an automatic property alarm or automatic burglary alarm that has a record of sending six (6) false alarms within a period of twelve (12) months; and

3. The call is the only basis for making such a dispatch.

The Chief may consider such a call as an additional factor in making his or her decision to order an immediate dispatch when an in-person call, verification from an individual at or near the premises, or other independent evidence shows a need for immediate police assistance at the premises.

B. To discourage false alarms, the Chief may adopt a process of sending a letter or delivering a notice informing the alarm system user of record of the consequences of a false alarm, the need to take corrective action, and the prospect that six (6) false alarms within a twelve (12) month period shall result in the automatic signals being

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disregarded and an in-person call or verification being required or other independent information showing a need for such a dispatch before an immediate dispatch will be made to the premises.

C. Before acting as authorized in subsection A of this section, the Chief shall send or deliver a notice to the alarm system user that:

1. Six (6) false alarms have been received within a twelve (12) month period;

2. The remedy authorized in subsection A may be taken;

3. The user may request a hearing before the Chief or his designee and explain why the Chief should not take the proposed action; if no hearing is requested, the Department will after ten (10) days disregard automatic signals from the premises without a call or verification from an individual or other independent information showing a need for such dispatch; and

4. A requirement of an in-person communication or verification may remain in effect for a period of three hundred sixty-five (365) days.

D. If a hearing is requested, the Chief shall schedule the hearing within ten (10) days. The Chief may take into consideration such factors as the steps that the alarm system user or alarm system monitoring company has taken or is taking to correct the problem; the incidence of crime in the area; the facts and circumstances of the false alarms; and other relevant information presented by the user or the monitoring company.

E. The Chief may suspend or cancel the remedy under subsection A if he or she determines that the automatic alarm system has been corrected to prevent the recurrence of false alarms.

F. "Dispatch" or "immediate dispatch" means a discretionary decision whether to direct police units to a location where there has been a report made, by whatever means, that police assistance or investigation is needed. There is no duty to dispatch or immediately dispatch under any circumstances whatever, whether automatic alarms are involved or not, and all dispatch decisions are made subject to competing priorities and available police response resources.

(Ord. 116702 § 1(part), 1993.)

10.08.180 Violation—Civil penalties.

A. The failure of an alarm system monitoring company that engages in business activities in Seattle to comply with any of the requirements of Section 10.08.165 shall be a civil infraction as

contemplated by RCW Chapter 7.80 and subject as a Class 1 civil infraction under RCW 7.80.120(2) to a maximum monetary penalty and a default amount of Two Hundred Fifty Dollars (\$250.00) plus statutory assessments. Each day of noncompliance shall be a separate violation, and the monetary penalties shall accumulate.

B. The violation of or failure to comply with any other provisions of this subchapter shall be a civil infraction as contemplated by RCW Chapter 7.80 and subject as a Class 3 civil infraction under RCW 7.80.120(c) to a maximum penalty and a default amount of Fifty Dollars (\$50.00) plus statutory assessments.

C. There shall be a maximum penalty and default amount of Twenty-five Dollars (\$25.00) plus statutory assessments for any of the following:

1. As contemplated by RCW 7.80.080(1) and 7.80.070(2)(K), a failure to respond to a notice of false alarm within fifteen (15) days from the date of notice;

2. As contemplated by RCW 7.80.080(2) and 7.80.070(2)(K), a failure to appear at a requested hearing; and

3. As contemplated by RCW 7.80.160(3), a failure to pay a penalty imposed pursuant to subsection A or B.

D. If the court determines that a person has insufficient funds to pay the monetary penalty, the court may order performance of a number of hours of community service instead. The court may impose sanctions upon person found in contempt of court as contemplated by RCW 7.80.160(3) and RCW Chapter 7.21.

E. The Seattle Municipal Court may waive the first civil penalty incurred by an alarm system user and clear the notice of violation as a warning if:

1. The notice describes a violation of Section 10.08.173;

2. The notice of violation is the first violation of Section 10.08.173 incurred by the alarm system user on or after September 1, 1993; and

3. Within fifteen (15) days after the date of the notice, the alarm system user either follows the instructions on the back of the notice to arrange an appearance in court or mails a written application to the court requesting a waiver and clearance as a warning.

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(Ord. 116702 § 4, 1993; Ord. 101467 § 5, 1972.)

**Chapter 10.09
PUBLIC NUISANCES**

Section:

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10.09.120 Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.
(Ord. 116349 § 1(part), 1992.)

10.09.010 Definitions.

A. "Abate" means to repair, replace, remove, destroy or otherwise remedy a condition which constitutes a public nuisance by such means, in such a manner and to such an extent as the Chief determines is necessary in the interest of the general health, safety and welfare of the community.

B. "Act" means doing or performing something.

C. "Chief" means the Chief of Police for The City of Seattle Police Department, or his/her designee.

D. "Development" means the erection, alteration, enlargement, demolition, maintenance or use of any structure or the alteration or use of any land above, at or below ground or water level, and all acts authorized by a City regulation.

E. "Emergency" means a situation which, in the opinion of the Chief, requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property.

F. "Hearing Examiner" means The City of Seattle Hearing Examiner and the office thereof established pursuant to Seattle Municipal Code, Chapter 3.02.

G. "Owner" means any person who, alone or with others, has title or interest in any building or premises, with or without accompanying actual possession thereof. For the purpose of giving notice, the term "owner" also includes any person in physical possession.

H. "Person" means any individual, partnership, corporation, trust, unincorporated or incorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.

I. "Person responsible for the public nuisance" means the property owner and any person who causes or permits a public nuisance to occur or remain upon property in the City, and includes but is not limited to the owner(s), lessors(s), tenant(s), or other person(s) entitled to control, use and/or occupy property where a public nuisance occurs.

J. "Premises" means a plot of ground, whether occupied or not.

J. "Property" means any building or structure, or the premises on which the building or structure is located.

L. "Public place" means an area generally visible to public view and includes alleys, bridges, driveways, parking lots, parks, plazas, sidewalks, streets, and buildings open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

M. "Unreasonable noise" means a noise as defined in Seattle Municipal Code Section 25.08.500.

(Ord. 116349 § 1(part), 1992.)

10.09.020 Enforcement.

This chapter shall be enforced and adminis-

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tered by the Chief of Police. Upon request by the Chief of Police, all other City departments and divisions are authorized to assist in enforcing this chapter.
(Ord. 116349 § 1(part), 1992.)

10.09.030 Public nuisance defined.

For purposes of this chapter a “public nuisance” is a condition which wrongfully annoys, injures, or endangers the comfort, repose, health or safety of others, or unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any public park, square, street or highway, or any other public place; or in any way renders other persons insecure in life, or in the use of property, and which affects equally the rights of an entire community or neighborhood, although the extent of damage may be unequal.
(Ord. 116349 § 1(part), 1992.)

10.09.040 Public nuisances enumerated.

A. Public nuisances shall include, but not be limited to the following:

1. Every property or premises not licensed under State law where any intoxicating liquors are kept for unlawful use, sale or distribution; or

2. Every property or premises where there exists an environment which causes, encourages or allows individuals or groups of individuals to commit one (1) or more of the following acts on the property, premises or adjacent public place, including but not limited to:

- a. Illegally consume intoxicating liquor;
- b. Publicly urinate or defecate;
- c. By physical action, intentionally cause or attempt to cause another person reasonably to fear imminent bodily injury or the commission of a criminal act upon their person or upon property in their immediate possession;
- d. Engage in acts of violence, including fighting amongst themselves;
- e. Discharge a firearm or explosive in violation of Seattle Municipal Code Section 12A.28.050;
- f. Create unreasonable noise which disturbs others;
- g. Intentionally obstruct pedestrian or vehicular traffic; or
- h. Solicit acts of prostitution.

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B. If the Chief finds a public nuisance to exist, the Chief shall order it abated in accordance with this chapter.
(Ord. 116349 § 1(part), 1992.)

10.09.050 Authorized act not a public nuisance.

No act which is done or maintained under the express authority of a statute or ordinance can be deemed a public nuisance.
(Ord. 116349 § 1(part), 1992.)

10.09.060 Successive owners liable.

Every successive owner of property or premises who neglects to abate a continuing public nuisance upon or in the use of such property caused by a former owner is liable therefor in the same manner as the one who first created it.
(Ord. 116349 § 1(part), 1992.)

10.09.070 Abatement does not preclude action for damages.

The abatement of a public nuisance does not prejudice the right of any person to recover damages for its past existence.
(Ord. 116349 § 1(part), 1992.)

10.09.080 Voluntary correction.

A. This section applies whenever the Chief determines that a public nuisance is occurring.

B. The Chief shall pursue a reasonable attempt to secure voluntary correction by contacting the person responsible for the public nuisance, where possible, explaining the public nuisance, and requesting correction.

C. A voluntary correction agreement may be entered into between the person responsible for the public nuisance and the City, acting through the Chief.

1. The voluntary correction agreement is a contract between the City and the person responsible for the public nuisance under which such person agrees to abate the public nuisance within a specified time and according to specified conditions. The voluntary correction agreement shall include the following:

a. The name and address of the person responsible for the public nuisance; and

b. The street address or a description sufficient for identification of the building, structure, premises, or land upon or within which the public nuisance is occurring; and

c. A description of the public nuisance; and

d. The necessary corrective action to be taken, and a date or time by which correction must be completed; and

e. An agreement by the person responsible for the public nuisance that the City may inspect the premises as may be necessary to determine compliance with the voluntary correction agreement; and

f. An agreement by the person responsible for the public nuisance that the City may abate the public nuisance and recover its costs and expenses and a monetary penalty pursuant to this chapter from the person responsible for the public nuisance if terms of the voluntary correction agreement are not met; and

g. An agreement that by entering into the voluntary correction agreement the person responsible for the public nuisance waives the right to an administrative appeal of the public nuisance and/or the required corrective action.

2. The person responsible for the public nuisance waives the right to an administrative appeal of the public nuisance and the required corrective action upon entering into a voluntary correction agreement.

3. The City shall have the right to inspect the subject property to determine compliance with the terms of the voluntary correction agreement.

4. An extension of the time limit for correction or a modification of the required corrective action may be granted by the Chief if the person responsible for the public nuisance has shown due diligence and/or substantial progress in abating the public nuisance but unforeseen circumstances render abatement under the original conditions unattainable.

5. The City may abate the public nuisance in accordance with Section 10.09.110 if the terms of the voluntary correction agreement are not met.

6. If the terms of the voluntary correction agreement are not met the person responsible for the public nuisance shall be assessed a monetary penalty commencing on the date set for correction and thereafter, in accordance with subsection E of Section 10.09.090, plus all costs and expenses of abatement, as set forth in subsection D of Section 10.09.110.

(Ord. 116349 § 1(part), 1992.)

10.09.090 Notice of civil violation.

A. When the Chief determines that a public nuisance is occurring, and is unable to secure voluntary correction, pursuant to Section 10.09.080, the Chief may issue a notice of abatement to the person responsible for the public nuisance. The Chief may issue a notice of abatement without having attempted to secure voluntary correction as provided in Section 10.09.080 under the following circumstances:

1. When an emergency exists; or

2. When the violation creates a situation or condition which cannot be corrected; or

3. When the person knows or reasonably should have known that a public nuisance is occurring.

B. The notice of abatement shall include the following:

1. The name and address of the person responsible for the public nuisance; and

2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the public nuisance is occurring; and

3. A description of the public nuisance; and

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4. The required corrective action and a date and time by which the correction must be completed after which the City may abate the public nuisance in accordance with Section 10.09.110 or by order of the Hearing Examiner; and

5. Notwithstanding Seattle Municipal Code Section 13.02.090 A, the date, time and location of an appeal hearing before the Hearing Examiner shall be scheduled not less than ten (10) and no more than thirty (30) days from the date the notice of abatement is issued; and

6. A statement indicating that the hearing will be canceled and no monetary penalty will be assessed if the Chief approves the completed, required corrective action at least forty-eight (48) hours prior to the hearing; and

7. A statement that the costs and expenses of abatement incurred by the City pursuant to subsection D of Section 10.09.110 and a monetary penalty as specified in subsection E of Section 10.09.090 may be assessed against the person to whom the notice of abatement is issued as specified and ordered by the Hearing Examiner.

C. The Chief shall serve the notice of abatement upon the person to whom it is issued, either personally or by mailing, certified, return receipt requested, a copy of the notice of abatement to such person at his/her last known address. If the person to whom the notice is issued cannot after due diligence be personally served within King County and if an address for mailed service cannot after due diligence be ascertained, notice shall be served by posting a copy of the notice of abatement conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and if by posting the facts showing that due diligence was used in attempting to serve the person personally or by mail.

D. No extension of the time specified in the notice of abatement for correction of the public nuisance may be granted, except by order of the Hearing Examiner.

E. The monetary penalty for each day the public nuisance is permitted to continue or portion thereof shall be as follows:

1. First day One Hundred Dollars (\$100.00);

2. Second day Two Hundred Dollars (\$200.00);

3. Third day Three Hundred Dollars (\$300.00);

4. Fourth day Four Hundred Dollars (\$400.00);

5. Each additional day beyond four days, Five Hundred Dollars (\$500.00) per day.

F. Payment of a monetary penalty pursuant to this chapter does not relieve the person to whom the notice of abatement was issued of the duty to correct the public nuisance.

G. The monetary penalty constitutes a personal obligation of the person to whom the notice of abatement is issued. Any monetary penalty assessed must be paid to the City within ten (10) calendar days from the date of mailing of the Hearing Examiner's decision and order or a notice from the City that penalties are due. The City Attorney or his/her designee is authorized to take appropriate action to collect the monetary penalty, plus reasonable attorneys' fees and costs incurred in collecting said monetary penalty.

(Ord. 116349 § 1(part), 1992.)

10.09.100 Hearing before the Hearing Examiner.

A. Notwithstanding Seattle Municipal Code Section 3.02.090 A, a person to whom a notice of abatement is issued shall receive notice of the date, time and location of the hearing before the Hearing Examiner, which hearing shall be scheduled not less than ten (10) and no more than thirty (30) calendar days from the date the notice of abatement is issued.

B. The hearing will be canceled and no monetary penalty will be assessed if the Chief approves the completed required corrective action at least forty-eight (48) hours prior to the scheduled hearing.

C. The Hearing Examiner shall conduct a hearing on the civil violation pursuant to the rules of procedure of the Hearing Examiner. The Chief and the person to whom the notice of abatement was issued are parties to the hearing and each may call witnesses. The City shall have the burden of proof to demonstrate by a preponderance of the evidence that a public nuisance is occurring and that the required corrective action is reasonable. The determination of the Chief as to the need for the required corrective action shall be accorded substantial weight by the Hear-

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ing Examiner in determining the reasonableness of the corrective action.

D. The Hearing Examiner shall determine whether the City has established by a preponderance of the evidence that a public nuisance is occurring and that the required correction is reasonable and shall affirm, vacate, or modify the City's decision regarding the alleged public nuisance and/or the required corrective action, with or without written conditions.

E. The Hearing Examiner shall issue a decision and order to the person responsible for the public nuisance which contains the following information:

1. The decision and order regarding the alleged public nuisance, including findings of fact and conclusions based thereon in support of the decision and order;

2. The required corrective action;

3. The date and time by which the correction must be completed;

4. The monetary penalties assessed based on the criteria in subsection D3 of Section 10.09.100;

5. The date and time after which the City may proceed with abatement of the public nuisance if the required correction is not completed.

F. Monetary penalties assessed by the Hearing Examiner shall be in accordance with the monetary penalty schedule in subsection E of Section 10.09.090, and the Hearing Examiner shall have the following options in assessing monetary penalties:

1. Assess monetary penalties beginning on the date the notice of abatement was issued and thereafter; or

2. Assess monetary penalties beginning on the correction date set by the Chief or an alternate correction date set by the Hearing Examiner and thereafter; or

3. Assess no monetary penalties.

G. In determining the monetary penalty assessment, the Hearing Examiner shall consider the following factors:

1. Whether the person responded to the Chief's attempts to contact the person and cooperated with efforts to correct the public nuisance;

2. Whether the person failed to appear at the hearing;

3. Whether the person showed due diligence and/or substantial progress in correcting the public nuisance; and

4. Any other relevant factors.

H. The Hearing Examiner shall mail a copy of the decision and order to the person to whom the notice of abatement was issued and to the Chief within ten (10) working days of the close of the hearing record. If the person to whom the decision and order is issued cannot after due diligence be personally served within King County and if an address for mailing cannot after due diligence be ascertained, a copy of the decision and order shall be posted conspicuously on the affected property or structure.

I. If the person to whom the notice of abatement was issued fails to appear at the scheduled hearing, the Hearing Examiner may, upon an offer of proof made by the City, enter a decision and order finding that the public nuisance is occurring and assessing the appropriate monetary penalty. The City will carry out the Hearing Examiner's decision and order and recover all related expenses, plus the cost of the hearing and any monetary penalty from that person.

J. If the person responsible for the public nuisance fails to correct the public nuisance as ordered by the Hearing Examiner, monetary penalties shall automatically accrue in the amounts set forth in the monetary penalty schedule in subsection E of Section 10.09.090.

K. An appeal of the decision and order of the Hearing Examiner must be filed with Superior Court within fifteen (15) calendar days from the date the Hearing Examiner's decision and order was mailed to the person to whom the notice of abatement was issued, or was posted on the affected property pursuant to subsection D4 of Section 10.09.100, or is thereafter barred. (Ord. 116349 § 1(part), 1992.)

10.09.110 Abatement by the City.

A. The City may abate a public nuisance when:

1. The terms of voluntary correction agreement pursuant to Section 10.09.080 have not been met; or

2. A notice of abatement has been issued pursuant to Section 10.09.090 and a decision and order has been issued pursuant to Section 10.09.100 and the required correction has not been completed by the date specified in the Hearing Examiner's decision and order; or

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3. The condition is subject to summary abatement as provided for in subsection B of Section 10.09.110.

B. Whenever a public nuisance is occurring which constitutes an immediate and emergent threat to the public health, safety or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the person responsible for the public nuisance as soon as reasonably possible after the abatement.

C. Using any lawful means, the City may enter upon the subject property and may remove or correct the condition which is subject to abatement. The City may seek such judicial process as it deems necessary to effect the removal or correction of such condition.

D. The costs, including incidental expenses, of correcting the violation shall be billed to the person responsible for the violation and/or the owner, lessor, tenant or other person entitled to control, use and/or occupy the property and shall become due and payable to the City within ten (10) calendar days. The term "incidental expenses" includes but is not limited to:

1. Personnel costs, both direct and indirect, including attorneys' fees and costs;
2. Costs incurred in documenting the violation;
3. Hauling, storage and disposal expenses; and
4. Actual expenses and costs of the City in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work; and
5. The costs of any required printing and mailing.

E. Any person who knowingly obstructs, impedes, or interferes with the City or its agents, or with the person responsible for the public nuisance in the performance of duties imposed by this chapter, or a decision and order issued by the Hearing Examiner or an agreement between the City and the person responsible for the public nuisance, is guilty of a misdemeanor. (Ord. 116349 § 1(part), 1992.)

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FOOD CODE**

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Subchapter I Title

10.10.001 Citation.

This chapter may be cited and referred to, and shall be known as "Seattle Food Code." (Ord. 117001 § 1(part), 1993.)

10.10.001 HEALTH AND SAFETY

Subchapter II Purpose and Policy Declared

10.10.002 Purpose and policy declared.

A. In compliance with 246-215 WAC this chapter is enacted as an exercise of the police power of the City to protect and preserve the public peace, health, safety, and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

B. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this chapter.

C. It is the specific intent of this chapter to place the obligation of complying with its requirements upon the owner of each food-service establishment within its scope, and no provision nor term used in this chapter is intended to impose any duty whatsoever upon the City or any of its officers or employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

D. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, its officers, employees or agents, for any injury or damage resulting from the failure of any person subject to this chapter to comply with this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City by its officers, employees or agents.
(Ord. 117001 § 1(part), 1993.)

Subchapter III Definitions

10.10.010 Generally.

As used in this chapter, unless the context clearly requires another meaning, the words defined in this subchapter shall have the meaning given them in this subchapter.
(Ord. 117001 § 1(part), 1993.)

10.10.020 Abbreviations.

A. "DOH" means Washington State Department of Health.

B. "FDA" means United States Food and Drug Administration.

C. "HACCP" means hazard analysis, critical control point.

D. "PPM" means parts per million.

E. "USA" means United States of America.

F. "USDA" means United States Department of Agriculture.

G. "WSDA" means Washington State Department of Agriculture.
(Ord. 117001 § 1(part), 1993.)

10.10.030 Definitions "A" through "D."

As used in this chapter, unless the context clearly requires another meaning:

A. "Adulterated" means the condition of a food:

1. If it bears or contains poisonous or deleterious substance may render it injurious to health;

2. If it bears or contains any added poisonous or deleterious which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established;

3. If it consists in whole or in part of any filthy or decomposed substance, or if it is otherwise unfit for human consumption;

4. If it has been processed, prepared, packed or held under an unsanitary condition, whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

5. If it is in whole or in part the product of a diseased animal or an animal that has died otherwise than by slaughter; or

6. If its container is composed in whole or in part of any poisonous or deleterious substance that may render the contents injurious to health.

B. "Approved" means approved in writing by the Health Officer.

C. "Approved source" means foods which are obtained by the food-service establishment owner from a person who complies with applicable federal, laws, ordinances and regulations.

D. "Aquatic foods" means foods grown in or harvested from water including all types of fish, shellfish and mollusks, edible crustacea, reptiles, amphibians, and mixtures containing aquatic foods and synthetic foods, such as surimi.

E. "Base of operation" means an approved site for servicing, cleaning, sanitizing, supplying, maintaining and storing a mobile food unit.

F. "Bed and breakfast" means a private home or inn offering lodging on a temporary basis to travelers, tourists, and transient guests which provides food service only to registered guests.

G. "Bulk food" means processed or unprocessed food in containers where consumers withdraw desired quantities.

H. "Caterer" means any person operating a food-service establishment that pursuant to a prior order or agreement prepares food, provides transportation for such food to other premises for consumption, and serves food, sets up a buffet for self-service or prepares food for immediate service, either as the primary function of the establishment or as an activity additional to another requiring a permit issued pursuant to this chapter.

I. "Commissary" means an approved food-service establishment in which food, containers, equipment, and/or supplies are kept, handled, prepared, packaged or stored for use in another establishment or location.

J. "Consumer" means a person who eats or drinks food or purchases or receives food products.

K. "Corrosion-resistant" means a material maintaining original surface characteristics under prolonged contact with food, cleaning compounds, or sanitizing solutions, and the general conditions-of-use environment.

L. "Critical control point" means a location where exercising a preventive measure or procedure eliminates, prevents, or minimizes a hazard or hazards from occurring after that point.

M. "Cross-contamination" means the process where disease-causing organisms are transferred from raw meat, poultry, rabbit and aquatic foods to equipment or ready-to-eat foods.

N. "Department" means the Public Health Department of King County.

O. "Durable" means capable of withstanding expected use and remaining easily cleanable. (Ord. 117001 § 1(part), 1993.)

10.10.040 Definitions "E" through "F."

As used in this chapter, unless the context clearly requires a different meaning:

A. "Easily cleanable" means readily accessible with materials and finish fabricated to permit complete removal of residue by normal cleaning methods.

B. "Equipment" means all stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam-tables, and similar items, other than utensils, used in the operation of a food-service establishment.

C. "Event" means an occurrence of some significance which requires purpose, structure and promotion. An event must be for a defined time and generally includes other activities besides food.

D. "Extensively remodeled" means having undergone a change in condition from that existing prior to the commencement of the remodeling work, that results in one or more of the following circumstances:

1. The square footage of the food-preparation area or the area where food is served to the public is increased by more than twenty percent (20%);

2. Food-service capacity is increased by more than twenty percent (20%) by the installation of equipment or fixtures; or

3. The food-service establishment provides, for the first time, seating or drive-in parking spaces for its patrons.

E. "Fabricated" means potentially hazardous foods combined with other ingredients and formed into a new food product.

F. "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale, in whole or in part, for human consumption.

G. "Food additive" means substances added directly or indirectly to food.

H. "Food contact surfaces" means those surfaces of equipment and utensils normally contacting food, and those surfaces where food may drain, drip, or splash back onto surfaces normally in contact with food.

I. "Food demonstration" means the serving, without charge, of any sample of food, drink or food product for the purpose of publicizing, advertising, or promoting the sale of that food, food product, or associated food preparation equipment.

J. "Food demonstrator" means any business which provides personnel who conduct food demonstrations.

K. "Food preparation" means thawing, cooking, cooling, heating, reheating, putting together, cutting, slicing, dividing, mixing, portioning, or

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packaging food for a consumer, except that trimming or cleaning of whole vegetables or fruits for display and sale shall not be considered food preparation.

L. "Food processing establishment" means any commercial establishment in which food is processed or otherwise prepared, packaged or repackaged into another container for consumption or resale off-site. A food-processing establishment may provide for on-site consumption for up to twelve (12) persons if toilet facilities for patrons are available.

M. "Food promotion" means the serving of only non-potentially hazardous nonalcoholic beverages and hot dogs, with or without a charge, for the purpose of publicizing, advertising or promoting the beverages.

N. "Food promoter" means any business which provides personnel who conduct food promotions.

O. "Food-service establishment" means:

1. A place, location, operation, site, or facility where food is manufactured, prepared, processed, packaged, dispensed, distributed, sold, served, or offered to the consumer regardless of whether or not compensation for food occurs, including but not limited to:

- a. Restaurants, snack bars, cafeterias, taverns, bars,
- b. Retail food stores, supermarkets, retail meat markets, retail fish markets, retail bakeries, delicatessens,
- c. Food services in schools and private higher education learning facilities,
- d. Institutional operations licensed by DOH, such as hospitals, prisons, state-licensed higher education learning facilities, and child care facilities,
- e. Central preparation sites, including caterers,
- f. Satellite servicing locations,
- g. Temporary food-service establishments and mobile food units,
- h. Bed and breakfast operations,
- i. Remote feeding sites, and
- j. Vending machines dispensing potentially hazardous foods;

2. Except for the following:

a. Private homes where food is prepared or served for consumption by household members and/or their non-paying guests,

b. Establishments offering only commercially prepared and packaged non-potentially hazardous foods sold or given packaged for off-premises consumption or consumption without further preparation,

c. Commercial food-processing establishments, licensed and regulated by the USDA, FDA, or WSDA, and

d. Farmers exempt from licensure under RCW 36.71.090.

P. "Food-service worker" means the owner, an individual having supervisory or management duties, and any other person working in a food-service establishment.

Q. "Frozen" means the condition of a food when it is continuously stored at or below ten degrees Fahrenheit (10° F).

(Ord. 117001 § 1(part), 1993.)

10.10.050 Definitions "G" through "L."

As used in this chapter, unless the context clearly requires a different meaning:

A. "Game meat" means warm-blooded and cold-blooded animals, excluding fish and meat food animals as defined by USDA, noncommercially raised and processed without continuous regulatory surveillance, including, but not limited to:

1. Mammals such as deer, elk, antelope, buffalo, and bear;
2. Birds; and
3. Reptiles such as alligator.

B. "Graywater" means all the waste water generated by a food-service establishment except for toilet wastes and garbage disposal wastes.

C. "Grocery store" means a food-service establishment selling commercially prepared and prepackaged potentially hazardous foods requiring refrigeration or freezer control, whole produce and/or bulk foods for consumption off-site.

D. "Hazard analysis critical control point (HACCP)" means a method used To reduce he 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. Monitoring a critical control point or points; and

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5. Implementing immediate and appropriate corrective action when control criteria are not met.

E. "Health Officer" means the Director of Public Health of King County and any of his/her designated representatives.

F. "Hermetically sealed container" means a properly designed container, intended to keep the contents free of contamination by microorganisms and to maintain the commercial sterility of its contents after thermal processing.

G. "Hot dog" means a precooked ready-to-eat sausage as defined by USDA Regulations, Chapter 319, processed in a facility under USDA inspection.

H. "Immediate service" means foods served to the public within thirty (30) minutes of preparation.

I. "Imminent or actual health hazard" means a situation which if not corrected, has a high probability of causing an illness or an exposure known to cause illness. This includes, but is not limited to:

1. A breakdown or lack of equipment or power for enough time to enhance the growth of microorganisms in potentially hazardous foods;

2. Lack of safe, adequate, or hot water which prevents proper hand washing or equipment cleaning and sanitizing;

3. Major incidents, accidents or natural disasters which will contaminate the water system, food supplies or equipment. Examples include fire, flooding or building collapse;

4. A sewage backup within an establishment significant enough to contaminate patrons, employees, food supplies and/or equipment;

5. A food-service establishment which is linked to an outbreak of an on-going foodborne illness.

J. "Law" includes federal, state, and local statutes, ordinances and rules and regulations. (Ord. 117001 § 1(part), 1993.)

10.10.060 Definitions "M" through "Q."

As used in this chapter, unless the context clearly requires a different meaning:

A. "Menu" means a written or graphic description of foods prepared and offered for sale or service by a food-service establishment.

B. "Misleading" means the presence of any false or misleading written, printed, or graphic

material upon or accompanying food or food containers.

C. "Mobile food-service unit" means an approved movable vehicle or cart that is operated from either a fixed location or on an established daily route; is supplied from, and cleaned, maintained, and stored at, a commissary or base of operation; and from which food is prepared, served, or provided for the public with or without charge. Such units shall be classified according to the following categories:

1. "Mobile Food Cart" — A cart limited to serving non-potentially hazardous foods with no preparation except microwave warming for immediate service, hot dogs, espresso beverages, snow cones or limited non-potentially hazardous beverages.

2. "Restricted Mobile Food Vehicle" — A vehicle limited to serving only prepackaged potentially hazardous foods requiring no further food preparation except microwave warming for immediate service.

3. "Unrestricted Mobile Food Vehicle" — A vehicle preparing or serving food that is not prepackaged.

D. "Modified atmosphere packaging" means a process that completely encases food in an impermeable or partially permeable membrane, with either a partial or complete vacuum; or a gas or mixture of gases surrounding the food. Hermetically sealed containers are not considered to be modified atmosphere packaging.

E. "Owner" means a person owning and/or responsible for the operation of a food-service establishment.

F. "Packaged" means bottled, canned, cartoned, or securely wrapped.

G. "Perishable food" means foods, other than potentially hazardous foods, where deterioration or spoilage due to loss of moisture or growth of molds and bacteria may occur.

H. "Person" means any individual, partnership, corporation, association, or other legal entity.

I. "Person in charge" means the individual present in a food-service establishment and designated supervisor of the food-service establishment at the time of inspection or any food-service worker present when a designated supervisor is absent.

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

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K. "Potentially hazardous food" means any natural or synthetic edible item, material, or ingredient in a form supporting rapid and progressive growth of infectious or toxigenic microorganisms or the slower growth of *Clostridium botulinum*. Potentially hazardous food:

1. Includes any food of animal origin, raw, cooked, or processed;
2. Includes certain cooked or prepared foods of plant origin, including but not limited to:
 - a. Cooked potato products;
 - b. Dry legumes after cooking;
 - c. Cooked rice;
 - d. Sprouts; and
 - e. Cut melons.
3. Excludes foods:

- a. With a water activity (A_w) value of 0.90 or less;
- b. With a pH level of 4.6 or below;
- c. Enclosed in unopened hermetically sealed containers commercially processed to achieve and maintain commercial sterility under nonrefrigerated storage and distribution conditions; and/or
- d. Where laboratory evidence acceptable to the Health Officer indicates no likelihood of rapid or progressive growth of infectious or toxigenic microorganisms or the slower growth of *Clostridium botulinum*.

(Ord. 117001 § 1(part), 1993.)

10.10.070 Definitions "R" through "S."

As used in this chapter, unless the context clearly requires a different meaning:

A. "Reconstituted" means dehydrated food products recombined with water or other liquids.

B. "Restaurant" means any stationary food-service establishment providing seating or seating equivalents that gives, sells, or offers for sale food to the public, guests, patrons or its personnel.

C. "Restructured" means potentially hazardous foods processed and formed so surface contaminants may become incorporated inside the final product.

D. "Retail bakery" means any food-service establishment in which food and food products are mixed and baked to final form and offered to the ultimate consumer and intended for off-premises consumption. A retail bakery may provide for on-site consumption for up to twelve (12) persons if toilet facilities are provided for the patrons.

E. "Sanitary design" means smooth, nonabsorbent, and easily cleanable.

F. "Sanitized" means effective bactericidal treatment by a process providing enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on food contact surfaces.

G. "School" means an institution for learning limited to the K—12 grades.

H. "Sealed" means free of cracks or other openings permitting entry or passage of moisture or air.

I. "Seasonal food-service establishment" means a food-service establishment that routinely operates for no more than six (6) consecutive months each year.

J. "Self-service" area means any site within a food-service establishment where customers dispense their own food or beverages.

K. "Served" means offered to a person for consumption.

L. "Single service articles" means utensils designed, fabricated, and intended by the manufacturer for one time use.

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

N. "Snack bar" means any stationary food-service establishment from which prepackaged potentially hazardous foods requiring no further preparation and/or hot dogs are served or provided to the public and that provides no inside or outside seating or defined parking space for its patrons or customers.

O. "Sulfiting agents" means chemicals used to treat food to increase shelf life and enhance appearance including:

1. Sulfur dioxide;
2. Sodium sulfite;
3. Sodium bisulfite;
4. Potassium bisulfite;
5. Sodium metabisulfite; and
6. Potassium metabisulfite.

(Ord. 117001 § 1(part), 1993.)

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10.10.080 Definitions “T” through “Z.”

As used in this chapter, unless the context clearly requires a different meaning:

A. “Tableware” means all multi-use eating and drinking utensils, including flatware (knives, forks, spoons).

B. “Tavern” means any food-service establishment issued a Type B, C, E or F license by the Washington State Liquor Control Board, or having an application for such type of license pending before such Board. Food-service is limited to commercially prepackaged potentially hazardous foods requiring no further food preparation and/or hot dogs.

C. “Temporary food-service establishment” means a food-service establishment operating at a fixed location for not more than twenty-one (21) consecutive days in conjunction with a single event or celebration.

D. “Time/temperature” means the relationship between the length of time and the specific temperatures to which potentially hazardous foods are subjected during storage, transportation, preparation, cooking, reheating, dispensing, service, or sale.

E. “Utensil” means any food contact implement used in storing, preparing, transporting, dispensing, serving, or selling of food.

F. “Water activity (A_w)” means a measure of the amount of moisture available for bacterial growth in a food.

G. “Wholesome” means in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

(Ord. 117001 § 1(part), 1993.)

Subchapters IV — X (Reserved)**Subchapter XI Food Supplies****10.10.111 Generally.**

The food-service establishment owner shall use or sell food supplies which are:

- A. From approved sources;
- B. In compliance with applicable federal, state, and local laws, ordinances, and regulations;
- C. Clean, wholesome, and free from spoilage and adulteration;
- D. Protected from becoming adulterated;
- E. Safe for human consumption; and

F. If in hermetically sealed containers, processed in an approved commercial food processing establishment, when used.

(Ord. 117001 § 1(part), 1993.)

10.10.112 Milk and milk products.

The food-service establishment owner shall use or sell commercially pasteurized fluid milk, fluid milk products, dry milk, and dry milk products which meet the Grade “A” quality standards contained in the most current version of the federal Pasteurized Milk Ordinance, except:

A. Grade “A” raw milk as defined under RCW 15.36.140 may be sold only in the original unopened container for off-premises consumption in compliance with Section 10.16.560 of the Seattle Municipal Code;

B. Unripened raw milk cheese and similar raw milk cultured products may be sold for off-premises consumption and may be used in food-service establishments, only if the foods are subsequently cooked to a minimum temperature of one-hundred sixty-five degrees Fahrenheit (165° F); and

C. Properly fermented raw milk cheeses, produced using a flash heating process and meeting cheese composition requirements described under Section 10.10.132(C), may be sold or used in food-service establishments and are exempted from the cooking requirements of subsection B of this section.

(Ord. 117001 § 1(part), 1993.)

10.10.113 Shellfish.

The food-service establishment owner shall use or sell fresh and frozen shellfish (oysters, clams, mussels, and scallops):

A. From sources approved by the DOH; or certified for interstate shipment in accordance with the National Shellfish Sanitation Program (NSSP); and

B. Which are identified by one of the following methods:

1. A tag or label containing name, address, state certification number, harvest date, and location attached to bags of unshucked shellfish,
2. A label containing name, address, and state certification number attached to containers of shucked shellfish, or
3. State certification numbers and harvest location provided on invoices accompanying shellfish.

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(Ord. 117001 § 1(part), 1993.)

10.10.114Eggs.

The food-service establishment owner shall use or sell eggs meeting WSDA or USDA standards. The use or sale of ungraded eggs, unpasteurized liquid eggs, racked or checked eggs is prohibited except:

- A. As specified in Section 10.10.121 J; or
- B. When otherwise approved by the Health Officer.

(Ord. 117001 § 1(part), 1993.)

10.10.115Meat and poultry products.

The food-service establishment owner shall use or sell only USDA-inspected meat, meat products, poultry, and poultry products. Custom meat facilities defined in RCW 16.49.435 may process or handle uninspected meat for the household user. Custom meat facilities shall not use or sell uninspected meat to the public.

(Ord. 117001 § 1(part), 1993.)

10.10.116Game meat.

The food-service establishment owner shall use or sell game meat:

- A. Processed in a state agriculture inspected processing plant;
- B. Processed in a processing plant with USDA voluntary inspection;
- C. Imported from outside the USA from a country having an approved program of inspection authorized by USDA or FDA, or
- D. Approved by the Health Officer for use in the following types of institutions:

- 1. Jails and correction facilities, and
- 2. Distributing organizations limited to food banks and soup kitchens specified under RCW 69.80.020.

(Ord. 117001 § 1(part), 1993.)

Subchapter XII Food Protection

10.10.121Generally.

The food-service establishment owner shall protect food from potential or actual sources of contamination or adulteration during transporting, storing, preparing, cooking, displaying, and serving by the following methods:

- A. Covering food or food storage containers with tightly fitting covers manufactured from

approved materials such as metal, plastic, plastic wrap, or aluminum foil, except:

- 1. During necessary preparation or cooling periods,
- 2. When serving food to the customers,
- 3. When displaying or storing fresh, raw, unprocessed whole fruits and vegetables,
- 4. When displaying or storing raw, whole aquatic foods,
- 5. During storage, quarters or sides of meat, and primal cuts may be placed on clean sanitized hooks or racks;
- 6. When covering bread products or lining containers for bread products with linens and/or napkins, and
- 7. When covering foods with moist clean cloths to retain moisture;

B. Preventing the storage of food under leaking refrigeration condensers, exposed or unprotected sewer, waste or drain lines, leaking water lines, or water lines with accumulations of condensed water; except for unprotected fire protection sprinkler heads required by law;

C. Storing foods above the floor level to prevent contamination and permit easy cleaning, except:

- 1. Floor storage is permitted for foods stored in bulk if contained in impervious covered containers,
- 2. Floor storage is permitted when beverages are in pressurized beverage containers; or foods are protected by glass, durable plastic, cans, or other waterproof containers, and
 - a. Floors beneath the foods are dry and easily cleanable, and
 - b. Foods can be easily moved to allow cleaning of the floor;

D. Preventing the storage of food, utensils, or single-service articles in toilet rooms, toilet room vestibules, or garbage rooms;

E. Labeling foods removed from original containers, unless identity of the food is unmistakable;

F. Providing protection from contamination through use of a sneeze guard, display case, packaging, or other effective measures;

G. Minimizing hand contact with foods by:

- 1. Using appropriate utensils,

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2. Providing tongs, bakery papers, scoops, spatulas, ladles, and similar utensils for handling foods during display or service, and/or

3. Using single service food-service gloves when appropriate;

H. Preventing the storage of raw meats, poultry, and aquatic foods above foods requiring no additional cooking or washing before service or in a manner increasing the probability of cross-contamination;

I. Preventing the use of ice for human consumption following use for cold holding or after contamination; or

J. Preventing use of pooled eggs prepared from raw unpasteurized eggs, except:

1. If used for immediate service, or

2. If cooked to one-hundred forty degrees Fahrenheit (140° F) or above within thirty (30) minutes of breaking;

K. Preventing egg-breaking procedures where liquid eggs contact egg shells such as egg-breaking machines;

L. By any other methods approved by the Health Officer.

(Ord. 117001 § 1(part), 1993.)

10.10.122Emergency occurrences.

In emergency situations when an imminent or actual health hazard exists, the food-service establishment owner shall take appropriate action to prevent adulteration of foods, including the following:

A. Protecting foods from contamination;

B. Ensuring proper temperature controls;

C. Notifying the Health Officer; and/or

D. Destroying contaminated, adulterated, or temperature-abused foods.

(Ord. 117001 § 1(part), 1993.)

10.10.123Sulfiting agents.

The food-service establishment owner shall:

A. Prohibit application of sulfiting agents in the food-service establishment;

B. Prohibit the storage of sulfiting agents on the premises unless in packaged form, clearly labeled, and offered for retail sale; and

C. Allow sulfiting agents only if contained within properly labeled commercially processed foods.

(Ord. 117001 § 1(part), 1993.)

10.10.124Mollusks.

When the food-service establishment owner stores or displays mollusks in live holding systems, the owner shall protect the mollusks from contamination by:

A. Requiring an approved source for seawater placed in the system; or

B. Using a commercial mix for artificial seawater mixed with potable drinking water; and

C. Completely separating mollusks from crustaceans or fish; or

D. Using a gravity flow system that is:

1. Designed to prevent contaminated water from the crustaceans and fish from coming in contact with the mollusks;

2. Filtered to adequately remove particulate matter and ammonia; and

3. Disinfected with ultraviolet or the equivalent to produce coliform free water; and

E. Maintaining the live holding system to insure:

1. The mollusks are culled daily to remove dead or weakened animals;

2. The unit is maintained, clean and in good operation;

3. Defoamers, if used, are of food grade quality;

4. Extra ultraviolet lights are replaced every nine to ten (9—10) months and spare bulbs are available on premises; and

5. Backflow prevention devices are installed as required by the plumbing code.

(Ord. 117001 § 1(part), 1993.)

10.10.125Game meat.

The food-service establishment owner specified in section 10.10.116 D of this chapter shall establish control measures for the use of game meat. These control measures designed to prevent illness and approved by the Health Officer include:

A. Designation of a person in charge who is responsible for:

1. Insuring that game meat is approved for public consumption as specified in Section 10.10.116 of this chapter,

2. Recordkeeping of all game meat received and used, including name of supplier/source,

3. Insuring separation of raw game meat from all other foods,

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4. Adequate cooking of all game meat to one-hundred sixty-five degrees Fahrenheit (165° F) or above, and

5. Maintenance of temperature monitoring and control;

B. Compliance with all other parts of this chapter, unless specified otherwise;

C. Game meat may only be possessed, handled, and processed by retail food stores:

1. When approved by the Health Officer,
2. For hunters who bring their game meat to the retail store with head, hide and hooves/feet removed and receive the same game meat back after the completion of processing,

3. So contamination is avoided by separating raw game meat from all other foods, and

4. When all processing of game meat occurs at a separate time than processing of all other meat or meat products.

(Ord. 117001 § 1(part), 1993.)

10.10.126Cheese.

The food-service establishment owner may sell or serve mold cultured cheeses. The sale or service of moldy cheese is prohibited unless the cheese is reconditioned by removing the mold in the following manner:

A. If the cheese has been held under refrigeration, a one-half inch (1/2") layer is removed and the moldy portions are discarded;

B. If the cheese has been held at ambient temperatures, a one inch (1") layer is removed and the moldy portions are discarded; and

C. The cutting is performed so that mold contamination of the new surfaces is minimized.

D. When cheese has high moisture such as brie, camembert, cream cheese, or cottage cheese, or where mold filaments have deeply penetrated the surface, the entire cheese shall be discarded.

(Ord. 117001 § 1(part), 1993.)

Subchapter XIII Public Health Labeling

10.10.131Generally.

A. The food-service establishment owner shall label all food products offered for sale if enclosed in a package or container; except:

1. Food products produced on-site;
2. Non-potentially hazardous bakery products from approved sources; or
3. Single service portions or other packaged foods which are shipped to the food-service

establishment enclosed within a properly labeled master carton.

B. The food service establishment owner shall label modified atmosphere-packaged foods in compliance with Subchapter XV of this chapter.

C. The food-service establishment owner shall ensure labels include:

1. The common name of the food;
2. All ingredients, including food additives, in descending order of predominance;

3. The name, city, state, and zip code of the manufacturer; and

4. A packaging date code, when required by law or when the food is potentially hazardous.

D. The food-service establishment owner shall ensure information contained on labels is:

1. Accurate;
2. Easily readable; and
3. In the English language, except that duplicate labeling in foreign languages is allowed.

E. When labels, menus, or other printed or graphic materials are inaccurate or misleading and a report of illness or injury is associated with the food product, the Health Officer may:

1. Stop sale of the product until correctly labeled;
2. Require relabeling of the product; and
3. Issue public health advisories.

(Ord. 117001 § 1(part), 1993.)

10.10.132Raw milk and raw milk products.

Whenever raw milk or raw milk cheese or similar raw milk products are offered for sale in a food-service establishment, the Health Officer shall:

A. Require conspicuous labeling of raw milk or products containing raw milk as "raw milk" or "contains raw milk";

B. Require conspicuous posting of signs near the product that state: "Warning: Raw milk or foods prepared from raw milk, such as unripened or fresh cheese, may be contaminated with dangerous bacteria capable of causing severe intestinal illnesses. Contact the Seattle-King County Department of Public Health for advice or to report a suspected illness";

C. Exempt properly fermented raw milk cheeses from the labeling requirements contained in this subsection, provided the cheeses are produced using a flash heating process and they meet the following cheese composition requirements:

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1. Moisture content of forty percent (40%) or less,
 2. Saline-in-moisture content of 3.75% or greater,
 3. Water activity (A_w) of 0.96 or less, and
 4. pH of 5.40 or less.
- (Ord. 117001 § 1(part), 1993.)

10.10.133Sulfiting agents.

The food-service establishment owner shall label packaged or bulk foods containing sulfiting agents at detectable levels as follows:

- A. Accept accurate labels placed on packaged foods by the manufacturer;
 - B. Place a label on prepackaged foods stating, "This food contains a sulfiting agent";
 - C. Place a sign or label on the bulk food container or in a conspicuous place nearby stating, "The following food or foods contain a sulfiting agent, _____";
 - D. Except these foods may be sold without labeling:
 1. Wine by the glass or carafe,
 2. Salad bars, and
 3. Delicatessens and similar take-out food facilities when food is prepared on-site.
- (Ord. 117001 § 1(part), 1993.)

10.10.134Bulk foods.

A. The food-service establishment owner shall provide prominent and conspicuous labels on bulk food display units with at least one of the following:

1. Manufacturer's or processor's container label plainly in view;
2. A card, sign, or other appropriate device stating the common name of the food; or
3. A list of ingredients and any food additives contained in the product.

B. The food-service establishment owner shall ensure accurate labels are present on bulk containers of chemicals and pet foods.

(Ord. 117001 § 1(part), 1993.)

10.10.135Raw or undercooked meats, eggs, or aquatic foods.

When raw or undercooked meats, eggs, or aquatic foods are offered for immediate service or for sale as ready-to-eat, the Health Officer shall require these foods to be identified, as such:

- A. On the menu;
- B. On the label; or

- C. On a sign clearly visible to the patrons.
- (Ord. 117001 § 1(part), 1993.)

10.10.136Alternative wording.

The Health Officer in his/her sole discretion may approve alternative wording on signs required in Sections 10.10.132 and 10.10.133 of this subchapter.

(Ord. 117001 § 1(part), 1993.)

10.10.137Alcoholic beverages.

Whenever alcoholic beverages, as defined by RCW chapter 66.04, are served for consumption on the premises, signs and notices of the effects of alcohol consumption and cigarette smoking during pregnancy shall be posted. Such signs or notices shall meet the following requirements:

- A. Shall read as follows:
DRINKING DISTILLED SPIRITS, BEER, WINE, COOLERS AND OTHER ALCOHOLIC BEVERAGES OR SMOKING CIGARETTES DURING PREGNANCY MAY CAUSE BIRTH DEFECTS; and
 - B. Shall be of the following size:
 1. The statement shall be at least two inches (2") high if printed or included in a menu;
 2. The sign shall be at least three inches (3") by three inches (3") per side if set forth on a single, double, or multi-sided placard or display tent on any table provided for the establishment's customers; or
 3. The sign shall be not less than eight and one-half inches (8½") by eleven inches (11") included on a sign that is posted at a bar or other point of sale that is clearly visible to the public.
- (Ord. 117001 § 1(part), 1993.)

Subchapter XIV Food Preparation

10.10.141Generally.

The food-service establishment owner shall:

A. Maintain the internal temperature of potentially hazardous food at forty-five degrees Fahrenheit (45° F) or below, or one-hundred forty degrees Fahrenheit (140° F) or above, at all times except as provided in this chapter;

B. Limit the time potentially hazardous foods remain out of proper temperature controls during active preparation to a total time of two (2) hours;

C. Store in-use serving utensils:

1. In the food product, only if the handle remains out of the food item,

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2. In a running water dipper well,
3. In water above one hundred forty degrees Fahrenheit (140° F), or below forty-five degrees Fahrenheit (45° F),
4. For ice-making machines, either on a clean, dry surface or in an approved utensil holder, or
5. By other approved methods,
6. Except that in-use serving utensils for non-potentially hazardous foods may be stored on a clean surface;

D. Discard any leftover foods already served to a customer; except that packaged, non-potentially hazardous foods which are still packaged in a sound and sanitary condition, may be re-served. Properly dispensed, non-potentially hazardous foods such as those dispensed by using squeeze dispensers, covered containers with proper serving utensils, or shaker dispensers, may be re-served;

E. Ensure all fruits and vegetables which are not peeled and are served raw are thoroughly washed with potable water before serving;

F. Prepare potentially hazardous salads and sandwich spreads in amounts greater than two cups using cold ingredients prechilled to forty-five degrees Fahrenheit (45° F) or below;

G. Ensure potentially hazardous foods transported or stored in ice are prechilled to forty-five degrees Fahrenheit (45° F) or below.
(Ord. 117001 § 1(part), 1993.)

10.10.142 Preparation, display, service and transport.

The food-service establishment owner shall prepare, display, serve, and transport food:

- A. Only with safe and necessary time-temperature steps;
- B. With a minimum amount of hand contact;
- C. With suitable utensils;
- D. On clean, sanitized surfaces:
 1. Washed, rinsed, and sanitized as required under this chapter prior to use, and
 2. Washed, rinsed, and sanitized to prevent cross-contamination.

(Ord. 117001 § 1(part), 1993.)

10.10.143 Additional requirements.

The Health Officer may require a food-service establishment owner to limit or modify food preparation and may delete some menu items when the available equipment and/or facilities are

inadequate to prepare the food in a safe and sanitary manner including but not limited to:

- A. Rapid cooling or reheating;
- B. Proper cooking, hot holding, cold holding, or processing potentially hazardous foods;
- C. Adequate sanitizing of equipment and tableware; and
- D. Properly preparing produce.
(Ord. 117001 § 1(part), 1993.)

Subchapter XV Modified Atmosphere Packaging

10.10.151 Foods allowed.

Modified atmosphere packaging of foods in food-service establishments is permitted by the Health Officer for the following:

- A. Non-potentially hazardous foods;
- B. Raw meat;
- C. Natural hard or semi-soft cheeses containing live starter culture organisms; and
- D. Foods which are rapidly frozen and are stored frozen until reheated or thawed for immediate service. Foods frozen under this subsection shall meet all of the following continuous cooling and freezing requirements:

1. Cooling foods from one hundred forty degrees Fahrenheit (140° F) to seventy degrees Fahrenheit (70° F) or below within two (2) hours,

2. Cooling foods from one hundred forty degrees Fahrenheit (140° F) to forty-five degrees Fahrenheit (45° F) or below within four (4) hours,

3. Cooling foods to below thirty-eight degrees Fahrenheit (38° F) within twelve (12) hours; and

4. Freezing foods completely to below ten degrees Fahrenheit (10° F) within twenty-four (24) hours.

(Ord. 117001 § 1(part), 1993.)

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10.10.152 Additional foods.

The food-service establishment owner shall not perform modified atmosphere packaging on the premises for any foods unless allowed under Section 10.10.151 of this chapter; except the Health Officer may approve additional foods to be modified atmosphere packaged only if an approved HACCP-based procedure which controls the growth of bacterial pathogens is in place. Acceptable controls include:

- A. Maintaining water activity below 0.93;
- B. Maintaining pH below 4.6;
- C. Using processed meats or meat products, poultry, or poultry products produced in a plant regulated by USDA and received in an intact package before modified atmosphere packaging;
- D. Properly curing the food on site using a standard recipe approved by the Health Officer with an initial sodium nitrite concentration of one hundred twenty (120) ppm and 3.5% salt concentration; or
- E. Properly processing uncured meats or poultry on-site by monitoring critical control points established in the HACCP plan specified in Section 10.10.153 E of this subchapter. (Ord. 117001 § 1(part), 1993.)

10.10.153 Additional requirements.

Whenever foods are modified atmosphere packaged under Section 10.10.152 of this subchapter, 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 packaging;
- C. Prohibit exceeding the original processor's shelf life, if applicable;
- D. Establish critical control points during processing, packaging, and storage;
- E. Submit a HACCP plan for each food to the Health Officer for review and approval prior to any modified atmosphere packaging;
- F. Confirm water activity, pH or nitrite and brine concentrations in a certified lab;
- G. Monitor critical control points by any or all of the following:
 1. Routine laboratory testing,
 2. Measuring refrigerated storage temperatures,
 3. Measuring temperatures during smoking or cooking processes,

4. Providing other information requested by the Health Officer;

H. Maintain accurate records of critical control point monitoring specified in Section 10.10.153 D of this section, for examination by the Hearing Officer; and

I. Attach the following labels:

1. "Keep refrigerated at thirty-eight degrees Fahrenheit (38° F) or below and use within seven (7) days of purchase, unless frozen", and
2. "Sell by month/day/year" with the date established within fourteen (14) days of packaging. (Ord. 117001 § 1(part), 1993.)

10.10.154 Prohibited foods.

Modified atmosphere packaging of aquatic foods, including fish, is prohibited by the Health Officer except under sections 10.10.151 D or 10.10.152 A, B, D of this subchapter. (Ord. 117001 § 1(part), 1993.)

10.10.155 Person in charge.

The food-service establishment owner shall designate a person in charge of all modified atmosphere packaging operations to be responsible for control measures contained in Sections 10.10.153 and 10.10.157 of this subchapter. (Ord. 117001 § 1(part), 1993.)

10.10.156 Labeling exemptions.

Modified atmosphere packaged foods packaged in USDA or FDA regulated plants and maintained in intact packages are exempted by the Health Officer from meeting labeling requirements contained in Section 10.10.153 I of this subchapter. (Ord. 117001 § 1(part), 1993.)

10.10.157 Expiration requirements.

The food-service establishment owner shall destroy modified atmosphere packaged foods which have exceeded the requirement for foods to be sold within fourteen (14) days of packaging (contained in Section 10.10.153 B of this subchapter). MAPF may be frozen or removed from the packaging and used in the food-service establishment prior to expiration. (Ord. 117001 § 1(part), 1993.)

Subchapter XVI Temperature Control

10.10.161 Thermometers.

The food-service establishment owner shall:

A. Provide metal, stem-type, numerically scaled food thermometers accurate to within two degrees Fahrenheit (2° F) in the appropriate range for the foods being tested;

B. Ensure thermometers are checked for accuracy;

C. Be allowed to use digital thermometers or thermocouples to measure temperatures as long as they are accurate to within two degrees Fahrenheit (2° F) and are capable of measuring all food temperatures;

D. Equip each refrigeration unit with a numerically scaled thermometer accurate to within three degrees Fahrenheit (3° F) located:

1. To be easily readable, and
2. In the warmest part of the unit;

E. Ensure food-service workers use thermometers to measure food temperatures to attain and maintain safety for potentially hazardous foods during:

1. Cooking,
2. Reheating,
3. Hot holding,
4. Cooling, and
5. Cold holding.

(Ord. 117001 § 1(part), 1993.)

10.10.162 Thawing.

The food-service establishment owner shall ensure that all potentially hazardous foods are thawed:

A. In refrigeration units at a temperature of forty-five degrees Fahrenheit (45° F) or less;

B. Under potable running water of a temperature of seventy degrees Fahrenheit (70° F) or less with sufficient water velocity to agitate and float loose food particles into the overflow; or

C. In an approved cooking unit as part of a continuous cooking process, only when the food depths or thickness for solid foods is less than four (4) inches.

(Ord. 117001 § 1(part), 1993.)

10.10.163 Cooking.

The food-service establishment owner shall ensure that all parts of potentially hazardous foods requiring cooking are cooked to the following minimum internal temperatures:

A. One hundred sixty-five degrees Fahrenheit (165° F) or above for:

1. Poultry or any food containing poultry,
2. Stuffed meats or stuffing containing meats, and
3. Casseroles containing potentially hazardous foods;

B. One hundred fifty-five degrees Fahrenheit (155° F) or above for ground, fabricated, or restructured meats; except that ground beef may be cooked to lower temperatures if specifically ordered by the immediate consumer;

C. One hundred fifty degrees Fahrenheit (150° F) or above for pork or any food containing pork;

D. One hundred thirty degrees Fahrenheit (130° F) or above for:

1. Rare roast beef, and
2. Rare beef steak, except that beef steak may be cooked to a lower temperature if specifically ordered by the immediate consumer;

E. One hundred forty degrees Fahrenheit (140° F) or above for eggs and foods containing uncooked eggs, unless specifically ordered by the immediate consumer otherwise, except:

1. Health care facilities such as nursing homes and hospitals shall only use pasteurized eggs or eggs cooked to one hundred forty degrees Fahrenheit (140° F) or above unless a physician's statement allows otherwise, and

2. Traditionally uncooked or undercooked eggs when used to prepare foods such as eggs benedict, caesar salad, meringue, or hollandaise sauce shall be:

- a. Prepared for immediate service to the customer,
- b. Rapidly cooled and held at forty-five degrees Fahrenheit (45° F) or less, or
- c. Held hot at one hundred forty degrees Fahrenheit (140° F) or above;

F. One hundred forty degrees Fahrenheit (140° F) or above for all other potentially hazardous foods except as specified under Sections 10.10.163 A through 10.10.163 E of this subchapter;

G. Except that potentially hazardous foods that have been partially cooked or blanched shall be cooled rapidly using procedures contained in Section 10.10.167 of this subchapter and reheated before service as described in Section 10.10.169 of this subchapter.

(Ord. 117001 § 1(part), 1993.)

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10.10.164 Overnight cooking.

The food-service establishment owner shall not cook potentially hazardous food overnight without temperature monitoring.
(Ord. 117001 § 1(part), 1993.)

10.10.165 Hot holding.

The food-service establishment owner shall ensure potentially hazardous foods, after initial cooking or reheating, are held hot at or above the following temperatures:

- A. One hundred thirty degrees Fahrenheit (130° F) for unsliced rare roast beef; or
- B. One hundred forty degrees Fahrenheit (140° F) for all other potentially hazardous foods.
(Ord. 117001 § 1(part), 1993.)

10.10.166 Overnight hot holding.

The food-service establishment owner shall not hot hold potentially hazardous foods overnight without temperature monitoring.
(Ord. 117001 § 1(part), 1993.)

10.10.167 Cooling.

When potentially hazardous foods require cooling or cold holding after preparation, rapid methods of cooling from one hundred forty degrees Fahrenheit (140° F) to forty-five degrees Fahrenheit (45° F) shall be used. The food-service establishment owner shall use methods including:

- A. Reducing solid food, such as whole turkeys and beef roasts, to pieces weighing four (4) pounds or less, and:
 1. Placing immediately in a refrigerator or in a freezer, and
 2. Leaving uncovered until cooled to forty-five degrees Fahrenheit (45 °F) or below, while protecting the food from cross-contamination;
- B. Reducing very viscous or solid foods, such as refried beans, chowders, casseroles, ribs, and gravies to a thickness of two (2) inches or less, and:
 1. Placing immediately in a refrigerator or freezer, and
 2. Leaving uncovered until cooled to forty-five degrees Fahrenheit (45° F) or below, while protecting the food from cross-contamination;

C. Reducing foods not listed in Sections 10.10.167 A, B of this subchapter to a thickness of four (4) inches or less, and:

1. Placing immediately in a refrigerator or freezer, and
2. Leaving uncovered until cooled to forty-five degrees Fahrenheit (45° F) or below, while protecting the food from cross-contamination;
- D. Placing liquid foods deeper than four (4) inches into an ice and water bath provided:
 1. The container is immersed to the depth of the food,
 2. Ice is replaced as it melts,
 3. The food is frequently stirred,
 4. A metal stem thermometer is used, and
 5. The food is refrigerated or frozen once cooled to forty-five degrees Fahrenheit (45° F);
- E. Using other methods for rapid cooling approved by the Health Officer, provided the food is cooled from one hundred forty degrees Fahrenheit (140° F) to forty-five degrees Fahrenheit (45° F) or below within four (4) hours.
(Ord. 117001 § 1(part), 1993.)

10.10.168 Cold holding.

The food-service establishment owner shall ensure potentially hazardous foods requiring cold holding are kept at forty-five degrees Fahrenheit (45° F) or below by:

- A. Using mechanical refrigeration;
- B. Using effectively insulated facilities or equipment;
- C. Storing in ice provided:
 1. The food is prechilled to forty-five degrees Fahrenheit (45° F) or below,
 2. The container is placed in ice to the height of the food,
 3. Ice is replaced as it melts, and
 4. Melt water is frequently drained;
- D. Using refreezable ice or similar products with prior approval by the Health Officer;
- E. Except that any modified atmosphere processed food prepared on-site and any commercially prepared modified atmosphere processed foods labelled at thirty-eight degrees Fahrenheit (38° F) or below shall be cold held at thirty-eight degrees Fahrenheit (38° F) or below.
(Ord. 117001 § 1(part), 1993.)

10.10.168 HEALTH AND SAFETY

10.10.169 Reheating.

A. The food-service establishment owner shall ensure potentially hazardous foods previously cooked and cooled are rapidly reheated from forty-five degrees Fahrenheit (45° F):

1. With no interruption in the reheating process;
2. In one (1) hour or less;
3. To the following minimum temperatures:
 - a. One hundred sixty-five degrees Fahrenheit (165° F) for foods prepared in any food-service establishment, or
 - b. One hundred forty degrees Fahrenheit (140° F) for foods prepared in any food-processing establishment under jurisdiction of WSDA or USDA or FDA only for initial reheating;
4. In equipment designed to meet the performance standards provided in this subsection; and
5. With frequent stirring for liquid or semi-solid potentially hazardous foods.

B. The food-service establishment owner may reheat completely cooked potentially hazardous foods with no minimum reheating temperature only if they are:

1. Traditionally served either hot or cold, and
 2. Reheated to order in individual portions when ordered by the consumer.
- (Ord. 117001 § 1(part), 1993.)

Subchapters XVII — XX (Reserved)

Subchapter XXI Personal Hygiene

10.10.211 Generally.

The food-service establishment owner shall ensure that food-service workers:

- A. Wear clean outer garments;
 - B. Maintain a high degree of personal cleanliness; and
 - C. Restrain hair as necessary.
- (Ord. 117001 § 1(part), 1993.)

10.10.212 Handwashing.

The food-service establishment owner shall ensure that food-service workers shall wash their hands, including fingernails, in an approved handwashing facility by applying soap, using warm water, scrubbing thoroughly, rinsing, and

then drying, using methods which prevent recontamination:

- A. Before starting work; and
 - B. During work, as often as necessary to prevent contamination of foods:
 1. After using the toilet;
 2. After handling raw meat, poultry, or aquatic foods;
 3. After handling unclean items;
 4. After eating or smoking; and
 5. Before preparing ready-to-eat foods.
- (Ord. 117001 § 1(part), 1993.)

10.10.213 Hand rinses.

The food-service establishment owner shall ensure bactericidal and viricidal hand rinses are used only in addition to approved handwashing methods.

(Ord. 117001 § 1(part), 1993.)

10.10.214 Eating and tobacco use.

The food-service establishment owner shall ensure eating or use of tobacco in any form by food-service workers is permitted only in designated areas approved by the Health Officer.

(Ord. 117001 § 1(part), 1993.)

10.10.215 Personal belongings.

The food-service establishment owner shall provide adequate facilities for the orderly storage of food-service workers' clothing and personal belongings.

(Ord. 117001 § 1(part), 1993.)

10.10.216 Food and beverage service workers permits.

A. The service establishment owner shall ensure all food-service workers:

1. Comply with the provisions of Chapter 69.06 RCW and Chapter 246-217 WAC;
2. Obtain valid food and beverage service worker permits within thirty (30) days of employment; and
3. Maintain current food and beverage service worker permits.

B. The food-service establishment owner must display or file the food and beverage service workers permits, or copies thereof, where they are available for inspection by the Health Officer upon request.

(Ord. 117001 § 1(part), 1993.)

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Subchapters XXII — XXX (Reserved)**Subchapter XXXI Sanitary Design,
Construction, and Installation of Equipment
and Utensils****10.10.311 Generally.**

The food-service establishment owner shall use equipment and utensils designed and of such materials and workmanship to be:

- A. Smooth;
- B. Easily cleanable;
- C. Durable;
- D. In good repair; and
- E. In conformance with the current standards and listings of the National Sanitation Foundation or approved equivalent.

(Ord. 117001 § 1(part), 1993.)

10.10.312 Food contact surfaces.

The food-service establishment owner shall ensure food contact surfaces of equipment and utensils are:

- A. Made of food grade material;
- B. Smooth;
- C. Easily accessible for cleaning;
- D. Nontoxic;
- E. Corrosion resistant; and
- F. Nonabsorbent.

(Ord. 117001 § 1(part), 1993.)

10.10.313 Single service articles.

When single service articles are used, the food-service establishment owner shall ensure they are:

- A. Made from clean, sanitary, and safe materials; and
- B. Prohibited from reuse.

(Ord. 117001 § 1(part), 1993.)

10.10.314 Installation.

The food-service establishment owner shall install and maintain equipment to:

- A. Facilitate cleaning of equipment and adjacent areas; and
- B. Avoid placement under:
 1. Exposed or unprotected sewer lines,
 2. Open stairwells,
 3. Unprotected insulation, and
 4. Other sources of contamination;

(Ord. 117001 § 1(part), 1993.)

10.10.315 Facilities for cleaning and sanitizing.

A. The owner shall ensure that the food-service establishment using equipment or utensils requiring cleaning and sanitizing have within the establishment either:

1. Approved mechanical dishwashing facilities and a sink or equivalent in the dishwashing area; or
2. A sink supplied with a minimum oil three compartments, a space for soiled utensils ahead of the first compartment, and a drain board for clean utensils when no mechanical dishwasher is available, or when utensils cannot be cleaned and sanitized in the mechanical dishwasher due to size or configuration.

B. The food-service establishment owner shall provide sink compartments of sufficient size to accommodate the largest utensil.

C. The food-service establishment owner shall provide hot and cold running water directly to each compartment of the sinks.

D. The food-service establishment owner of bars and taverns shall provide a sink compartment for disposing of liquid waste in addition to sinks necessary for cleaning and sanitizing.

(Ord. 117001 § 1(part), 1993.)

10.10.316 Food preparation sinks.

A. The food-service establishment owner shall provide sufficient food preparation sinks in which foods may be:

1. Washed, soaked, rinsed, or drained;
2. Cooled or thawed; or
3. Processed in a manner requiring placement in a sink.

B. The food-service establishment owner shall prohibit use of food preparation sinks for:

1. Handwashing;
2. Utensil washing; and
3. Other activities which may contaminate foods.

(Ord. 117001 § 1(part), 1993.)

10.10.317 Mop sinks.

The food-service establishment owner shall provide a mop sink or equivalent fixture with hot and cold running water capable of supplying and disposing of water for cleaning floors, walls, and other nonfood contact surfaces.

(Ord. 117001 § 1(part), 1993.)

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10.10.318 Exemptions.

The Health Officer may exempt food-service establishment owners from Sections 10.10.316 and 10.10.317 of this subchapter when:

- A. A plan review was approved prior to the effective date of this chapter;
 - B. The food-service establishment was constructed prior to the effective date of this chapter; or
 - C. The menu, method of food preparation, and/or volume of food preparation present no health hazard.
- (Ord. 117001 § 1(part), 1993.)

Subchapter XXXII Equipment and Utensil Cleaning and Sanitizing

10.10.321 Frequency.

A. The food-service establishment owner shall ensure that the following articles shall be thoroughly washed, rinsed, and sanitized in the food-service establishment by a food-service worker after each use:

- 1. Utensils; and
- 2. Food contact surfaces of equipment, except cooking surfaces.

B. All utensils and food contact surfaces of equipment used in preparation, service, display, or storage of potentially hazardous food shall be sanitized by a food-service worker:

- 1. Following any interruption of operations during which contamination of the food contact surfaces may have occurred; and
- 2. Whenever contamination has occurred.

C. When equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production line basis, the food-service establishment owner shall ensure utensils and the food contact surfaces of equipment are washed, rinsed, and sanitized. The Health Officer, based on food temperatures, type of food, and amount of particle accumulation may specify the minimum time interval between cleaning operations.

(Ord. 117001 § 1(part), 1993.)

10.10.322 Methods.

The food-service establishment owner shall ensure cleaning and sanitizing of food contact surfaces of equipment and utensils are accom-

plished by first rescraping or prerinsing and then by either of the following methods:

- A. Manual dishwashing in proper sequence:
 - 1. Washing in a clean, hot detergent solution;
 - 2. Rinsing in clean, warm water;
 - 3. Sanitizing by immersion for at least one (1) minute in:
 - a. A chemical sanitizing solution at proper concentration as described in the Code of Federal Regulations 21.178, or
 - b. A mechanically heated sink at a temperature of at least one hundred seventy degrees Fahrenheit (170° F); and
 - 4. Air drying; or
- B. Mechanical dishwashing which washes and then sanitizes by:

- 1. A high temperature final rinse with a minimum of one hundred eighty degrees Fahrenheit (180° F) measured by the gauge;
- 2. A high temperature final rinse with a minimum of one hundred sixty degrees Fahrenheit (160° F) measured at the surface of the utensil;
- 3. An approved concentration of chemical sanitizer as described in the Code of Federal Regulations 21.178 which is automatically dispensed; or
- 4. A method approved by the Health Officer consistent with the intent of the regulations.

(Ord. 117001 § 1(part), 1993.)

10.10.323 Storage after cleaning and sanitizing.

The food-service establishment owner shall ensure cleaned and sanitized equipment, utensils, and single service articles are stored to:

- A. Protect from all sources of contamination; and
 - B. Minimize unnecessary handling.
- (Ord. 117001 § 1(part), 1993.)

10.10.324 Wiping cloths.

The food-service establishment owner shall ensure wiping cloths used for cleaning up food spills or wiping work surfaces, table surfaces, high chairs, equipment, utensils, or foodworkers' hands are:

- A. Kept in a clean, sanitary condition at all times;
- B. Moistened with an approved sanitizing solution at all times when in use; and

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C. Stored in a proper concentration of sanitizing solution between uses.
(Ord. 117001 § 1(part), 1993.)

10.10.325 Monitoring.

The food-service establishment owner shall be responsible for monitoring sanitizing operations by:

- A. Checking temperature gauges;
- B. Measuring chemical concentrations with appropriate methods; or
- C. Using premeasured sanitizing packages or tablets, following label directions.
(Ord. 117001 § 1(part), 1993.)

10.10.326 Additional requirements.

The food-service establishment owner shall ensure:

- A. Wiping cloths used for removing food spills from tableware such as plates or bowls, are clean, dry, and used for no other purposes;
- B. Cooking surfaces of equipment are cleaned at least once daily; and
- C. Non-food contact surfaces of equipment are cleaned at such intervals to keep them clean and in a sanitary condition.
(Ord. 117001 § 1(part), 1993.)

Subchapter XXXIII Poisonous or Toxic Materials

10.10.331 When allowed.

The food-service establishment owner shall not allow poisonous or toxic materials on the premises except under the following conditions:

- A. When deemed necessary by the Health Officer and intended for the operation and maintenance of the food-service establishment;
- B. When used to prevent or control pests;
- C. When used to clean and sanitize equipment, utensils, and work surfaces; or
- D. When offered for sale in a retail food store, grocery, or similar food-service establishment, provided these materials are separated from food and single-service articles by:
 - 1. Spacing,
 - 2. Partitioning,
 - 3. Dividers, or
 - 4. Storage below food or single service articles; or
- E. When used in the least amount necessary to effectively do the job for which it is intended.

(Ord. 117001 § 1(part), 1993.)

10.10.332 Labeling.

The food-service establishment owner shall ensure commercially filled containers of poisonous or toxic materials are labeled in accordance with Environmental Protection Agency regulations. Small containers may be filled or taken from a properly labeled container only when identified with the common name of the material.
(Ord. 117001 § 1(part), 1993.)

10.10.333 Storage and use.

The food-service establishment owner shall ensure poisonous or toxic materials are stored and used:

- A. In accordance with the manufacturer's label requirements;
- B. In a manner preventing adulteration of food and contamination of food contact surfaces, utensils, and single service articles; and
- C. So food-service workers and other persons are protected from potential health and safety hazards.
(Ord. 117001 § 1(part), 1993.)

10.10.334 Lubricants.

The food-service establishment owner shall ensure lubricants used on food contact surfaces of equipment are non-toxic.
(Ord. 117001 § 1(part), 1993.)

Subchapters XIV — XL (Reserved)

Subchapter XLI Sanitary Facilities and Controls

10.10.4105 Water and ice source.

The food-service establishment owner shall ensure:

- A. Their water source is:
 - 1. Adequate in quantity and quality,
 - 2. Supplied directly from a source approved under WAC 246-290 (formerly WAC 248-54) through permanent piping and plumbing fixtures,
 - 3. Provided under pressure at the required temperatures to all fixtures and equipment that use water, and
 - 4. Monitored according to standards established by the Health Officer;

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B. Bottled water is from an approved source; and

C. Ice used for any purpose is:
1. Made from an approved water source, and
2. Manufactured, stored, transported, and handled in a sanitary manner.
(Ord. 117001 § 1(part), 1993.)

10.10.4110Liquid waste disposal.

The food-service establishment owner shall dispose of all liquid waste including gray water, mop water, and ice melt directly into a public sewer system.
(Ord. 117001 § 1(part), 1993.)

10.10.4115Plumbing.

The food-service establishment owner shall ensure plumbing is:

A. Sized, installed, and maintained in accordance with applicable state and local plumbing codes;

B. Free of cross-connections between potable water supplies and:

1. Non-potable or questionable sources of water, or
2. Chemical feed lines or similar devices;

C. Indirectly drained from ice machines, food preparation sinks, beverage ice sinks, salad bars, dipper wells, and mechanical dishwashers, into:

1. A floor sink,
2. Hub drain, or
3. A similar device.

(Ord. 117001 § 1(part), 1993.)

10.10.4120Carbonated beverage dispensing machines.

The food-service establishment owner shall install a backflow prevention device approved by the local plumbing official and installed in accordance with the local plumbing code.
(Ord. 117001 § 1(part), 1993.)

10.10.4125Toilets for food workers.

The food-service establishment owner shall ensure toilet facilities for food workers are:

A. Provided for each sex whenever four (4) persons not of the same sex are employed;

B. Conveniently located within the food-service establishment;

10.10.4145Joint usage.

C. Conveniently located within two hundred feet (200') within the same building when four (4) or fewer persons are employed;

D. No more than one (1) flight of stairs from the work area;

E. Accessible without going outdoors; and

F. Available whenever the establishment is in operation.

(Ord. 117001 § 1(part), 1993.)

10.10.4130Toilets for patrons.

The food-service establishment owner shall ensure toilet facilities for patrons:

A. Are provided within, or convenient to, the food-service establishment when:

1. Provision for on-premises consumption of food or drink is provided; and

2. The food-service establishment was constructed or extensively remodeled after December 31, 1970.

B. 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; and

C. Are available when the establishment is in operation within two hundred feet (200') of the establishment in the same building without going outdoors, and no more than one (1) flight of stairs from the dining area of the establishment.
(Ord. 117001 § 1(part), 1993.)

10.10.4135Toilets for establishments with twelve (12) seats or less.

The food-service establishment owner may, in establishments with twelve (12) seats or less and employing four (4) or fewer people, provide a single toilet facility for the employees and patrons provided that the patrons' access to the restroom does not interfere with any part of the food-service operation.
(Ord. 117001 § 1(part), 1993.)

10.10.4140Toilets for drive-in establishments.

The owner of a drive-in type establishment which does not have inside seating, but has more than six (6) parking stalls, shall provide patrons with toilet facilities for each sex.
(Ord. 117001 § 1(part), 1993.)

Toilet facilities may be used jointly by patrons and food-service workers, provided patrons ac-

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cessing the facility are excluded from food preparation and storage areas.
(Ord. 117001 § 1(part), 1993.)

10.10.4150 Toilet facility requirements.

The food-service establishment owner shall ensure all toilet facilities are:

- A. Of sanitary design;
- B. Kept clean;
- C. Kept in good repair;
- D. Provided with toilet paper; and
- E. Provided with easily cleanable waste storage receptacles.

(Ord. 117001 § 1(part), 1993.)

10.10.4155 Handsinks for foodworkers.

The food-service establishment owner shall ensure hand sinks are:

- A. Accessible to food workers at all times;
- B. Located to permit convenient use by all food workers in food preparation, food-service, and utensil washing areas and in, or immediately adjacent to, toilet facilities; and
- C. Used exclusively for hand washing.

(Ord. 117001 § 1(part), 1993.)

10.10.4160 Handsink requirements.

The food-service establishment owner shall be responsible for maintenance of hand sinks designated for use by food-service workers and patrons and ensure each hand sink is:

- A. Provided with hot and cold running water provided through a mixing faucet;
- B. Provided with hand soap;
- C. Provided with single use towels or other hand drying devices approved by the Health Officer; and
- D. Kept clean and in good repair.

(Ord. 117001 § 1(part), 1993.)

10.10.4165 Handsink hot water temperature.

The food-service establishment owner shall ensure hot water at all handsinks to be a minimum of one hundred degrees Fahrenheit (100° F) and a maximum of one hundred twenty degrees Fahrenheit (120° F) or the maximum required by the State Energy code, as applicable.

(Ord. 117001 § 1(part), 1993.)

10.10.4170 Automatic faucets.

The food-service establishment owner shall ensure and operated automatic faucets have a minimum cycle of fifteen (15) seconds.

(Ord. 117001 § 1(part), 1993.)

Subchapter XLII Garbage, Rubbish, and Litter

10.10.421 Generally.

The food-service establishment owner shall properly store and dispose all garbage, rubbish, and litter in and around a food-service establishment. Storage prior to disposal shall be in containers that are:

- A. Durable;
- B. Easily cleanable;
- C. Insect and rodent proof;
- D. Nonabsorbent;
- E. In sound condition;
- F. Watertight; and

G. Kept covered with tight-fitting lids except when stored in a closed, pest-proof room or enclosure.

(Ord. 117001 § 1(part), 1993.)

10.10.422 Liquid wastes.

The food-service establishment owner shall dispose liquid wastes as waste water when collected from:

- A. Leaking garbage containers;
- B. Garbage compacting operations; or
- C. Cleaning operations.

(Ord. 117001 § 1(part), 1993.)

10.10.423 Rubbish storage.

The food-service establishment owner shall store all other rubbish in containers or other areas in a manner approved by the Health Officer.

(Ord. 117001 § 1(part), 1993.)

10.10.424 Garbage storage.

The food-service establishment owner shall use rooms, enclosures, areas, and containers adequate in size and number for garbage storage.

(Ord. 117001 § 1(part), 1993.)

10.10.425 Overflow and nuisance prevention.

The food-service establishment owner shall

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prevent overflows and nuisances caused by garbage, rubbish, and litter by:

- A. Ensuring frequent disposal;
- B. Providing adequate cleaning facilities; and
- C. Ensuring that containers, rooms, and areas are cleaned as needed.

(Ord. 117001 § 1(part), 1993.)

10.10.426 Methods to reduce waste.

The food-service establishment owner may, with the approval of the Health Officer, use alternate methods to reduce waste including but not limited to:

- A. Recycling;
- B. Composting;
- C. Using worm bins;
- D. Using single service articles made of recycled materials;
- E. Using reusable utensils; and
- F. Using refillable containers.

(Ord. 117001 § 1(part), 1993.)

Subchapter XLIII — L (Reserved)

Subchapter LI Pests and Pest Control

10.10.511 Generally.

The food-service establishment owner shall:

- A. Take effective measures to minimize:
 1. Entry of pests such as rodents and insects, and
 2. Presence of pests;
- B. Ensure the premises are kept in such condition to prevent:
 1. Harborage of pests, and
 2. Feeding of pests.

(Ord. 117001 § 1(part), 1993.)

10.10.512 Pesticides.

The food-service establishment owner shall:

- A. Ensure only pesticides labeled for use in food-service areas are stored on the premises or used to eliminate or control pests;
 - B. Ensure pesticides are stored:
 1. In cabinets,
 2. In a physically separate place used for no other purpose, and/or
 3. Below or separate from food, food equipment, utensils, or single service articles;
 - C. Ensure that pesticides are applied:
 1. In accordance with label directions,
- and

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2. In compliance with Washington State Department of Agriculture rules located in Chapter 16-228 WAC, pesticide regulations, to prevent adulteration of foods and contamination of food contact surfaces.

(Ord. 117001 § 1(part), 1993.)

10.10.513 Licensed pest control operators.

The food-service establishment owner shall employ the services of a licensed pest control operator when the Health Officer determines:

- A. Measures taken by the food-service establishment owner are ineffective;
- B. Pest problems are severe;
- C. Pest problems extend beyond the property boundaries controlled by the food-service establishment owner; or
- D. The food-service establishment owner has used pesticides improperly, in a manner endangering public health.

(Ord. 117001 § 1(part), 1993.)

10.10.514 Automatic dispensing aerosol units.

The food-service establishment owner shall ensure that automatic dispensing aerosol units, if used, are:

- A. Prohibited in all areas where food is prepared or served; and
 - B. Installed and used only in areas at least twenty feet (20') away from any:
 1. Food storage area;
 2. Food preparation or service area;
 3. Unprotected food contact surfaces;
- and
4. Utensil washing or storage area.

(Ord. 117001 § 1(part), 1993.)

Subchapter LIII Construction and Maintenance of Physical Facilities

10.10.531 Floors and floor coverings.

The food-service establishment owner shall:

- A. Ensure floors and floor coverings in all areas are:
 1. Constructed of easily cleanable materials,
 2. Kept clean,
 3. In good repair, and

4. Covered at the floor/wall junctures, except for carpeted areas;

B. Provide proper construction of floors and floor coverings with the following characteristics:

1. Water impervious construction,
2. Grease resistance,
3. Durability, and
4. Drains provided when water or pressure spray methods of cleaning are used, in any of the following areas:

a. Food preparation areas,
 b. Food and utensil storage areas,
 c. Utensil washing areas,
 d. Walk-in refrigerators,
 e. Dressing rooms or locker rooms with shower facilities, and
 f. Bathrooms where toilets or urinals are located;

C. Ensure that utility service lines and pipes and the building drainage system are:

1. Installed in a way that does not obstruct or prevent cleaning of the floor,
2. Are not exposed in all establishments built or extensively remodeled after April 1, 1981. (Ord. 117001 § 1(part), 1993.)

10.10.532 Walls, windows, doors and ceilings.

The food-service establishment owners shall:

A. Ensure walls, windows, doors, and ceilings in all areas are clean and in good repair.

B. Ensure that walls are constructed, in addition to requirements in subsection A of this section, with the following characteristics:

1. Smooth finish;
2. Non-absorbent surfaces; and
3. Construction with easily cleanable materials in the following areas:

a. Walk-in refrigerators and freezers,
 b. Food preparation areas,
 c. Utensil washing areas,
 d. Dressing rooms or locker rooms with shower facilities, and
 e. Bathrooms.

C. Ensure that utility service lines and pipes and the building drainage systems are:

1. Installed in a way that does not obstruct or prevent cleaning of walls and ceilings;
2. Not unnecessarily exposed on walls or ceilings in walk-in refrigerators, food-preparation areas, equipment-washing and utensil-washing areas, and toilet rooms or vestibules. (Ord. 117001 § 1(part), 1993.)

10.10.533 Lighting.

The food-service establishment owner shall provide:

A. Lighting of at least thirty (30) foot candles in the following:

1. Areas where food is prepared or stored,
2. Areas where utensils are washed,
3. Areas where hands are washed,
4. In bathrooms, and
5. When cleaning is occurring;

B. Proper shields or guards for lights in the food preparation areas and areas where unwrapped food is stored and displayed. (Ord. 117001 § 1(part), 1993.)

10.10.534 Ventilation.

The food-service establishment owner shall:

A. Ensure design, installation, and maintenance of ventilation systems in accordance with applicable state and local mechanical and fire codes; and

B. Provide ventilation systems, when necessary, to keep all areas free of excessive:

1. Heat,
2. Steam,
3. Condensation,
4. Fumes and vapors, and
5. Smoke;

C. Design and maintain ventilation hoods and filters to:

1. Prevent grease and condensate from dripping into food or onto food contact surfaces, and
2. Allow ready removal of filters for cleaning and replacement.

(Ord. 117001 § 1(part), 1993.)

10.10.535 Maintenance.

The food-service establishment owner shall maintain the premises by:

A. Allowing only articles necessary for operation and maintenance of the food-service establishment to be stored there;

B. Prohibiting use of any room in the food-service establishment as living or sleeping quarters:

1. Except when separated from all food-service operations by complete partitions and solid doors, and
2. Except in bed and breakfasts;

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C. Allowing only food-service workers or other persons authorized by the Health Officer in food preparation and storage areas. (Ord. 117001 § 1(part), 1993.)

10.10.536Animals.

The food-service establishment owner shall allow live animals only under the following conditions:

- A. Fish, crustacea, and shellfish for food purposes in aquariums;
- B. Fish in aquariums for display or decor;
- C. Patrol dogs accompanying security or police officers; or
- D. Guide dogs and service dogs, as defined under RCW 70.84, are allowed to accompany a blind, visually handicapped, hearing impaired, or otherwise physically disabled person in all areas of a food-service establishment. (Ord. 117001 § 1(part), 1993.)

Subchapter LIV Mobile Food Vehicles

10.10.5405Generally.

The owner of a mobile food vehicle shall comply with the requirements of this chapter, except as allowed in this subchapter. (Ord. 117001 § 1(part), 1993.)

10.10.5410Food source and labeling.

The owner of a mobile food vehicle shall insure:

- A. All foods, including ice, are from an approved source or commissary; and
- B. All prepackaged foods are properly labeled, except when prepared in the mobile food vehicle or commissary. (Ord. 117001 § 1(part), 1993.)

10.10.5415Temperature control and food preparation.

A. The owner of a mobile food vehicle shall ensure proper temperature control of potentially hazardous foods on the vehicle by:

- 1. Prohibiting cooling of potentially hazardous foods or ingredients;
- 2. Allowing only potentially hazardous foods that have been cooked and cooled a commissary to be reheated in individual portions for immediate service;
- 3. Allowing only foods processed in commercial food-processing plants to be heated

from forty-five degrees Fahrenheit (45° F) to one hundred forty degrees Fahrenheit (140° F) or above within one (1) hour when reheated at the commissary or on the mobile vehicle after leaving the commissary;

- 4. Prohibiting cooking of raw meats greater than one inch (1") in thickness;
- 5. Preheating hot holding equipment and prechilling cold holding equipment before loading potentially hazardous food onto the mobile vehicle; and
- 6. Monitoring temperatures of potentially hazardous foods with a thermometer.

B. The owner of a mobile food vehicle shall ensure:

- 1. Preparation steps for potentially hazardous foods are minimized to decrease risk of foodborne illness;
- 2. Facilities are adequate for all food preparation steps on the mobile vehicle; and
- 3. Preparation of potentially hazardous foods that are prepared on the mobile vehicle are prepared daily. (Ord. 117001 § 1(part), 1993.)

10.10.5420Cold and hot holding.

The owner of a mobile food vehicle shall ensure:

- A. Cold holding of potentially hazardous foods is accomplished by use of:
 - 1. Mechanical refrigeration; or
 - 2. Ice, when all food is prechilled and packaged in sealed containers.
- B. Hot holding of potentially hazardous foods is accomplished by use of mechanical units. (Ord. 117001 § 1(part), 1993.)

10.10.5425Condiments, single service, equipment and utensils.

The owner of a mobile food vehicle shall:

- A. Provide condiments in single service packages, dispenser bottles or in bulk when protected by an approved sneeze guard;
- B. Provide single service articles for use by the consumer; and
- C. Store all equipment and utensils on the mobile food vehicle or in the commissary. (Ord. 117001 § 1(part), 1993.)

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10.10.5430 Food-service workers.

The owner of a mobile food vehicle shall:

A. Allow only food-service workers and persons authorized by the Health Officer to be present in the mobile food vehicle; and

B. Ensure that all food-service workers in the mobile food vehicle have current food and beverage service workers permits, unless all foods are prepackaged and nonpotentially hazardous.
(Ord. 117001 § 1(part), 1993.)

10.10.5435 Water supply.

When a mobile food vehicle has a water supply:

A. The source and system design shall be approved by the Health Officer.

B. The capacity of the system shall be sufficient to furnish enough hot and cold water for each of the following procedures if they occur on the mobile food vehicle:

1. Food preparation;
2. Utensil cleaning;
3. Sanitizing;
4. Handwashing; and
5. Facility cleaning.

(Ord. 117001 § 1(part), 1993.)

10.10.5440 Wastewater.

The owner of a mobile food vehicle with a water system shall ensure:

A. All liquid waste is stored in a wastewater retention tank with at least fifteen percent (15%) more capacity than the water tank; and

B. Wastewater is retained on the mobile food vehicle until disposed into a public sewer system.
(Ord. 117001 § 1(part), 1993.)

10.10.5445 Dishwashing facilities.

The owner of a mobile food vehicle shall provide:

A. A three (3) compartment sink supplied with thirty-five (35) gallons of hot and cold running water to wash, rinse, and sanitize utensils when equipment or utensils are reused on the mobile food vehicle; except

B. This requirement may be waived or modified by the Health Officer when:

1. Limited food preparation occurs, and
2. Additional clean utensils are available and utensil washing can take place at an approved base of operation.

(Ord. 117001 § 1(part), 1993.)

10.10.5450 Handwashing facilities.

A. The owner of a mobile food vehicle shall provide a separate handwashing facility for food workers in the mobile food vehicle consisting of:

1. A sink supplied with a minimum of five (5) gallons of potable, warm, running after under pressure at a minimum of eighty degrees Fahrenheit (80° F) and a maximum of one hundred twenty degrees Fahrenheit (120° F);

2. Soap; and

3. Paper towels.

B. When only prepackaged food items are served, the Health Officer may waive or modify requirements for handwashing.

(Ord. 117001 § 1(part), 1993.)

10.10.5455 Toilet facilities.

The owner of a mobile food vehicle shall ensure toilet facilities for food workers are available and readily accessible within two hundred feet (200') of the vehicle during operation.

(Ord. 117001 § 1(part), 1993.)

10.10.5460 Commissary.

The owner of a mobile food vehicle shall provide an approved commissary or base of operations which shall:

A. Provide adequate storage for all extra food, equipment, utensils, single service articles, and supplies; and

B. Be available at the end of each working day and as often as necessary throughout the day for:

1. Cleaning of the mobile food vehicle and equipment,

2. Refilling of fresh water tanks and wastewater disposal, and

3. Storage of the mobile food vehicle when not in operation.

(Ord. 117001 § 1(part), 1993.)

10.10.5465 Location or route.

The owner of a mobile food vehicle shall provide an exact location or a specific route for their operation.

(Ord. 117001 § 1(part), 1993.)

10.10.5470 Prepackaged food service.

The mobile food vehicle permit will apply to the route rather than a specific vehicle when:

10.10.5470 HEALTH AND SAFETY

A. Food service from the mobile food vehicle is restricted to limited prepackaged food items;

B. The potentially hazardous foods are kept in approved self-contained hot and cold holding units as per Section 10.10.5420 of this chapter; and

C. The hot and cold holding units can be transferable from vehicle to vehicle.

(Ord. 117001 § 1(part), 1993.)

10.10.5475Plans.

A. The owner of a mobile food vehicle or permit applicant shall submit properly prepared plans and specifications of the mobile food vehicle, base of operation, and/or emissary to the Health Officer for approval:

1. Before construction or remodeling begins;
2. Before a new, additional or replacement vehicle is purchased;
3. Before the method of food preparation is changed;
4. When ownership is changed;
5. Before the location or route is changed; or
6. Before the commissary is changed.

B. The owner of a mobile food vehicle shall include in the plan:

1. Ownership information including name, address and phone number;
2. Menu and food preparation steps;
3. Design of mobile food vehicle;
4. Equipment specifications and location;
5. Finish schedule;
6. Proposed itinerary or sites to be served;
7. Operating procedures;
8. Source of water and specifications of the on-board plumbing;
9. Site used for sewage disposal;
10. Availability of restrooms for food-service workers; and
11. Base of operation or commissary.

(Ord. 117001 § 1(part), 1993.)

10.10.5480Other approvals.

The owner of the mobile food vehicle shall obtain approval from the Department of Labor and Industries, if necessary.

(Ord. 117001 § 1(part), 1993.)

10.10.5485Additional requirements.

The Health Officer may impose additional requirements to protect against health hazards related to the operation of a mobile food vehicle and may:

- A. Limit the food preparation steps;
 - B. Restrict the mode of operation when facilities or equipment are inadequate to protect public health; and/or
 - C. Prohibit some menu items.
- (Ord. 117001 § 1(part), 1993.)

Subchapter LV Mobile Food Carts

10.10.5505Generally.

The owner of a mobile food cart shall comply with the requirements of this chapter, except as allowed in this subchapter.

(Ord. 117001 § 1(part), 1993.)

10.10.5510Food source and labeling.

The owner of a mobile food cart shall ensure:

- A. All foods, including ice, are from an approved source or commissary; and
 - B. All prepackaged foods are properly labeled, except when prepared in the commissary.
- (Ord. 117001 § 1(part), 1993.)

10.10.5515Temperature control and food preparation.

A. The owner of a mobile food cart shall ensure proper temperature control of potentially hazardous foods on the cart by:

1. Prohibiting preparation of all potentially hazardous foods except hot dogs and milk for espresso;
2. Requiring all milk products and hot dogs to be cold held in mechanical refrigeration;
3. Steaming milk for espresso for immediate service only;
4. Prohibiting cooling and reuse of left-over hot dogs and milk; and
5. Monitoring temperatures of potentially hazardous foods with a thermometer.

B. The owner of a mobile food cart shall ensure:

1. Preparation steps for non-potentially hazardous foods are minimized to decrease risk of foodborne illness;
2. Facilities are adequate for all food storage and preparation steps on the mobile food cart.

(Seattle 3-94)

(Ord. 117001 § 1(part), 1993.)

10.10.5520Condiments, single service equipment and utensils.

The owner of a mobile food cart shall:

A. Provide condiments in single service packages or dispenser bottles;

B. Provide single service articles for use by the consumer;

C. Store all equipment, utensils, paper products, cleaning supplies, water and food on the mobile food cart or in the commissary except:

1. One extra ice chest, a chair and waste receptacle may accompany the cart at the site of operation; and

2. The ice chest may be on a separate cart no larger than the chest and may also be used for storage of extra single service items such as cups and napkins only.

(Ord. 117001 § 1(part), 1993.)

10.10.5525Dishwashing and cleaning.

The owner of a mobile food cart shall:

A. Wash, rinse, and sanitize all reusable utensils at the commissary every two (2) hours. If the commissary is not convenient to carry out dishwashing, then extra clean and sanitized utensils must be provided on the cart and soiled utensils replaced every two (2) hours; and

B. Maintain the cart in a clean and sanitary manner.

(Ord. 117001 § 1(part), 1993.)

10.10.5530Cart design.

The owner of a mobile food cart shall ensure the cart body size is limited to three feet (3') by six feet (6') with each extension no longer than eighteen inches (18") or the size required by the local jurisdiction, whichever is smaller. The cart must be easily movable by one person.

(Ord. 117001 § 1(part), 1993.)

10.10.5535Ice chest.

The owner of a mobile food cart shall ensure the maximum size of the ice chest is three (3) cubic feet and thirty inches (30") long. The ice chest shall only be used for non-potentially hazardous foods.

(Ord. 117001 § 1(part), 1993.)

10.10.5540Water supply.

A. When a mobile food cart has a water supply:

1. The source and system design shall be approved by the Health Officer;

2. The capacity of the system shall be sufficient to furnish enough hot and cold water for each of the following procedures:

a. Food preparation,

b. Handwashing, and

c. Cart cleaning at the site of operation when necessary.

B. The owner of a mobile food cart with a water system shall ensure at least five (5) gallons of water is provided for handwashing. Any water needed for other purposes must be in addition to the five (5) gallons for handwashing.

(Ord. 117001 § 1(part), 1993.)

10.10.5545Wastewater.

The owner of a mobile food cart with a water system shall ensure:

A. All liquid waste is stored in a wastewater retention tank with at least fifteen percent (15%) more capacity than the water tank; and

B. Wastewater is retained on the mobile food cart until disposed into a public sewer system at the commissary.

(Ord. 117001 § 1(part), 1993.)

10.10.5550Handwashing facilities.

A. The owner of a mobile food cart shall provide a handwashing sink on the cart for food workers accessible at all times the cart is in operation consisting of:

1. A sink supplied with a minimum of five (5) gallons of potable, warm, running water under pressure at a minimum of eighty degrees Fahrenheit (80° F) and a maximum of one hundred twenty degrees Fahrenheit (120° F);

2. Soap; and

3. Paper towels.

B. When only prepackaged food items are served, the Health Officer may waive or modify requirements for handwashing.

(Ord. 117001 § 1(part), 1993.)

10.10.5560Toilet facilities.

The owner of a mobile food cart shall ensure toilet facilities for food workers are available and readily accessible within two hundred feet (200') of the mobile food cart during operation.

10.10.5560 HEALTH AND SAFETY

(Ord. 117001 § 1(part), 1993.)

10.10.5565Overhead protection.

The owner of a mobile food cart shall provide overhead protection to the cart at the site of operation.

(Ord. 117001 § 1(part), 1993.)

10.10.5570Dishwashing facilities.

The owner of a mobile food cart shall provide at the commissary approved dishwashing facilities to wash, rinse, and sanitize utensils when equipment or utensils are reused on the mobile food cart.

(Ord. 117001 § 1(part), 1993.)

10.10.5575Commissary.

The owner of a mobile food cart shall provide an approved commissary or base of operations which shall:

A. Provide adequate storage for all extra food, equipment, utensils, single service articles, and supplies; and

B. Be available at the end of each working day and as often as necessary through the day for:

1. Cleaning of the mobile cart and equipment;
2. Refilling of fresh water tanks and wastewater disposal; and
3. Storage of the mobile food cart when not in operation.

(Ord. 117001 § 1(part), 1993.)

10.10.5580Location.

The owner of a mobile food cart shall provide an exact location for their operation.

(Ord. 117001 § 1(part), 1993.)

10.10.5585Plans.

A. The owner of a mobile food cart or permit applicant shall submit properly prepared plans and specifications of the mobile food cart, base of operation, and/or commissary to the Health Officer for approval:

1. Before construction or remodeling begins;
2. Before a new or replacement cart is purchased;
3. Before the method of food preparation is changed;
4. When ownership is changed;
5. Before the location is changed; or

(Seattle 3-94)

6. Before the commissary is changed.

B. The owner of a mobile food cart shall include in the plan:

1. Ownership information including name, address and phone numbers;
2. Menu and food preparation steps;
3. Design of mobile food cart;
4. Equipment specifications and location;
5. Finish schedule;
6. Proposed site to be served;
7. Operating procedures;
8. Source of water and specifications of the cart plumbing;
9. Site used for sewage disposal;
10. Availability of restrooms for food-service workers;
11. Base of operation or commissary; and
12. Written approval from the local building department or applicable jurisdiction for any structural, parking, traffic, seating, or other requirements.

(Ord. 117001 § 1(part), 1993.)

10.10.5590Additional requirements.

The Health Officer may impose additional requirements to protect against health hazards related to the operation of a mobile food cart and may:

- A. Limit the food preparation steps;
- B. Restrict the mode of operation when facilities or equipment are inadequate to protect public health; and/or
- C. Prohibit some menu items.

(Ord. 117001 § 1(part), 1993.)

Subchapter LVI Establishments Selling Only Espresso, Hot Dogs, and Foods Exempt From Permit and/or Plan Review

10.10.561Foods allowed.

Food-service establishments which serve only espresso, hot dogs, and/or food exempt from permit and/or plan review pursuant to SMC Section 10.10.653 shall comply with the requirements of this chapter, except as allowed in this subchapter.

(Ord. 117001 § 1(part), 1993.)

10.10.562 Handsink requirements.

The Health Officer may allow handsinks that are not plumbed to permanent water and sewer when the local building and plumbing officials concur in writing.

(Ord. 117001 § 1(part), 1993.)

10.10.563 Toilet facilities.

The food-service establishment owner shall ensure that toilet facilities for food workers are:

A. Conveniently located within two hundred feet (200') of the establishment; and

B. Available at all times that the establishment is operating.

(Ord. 117001 § 1(part), 1993.)

10.10.564 Facilities for cleaning and sanitizing.

The Health Officer may permit facilities for cleaning and sanitizing to be located off-site when:

A. The facilities meet the provisions of Sections 10.10.315 and 10.10.317;

B. The facilities are conveniently located within two hundred feet (200') of the establishment; and

C. The facilities are available at all times that the establishment is in operation.

(Ord. 117001 § 1(part), 1993.)

10.10.565 Additional requirements.

The Health Officer may impose additional requirements to protect against health hazards related to the operation of the establishment including, but not limited to:

A. Limiting food preparation steps;

B. Restricting the mode of operation when facilities or equipment are inadequate to protect public health; and/or

C. Prohibiting some menu items.

(Ord. 117001 § 1(part), 1993.)

Subchapter LVII Customer Self-Service of Food and Bulk Food Dispensing

10.10.571 Food protection.

The food-service establishment owner shall protect foods from adulteration and contamination during customer self-service by:

A. Designating a person to be responsible for the customer self-service area. This person shall:

1. Monitor the customer self-service and bulk food areas to prevent tampering and contamination of foods;

2. Ensure adequate temperature control of potentially hazardous foods by:

a. Cooking, reheating, or prechilling foods before offering for sale,

b. Monitoring food temperatures with a metal stem thermometer, and

c. Correcting improper storage practices;

3. Clean up any spills that occur and rotate stock;

4. Clean and sanitize storage containers and utensils used for food storage or handling of foods; and

5. Dispose of any bulk foods returned to the food-service establishment or contaminated by customers.

B. Separating all bulk food display devices from any containers of chemicals which might contaminate bulk foods and from pet foods by approved methods including one of the following:

1. Horizontal separation, different aisles, or partitions between bulk foods and chemicals or pet foods; or

2. Vertical separation with chemicals or pet foods stored below bulk foods.

C. Storing and dispensing all foods on display for customer self-service or bulk foods by one of the following:

1. Gravity dispensing devices;

2. Display devices or storage containers with covers or lids; or

3. Properly designed sneeze guards, display cases, or easily movable covers, except for whole raw fruits and vegetables.

(Ord. 117001 § 1(part), 1993.)

10.10.572 Utensils and display containers.

The food-service establishment owner shall ensure that food-service workers utilize:

A. Proper utensils when required in this chapter using the following:

1. Properly designed and cleaned scoops, spatulas, tongs, and similar dispensing utensils present in or on each display device;

2. In-use serving utensils stored in the food with the handles extending out of the food; or

10.10.572 HEALTH AND SAFETY

3. Dispensing utensils stored clean and dry between uses in a protective enclosure or utensil holder.

B. Containers for display of ready-to-eat foods with the lowest access point at least thirty inches (30") above floor level, except for:

1. Raw fruits and vegetables;
2. Honey;
3. Oil; or
4. Similar liquids as approved by the Health Officer.

(Ord. 117001 § 1(part), 1993.)

Subchapter LVIII Bed and Breakfast Food Service Operations

10.10.581 Generally.

Owners of bed and breakfast homes and inns shall comply with all food supply, food handling, personal hygiene, food protection, food-service establishment maintenance, permitting, and enforcement requirements under Subchapters XI, XII, XIV, XV, XVI, XXI, XXXI, XXXII, XXXIII, XLI, XLII, LI, LXV, LXVI, LXVII, LXVIII, LXIX, LXX, LXXI, LXXII, LXXIII, except as otherwise provided in this subchapter. (Ord. 117001 § 1(part), 1993.)

10.10.582 Requirements for food preparation.

Owners of bed and breakfast homes and inns may prepare foods in their residential kitchen when:

A. All food-service is limited to overnight guests;

B. Potentially hazardous foods items are prepared for immediate service;

C. Cooling and/or reheating of potentially hazardous foods prepared on-site is prohibited;

D. A minimum of a three (3) compartment sink or a sink together with a homestyle dishwasher with one hundred fifty-five degrees Fahrenheit (155° F) water provided by a booster or a sanitizing cycle is available and used;

E. Food supplies for domestic use are separated from food supplies intended for customer use; and

F. Children under age ten (10) and pets are kept out of the kitchen during preparation of foods for bed and breakfast guests.

(Ord. 117001 § 1(part), 1993.)

10.10.583 Additional requirements.

(Seattle 3-94)

The Health Officer may impose additional requirements to protect against health hazards related to the food-service portion of a bed and breakfast operation and when no health hazard will result, may waive or modify requirements of this chapter.

(Ord. 117001 § 1(part), 1993.)

Subchapters LVIX — LX (Reserved)

Subchapter LXI Temporary Food-Service Establishments

10.10.611 Generally.

The owner of a temporary food-service establishment shall comply with the requirements of this chapter, except as allowed in this subchapter. (Ord. 117001 § 1(part), 1993.)

10.10.612 Temperature control and food preparation.

A. The owner of a temporary food-service establishment shall ensure proper time/temperature control by:

1. Prohibiting cooling of potentially hazardous foods at temporary food-service establishments;

2. Cooling potentially hazardous foods before an event if:

a. The food product that was cooled will be served cold, or

b. Individual portions of the food are reheated for immediate service, and

c. The food was cooled in an approved facility with adequate cooling capacity and cold holding facilities, and

d. Cooling procedures meet requirements contained in Section 10.10.167 of this chapter;

3. Ensuring rapid reheating of all potentially hazardous foods from forty-five degrees Fahrenheit (45° F) to a minimum temperature of one hundred sixty-five degrees Fahrenheit (165° F) within thirty (30) minutes, except there are no minimum temperatures required when individual portions are reheated for immediate service.

B. The owner of a temporary food-service establishment shall safely prepare foods by:

1. Providing adequate facilities at the temporary food-service establishment for all proposed food preparation steps;

2. Monitoring food temperatures by use of a stem-type thermometer; and

3. Ensuring all off-site preparation is done in an approved facility.

(Ord. 117001 § 1(part), 1993.)

10.10.613 Application and permit issuance.

A. The owner of a temporary food-service establishment shall submit an application for a permit and/or plan review for a temporary food-service establishment at least fourteen (14) days prior to the date of operation along with the applicable fee as set forth in Section 10.03.010 of the Seattle Municipal Code. The application must be approved prior to issuance of the permit.

B. When the application has been received between three (3) and thirteen (13) days prior to the date of operation along with the applicable fee and late fee as set forth in Section 10.03.010 of the Seattle Municipal Code, the owner of a temporary food-service establishment may be issued a permit or approval to operate only when:

1. The Health Officer determines that the department has resources available to make the necessary inspections;

2. The applicant pays the applicable late fees as set forth in Section 10.03.010 of the Seattle Municipal Code; and

3. The Health Officer limits the menu to low hazard or exempt foods or determines that operation of the establishment will not present a health hazard.

C. If the application is received two (2) or less days prior to the date of operation, the owner of a temporary food-service establishment will not be issued a permit. Foods exempt from permit and/or plan review as per Section 10.10.653 of this chapter may be authorized upon payment of the plan review fees, when applicable, and late fees as set forth in Section 10.03.010 of the Seattle Municipal Code.

(Ord. 117001 § 1(part), 1993.)

10.10.614 Operational requirements.

The owner of a temporary food-service establishment shall:

A. Require the person in charge of the temporary food-service establishment to obtain a valid

Food and Beverage Service Worker's Permit before beginning work;

B. Allow only food-service workers and other persons authorized by the Health Officer to be present in a temporary food-service establishment;

C. Require the use of only single service articles for use by consumers in a temporary food-service establishment without sufficient dishwashing facilities;

D. Separate grills and barbecues from public access by using ropes or other approved methods; and

E. Construct booths to minimize:

1. Public access,
2. Dust,
3. Mud, and
4. Overhead contamination.

(Ord. 117001 § 1(part), 1993.)

10.10.615 Handwashing facilities.

A. The owner of a temporary food-service establishment shall provide approved handwashing facilities for food workers in the temporary food-service establishment with:

1. A minimum of two (2) gallons of clean, warm, running water at a minimum of eighty degrees Fahrenheit (80° F) and a maximum of one hundred twenty degrees Fahrenheit (120° F);

2. Soap; and
3. Paper towels.

B. The Health Officer may allow handwashing in a three (3) compartment utensil washing sink only if:

1. The sink is located in the food preparation area; and

2. Periodic handwashing will not interfere with washing of utensils.

(Ord. 117001 § 1(part), 1993.)

10.10.616 Toilet facilities.

The food-service establishment owner shall provide readily accessible and available toilet facilities with approved handwashing facilities within two hundred feet (200') of the temporary food-service establishment for food workers.

(Ord. 117001 § 1(part), 1993.)

10.10.617 Dishwashing facilities.

The owner of a temporary food-service estab-

10.10.617 HEALTH AND SAFETY

lishment shall provide access within two hundred feet (200') to a three (3) compartment sink with hot and cold running water under pressure to wash, rinse, and sanitize utensils when:

- A. Equipment or utensils are reused on-site; or
- B. The temporary food-service establishment operates for two (2) or more consecutive days;
- C. Except the Health Officer may approve an alternative utensil cleaning method when three (3) compartment sinks are not available and no health hazard will exist.

(Ord. 117001 § 1(part), 1993.)

10.10.618 Utility sinks.

The owner of a temporary food-service establishment shall provide access to a utility sink when necessary for high volume waste water disposal.

(Ord. 117001 § 1(part), 1993.)

10.10.619 Additional requirements.

The Health Officer may impose additional requirements to protect against health hazards related to the operation of the temporary food-service establishment and may:

- A. Limit the preparation steps; or
- B. Prohibit some menu items; and
- C. When no health hazard will result, modify requirements of this chapter.

(Ord. 117001 § 1(part), 1993.)

Subchapter LXII Sale of Homemade Goods

10.10.621 Foods allowed.

The Health Officer may allow the giving, sale, or offering for sale of homemade goods such as breads, cakes, cookies, and candies to the public only by community, non-profit organizations when such items are not considered to be potentially hazardous.

(Ord. 117001 § 1(part), 1993.)

10.10.622 Food protection.

The operator shall ensure that all such items are wrapped or otherwise protected from contamination while on display and being offered to the consumer.

(Ord. 117001 § 1(part), 1993.)

10.10.623 Prohibited foods.

The operator shall not offer any product containing:

- A. Custard or cream fillings or toppings;
- B. Whipped cream or nondairy whipped fillings or toppings;
- C. Unpasteurized dairy product unless it is completely baked.

(Ord. 117001 § 1(part), 1993.)

10.10.624 Permits.

The sale of prewrapped homemade goods will be considered exempt from permit requirements. Any operator selling, giving or offering for sale unwrapped homemade goods will be required to obtain a temporary food-service permit and must meet all requirements of Subchapter LXI of this chapter other than food source requirements.

(Ord. 117001 § 1(part), 1993.)

Subchapter LXIII Food Demonstration and Promotion

10.10.631 Generally.

Food demonstrations and food promotions shall comply with the requirements of this chapter, except as otherwise provided in this subchapter.

(Ord. 117001 § 1(part), 1993.)

10.10.632 Permits.

A. A food demonstrator who provides personnel who conduct food demonstrations shall be required to obtain a permit except that employees of a licensed food service may conduct food demonstrations under existing food-service establishment permits if required facilities are available.

B. A food promoter who provides personnel who conduct food promotions shall be required to obtain a permit except that employees of a licensed food service may conduct food promotions under existing food-service establishment permits if required facilities are available.

C. A food demonstrator or a food promoter must conduct the demonstration or promotion 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 control of the establishment, or at a temporary food-service establishment or event.

(Seattle 3-94)

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

E. Each person engaged in food demonstration or food promotion must have a valid Food and Beverage Service Worker's Permit. (Ord. 117001 § 1(part), 1993.)

10.10.633 Food preparation and protection.

A. The food demonstrator shall:

1. Do any food preparation prior to the food demonstration in an approved food preparation area;

2. Limit food preparation at the demonstration site to portioning, cooking and reheating the foods;

3. Cook or reheat potentially hazardous foods for immediate service only;

4. Protect foods on display from potential contamination by the use of protective shields, such as sneeze guards, dome covers or plastic wrap;

B. The food promoter shall limit food preparation at food promotions to cooking and hot holding of hot dogs.

(Ord. 117001 § 1(part), 1993.)

10.10.634 Food dispensing.

The food demonstrator shall avoid unnecessary manual contact with food by use of suitable utensils, including but not limited to:

A. Single service tableware, to be discarded frequently if used for portioning;

B. Single service tableware, to be dispensed with each consumer's serving and not to be re-used;

C. Clean and sanitized utensils, stored in the food with the handle extended out of the food, and replaced at frequent intervals, except scooping of frozen desserts with a reusable scoop requires a running water dipper well; or

D. Service of consumer portions in single service articles or separated in such a way that customers will not contact portions to be served to others.

(Ord. 117001 § 1(part), 1993.)

10.10.635 Operational requirements.

Food demonstrators shall:

A. Sanitize wiping cloths and store them in sanitizer;

B. Make approved toilet and handwashing facilities available in the food-service establishment in which the food demonstration or food promotion is held;

C. Provide temporary handwashing facilities if the food demonstration or food promotion site is outdoors, or farther than two hundred feet (200') from a food-service establishment or on another floor. Handwashing must meet the requirements of Section 10.10.615 of this chapter;

D. Make leak-proof containers available for disposal of waste from the food demonstration or food promotion.

(Ord. 117001 § 1(part), 1993.)

10.10.636 Additional requirements.

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 potential hazardous foods and may waive or modify requirements of this chapter when, in his/her opinion, a health hazard is not likely to result from such waiver or modification.

(Ord. 117001 § 1(part), 1993.)

Subchapter LXIV Review of Plans and Menu

10.10.641 When to submit.

The food-service establishment owner shall submit properly prepared plans and specifications to the Health Officer for approval whenever:

A. A food-service establishment is constructed;

B. An existing structure is converted for use as a food-service establishment;

C. Significant changes to the methods of food preparation or style of service occurs; or

D. An existing food-service establishment undergoes an extensive remodel, provided that the Health Officer may waive a complete plan review if:

1. The remodel does not substantially affect the requirements of this chapter, or

2. The Health Officer requires minor modifications of the existing food-service establishment to improve compliance with this chapter. (Ord. 117001 § 1(part), 1993.)

10.10.641 HEALTH AND SAFETY

10.10.642 Plan approval.

The Health Officer shall base plan approval on:

A. Information on proposed type of menu and style of service, including:

1. Type of food to be served;
2. Method of food preparation and type of cooking;
3. Seating capacity and anticipated maximum meals per day;
4. Methods of customer service;
5. Type of customer utensils; and
6. Number of employees per shift.

B. Information on proposed site, including:

1. Site plan;
2. Availability of approved public water supply;
3. Availability of approved sewage disposal; and
4. Accessibility for delivery traffic, garbage storage, garbage pickup frequency, and other auxiliary needs.

C. Information on proposed facilities, including:

1. Floor plan;
2. Finishes used on floors, walls, and ceilings;
3. Number, types, and locations of sinks and drain boards;
4. Plumbing specifications, such as types and locations of fixtures and drains;
5. Restroom design, location and number of fixtures;
6. Types and locations of lighting;
7. Types and locations of ventilation, including exhaust hoods, screened windows or doors; and
8. Designation of smoking and nonsmoking sections.

D. Information on proposed equipment, including:

1. Material and design of food contact surfaces;
2. Refrigeration and shelving design for rapid cooling, prechilling, thawing, and separation of raw meats from other foods;
3. Ice-making equipment for supplying ice bath cooling, salad bar, or buffet service;
4. Cooking, reheating, and hot holding equipment;
5. Shelving for dry food storage;

6. Mechanical dishwashing machine and associated equipment; and

7. Design and installation of equipment, including self-service and display equipment. (Ord. 117001 § 1(part), 1993.)

10.10.643 Procedure.

The procedure for plan approval and permit issuance is as follows:

A. The food-service establishment owner shall submit plans with the applicable fee set forth in Section 10.03.110 of the Seattle Municipal Code.

B. The Health Officer shall grant approval of the plans if the plans are in compliance with this chapter.

C. The food-service establishment owner shall, prior to operation:

1. Submit a food-service permit application with the applicable fee set forth in Section 10.03.110 of the Seattle Municipal Code; and
2. Request a preoperational inspection.

D. The food-service establishment owner shall not commence operation until the Health Officer provides a preoperational inspection of a permanent food-service establishment and verifies conformance with approved plans and compliance with this chapter.

(Ord. 117001 § 1(part), 1993.)

Subchapter LXV Permits Required

10.10.651 Application and issuance.

It shall be unlawful for any person to operate a food-service establishment without a valid permit therefor issued to such person by the Health Officer. Any person desiring to operate a food-service establishment, except an establishment licensed by the Washington State Department of Health, shall:

A. Comply with the provisions of this chapter;

B. Make written application for a permit on forms provided by the Health Officer. Such application shall include the applicant's full name, mailing 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 all partners; the location and type of the proposed food-service establishment; and shall be accompanied by the permit fee as set forth in Section 10.03.110 of the Seattle Municipal Code. If the application is for a seasonal or temporary

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food-service establishment, it shall also include the inclusive dates of the proposed operation;

C. Be issued a permit by the Health Officer when inspection reveals that the applicable requirements of this chapter and directives of the Health Officer have been met and the applicable fee has been paid. The Health Officer may deny the application if in his/her judgment the operation of the establishment will result in a hazard to the public health or is in current violation of this code. The Health Officer may consider any relevant health and safety factors under this chapter in making this determination. The Health Officer may also deny the application if the applicant has any outstanding monies owed to the department for permit fees, late fees, checks returned by the bank, civil penalties, or other miscellaneous fees. If an application is denied on the grounds of a hazard to the public health, the Health Officer at the time of the denial shall inform the applicant in writing of the reasons for the denial and the applicant's right to an appeal to contest the denial;

D. Be issued temporary and seasonal food-service establishment permits for the periods of time specified by the applicant therefor, except that a seasonal food-service establishment permit shall not be valid for more than six (6) consecutive months, and a temporary food-service establishment permit shall not be valid for more than twenty-one (21) consecutive days;

E. Be issued a duplicate permit upon payment of the fee set forth in Section 10.03.010 of the Seattle Municipal Code where, from such evidence as he/she may require, the Health Officer finds that a permit has been lost;

F. Be issued a new permit in the new establishment name upon payment of the fee set forth in Section 10.03.010 of the Seattle Municipal Code where, from such evidence as he/she may require, the Health Officer finds that the name of an establishment has changed after a permit has been issued for the same, but there has been no change in ownership, location, or type of operation.

(Ord. 117001 § 1(part), 1993.)

10.10.652 Effective periods, validity, display, penalty clause.

The food-service establishment owner operating a food-service establishment:

A. Shall possess a valid permit issued to him/her by the Health Officer. All permits issued pursuant to this chapter shall expire on the March 31st next following the date of issuance. Notwithstanding any other provision hereof to the contrary, all temporary and seasonal permits issued pursuant to this chapter shall expire on the date set forth on the face of such permit;

B. Shall obtain a separate permit for each location at which an activity subject to a permit is conducted. Each permit shall be valid only at the location stated on the permit; shall not be transferable and shall remain the property of the department;

C. Shall post the permit conspicuously in the food-service establishment;

D. Shall remove from the premises or other area where it is placed as required by this chapter, every permit upon expiration, suspension or revocation. Whenever a permit is suspended or revoked, the permittee shall return the permit to the Health Officer. If a suspended or revoked permit is not returned, it may be removed by the Health Officer;

E. May be guilty of a misdemeanor pursuant to RCW 70.05.120; and/or subject to civil penalties: Two Hundred Fifty Dollars (\$250.00) per violation for persons engaged in commercial ventures; and Twenty-five Dollars (\$25.00) per violation for persons engaged in noncommercial ventures. Each day that a food establishment owner operates without a permit shall be considered a separate violation for the purpose of assessing penalties.

(Ord. 117001 § 1(part), 1993.)

10.10.653 Permit and/or plan review exemptions.

The food-service establishment owner operating a food-service establishment may be exempt from the permit and/or plan review requirements for the service of certain foods with prior authorization of the Health Officer and concurrence of the Washington State Department of Health.

(Ord. 117001 § 1(part), 1993.)

Subchapter LXVI Fees

10.10.661 Fee schedule.

The owner of a food-service establishment shall pay permit fees, plan review fees, and miscellaneous fees as set forth under Sections 10.03.010 and 10.03.110 of the Seattle Municipal Code.

(Ord. 117001 § 1(part), 1993.)

10.10.662 Inspection fees outside departmental hours (hourly rate).

The Health Officer shall charge fees for inspection service requested by the food-service establishment owner to be performed outside regular departmental working hours at a rate equal to the cost of performing the service.

(Ord. 117001 § 1(part), 1993.)

10.10.663 Special service fees.

The Health Officer is also authorized to charge such fees as he/she may deem necessary for the furnishing of special services or materials requested by the public that are not ordinarily provided under permit or pursuant to statute. Such services and materials to be furnished may include but are not limited to the following:

A. Reproduction and/or search of records and documents;

B. Special food-service establishment examination;

C. Examination, testing, or inspection of particular products, materials, procedures, construction, equipment or appliances to determine their compliance with the provisions of this chapter or their acceptability for use. The Health Officer shall have full authority to specify the terms and conditions upon which such services and materials shall be made available, consistent with any applicable statutes and ordinances; provided, that any fees imposed pursuant to this authorization shall be reasonably equivalent to Department cost for furnishing said services and materials.

(Ord. 117001 § 1(part), 1993.)

10.10.664 Penalty for commencing operation without approval.

In addition to other penalties prescribed in Chapter 10.03 of the Seattle Municipal Code, any food-service establishment owner who commences any work on or any operation of a food-service establishment for which a permit or plan review is required without first having obtained such permit or plan review, shall upon subsequent application for such permit or plan review pay double the fee fixed by the above schedule of fees unless it shall be proved to the satisfaction of the Health Officer that such work was urgently necessary and that it was not practical to obtain a permit prior to the commencement of the work. In all such emergency cases, a permit shall be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining such permit, a double fee shall be charged as provided in this section.

(Ord. 117001 § 1(part), 1993.)

Subchapter LXVII Inspections and Investigations

10.10.671 When required.

Inspections or investigations of a food-service establishment:

A. Shall be performed by the Health Officer as often as necessary for the enforcement of this chapter;

B. Shall be required by the Health Officer:

1. Before issuing a permit to a newly constructed permanent food-service establishment, and

2. Following extensive remodeling of an existing food-service establishment;

C. May be required by the Health Officer:

1. For renewal of a permit,

2. Before issuing a new permit to an existing food-service establishment,

3. For an existing food-service establishment when the management has changed, and

4. Before issuance of a temporary permit.

(Ord. 117001 § 1(part), 1993.)

10.10.672 Access.

A. The food-service establishment owner shall permit the Health Officer, after proper identification, to enter at any time, for the purpose of making inspections or investigations to determine compliance with this chapter.

B. The food-service establishment owner shall permit the Health Officer to examine the records of the establishment to obtain information pertaining to:

1. Food and supplies purchased, received, or used; and
2. Any person employed which is pertinent to an illness investigation; or
3. Other matters which may affect health or the enforcement of this chapter.

(Ord. 117001 § 1(part), 1993.)

10.10.673HACCP.

The Health Officer may conduct a HACCP evaluation in lieu of, or in addition to, routine inspections. The Health Officer may investigate to ensure monitoring of critical control points.

(Ord. 117001 § 1(part), 1993.)

10.10.674Reports.

Whenever an inspection or an investigation of a food-service establishment is made:

A. The Health Officer shall record the findings on an inspection report form approved by the Washington State Department of Health;

B. The Health Officer shall state on the completed inspection report specific violations found, and establish a specific and reasonable period of time for correction; and

C. The Health Officer shall furnish a copy of the completed inspection report to the person in charge of the food-service establishment at the conclusion of the inspection.

(Ord. 117001 § 1(part), 1993.)

10.10.675Frequency.

A. The Health Officer shall inspect all food-service establishments at least once a year.

B. The Health Officer shall conduct additional inspections of food-service establishments based upon the risk of foodborne illness transmission as determined by:

1. Types of foods served;
2. Methods of food preparation and service;
3. Number of meals served; and
4. Past history of compliance.

(Ord. 117001 § 1(part), 1993.)

Subchapter LXVIII Examination, Hold Orders, and Destruction of Food

10.10.681Examination and food sampling.

The Health Officer may examine or collect samples of food as often as the Health Officer deems necessary in the Health Officer's sole discretion for enforcement of this chapter. The cost of any laboratory testing shall be paid by the owner.

(Ord. 117001 § 1(part), 1993.)

10.10.682Hold orders.

A. The Health Officer may, after notice to the person in charge, place a written hold order on any suspect food until a determination on its safety can be made and shall:

1. Tag;
2. Label; or
3. Otherwise identify any food subject to the hold order; and
4. Complete a form approved by the Washington State Department of Health for all suspect food.

B. The hold order issued by the Health Officer shall include:

1. Instructions for filing a written request for a hearing with the Health Officer within ten (10) calendar days; and

2. Notification that if a hearing is not requested in accordance with the instructions provided in the hold order, and the Health Officer does not vacate the hold order, the food shall be destroyed under the supervision of the Health Officer.

C. When foods are subject to a hold order by the Health Officer the food-service establishment owner is prohibited from:

1. Using;
2. Serving; or
3. Moving them from the food-service establishment.

D. The Health Officer shall permit storage of food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case, immediate destruction shall be ordered by the Health Officer and accomplished by the food-service establishment owner.

E. Based upon evidence provided at the hearing, the Health Officer shall either:

1. Vacate the hold order; or

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2. Direct the food-service establishment owner by written order to:

- a. Denature or destroy such food, or
- b. Bring the food into compliance with the provisions of this chapter. (Ord. 117001 § 1(part), 1993.)

10.10.683 Destruction.

A. Whenever the owner or person in charge of a food-service establishment knows, or should know, that food in that establishment has been improperly handled, stored, or prepared, the owner or person in charge shall:

1. Voluntarily destroy the questionable food; or
2. Contact the Health Officer to determine if the food is safe for human consumption.

B. The owner or person in charge of a food-service establishment shall denature or destroy any food if the Health Officer determines the food presents an imminent or actual health hazard.

(Ord. 117001 § 1(part), 1993.)

Subchapter LXIX Procedure When Disease Transmission is Suspected

10.10.691 Generally.

A. When a possible foodborne illness incident is reported to any food-service employee, the food-service establishment owner shall:

1. Immediately report the incident to the local Health Officer; and
2. Remove from sale and refrigerate any suspect foods until released by the Health Officer.

B. When the Health Officer or the food-service establishment owner has reasonable cause to suspect possible disease transmission through food by any food-service establishment personnel, the Health Officer or food-service establishment owner may:

1. Exclude the infected personnel from employment in food-service establishments; or
2. Restrict the infected personnel's duties to some area of the food-service establishment where there would be no danger of transmitting disease.

(Ord. 117001 § 1(part), 1993.)

10.10.692 Actions to control transmission.

A. When the Health Officer suspects that a food-service establishment, or its employees, may be a source of a foodborne illness, the Health Officer shall take appropriate action to control the transmission of disease. Such actions shall include any or all of the following:

1. Secure records that may enable identification of persons potentially exposed to the disease, and/or require additional assistance in locating such persons;
2. Secure the illness history of each suspected employee;
3. Exclude any suspected employee(s) from working in the food-service establishment until, in the opinion of the Health Officer, there is no further risk of disease transmission;
4. Suspend the permit of the food-service establishment until, in the opinion of the Health Officer, there is no further risk of disease transmission;
5. Restrict the work activities of any suspected employee;
6. Require medical and laboratory examinations of any food-service employee and of his/her body discharges;
7. Obtain any suspect food for laboratory examination; and/or
8. Require the destruction of suspect food or prevent it from being served.

B. The Health Officer shall prohibit food handlers with a communicable illness in a disease or carrier state from handling food if the infectious agent can be transmitted through food.

C. The provisions of Chapter 246-100 WAC, Communicable and Certain Other Diseases, shall apply.

(Ord. 117001 § 1(part), 1993.)

Subchapter LXX Permit Suspension, Revocation and Compliance Methods

10.10.701 Suspensions.

A. The Health Officer may suspend without notice, warning, or hearing any permit to operate a food-service establishment if:

1. Continued operation of the food-service establishment constitutes an imminent or actual health hazard;

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2. Operations, facilities, or equipment in the food-service establishment fail to comply with this chapter;

3. The owner does not comply with this chapter;

4. The owner has interfered with the Health Officer in the performance of his/her duties;

5. The owner does not comply with the conditions of operation or the condition of a variance.

B. When the Health Officer has suspended a food-service establishment permit, the person in charge:

1. Shall be notified in writing by the Health Officer that the food-service establishment permit is immediately suspended upon service of the notice;

2. Shall immediately cease all food-service operations; and

3. May request a hearing by filing a written request for a hearing with the Health Officer within ten (10) days of receipt of the notice of suspension; and

4. Shall be notified that filing a written request for hearing does not stay the suspension.

(Ord. 117001 § 1(part), 1993.)

10.10.702 Reinstatement.

A. Any food-service establishment owner whose food-service permit has been suspended may at any time make written application for a reinspection for the purpose of reinstatement of the permit. The application shall include a plan for preventing recurrences and a statement, signed by the owner, that in the owner's opinion, the conditions causing the suspension of the permit have been corrected.

B. The Health Officer shall make a reinspection within two (2) working days following receipt of a written request for a reinspection, and reinstate the permit if the food-service establishment owner is in compliance with this chapter.

(Ord. 117001 § 1(part), 1993.)

10.10.703 Revocation.

A. The Health Officer may revoke a food-service permit after providing the food-service establishment owner an opportunity for a hearing if:

1. Serious and repeated violation(s) of any requirements of this chapter have occurred;

2. A permit has been suspended three (3) times within twelve (12) months; or

3. Assault upon, threats toward, or repeated interference with the Health Officer in the performance of his/her duty has occurred.

B. Before revocation, the Health Officer shall notify, in writing, the food-service establishment owner of the specific reason(s) why the permit is to be revoked. The notice shall state:

1. That the permit will be revoked at the end of the ten (10) days following such notice unless a written request for a hearing is filed with the Health Officer by the food-service establishment owner within such ten (10) day period; and

2. If a request for a hearing is not filed by the food-service establishment owner within the ten (10) day period, the revocation of the permit becomes final.

C. Any food-service establishment owner whose permit has been revoked by the Health Officer, after a period of six (6) months may:

1. Make written application for a new permit; and

2. Request a hearing with the Health Officer to determine whether a new permit will be issued.

(Ord. 117001 § 1(part), 1993.)

10.10.704 Additional compliance methods.

The Health Officer may initiate any one, or a combination of, compliance methods which include, but are not limited to:

A. Holding an administrative conference with the food-service establishment owner;

B. Placing the food-service establishment owner on probation;

C. Setting conditions for continued operation of the food-service establishment;

D. Requiring additional education and/or training of employees, management, and owners of the food-service establishment; and

E. Completing a hazard analysis critical control point (HACCP) evaluation and requiring monitoring procedures be implemented for critical control points identified.

(Ord. 117001 § 1(part), 1993.)

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Subchapter LXXI Service of Notices

10.10.711 Generally.

The Health Officer shall properly serve a notice provided for in this chapter by:

- A. Delivering it to the food-service establishment owner;
- B. Delivering it to the person in charge of the food-service establishment; or

- C. Sending it by registered or certified mail, return receipt requested, to the last known address of the food-service establishment owner.
(Ord. 117001 § 1(part), 1993.)

10.10.712 Filing.

The Health Officer shall file a copy of the notice in the records of the Health Officer.
(Ord. 117001 § 1(part), 1993.)

Subchapter LXXII Hearings

10.10.721 Hearings.

The hearings provided for in this chapter shall be:

- A. Conducted by the Health Officer; and
- B. Conducted at a time and place designated by the Health Officer.
(Ord. 117001 § 1(part), 1993.)

10.10.722 Findings.

The Health Officer shall:

- A. Make a final finding based upon the complete hearing record;
- B. Sustain, modify, or rescind any notice or order considered in the hearing; and
- C. Furnish a written report of the hearing decision to the food-service establishment owner.
(Ord. 117001 § 1(part), 1993.)

Subchapter LXXIII Variance Clause

10.10.731 Generally.

The Health Officer, upon written petition of the food-service establishment owner, accompanied by the applicable fee set forth in Section 10.03.110 of the Seattle Municipal Code may, but is not required to, grant a variance to any section of this chapter covering physical facilities, equipment standards, and food source requirements when:

- A. No health hazard would exist as a result of this action;

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B. The variance is consistent with the intent of this chapter; and

C. The Health Officer has stated in writing under what conditions and limitations the variance is granted.
(Ord. 117001 § 1(part), 1993.)

Chapter 10.12

WATER RECREATION FACILITY CODE

Sections:

10.12.010 Short title.

10.12.020 Purpose; interpretation.

10.12.030 Obligations; liabilities.

10.12.040 Administration.

10.12.050 Application.

10.12.060 State regulations; definitions.

10.12.070 Construction permit.

10.12.080 Operating permit.

10.12.090 Permit fees.

10.12.100 Special services and charges.

10.12.110 Supplemental provisions.

10.12.120 Offenses before code.

10.12.130 Park wading pools.

Severability: The provisions of this chapter are separate and severable. The invalidity of any sentence, paragraph or section of this chapter or the invalidity of its application to any person or circumstance shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances. The invalidity of any portion of the Washington Administrative Code Chapter 246-260 shall not void the adoption by reference of the remainder of the chapter; if a later amendment of Chapter 246-260 of the Washington Administrative Code is declared invalid, then the remainder of the amendment shall continue in force to the extent that the remainder furthers the purposes declared in Section 10.12.020.
(Ord. 117092 § 3, 1994.)

10.12.010 Short title.

This ordinance may be cited as the "Seattle Water Recreation Facility Code."
(Ord. 117092 § 1(part), 1994.)

10.12.020 Purpose; interpretation.

This Code exercises the City's police power to protect and preserve the public peace, health, safety, and welfare and carries out RCW Chapter 70.90 and the implementing rules and regulations of the Washington State Board of Health. It shall be liberally interpreted to carry out its purpose and to accord with State rules and regulations.
(Ord. 117092 § 1(part), 1994.)

10.12.030 Obligations; liabilities.

All actions of the Director and the City are exercises of the police power as contemplated by RCW 70.90.180. The purpose and policy declared in SMC 10.12.020 applies.
(Ord. 117092 § 1(part), 1994.)

10.12.040 Administration.

The Director shall administer and enforce this Code and for such purposes may contract with the State Board of Health as contemplated by WAC 246-260-020 to reduce overlapping or duplication of services; may exercise the enforcement powers as contemplated by WAC 246-260-250 to the extent consistent with this chapter; promulgate implementing rules and regulations under the City's Administrative Code, SMC Chapter 3.02; enter premises as authorized by SMC Sections 10.01.280 through 10.01.290; and deny, suspend, revoke, and/or reinstate permits as authorized by SMC Chapter 10.01 and/or WAC 246-260-250.
(Ord. 117092 § 1(part), 1994.)

10.12.050 Application.

This Code applies to all water recreation facilities regardless of whether ownership is public or private and regardless of whether the intended use is commercial or private, except that this chapter shall not apply to:

- A. Any water recreation facility for the sole use of residents and invited guests at a single-family dwelling;
 - B. Therapeutic water facilities operated exclusively for physical therapy; and
 - C. Steam baths and saunas.
- (Ord. 117092 § 1(part), 1994.)

10.12.060 State regulations; definitions.

This Code hereby adopts by reference the definitions of RCW 70.90.110 and the rules and regulations of the Washington State Board of Health, Washington Administrative Code Chapter 246-260 (Safety, Sanitation and Water Quality of Water Recreation Facilities) promulgated in the Washington State Register 90-07-010 and amendments made thereafter from time to time. A copy of RCW Chapter 70.90 and WAC Chapter 246-260 is contained in this ordinance file.

The definitions in RCW 70.90.110 and WAC 246-260-010 apply. The "local health officer" identified in RCW 70.90.110(3) and WAC 246-260-010(28) is the Director of Public Health

of the Seattle-King County Health Department or a duly authorized representative.
(Ord. 117092 § 1(part), 1994.)

10.12.070 Construction permit.

A. No person shall construct or make any modification to any water recreation facility without first obtaining a permit from the Director therefor.

B. In order to secure a permit, the owner, operator or a contractor, engineer or architect on their behalf, shall file an application with the Director, accompanied by the information contemplated by SMC Section 10.01.090, WAC 246-260-030, and any Director's rule, and the permit fee. The Director shall review the plans for the water recreation facility. The Director may approve, reject or request more needed information, or require modifications or impose conditions consistent with this chapter. All construction shall be in full compliance with State law and implementing Rules, and with this Code. The Director should make a decision within thirty (30) days of a complete submittal.

C. The owner or operator may elect to continue to use a water recreation facility which:

- 1. Existed on July 27, 1987, maintains a "grandfather privilege" under RCW 70.90.160, and complies with statutory and ordinance requirements in effect when constructed, or
- 2. Was constructed between July 27, 1987, and April 12, 1990, and complies with SMC Chapter 22.906, RCW 70.90, and WAC Chapter 246-260 as then existing, although the facility is not in full compliance with current design, construction and equipment requirements, as long as the facility is operated in continuous compliance with the lifesaving requirements in WAC 246-260-050(2), and the water quality and sanitation requirements of this Code, and satisfies the barrier requirements of WAC 246-260-050(3), or is the subject of an administrative authorization or dispensation. Any modification involving construction or installation of new equipment shall comply with this Code.
(Ord. 117092 § 1(part), 1994.)

10.12.080 Operating permit.

It is unlawful for any person to open for use

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or allow or cause to be used any water recreation facility without first securing and thereafter maintaining a current, valid operating permit from the Director. To obtain an operating permit, an applicant shall apply to the Director and supply the information required by WAC 246-260-040. An operating permit shall be valid for the facility for which issued, for no more than one (1) year, subject to annual renewal, and transferable only with the written approval of the director. Operating permits shall expire on May 31st of each year. Operations shall comply with state law and implementing rules and this Code. (Ord. 117092 § 1(part), 1994.)

10.12.090 Permit fees.

Every applicant shall pay a fee for each permit at the time issued measured by the applicable rate in this schedule:

- A. Construction permit:
 - New water recreation facility One Hundred Fifty Dollars (\$150.00)
 - Renovation (including extensive changes in equipment, piping or pool structure at an estimated cost over (\$3,000.00) Seventy-five Dollars (\$75.00)
 - Alteration (including change of filtration equipment, pumps or other mechanical equipment) Twenty-five Dollars (\$25.00)

The fee shall be doubled whenever work subject to a permit is begun without the permit, except for emergency work begun when a permit could not reasonably be obtained in advance and a permit is obtained promptly thereafter.

- B. Operating permits (annual rates):
 - Water recreation facility Three Hundred Dollars (\$300.00)
 - Additional such facilities at same location operated by same person One Hundred Fifty Dollars (\$150.00)

The fee for the initial permit to operate a new pool shall be one-half (1/2) the annual fee if such permit is obtained after November 30th.

- C. Transfer fee:
 - Transferring permit from Dollars (\$25.00)

10.12.100 Special services and charges.

On request, the Director may provide services and materials that are not ordinarily provided under permit or pursuant to statute, such as:

- A. Additional examinations or inspections of water recreation facilities;
- B. Special tests or sampling of water quality; and
- C. Examination, testing or inspection of particular products, materials, construction, equipment or appliances to determine their compliance with this Code or their acceptability for use.

The Director is authorized to charge such fees as necessary to cover the cost of furnishing these supplemental services and materials. (Ord. 117092 § 1(part), 1994.)

10.12.110 Supplemental provisions.

A. The hydrotherapy pump and air blower for a spa pool shall be connected to a time switch with a maximum fifteen (15) minute time limit unless a variance is granted. The switch shall be at least ten (10) feet from the spa water's edge.

B. A swimming pool constructed prior to the effective date of this Code will permit diving only if it conforms to requirements A-1 through A-6 established by the American Public Health Association for diving areas as shown in Appendix A.¹

(Ord. 117092 § 1(part), 1994.)

¹.Editor's Note: Appendix A is on file with Ordinance 117092 in the City Clerk's office.

10.12.120 Offenses before code.

This Code does not apply to any offense committed prior to its effective date, a defense to a prosecution for such an offense, or the punishment that may be imposed for such an offense. An offense committed prior to its effective date is governed by law in effect at that time as if the ordinance codified in this chapter had not been

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enacted. The replacement of Seattle Municipal Code Chapter 22.906 (Ordinance 98755) and its repeal shall not affect any prosecutions that are then pending.
(Ord. 117092 § 1(part), 1994.)

10.12.130Park wading pools.

It is the intent and the understanding of the City in adopting the State rules and regulations that existing park wading pools will continue in use without installing the barriers contemplated by WAC 246-260-050(3) and WAC 246-260-130(4) through the administrative authorizations of the rules, e.g., the granting of a variance or finding of substantial equivalence in the use of trained attendants at wading pools during their daylight hours of operation, daily draining, and regular monitoring of water quality or through a modification of the rules pursuant to legislative review under RCW 34.05.610 through RCW 34.05.660.
(Ord. 117092 § 1(part), 1994.)

**Chapter 10.13
MEAT, RABBIT, POULTRY AND
AQUATIC FOODS CODE**

Sections:

Subchapter I Title, Purpose and Definitions

- 10.13.010Title.
- 10.13.020Purpose and policy declared.
- 10.13.030Definitions "A" and "B."
- 10.13.040Definitions "C" and "D."
- 10.13.050Definitions "E" through "J."
- 10.13.060Definitions "K" through "O."
- 10.13.070Definitions "P" through "Z."

Subchapter II Permits

- 10.13.100Permits required.
- 10.13.110Exemptions from permit requirements.
- 10.13.120Application for and issuance of permits.
- 10.13.140Transfer of permits between MPRAF establishments.
- 10.13.150Suspension and revocation of permits.
- 10.13.160Operations and activity authorized by permit.

Subchapter III Consumer Protection and Quality Standards

- 10.13.200Invoices required from MPRAF dispensers operating without permit pursuant to RCW 36.71.090.
- 10.13.210Consumer protection through advertisements and displays.
- 10.13.220Consumer protection through labeling and packaging.
- 10.13.230Dispensing of certain ungraded meat prohibited.
- 10.13.240Quality standards for ground meat and poultry, and ground meat and poultry products.
- 10.13.250Preparation of rabbits.
- 10.13.260Processing, dispensing, and storage of aquatic foods.

Subchapter IV Sanitation Standards

- 10.13.400Sanitation standards for personnel of MPRAF establishments.
- 10.13.410Food and beverage service worker's permit required.
- 10.13.420Sanitation standards regarding the operations of MPRAF establishments.
- 10.13.430Construction and maintenance sanitation standards for MPRAF establishments.

Subchapter V Unlawful Activities

- 10.13.500Unlawful possession or dispensing of MPRAF.

10.12.130

HEALTH AND SAFETY

Seattle Municipal Code

April, 2001 code update file

Text provided for historic reference only.

See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

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**For current SMC, contact
the Office of the City Clerk**

10-58.14

- 10.13.510 Commercial dispensing of MPRAF from other than permitted shops prohibited.
- 10.13.520 MPRAF peddling prohibited.
- 10.13.530 Unlawful use, or alteration, of permits, marks, numbers or other insignia.

Subchapter VI Examinations and Inspections

- 10.13.600 Examination and inspection of plans, records, facilities and equipment of MPRAF establishments.
- 10.13.610 Examination and inspection of MPRAF and MPRAF food products.
- 10.13.620 Special inspection services.
- 10.13.630 Removal of orders, tags, marks, MPRAF, and MPRAF food products.

Subchapter VII Enforcement

- 10.13.700 Enforcement—Regulations.
- 10.13.710 Appeal of inspector's or director's order or decision.
- 10.13.720 Penalty.

Subchapter VIII Advisory Committees and Implementing Personnel

- 10.13.800 Advisory committees.
- 10.13.810 Implementing personnel.

Subchapter I Title, Purpose and Definitions

10.13.010 Title.

This chapter may be cited as the “Meat, Rabbit, Poultry, and Aquatic Foods Code.” (Ord. 110052 § 1(part), 1981.)

10.13.020 Purpose and policy declared.

A. This chapter is enacted as an exercise of the police power of the City to protect and preserve the public peace, health, safety and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

B. It is expressly the purpose of this chapter to provide for and promote the health, safety, and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

C. It is the specific intent of this chapter to place the obligation to comply with its requirements upon the person who engages in operations or activities within its scope, and no provision of or term used in this chapter is intended to impose

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any duty whatsoever upon the City or any of its officers or employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

D. Nothing contained in this chapter is intended to be or shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of the person who engages in operations or activities subject to the provisions of, or regulated by, this chapter to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City by its officers, employees or agents.

(Ord. 110052 § 1(part), 1981.)

10.13.030 Definitions “A” and “B.”

For the purposes of this chapter, unless the context clearly indicates a different meaning:

A. “Adulterated” means:

1. Containing or bearing any toxic, deleterious or unwholesome substance of any kind in a quantity that may render MPRAF injurious to health;

2. Bearing or containing any added poisonous or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established;

3. Bearing or containing material such as, but not limited to, added water, farinaceous material, excess fat, preservative, or any other substance not authorized to be contained in a specific MPRAF food product;

4. Consisting in whole or in part of any substance otherwise unfit for human consumption;

5. Prepared, processed, or held under an insanitary condition, such that contamination may have occurred or such that the MPRAF may have been rendered injurious to health;

6. Being in whole or in part the product of a diseased animal or aquatic fauna, or an animal that has died or has been killed for any reason other than food production;

7. Contained in a container composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health; or

8. Containing or bearing breeding, sauce, or any similar coating material within an MPRAF food product rather than just on the outer surfaces thereof, or in a quantity in excess of thirty percent (30%) of the weight of the meat or meat product, alone.

B. “Approved” means acceptable to the Director based on his/her determination regarding conformance with appropriate health standards and good public health practice.

C. “Aquatic food” means and includes the edible parts of shellfish, crustacea, mollusks, and fish.

(Ord. 110052 § 1(part), 1981.)

10.13.040 Definitions “C” and “D.”

For the purpose of this chapter, unless the context clearly indicates a different meaning:

A. “City” means The City of Seattle.

B. “Commercially” means as a part of commerce; for the purpose of or related to trade or business; related to the operations or activities undertaken by an MPRAF establishment or by any individual or entity, that make such individual or entity subject to the permit requirements of this chapter, including the undertaking of demonstrations, exhibitions, and the providing of samples.

C. “Consumer” means any person obtaining MPRAF for consumption either by him/herself; his/her family and guests; and where such person operates a licensed food-service establishment, for consumption by such person's patrons and customers.

D. “Crustacea” means and includes crabs, shrimps, lobsters, and crayfish.

E. “Cured” means having been treated against deterioration and decomposition, and/or flavored, by cooking, smoking, salting, drying, or any recognized trade process for curing.

F. “Cured sausage” means all MPRAF food products prepared, in whole or in part, from chopped or ground MPRAF molded or encased in artificial or natural animal casing, and cured.

G. “Department” means the Seattle-King County Department of Public Health.

H. “Director” means the Director of the Department or his/her designated representative.

I. “Dispense” means to sell, to give away as a part of a demonstration or other commercial activity, to barter, to trade, or to otherwise merchandise; to offer to do any of the preceding activity; or to sponsor an advertisement to dis-

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pense, but does not mean to dispose of as garbage, swill or other waste product. (Ord. 113289 §§ 1, 2, 1987; Ord. 110052 § 1(part), 1981.)

10.13.050 Definitions “E” through “J.”

For the purposes of this chapter, unless the context clearly indicates a different meaning:

A. “Equipment” means all stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, saws, knives, and similar items used in the operation of any MPRAF establishment.

B. “Fish” means any edible aquatic fauna including but not limited to eels and fish, but excluding crustacea, shellfish and mollusks.

C. “Food and beverage establishment service worker’s permit” means a permit issued pursuant to Chapter 69.06 of the Revised Code of Washington.

D. “Fresh” means not having been processed; it does not include having been thawed after having been frozen.

E. “Frozen” means congealed by a reduction in temperature.

F. “Inspected” means examined and passed or approved, and stamped or tagged by an inspector.

G. “Inspector” means any Department employee detailed to such position or function, and any person authorized to do MPRAF inspection by a governmental MPRAF inspecting and regulatory authority of the United States or the State of Washington.

(Ord. 110052 § 1(part), 1981.)

10.13.060 Definitions “K” through “O.”

For the purposes of this chapter, unless the context clearly indicates a different meaning:

A. “Law” includes Federal and State statutes, the City Charter and ordinances, and rules and regulations of any federal, state, or city administrative body.

B. “Meat” means all animal flesh, carcasses, and any part thereof that is intended for human consumption, including but not limited to fresh, frozen, and processed meat, but excluding poultry, aquatic food, rabbit, and game.

C. “Misbranded” means having any written, printed, or other graphic matter that is false or misleading in any particular stated on or accompanying any MPRAF, MPRAF food product, or its container. “Misbranded” also means having any word, statement, or other information that is required by this chapter to appear prominently on the label or labeling of any MPRAF or MPRAF food product, placed thereon with such inconspicuousness, as compared with other labeling, or in such terms, as to render it not likely to be seen and understood by the reasonable consumer under ordinary conditions of purchase and use.

D. “Mollusks” means and includes squid, octopus, snail, and other forms of mollusks.

E. “MPRAF” means meat, poultry, rabbit, or aquatic food.

F. “MPRAF establishment” means any retail MPRAF shop, retail processed MPRAF shop, wholesale MPRAF shop, or MPRAF warehouse.

G. “MPRAF warehouse” means all premises used for the storage of MPRAF and not otherwise requiring a permit under this chapter. (Ord. 110052 § 1(part), 1981.)

10.13.070 Definitions “P” through “Z.”

For the purposes of this chapter, unless the context clearly indicates a different meaning:

A. “Permitted” means having been issued a valid and current permit by the Department.

B. “Person” means and includes individuals of either sex, associations, partnerships, corporations, and other juridical entities.

C. “Person in charge” means the individual present in an MPRAF establishment who is the apparent supervisor of the MPRAF establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

D. “Poultry” means chickens, ducks, geese, turkeys, squabs, pheasants, guinea hens, chukars, and other feathered fowl, domestic or wild, including but not limited to fresh, processed and

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frozen fowl, and parts thereof, that have been inspected and are intended for human consumption.

E. "Prepackaged" means MPRAF that has not been cut or wrapped to a consumer's order, and is dispensed without additional covering or wrapping to prevent contamination.

F. "Prepare" means to slaughter, kill, eviscerate, dress-out, clean, cut, divide, or grind.

G. "Process" means to can, cure, or preserve, or cook at any temperature, or to make sausage and other MPRAF food products.

H. "Rabbit" means all members of the hare family, excluding wild rabbit, that are intended for human consumption.

I. "Sausage" means chopped or ground meat, rabbit, or poultry, with or without spice, either in bulk or in casings.

J. "Shellfish" means and includes oysters, clams, scallops and mussels.

K. "Wild rabbit" means rabbit not bred and raised in captivity, or not domesticated, and not raised and held in restraint in hutches or like enclosures.

(Ord. 110052 § 1(part), 1981.)

Subchapter II Permits

10.13.100 Permits required.

A. General Requirements. No person shall operate or hold itself out as, work or be employed as, or engage in or carry on the business or work of, an MPRAF establishment, a wholesale MPRAF dealer, a meat cutter, an apprentice meat cutter, or an MPRAF wrapper salesperson, in the City without having a valid, appropriate permit therefor from the City, except a person exempt from the permit requirements of this chapter pursuant to Section 10.13.110 hereof.

B. Preparer's Permits. No person except a person exempt from the permit requirements of this chapter shall prepare or process outside of the City but within the state of Washington, poultry, rabbit or aquatic food for dispensing in the City unless such person has been issued a valid preparer's permit.

C. MPRAF Establishment Permits. A separate permit is required for each MPRAF establishment having a separate business address or location. Every MPRAF establishment permit shall be displayed in a conspicuous location visible to the public within the permitted establishment. (Ord. 115139 § 1, 1990; Ord. 110052 § 1(part), 1981.)

10.13.110 Exemptions from permit requirements.

A. Reciprocal Exemption. For so long as King County provides reciprocal exemptions from its permit or license requirements to persons issued permits pursuant to this chapter, no person who has been issued a valid or current license or permit by King County pursuant to an ordinance, resolution, or rule substantially similar, in scope, intent and effect, to this chapter, shall be required to secure a City permit to engage within the City, in any activity that is regulated by this chapter.

B. Federally Inspected Wholesale MPRAF Shops. No City permit shall be required under this chapter of any person who operates, engages in the business of, or is employed in, a federally inspected wholesale MPRAF shop that does not engage in retail sales.

C. Shops Dispensing Only Room-temperature Items. No City permit shall be required under this chapter of any establishment that limits its dispensing of MPRAF and MPRAF food products to only cured MPRAF and MPRAF food products not requiring refrigeration.

D. Statutorily Exempt Activity. No farmer or other person shall be required to obtain a City permit under this chapter to dispense within the City pursuant to RCW 36.71.090, on any day other than Sunday, MPRAF that such person has raised, caught, produced, or manufactured (prepared or processed) in the State of Washington. (Ord. 110052 § 1(part), 1981.)

10.13.120 Application for and issuance of permits.

A. General Application Requirements. Every application for a meat cutter's, apprentice meat cutter's, MPRAF wrapper salesperson's, wholesale MPRAF dealer's, preparer's permit, or MPRAF establishment permit shall be submitted to the Director upon an application form provided by the Department.

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B. Standard Application Disclosures and Submittals. Each permit application shall include the applicant's full name and address; an identification of the applicant as an individual, firm, corporation, or partnership, and if a partnership, the names and addresses of all general partners. If the application is for an MPRAF establishment permit, or preparer's permit, the application shall also disclose the location, by street and number, of the premises to be occupied or the premises from which applicant wishes to operate, an indication of whether the applicant desires a preparer's permit or an MPRAF establishment permit, and the type of MPRAF establishment to be operated (if applicable). Applications shall be accompanied by the appropriate permit fee or, if applicable, the agreement specified in subsection C of Section 10.13.120 of this chapter.

C. Additional Submittal From Wholesale MPRAF Shop or Preparer Outside of City. Every application from an existing or proposed wholesale MPRAF shop or a preparer, located outside of the City, shall be accompanied by the applicant's signed, written agreement as follows:

1. To comply with the provisions of this chapter and all rules and regulations made pursuant thereto and with any other ordinance of the City relating to or affecting wholesale MPRAF shops or MPRAF preparers, processors, or dispensers;

2. To allow such inspection of the applicant's premises as the Director may require; and

3. To pay to the City, upon presentation of an invoice therefor, the cost of transportation required for such inspection at the rate specified in subsection B of Section 10.03.013.

D. Additional Submittal From Applicants For Occupational Permits. Every applicant for an apprentice meat cutter's permit shall submit evidence, to the satisfaction of the Director, of enrollment in the Seattle-King County Meat Cutter's Apprenticeship program approved by the Joint Apprenticeship Committee.

E. Grant or Denial of MPRAF Establishment Permit Dependent on Inspection. The Director shall inspect the premises described on every MPRAF Establishment Permit application, and the equipment to be used in the proposed operation, to determine compliance with

the provisions of the ordinance codified in this chapter. If such inspection reveals that the applicable requirements of this chapter have been met, the Director shall issue a permit; otherwise, it shall be denied.

F. Granting of Meat Cutter's or MPRAF Wrapper Salesperson's Permit Dependent on Examination Passage. Each applicant for a meat cutter's permit or an MPRAF wrapper salesperson's examination shall test the applicant's knowledge of requirements and good practices regarding the refrigeration, sanitation, and care of MPRAF. The meat cutter's examination shall be similar to the MPRAF wrapper salesperson's examination, and shall additionally test the applicant's competency in the cutting and handling of meat; and his/her ability, by the senses, to recognize in meat decomposition and other taints and conditions deleterious to health. Each applicant for a meat cutter's permit shall pay to the Director the nonrefundable examination fee of Fifteen Dollars (\$15.00) prior to taking the examination. If the applicant passes the examination, the Director shall issue the appropriate permit; otherwise, it shall be denied.

Individuals possessing an MPRAF permit or MPRAF salesman permit expiring on June 30, 1990, must successfully pass the MPRAF wrapper salesperson examination in order to obtain an MPRAF wrapper salesperson permit. Renewals issued at this time may, at the option of the applicant, have the same expiration date as the applicant's current food and beverage service workers' permit if the applicant produces a valid food and beverage service workers' permit at the time of application and examination. For all new MPRAF wrapper salespersons, for MPRAF wrapper sales persons who do not have a current permit or have lost their permit, or for MPRAF wrapper salespersons whose permit has been expired for more than thirty (30) days, the MPRAF wrapper salesperson's permit shall expire two (2) years from date of issue. Applicants renewing after June 30, 1992, are eligible for a five (5) year permit provided they show either a current MPRAF wrapper salesperson's permit that has not been expired longer than thirty (30) days. The fee for an MPRAF wrapper salesperson's permit shall be Eight Dollars (\$8.00).

G. Issuance of Other Permits. The Director shall issue other permits authorized under this chapter upon the applicant's proper completion

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and filing of the application, the submission of satisfactory evidence of compliance with other requirements herein, and the payment of the fee for such permit.

(Ord. 116434 § 1, 1992; Ord. 115139 § 2, 1990; Ord. 110881 § 2, 1982; Ord. 110052 § 1(part), 1981.)

10.13.140 Transfer of permits between MPRAF establishments.

Permits issued pursuant to this chapter shall not be transferable or assignable, except that:

A. An MPRAF establishment permit may be transferred from one such establishment to another whenever the Director has inspected and approved the premises to which the permit is to be transferred and the permittee has paid to the Department a transfer fee equal to ten percent (10%) of the full fee chargeable for the type of MPRAF establishment involved; and

B. Upon application from a wholesale MPRAF dealer, the Director shall substitute on said dealer's permit, the name of a wholesale MPRAF shop or MPRAF warehouse different from the name originally designated on such permit.(Ord. 110052 § 1(part), 1981.)

10.13.150 Suspension and revocation of permits.

A. Hearing Required to Revoke Permit. No permit issued pursuant to the provisions of this chapter may be revoked except after a hearing before the Director, at which time the holder of such permit shall have the right to be heard, to be represented by counsel, and to introduce evidence in his/her/its behalf. At least ten (10) days before such hearing the Director shall cause to be mailed or delivered to the permit holder at his/her/its last known address, a notice stating the time and place of such hearing, together with a summary of the reasons assigned for such proposed revocation.

B. Conditions Permitting Permit Suspension Prior to Revocation Hearing. Whenever the reasons assigned for the revocation of the permit include a charge or statement, based upon reasonable grounds for belief, that the premises described in the permit or the fixtures or equipment used therein, have become or are insanitary; or that the permit holder has been convicted of a crime or violation involving fraud or dishonesty in the dispensing of MPRAF or MPRAF food products; or that the permit holder has employed

for more than thirty (30) consecutive days any meat cutter, apprentice meat cutter, MPRAF wrapper salesperson, wholesale MPRAF dealer, or other person whose duties include handling unwrapped or unpacked MPRAF or an MPRAF food product, who has failed to file his/her employer a valid food and beverage service worker's permit; or that the permit holder has otherwise failed to comply with the requirements of this chapter or any other ordinance of the City relating to the preparing, processing, or dispensing of MPRAF or MPRAF food products, or to health and sanitation, or any rule or regulation made pursuant thereto, the Director may immediately suspend the authority granted by the permit involved pending a hearing on the revocation thereof. When any permit has been so suspended, such hearing shall be had not more than ten (10) days after the date of suspension.

C. Director's Action Following Hearing. If, following the hearing, the Director finds that one (1) or more of the reasons assigned for the proposed revocation exists, he/she shall forthwith revoke and take up the permit; otherwise, he/she shall immediately reinstate the permit and return the same to the permittee. Such findings and decision of the Director shall be final, subject only to review by the courts.

(Ord. 115139 § 3, 1990; Ord. 110052 § 1(part), 1981.)

10.13.160 Operations and activity authorized by permit.

A. MPRAF Warehouse Permit. A person issued an MPRAF warehouse permit is authorized only to store MPRAF and MPRAF food products upon the premises described on such permit.

B. Wholesale MPRAF Dealer's Permit. A person issued a wholesale MPRAF dealer's permit is authorized only to operate or engage in business in and from a permitted wholesale MPRAF shop or MPRAF warehouse, to obtain MPRAF from any permitted wholesale MPRAF shop or person exempt from the permit requirements of this chapter pursuant to subsection D of Section 10.13.110, hereof, and to dispense MPRAF and MPRAF food products to any person other than a consumer.

C. Wholesale MPRAF Shop Permit. A person issued a wholesale MPRAF shop permit is authorized only to prepare, process, and dispense MPRAF in any form from the premises described

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on such permit, to any person, including but not limited to any consumer, retail processed MPRAF shop, or retail MPRAF shop.

D. Retail Processed MPRAF Shop Permit. A person issued a retail processed MPRAF shop permit is authorized only to dispense upon the premises described on such permit, to consumers, processed and/or frozen MPRAF and MPRAF food products, all of which have been obtained from a permitted MPRAF dealer, or person exempt from the permit requirements of this chapter pursuant to subsection D of Section 10.13.110 hereof.

E. Retail MPRAF Shop Permit. A person issued a retail MPRAF shop permit is authorized only to prepare, process, and dispense to consumers, from the premises described on such permit, MPRAF food products and fresh, processed, and/or frozen MPRAF, all of which has been obtained from a permitted wholesale MPRAF shop, permitted wholesale MPRAF dealer, or person exempt from the permit requirements of this chapter pursuant to subsection D of Section 10.13.110 hereof.

F. MPRAF Wrapper Salesperson's Permit. A person issued an MPRAF wrapper salesperson's permit is authorized to handle, weigh, label, wrap, display, package and dispense fresh and processed MPRAF and MPRAF food products in a permitted wholesale or retail MPRAF shop; to prepare and dispense any fresh aquatic food therefrom to any consumer; and to dispense processed or frozen MPRAF and MPRAF food products therefrom to any consumer; and in a retail processed MPRAF shop, to slice, package and dispense processed MPRAF and MPRAF food products and to dispense processed and frozen MPRAF and MPRAF food products.

G. Meat Cutter's Permit. A person issued a meat cutter's permit is authorized only to engage in all activity in which a permitted MPRAF salesperson may engage, and to prepare and/or process MPRAF and MPRAF food products in and from a permitted MPRAF establishment.

H. Apprentice Meat Cutter's Permit. A person issued an apprentice meat cutter's permit is authorized to engage in all activity in which a

permitted meat cutter may engage, but only while under the immediate direction and supervision of a permitted meat cutter

I. Preparer's Permit. A person issued a preparer's permit is authorized to prepare and process poultry, rabbit, aquatic foods within the City, and to dispense the same but only to permitted wholesale MPRAF shops.

(Ord. 115139 §§ 4, 5, 1990; Ord. 110052 § 1(part), 1981.)

Subchapter III Consumer Protection and Quality Standards

10.13.200 Invoices required from MPRAF dispensers operating without permit pursuant to RCW 36.71.090.

Every person who dispenses, within the City, MPRAF or any MPRAF food product without a permit, pursuant to RCW 36.71.090 and subsection D of Section 10.13.110, hereof, shall issue to every consumer, food-service establishment, and

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Seattle Municipal Code

April, 2001 code update file

Text provided for historic reference only.

See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

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Seattle Municipal Code
April, 2001 code update
Text provided for historical accuracy of

See ordinances creating new sections for complete and tables and to confirm accuracy of this source file.

MPRAF establishment receiving any MPRAF or MPRAF food product from or through such person, a sales invoice containing the following information: the name and business address of the dispenser, the date of the dispensing, the name of the person to whom or the entity to which such MPRAF or MPRAF food product was dispensed, and the quantity and cut (if any) of each species of MPRAF or MPRAF food product dispensed. A copy of each such invoice shall be retained by such person for not less than three (3) years following the date of such invoice and shall be made available to the Director for inspection upon his/her request therefor.
(Ord. 110052 § 1(part), 1981.)

10.13.210 Consumer protection through advertisements and displays.

A. Deceptive or Misleading Advertisements or Displays. No person shall purchase or otherwise sponsor any advertisement or display that contains any assertion, representation, picture, or statement relating to any MPRAF or MPRAF food product or the dispensing of the same, that is untrue, deceptive, or misleading. Every advertisement and display of veal, calf, beef, lamb, and mutton, and any cut thereof must clearly indicate the true and correct grade of the meat advertised or displayed in the event such meat has been graded.

B. Designation of Cuts in Advertisements and Displays. No person shall advertise or display for dispensing any cut of veal, calf, beef, buffalo, pork, lamb, mutton, horse, goat, poultry, or rabbit unless the advertisement or display clearly indicates the commonly accepted trade name of such cut, as approved by the Director. No person shall advertise or display any meat roast or use the word "roast" in any advertisement or display of meat without clearly and correctly designating the roast so advertised or displayed as a "neck cut," a "blade cut," an "arm cut," a "rump cut" or other truthful designation.

C. Identification as "Imitation" or Having Added Water in Advertisements and Displays. No person shall advertise or display for dispensing any MPRAF or MPRAF food product that has been labeled, branded or otherwise marked as "imitation" or "water added" by a manufacturer or producer unless the advertisement or display clearly states that the same is "imitation" or "water added."

D. Advertisements, Displays and Dispensing of Pork. No person shall advertise, display, or dispense any pork loin, shoulder, belly, leg, or spare rib, or any portion or part thereof, without indicating on such advertisement, display, or meat

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portion or part the average weight of the whole portion from which such meat has been cut.

E. Use of Artificial Lighting. No person shall use any artificial light(s) so as to mislead any consumer concerning the natural appearance of any MPRAF or MPRAF food product displayed for dispensing in an MPRAF establishment.

F. Advertisement or Representation of Frozen or Once-frozen MPRAF. No person shall advertise or represent MPRAF that is or has been frozen without clearly indicating in the advertisement or representation that such MPRAF is or has been frozen.

G. MPRAF Grade Signing in Retail MPRAF Shops. In a retail MPRAF shop in which the majority of MPRAF dispensed consists of MPRAF cut and wrapped in the consumer's presence, the grade (if any) of all meat to be dispensed shall be designated by signs using plain letters not less than one-half inch (1/2") high, against a contrasting background.

H. Advertisement of Ground Beef. No person shall purchase or sponsor an advertisement for ground beef without clearly identifying, in such advertisement the classification of the ground beef so advertised. The classifications to be used for this purpose shall be those set forth in Section 10.13.240 of this chapter, pertaining to the maximum fat content of particular classifications of ground beef.

(Ord. 111634 § 1, 1984; Ord. 110052 § 1(part), 1981.)

10.13.220 Consumer protection through labeling and packaging.

A. Authorized Preparers. Each piece of fresh MPRAF cut or otherwise prepared on the premises of an MPRAF establishment must have been prepared only by a permitted apprentice meat cutter or meat cutter.

B. Permissible Wrapping Material for MPRAF. All material used to wrap or otherwise cover or enclose MPRAF or MPRAF food products for display and dispensing as prepackaged MPRAF, or at the time of dispensing of the

MPRAF or MPRAF food product, shall be sanitary, and sufficiently strong to keep the MPRAF or MPRAF food product free from contamination until unwrapped by the consumer. No person shall wrap any MPRAF or MPRAF food product in a material that the Director has disapproved on the grounds of health endangerment or for other good cause.

C. Labeling Required Prior to Dispensing. No person shall dispense any MPRAF or MPRAF food product unless the same is labeled to plainly designate the kind(s) of MPRAF used therein. Where more than one ingredient is used, each ingredient shall be listed on the label in the order of its predominance, by volume, in the MPRAF or MPRAF food product.

D. Disapproved Labels Prohibited. No person shall apply or affix to, enclose with, or otherwise use in connection with any MPRAF or MPRAF food product, any label or labeling that has been disapproved by the Director. The Director shall disapprove any label, brand, or tag for MPRAF or any MPRAF food product the use of which would result in misbranding.

E. Required Text for Labeling of MPRAF and MPRAF Food Products. No person shall dispense any package or receptacle containing MPRAF or any MPRAF food product unless such package or container is labeled by printing, embossing, lithographing, or other graphic means, marking, stickers, seals, wrappers, or container designs to show clearly, legibly, prominently, and informatively, the following information:

1. The true name of the product and the date (day and month) when packaged, or where applicable, the date (day, month, and year) when frozen;

2. The type or condition of contents (whether sliced, cut-up, etc.). If more than one (1) ingredient is contained in the package, the label shall include the word "ingredients," followed by the information required by Section 10.13.220 C of this chapter;

3. For prepackaged, frozen MPRAF, the number, or name and business address, of the retail or retail processed MPRAF shop from which such MPRAF is to be dispensed, and if different, the number, or name and business address, of the processor or the distributor of such MPRAF;

4. For prepackaged, fresh MPRAF, the number, or name and business address, of the

retail MPRAF shop from which such MPRAF is to be dispensed, and, if different, the number, or name and business address, of the MPRAF establishment in which the MPRAF was prepared;

5. Net weight and price per pound (except on unit weight items), total price of package, and grade of contents; provided, that the grade may be deleted if the meat is ground, chopped, cubed or sliced less than one-eighth inch ($1/8$ "") thick, or if the product contains no meat subject to grading requirements;

6. The federal or state inspection legend and the number of the establishment, or approved City inspection legend or identification, if any.

Notwithstanding any other provision of this section, prepackaged meat that has been labeled in an establishment under regular inspection by the U.S. Department of Agriculture, and imported prepackaged meat that has been labeled at a site outside of the United States of America, may be dispensed as labeled at the site of labeling.

F. Frozen MPRAF and MPRAF Food Products. No person shall dispense any previously frozen MPRAF or MPRAF food product that does not have attached thereto a label, sticker, wrapper, or other informative mark indicating that such food product has been frozen; provided, that the dispensing of previously frozen crab, shrimp, and sausage shall be exempt from this labeling requirement. No person shall refreeze prior to dispensing the same, any MPRAF or MPRAF food product that has been frozen and then thawed, except crab, shrimp, and sausage.

G. Ham Portions. No person shall dispense any part or portion of ham less than one-half ($1/2$) of the whole ham, without plainly labeling such part or portion as "portion."

H. Ground Beef. No person shall label ground beef without clearly identifying, on such label, the classification of the ground beef so labeled. The classifications to be used for this purpose shall be those set forth in Section 10.13.220 of this chapter, pertaining to the maximum fat content of particular classifications of ground beef.

I. Pet Food. No pet food shall be displayed or otherwise made available for self-service dispensing unless such product is completely wrapped and is clearly labeled as pet food.

(Ord. 111634 § 2, 1984; Ord. 110052 § 1(part), 1981.)

10.13.230 Dispensing of certain ungraded meat prohibited.

No person shall dispense in the City any veal, calf, beef, lamb, or mutton unless such meat has been graded by the City or by the U.S. Department of Agriculture in accordance with the U.S. Department of Agriculture, Consumer and Marketing Service Livestock Division, Meat Grading Branch, Service and Regulatory Announcements, as most currently revised and amended; provided, that this requirement shall not apply to meat used in the processing of fresh or cured sausage or cured meat or to prepackaged and labeled lamb that has been imported to the United States of America. Meat grading may be done by the Department, if deemed necessary by the Director.

(Ord. 111634 § 3, 1984; Ord. 110052 § 1(part), 1981.)

10.13.240 Quality standards for ground meat and poultry, and ground meat and poultry products.

A. General Prohibition. No person shall prepare, process, or dispense in the City any adulterated fresh or cured sausage or ground meat or poultry.

B. Specific Fresh Sausage and Ground Meat and Poultry Adulterants. In addition to the adulterants specified in subsection A of Section 10.13.030 hereof, ground meat and poultry shall be deemed to be adulterated when containing or composed of any of the following:

1. Cereal, flour, grits of flour or grits of seeds from leguminous plants;
2. Any added coloring matter;
3. A greater amount of water than the meat or poultry from which it is prepared contained in its fresh condition, except that pork and link sausage may contain three percent (3%) added moisture;
4. Flavoring, antiseptics or preservatives other than salt, sugar, spice, or ingredients other than those approved by the Director; or
5. Other chemicals;

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6. Heart, liver, tongue, spleen, tripe, or other offal, fat other than the natural fat contained in the meat or poultry from which such ground meat or poultry is prepared.

C. Ground Beef Maximum Fat Requirements. Ground beef designated as follows shall be deemed to be adulterated if it contains fat in excess of the percentages specified below.

1. "Hamburger" or "ground beef thirty percent (30%) maximum fat;
2. "Lean ground beef" twenty-three percent (23%) maximum fat;
3. "Extra lean ground beef" sixteen percent (16%) maximum fat;
4. "Leanest ground beef" nine percent (9%) maximum fat.

D. Additional Pork Sausage Adulterants. In addition to the adulterants specified in Sections 10.13.030 A and 10.13.240 B of this chapter, pork sausage shall be deemed to be adulterated when containing MPRAF or MPRAF products other than pork.

(Ord. 110052 § 1 (part), 1981.)

10.13.250Preparation of rabbits.

A. Live Rabbits Prohibited in Certain Areas. Live rabbits may be introduced into a room where rabbits are slaughtered only immediately prior to the slaughter of the same; otherwise, no person shall receive, feed, or otherwise keep any live rabbit in a room where rabbit meat is prepared, processed, dispensed or stored.

B. Refrigeration of Rabbit Meat. The meat of prepared rabbits shall be reduced to thirty-six (36) degrees Fahrenheit (two (2) degrees Celsius) within two (2) hours after the rabbit's slaughter. Thereafter, until it is dispensed, such rabbit meat shall be kept refrigerated at a temperature no higher than forty (40) degrees Fahrenheit (four (4) degrees Celsius). No rabbit meat shall be kept in chilled water for more than two (2) hours. (Ord. 110052 § 1(part), 1981.)

10.13.260Processing, dispensing, and storage of aquatic foods.

A. Processing of Crab and Lobster. No person shall dispense any prepared crab or lobster within the City except crab or lobster that was alive immediately prior to cooking, and was cooked in water at a rolling boil for at least ten (10) minutes.

B. Shellfish That May Be Dispensed Within the City. No person shall dispense within the City any shellfish except the following:

1. Those harvested or taken from beds or waters approved or certified, at the time of such harvesting, by a governmental shellfish regulatory authority in the United States or Canada, as being safe for such harvesting and having shellfish safe for consumption; and
2. Those in a wholesome condition and bearing the number or identification mark of a shellfish shipper certified as such by a governmental shellfish regulatory authority in the United States or Canada.

C. Display and Storage of Aquatic Foods. Prepared raw aquatic foods and unpackaged cooked aquatic foods shall be displayed only in display cases having both a top and a front cover and shall be otherwise protected from contamination and refrigerated at a temperature no higher than forty (40) degrees Fahrenheit (four (4) degrees Celsius); provided, that shellfish, crustacea, and whole eviscerated fish may be displayed in or on display cases or tables that are open at the top; provided, further, that if ice is used for such refrigeration, a sufficient supply of ice must be on hand at all times for that purpose. No aquatic food shall be kept overnight in a display or storage case that is not mechanically refrigerated.

(Ord. 110052 § 1 (part), 1981.)

Subchapter IV Sanitation Standards

10.13.400Sanitation standards for personnel of MPRAF establishments.

No person who works in an MPRAF establishment and handles MPRAF or any MPRAF food product, or who undertakes any of the functions of an MPRAF wrapper salesperson, meat cutter, apprentice meat cutter, or wholesale MPRAF dealer, shall use tobacco in any form while on duty, eat any food, or engage in any other potentially insanitary practice or activity where MPRAF or any MPRAF food product is prepared, processed, dispensed or stored. Each such person shall put on clean outer garments in good repair immediately prior to preparing, processing, or otherwise handling MPRAF or MPRAF food products. Each such person shall wash his/ her hands with soap and water immediately prior to preparing, processing, dispensing, storing or otherwise handling any MPRAF or MPRAF food

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product that is not wrapped or otherwise protected against contamination. Each such person shall wear a hair restraint while in any area of an MPRAF establishment where MPRAF or MPRAF food products are being prepared, processed, dispensed, or stored.

(Ord. 115139 § 6, 1990: Ord. 110052 § 1 (part), 1981.)

10.13.410 Food and beverage service worker's permit required.

Every person who works for more than thirty (30) days as a meat cutter, apprentice meat cutter, MPRAF wrapper salesperson, or wholesale MPRAF dealer or who otherwise handles unwrapped or unpackaged MPRAF or an MPRAF food product shall obtain and file with his/her employer, or where self-employed, shall retain a valid food and beverage service worker's permit. No person shall employ for more than thirty (30) days any meat cutter, apprentice meat cutter, MPRAF wrapper salesperson or wholesale MPRAF dealer or other person whose duties include the handling of unwrapped or unpackaged MPRAF or an MPRAF food product, who has not filed such permit with his/her employer.

(Ord. 115139 § 7, 1990: Ord. 110052 § 1 (part), 1981.)

10.13.420 Sanitation standards regarding the operations of MPRAF establishments.

Every MPRAF establishment shall comply with the following sanitation standards regarding its equipment, facilities, supplies, packaging, refrigeration and other operational aspects:

A. Water. All water used in the preparing, processing, dispensing or storing of MPRAF or MPRAF food products shall be potable and from a source not disapproved by the Director. Hot and cold running water under pressure shall be readily available at all times in sufficient quantities for all cleaning and washing activity.

B. Ice. All ice used in the preparing, processing, or storing of MPRAF or MPRAF food products must be produced from a potable water supply not disapproved by the Director; must be stored and transported in clean containers; can be used only once to chill MPRAF or MPRAF food products.

C. Cleaning of Premises and Equipment. The premises of every MPRAF establishment includ-

ing the walls, ceilings, floors, toilets, lavatories and dressing rooms, shall be kept clean and free of

equipment not reasonably necessary to the operation of the establishment. All equipment used in the operation of the MPRAF establishment shall be cleaned after each day's use or more often, and must be stored in a clean and sanitary condition and location and in a manner that will facilitate the cleaning of the premises. Preparing and processing equipment shall be constructed of water-impervious material, and, if of metal, one that will not oxidize and render MPRAF in contact therewith, adulterated; provided, that cutting surfaces of equipment other than that described above may be used so long as the same has not been disapproved by the Director.

D. Refrigeration Levels. All fresh MPRAF and MPRAF food products shall be kept under refrigeration while in storage or available for dispensing, either in walk-in refrigeration boxes maintaining a temperature not higher than forty (40) degrees Fahrenheit (four (4) degrees Celsius), or in self-service display cases maintaining a temperature not higher than thirty-six (36) degrees Fahrenheit (two (2) degrees Celsius), as indicated by a thermometer located inside each such walk-in refrigerator box and self-service display case. Frozen MPRAF and MPRAF food products not on display for dispensing shall be kept frozen in a cold storage area maintaining a temperature at or below zero (0) degrees Fahrenheit (minus eighteen (18) degrees Celsius). Frozen MPRAF and MPRAF products available for dispensing may be stored in self-service dispensing/display cases; provided, that no frozen MPRAF or MPRAF product available for dispensing shall be stored or displayed at a temperature higher than fifteen (15) degrees Fahrenheit (minus nine (9) degrees Celsius).

E. Storage of Inedible Products. Inedible products and poisons must be stored in a location sufficiently separated from any MPRAF or MPRAF product to ensure that contamination of edible materials cannot occur.

F. Use of Poisons. Poisons may be used in an MPRAF establishment only consistent with directions and labels on the poison package or container, and in a manner not prohibited by law.

G. Live Animals on Premises. Live animals other than Seeing-eye, guide, and guard dogs shall be prohibited in all areas of any MPRAF establishment. Seeing-eye, guide, and guard dogs are permitted only in the area of an MPRAF establishment used for dispensing, and only when

accompanying a blind consumer or when on guard duty.

H. Packaging of MPRAF and MPRAF Food Products. All MPRAF and MPRAF food products, whether fresh or frozen, shall be packaged prior to being dispensed to a retail consumer. The packaging material used for such purpose shall consist of a container, carton, paper, plastic, cellophane, or other material that has not been disapproved by the Director, and shall be of such strength and quality as will prevent the MPRAF or MPRAF food product from becoming contaminated prior to being opened by the consumer.

I. Containment of Garbage and Refuse. Garbage and refuse from an MPRAF establishment shall be kept in durable, easily cleanable, insect-proof and rodent-proof containers that do not leak and do not absorb liquids. Plastic bags and wet-strength paper bags may be used to line these containers. Outside storage of unprotected plastic bags or wet-strength paper bags or baled units containing garbage or refuse is prohibited. Containers stored outside the MPRAF establishment, compactors, and compactor systems shall be easily cleanable, shall be provided with tight-fitting lids, doors or covers, and shall be kept covered when not in actual use. In containers designed with drains, drain plugs shall be in place at all times, except during cleaning. Each MPRAF establishment shall maintain and use whatever number of containers is necessary to hold all the garbage and refuse that such MPRAF establishment produces. Soiled containers shall be cleaned at a frequency that will prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate MPRAF, MPRAF food products, equipment, utensils, or MPRAF preparation areas. Detergent and hot water or steam, or another method recognized by the Director as being an effective cleaning method shall be used in washing containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage.

J. MPRAF Transportation Requirements. No person shall commercially transport MPRAF or any MPRAF food product in any vehicle that is not maintained in a clean and sanitary condition. All meat, poultry, and rabbit shall be transported in a closed vehicle having a solid dust- and vermin-proof door; aquatic food may be transported in a vehicle that is not closed, provided that the aquatic food is covered and otherwise protected from dust, dirt and other contamination while in transit. All cut portions of MPRAF shall be thoroughly wrapped, boxed, or otherwise contained to prevent contamination. All quarters of beef, sides of veal, and larger combinations of either, and lamb carcasses, shall be suspended or laid on clean paper; and no meat, poultry or rabbit shall come in contact with the floor or walls of the transport vehicle. Frozen MPRAF must be maintained in a frozen condition while in transit. Fresh MPRAF, when transported, shall be maintained at a temperature of forty (40) degrees Fahrenheit (four (4) degrees Celsius) or less. No livestock or live poultry shall be transported in any vehicle used to transport prepared MPRAF or MPRAF food products.

K. Supervision and Maintenance of MPRAF Displays. No retail MPRAF shop shall display or store fresh MPRAF in any display cabinet, locker, or case available for self-service by a customer unless such cabinet, locker, or case is supervised and maintained, at all times that such shop is open for business, by a permitted person who has been issued a current and valid food and beverage service worker's permit. Every person having the supervision of or maintenance responsibility for any such display cabinet, locker, or case shall remove therefrom every open, mutilated, broken, or torn package or container of MPRAF or any MPRAF food product; every package or container of spoiled MPRAF or any spoiled MPRAF food product; and every package or container of MPRAF or any MPRAF food product that is not wrapped and labeled as required by this chapter. (Ord. 110052 § 1 (part), 1981.)

10.13.430 Construction and maintenance sanitation standards for MPRAF establishments.

Every structure used as a MPRAF establishment shall satisfy the following sanitation standards:

A. Structure, Generally. Every structure in or from which an MPRAF establishment operates shall be of sound construction and shall be kept in good repair. Dust, spiders, rodents, and insects shall be prevented from entering or remaining in or on such structure.

B. Walls, Ceilings, and Floor. The walls, ceiling and floor of every area of an MPRAF establishment where MPRAF or any MPRAF food product is prepared, processed, dispensed, or stored shall have a smooth, hard, and water- and grease-impervious surface.

C. Ventilation. Every area of an MPRAF establishment where MPRAF or any MPRAF food product is prepared, processed, dispensed, or stored shall be adequately ventilated to prevent condensation and to remove obnoxious odors, smoke and steam. Ventilation systems shall be installed and operated according to the Seattle Mechanical Code (Seattle Municipal Code, Title 22, Subtitle IV or its successors).

D. Lighting. Every area of an MPRAF establishment where MPRAF or any MPRAF food product is prepared, processed, dispensed, or stored shall be lit consistent with the following requirements:

1. Permanently fixed artificial light sources shall be installed to provide at least twenty (20) footcandles of light on all MPRAF preparation surfaces and at equipment or utensil-washing work levels.

2. Permanently fixed artificial light sources shall be installed to provide, at a distance of thirty inches (30") from the floor:

a. At least twenty (20) footcandles of light in utensil and equipment storage areas and in lavatory and toilet areas; and

b. At least ten (10) footcandles of light in walk-in refrigerating units and in all other areas.

3. Shielding to protect against broken glass falling onto MPRAF or any MPRAF food product shall be provided for all artificial lighting fixtures located over, by, or within MPRAF preparing, processing, dispensing, or storage facilities, and areas where utensils and equipment are cleaned and stored.

4. Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

E. Plumbing.

1. General. All plumbing shall satisfy the requirements of the Seattle Plumbing Code (Seattle Municipal Code, Title 22, Subtitle V or its successors).

2. Lavatory Facilities. Each MPRAF establishment shall be provided with adequate, conveniently located, hand-washing facilities for its personnel, including a lavatory equipped with hot and cold or tempered running water, hand-cleansing soap or detergent, and disposable or approved sanitary towels or other approved hand-drying devices. Such facilities shall be kept in good repair and shall be accessible to such personnel at all times. Lavatories shall be located in or immediately adjacent to toilet rooms or vestibules. Handwashing facilities shall not be used for food preparation or for washing equipment or utensils. Sinks used for MPRAF preparation or for washing equipment or utensils, or for general cleanup shall not be used for handwashing.

3. Toilet Facilities. Toilet facilities, adequate in number for the number of personnel of an MPRAF establishment, as presented by the Seattle Plumbing Code (Seattle Municipal Code, Title 22, Subtitle V, or its successor), shall be provided on the premises of each such establishment, and shall be conveniently located and accessible to such personnel at all times. Toilet rooms shall be completely enclosed and shall have tight-fitting, self-closing, solid doors, which shall be closed except during access, cleaning, or maintenance. Toilet rooms shall be separated, by a self-closing door, from areas of the MPRAF establishment where MPRAF is prepared, processed, dispensed, or stored. Toilet rooms shall be ventilated consistent with the requirements of the Seattle Building and Plumbing Codes (Seattle Municipal Code, Title 22, Subtitles I and V or their respective successors). A reasonable supply of toilet tissue shall be provided at each toilet at all times.

F. Dressing Room or Area. Each MPRAF establishment shall provide a room or area with convenient clothes-storage facilities for clothes-changing by personnel, which area shall be separated by a self-closing door from the areas where MPRAF is prepared, processed, dispensed or stored.

G. Garbage and Refuse Containment Areas. Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent,

washable materials and shall be spider-, rodent-, and insect-proof. Outside storage areas or enclosures or inside garbage or refuse storage rooms shall be large enough to store all necessary garbage and refuse containers. Garbage and refuse containers and compactor systems located outside shall be stored on or above a smooth surface of nonabsorbent material, such as concrete or machine-laid asphalt that is maintained in good repair.

(Ord. 110052 § 1 (part), 1981).

Subchapter V Unlawful Activities

10.13.500 Unlawful possession or dispensing of MPRAF.

No retail MPRAF shop, retail processed MPRAF shop, wholesale MPRAF shop, wholesale MPRAF dealer, or any food-service establishment subject to the Food Code (Seattle Municipal Code Ch. 10.11 or its successors) shall have on its premises or shall dispense any wild rabbit; or any MPRAF or MPRAF food product that is not wholesome, that has not been kept and handled in a sanitary manner, or that has not been inspected or graded (if inspection or grading is required by this chapter or federal or state law, rule or regulation). A retail or retail processed MPRAF shop may have on its premises and may dispense only MPRAF or MPRAF food product that has been dispensed through a permitted wholesale MPRAF dealer, or an individual authorized by RCW 36.71.090 to dispense the same without a permit. (Ord. 110052 § 1 (part), 1981.)

10.13.510 Commercial dispensing of MPRAF from other than permitted shops prohibited.

No person shall commercially dispense fresh MPRAF to a consumer except in and from a permitted retail or wholesale MPRAF shop; or commercially dispense cured MPRAF, frozen MPRAF, or cured sausage to any consumer except in and from a permitted wholesale or a retail processed or retail MPRAF shop; provided, that nothing herein shall restrict the authority of

individuals authorized by RCW 36.71.090 to dispense MPRAF without a permit. (Ord. 110052 § 1 (part), 1981.)

10.13.520MPRAF peddling prohibited.

No person shall transport and dispense MPRAF on a house-to-house or a place-to-place basis except an individual authorized by RCW 36.71.090 to do so, and a permitted wholesale MPRAF dealer who transports and dispenses MPRAF to MPRAF establishments or to food-service establishments issued valid City permits under this chapter or the Food Code (Seattle Municipal Code Ch. 10.11, or its successors). (Ord. 110052 § 1 (part), 1981.)

10.13.530Unlawful use, or alteration, of permits, marks, numbers or other insignia.

A. Forged, Simulated or Altered Permits. No person shall forge, simulate or alter any permit issued or issuable hereunder; or present as true any such permit knowing the same to have been forged, simulated or altered; or have any such forged, simulated or altered in his/her/its possession with intent to use the same.

B. Inspection Tags. No person shall apply, affix or attach to any MPRAF or MPRAF food product or container therefor any mark, tag, stamp or insignia indicating that the same has been inspected unless the same has been inspected. (Ord. 110052 § 1 (part), 1981.)

Subchapter VI Examinations and Inspections

10.13.600Examination and inspection of plans, records, facilities and equipment of MPRAF establishments.

A. Authorization to Inspect and Examine. The Director may examine and inspect any MPRAF establishment including but not limited to the facilities and equipment therein, as frequently as may be necessary to ensure that such MPRAF establishment is maintained and operated in compliance with this chapter.

B. Examination and Approval of Plans. Every person who proposes to construct, remodel, or otherwise alter any MPRAF establishment or any structure from or in which an MPRAF establishment may operate, shall submit scaled plans for such construction, remodeling or alteration to the

Director for examination and approval prior to the commencement of any such construction, remodeling or alteration work. Plans shall be examined by the Director to determine compliance with the provisions of this chapter and other related ordinances, including but not limited to the City's Building, Mechanical and Plumbing Codes (Seattle Municipal Code, Title 22, Subtitles I, IV and V, or their respective successors). The Director shall indicate his/her approval or disapproval of such plans and the date of such administrative action on the face of such plans within ten (10) City business days after his/her receipt thereof; plans not disapproved within such ten (10) day period shall be deemed to have been approved by the Director; provided, however, that approval by the City or any City officer other than the Director, for any other purpose, particularly for the issuance of a building permit or certificate of occupancy, nor shall such approval estop the Director from finding, upon an inspection of any MPRAF establishment a violation of this chapter because of an inconsistency between the requirements of this chapter and the facilities and equipment of an MPRAF establishment as constructed, remodeled, altered, or as operated.

C. Records Open to Inspection. The person in charge of records in any permitted MPRAF establishment shall at all reasonable times, on demand in the name of the Director, exhibit to the Director any books, records or other papers of such business.

(Ord. 110052 § 1(part), 1981.)

10.13.610Examination and inspection of MPRAF and MPRAF food products.

A. Examination and Inspection. The Director may examine and inspect, as frequently as may be necessary, all MPRAF and MPRAF food products in MPRAF establishments to ensure that the same has been prepared, processed, dispensed, and otherwise handled in a manner conforming to the requirements of this chapter and is appropriately labeled, and is wholesome and not adulterated.

B. Taking of Samples. MPRAF and MPRAF food products, whether fresh or frozen, and pre-packaged or otherwise, may be examined and sampled by the Director as often as may be necessary to determine whether they are appropriately labeled, and are wholesome and not adulterated; and such samples as may reasonably be required

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by the Director shall be given to the Department without compensation therefor. Whenever a sample is obtained by the Department in the course of any inspection, prior to the use, destruction, or consumption of the sample or prior to the removal of the sample from the MPRAF establishment, whichever is earlier, the person in charge of the MPRAF establishment shall be given a receipt describing the sample obtained. Whenever an analysis is made of such sample, a copy of the results of such analysis shall be furnished promptly to the person in charge of the MPRAF establishment from which such sample was obtained.

(Ord. 110052 § 1(part), 1981.)

10.13.620 Special inspection services.

Upon the request of the person desiring the same, the Director is authorized to inspect specially prepared MPRAF and MPRAF food product mixtures for dispensing under private contract, and to inspect maritime vessels used for the capture, preparation, or the processing of aquatic food; provided, that the person receiving such inspection services shall reimburse the Department for its actual costs of performing the services within thirty (30) days after the date of the Department's invoice therefor.

(Ord. 110052 § 1(part), 1981.)

10.13.630 Removal of orders, tags, marks, MPRAF, and MPRAF food products.

No person other than the Director shall remove or alter any order placed on any MPRAF establishment by the Director or his/her inspector. No person shall remove any MPRAF or MPRAF food product from a facility where the Director has suspended the sale or transfer of MPRAF or any MPRAF food product therefrom, except as permitted by the Director. All MPRAF and MPRAF food products determined or deemed to be adulterated, unhealthful, or unwholesome or that otherwise do not comply with the provisions of this chapter shall be condemned, retained, and disposed of as specified by the Director. No person shall remove or mutilate any "retained" or "condemned" tag, or other official mark or device placed upon any carcass, part thereof, MPRAF, MPRAF food product, MPRAF package or container, equipment, facility, vehicle, or

premises, except pursuant to an order or direction of the Director.

(Ord. 110052 § 1(part), 1981.)

Subchapter VII Enforcement

10.13.700 Enforcement—Regulations.

A. General. The Director is authorized to enforce this chapter.

B. Rulemaking. The Director is authorized to promulgate, amend, and rescind rules and regulations, pursuant to the Administrative Code of the City (Seattle Municipal Code Ch. 3.02 or its successor) consistent with this chapter to promote its objectives.

C. Temporary Prohibition Against Dispensing. Whenever any inspector finds that MPRAF or an MPRAF food product in any MPRAF establishment is inappropriately labeled, adulterated, or is not wholesome, or is being prepared, processed, stored or dispensed under unsanitary conditions, he/she shall by appropriate order in the name of the Director, forthwith prohibit, the dispensing from such establishment of MPRAF or MPRAF food products until the same shall have been fully inspected and found to be labeled appropriately, wholesome, and not adulterated, and to have been prepared and processed under sanitary conditions as provided for herein. Upon issuing such order, the inspector shall cause a copy or copies thereof to be prominently posted upon the MPRAF establishment.

D. Suspension of Permit Upon Failure or Refusal to Admit Inspector. Upon the failure or refusal of the person in charge of any permitted MPRAF establishment to admit an inspector for purposes authorized in this chapter the inspector shall inform the person that such failure or refusal

constitutes grounds for revocation or suspension of such establishment's permit. If the person in charge thereafter continues to refuse inspection, the inspector shall forthwith inform the person in charge that the MPRAF establishment's permit is suspended, that the establishment is to cease all operations governed by this chapter, and that the permit will remain suspended until permission to enter and inspect as authorized herein is granted. The inspector shall thereupon take up the permit, if possible.

E. Injunctions. In addition to any other enforcement technique available under this chapter, the Director may request the Law Department to seek the appropriate legal or equitable remedy to prevent or halt any operation or activity in violation of this chapter.

(Ord. 110052 § 1(part), 1981.)

10.13.710 Appeal of inspector's or director's order or decision.

Any person feeling aggrieved by the order or decision of any Department inspector with respect to the enforcement of this chapter shall have the right of appeal to the Director, whose decision shall be final, subject to review by the courts.

(Ord. 110052 § 1(part), 1981.)

10.13.720 Penalty.

Violation of any provision of this chapter constitutes a violation subject to the provisions of Chapter 12A.02 and 12A.04 of the Seattle Municipal Code.

(Ord. 110052 § 1(part), 1981.)

Subchapter VIII Advisory Committees and Implementing Personnel

10.13.800 Advisory committees.

A. Creation and Purpose. There are established two advisory committees, namely, the "Meat, Rabbit, and Poultry Industry Advisory Committee" (hereinafter called the "MRPIAC") and the "Aquatic Foods Industry Advisory Committee" (hereinafter called the "AFIAC"), to examine pertinent rulings of the Director regarding the interpretation and enforcement of this chapter; to recommend changes in the interpretation, enforcement and provisions of this chapter, and to otherwise advise the Director on matter pertaining to the regulation of the preparation, processing, storage, and dispensing of MPRAF

and MPRAF food products and the issuance of permits to individuals and establishments in connection therewith.

B. MRPIAC Membership and Terms of Office.

1. The MRPIAC shall consist of five (5) members appointed by the Director. Each of the following groups shall be represented by one (1) member:

- a. The meat, rabbit and poultry consuming public;
- b. Meat cutters;
- c. Wholesale MPRAF shops;
- d. Retail MPRAF shops in which the majority of MPRAF dispensed consists of meat, rabbit, or poultry cut or wrapped in the consumer's presence;
- e. Retail and retail processed MPRAF shops in which the majority of MPRAF dispensed consists of prepackaged and processed or frozen meat, rabbit, or poultry selected by the consumers from open counters.

2. The first appointment shall be for one (1) year term; the second and third, for two (2) year terms; and the remaining appointments for three (3) year terms. Thereafter, all appointments shall be for three (3) year terms. Vacancies shall be filled for the unexpired term in the manner of original appointments.

C. AFIAC Membership and Terms of Office.

1. The AFIAC shall consist of three (3) members appointed by the Director. Each of the following groups shall be represented by one (1) member:

- a. The aquatic foods consuming public;
- b. Retail MPRAF shops in which the majority of MPRAF dispensed consists of aquatic foods;
- c. Wholesale MPRAF shops in which the majority of MPRAF dispensed consists of aquatic foods, wholesale MPRAF dealers who deal exclusively or primarily in aquatic foods, and the holders of preparer's permits that exclusively or primarily prepare aquatic foods.

2. The first appointment shall be for a one (1) year term-, the second, for a two (2) year term; and the third for a three (3) year term. Thereafter, all appointments shall be for three (3) year terms. Vacancies shall be filled for the unexpired term in the manner of original appointments.

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D. Administration. The MRPIAC and AFIAC shall organize themselves, elect respective chairs, and may adopt rules and regulations for their procedures. Either the Director or the chairs of such committees shall call meetings thereof when deemed necessary, provided three (3) days' prior written notice is given of the time and place of the meeting. The Director shall provide staff assistance to the MRPIAC and the

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the Office of the City Clerk