

Seattle Municipal Code  
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Title 10

HEALTH AND SAFETY<sup>1</sup>

This title is intended for those provisions of the Code which relate to the regulation and control of sanitation and disease, and other measures to protect the health and safety of the community.

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Statutory Reference: For statutory provisions regarding public health regulations in cities of the first class, see RCW 35.22.280; for statutory provisions regarding local and combined city-county health departments, see RCW Chs. 70.05 through 70.08.

1. Cross-reference: For provisions regarding noise control, see Chapter 25.08 of this Code.

## Chapter 10.01

### GENERAL PROVISIONS--ADMINISTRATION AND ENFORCEMENT

#### Sections:

- 10.01.010 Purpose and policy declared.
- 10.01.020 Applicability.
- 10.01.030 Definitions.
- 10.01.040 Enforcement.
- 10.01.050 Permits not transferable or assignable--Exceptions.
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- 10.01.070 Permits the property of the City.
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- 10.01.240 Order of the Hearing Examiner.  
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10.01.340 Liability insurance.  
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Severability: The provisions of Title 10 are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of Title 10 or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of Title 10 or the validity of its application to other persons or circumstances.  
(Ord. 109949 § 1(part), 1981.)

#### **10.01.010 Purpose and policy declared.**

A. Title 10 of the Seattle Municipal Code is enacted as an exercise of the police power of Seattle 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 Title 10 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 Title 10.

C. It is the specific intent of Title 10 to place the obligation of complying with its requirements upon the owner or operator of each premises within its scope, and no provision of nor term used in Title 10 is intended to impose any duty whatsoever upon the City or any of its officers or employees, for whom the implementation or enforcement of Title 10 shall be discretionary and not mandatory.

D. Nothing contained in Title 10 is intended to be nor 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 owner or operator of a premises to comply with the provisions of Title 10, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of Title 10 on the part of the City by its officers, employees or agents.

(Ord. 109949 § 1 (part), 1981.)

#### **10.01.020 Applicability.**

The provisions included in this chapter are generally applicable to activities regulated by Title 10 and to the administration and enforcement of all permits required by Title 10 of the Seattle Municipal Code. If provisions regulating a specific type of establishment are inconsistent with this chapter, the provision of the specific regulations shall control.

(Ord. 109949 § 1(part), 1981.)

#### **10.01.030 Definitions.**

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sections for complete text, graphics,  
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this source file.
- A. Except as otherwise specified in Title 10, the following definitions apply:
1. "Administrative code" means the Administrative Code of the City (Chapter 3.02 of the Seattle Municipal Code) as now or hereafter amended.
  2. "City" means The City of Seattle.
  3. "Department" means the Seattle-King County Department of Public Health.
  4. "Director" means the Director of the Seattle-King County Department of Public Health or his/her designated representative.
  5. "Hearing Examiner" means the Hearing Examiner of the City or his/her designated representative.
  6. "Permit" means a valid legal authorization required by Title 10 in order to engage in a business or occupational activity in the City.
  7. "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.
  8. "Person in charge" means the individual present in an establishment who is the supervisor of the regulated activity or of the establishment requiring a permit at the time of inspection. If no individual is the supervisor, then any person working therein may be deemed to be the person in charge.
  9. "Title 10" means Title 10 of the Seattle Municipal Code.

B. Unless the context clearly indicates otherwise, the singular includes the plural, and the plural includes the singular.  
(Ord. 109949 § 1(part), 1981.)

#### **10.01.040 Enforcement.**

This chapter shall be enforced and administered by the Director. The Director is authorized pursuant to the Administrative Code of the City to make rules and regulations not inconsistent with the provisions of Title 10 for the purpose of enforcing and carrying out its provisions.  
(Ord. 109949 § 1(part), 1981.)

#### **10.01.050 Permits not transferable or assignable--Exceptions.**

A permit is not transferable; provided, that the Director may authorize transfer where no previously unpermitted person acquires a permit thereby, and if, in the judgment of the Director, transferral is consistent with the purposes of this Code.  
(Ord. 109949 § 1 (part), 1981.)

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**10.01.060 Display and removal of permit.**

A. Each permit issued pursuant to this chapter shall be displayed conspicuously in the establishment for which issued.

B. The permittee 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 Director. If a suspended or revoked permit is not returned, it may be removed by the Director.

(Ord. 109949 § 1(part), 1981.)

**10.01.070 Permits the property of the City.**

All permits issued pursuant to this chapter remain the property of the City.

(Ord. 109949 § 1(part), 1981.)

**10.01.080 Separate permit for each location.**

A separate permit shall be obtained 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.

(Ord. 109949 § 1(part), 1981.)

**10.01.090 Application.**

Application for any permit shall be in writing on a form provided by the Director. The application shall include:

A. Applicant's full name, post office address, and the signature of an authorized representative of the applicant;

B. Whether such applicant is an individual, firm, or corporation, and, if a partnership, the names and addresses of the partners;

C. The location and type of the proposed establishment;

D. Remittance of any fees required by Chapter 10.03; and

E. If the application is for a seasonal or temporary permit, it shall also include the inclusive dates of the proposed operation;

F. Such other information as may reasonably be required by the Director in determining whether or not to issue a permit.

(Ord. 109949 § 1(part), 1981.)

**10.01.100 Duplicate permits.**

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Where, from such evidence as he/she may require, the Director finds that a permit has been lost, he/she may issue a duplicate to the permittee upon payment of the required fee.  
(Ord. 109949 § 1(part), 1981.)

**10.01.110 Permit expiration.**

All permits issued pursuant to this chapter shall expire one (1) year following the date of issuance. All temporary and seasonal permits issued pursuant to this chapter shall expire on the date set forth on the face of such permit.  
(Ord. 109949 § 1(part), 1981.)

**10.01.120 Effect of payment by bad check.**

Whenever payment of any fee imposed by Title 10 is made by a check that is not honored by the drawee bank, any permit issued pursuant to payment by that check is void from the date of permit issuance. The permit may be reissued upon payment by certified check, money order, or cash of the original amount, plus an administrative charge.  
(Ord. 109949 § 1(part), 1981.)

**10.01.130 Computation of time.**

In computing any period of days prescribed by Title 10, the day of the act or event from which the designated period of time runs shall not be included. The last day of the period shall be included unless it is Saturday, Sunday, or a City legal holiday, in which event the last day of such period shall be the next succeeding day which is not a Saturday, Sunday, or City legal holiday.  
(Ord. 109949 § 1(part), 1981.)

**10.01.140 Investigation of applicant.**

The Director may investigate the applicant for any permit to be issued pursuant to Title 10. The Director shall request record checks, site inspections or confirmation of zoning compliance to be performed by appropriate city agencies when they are required by Title 10. The City administrator to which such request has been directed shall ascertain whether the applicant, activity, and/or premises comply with the requirements of laws, ordinances, rules and regulations to be enforced by the agency. The agencies shall notify the Director, in writing, whether any violation is found, specifying any noncompliance. In the event a written reply is not received by the Director within thirty (30) days from the date of the original request for the check or inspection, the Director may issue the permit if the applicant is deemed qualified to hold the license in all other respects.  
(Ord. 109949 § 1(part), 1981.)

**10.01.150 Complete application.**

An application is complete when:

- A. All information required by the application and by the provisions of Title 10 have been received by the Director; and



B. All permit and other required fees have been paid.  
(Ord. 109949 § 1(part), 1981.)

#### **10.01.160 Permit issuance.**

The Director shall issue the permit upon finding that the application is complete, that all the requirements and conditions of this Code and rules and regulations prescribed hereunder have been satisfied, and that the applicant is qualified to hold the permit.  
(Ord. 109949 § 1(part), 1981.)

#### **10.01.170 Proration of annual permit fee.**

A. If an application is made for a permit to be effective during the last six (6) months of an annual permit period, the fee shall be one-half ( 1/2) of the annual fee.

B. There shall be no proration of a permit fee when the permit is temporary or seasonal.  
(Ord. 109949 § 1(part), 1981.)

#### **10.01.180 Refund of permit fee.**

A permit fee is refundable only if a permit is denied, or if a fee has been paid where none is imposed, or if the permit is issued where none is required, or the permittee never engages in permitted activity due to the refusal of any governmental agency to issue a necessary license, if the applicant for a permit withdraws his/her application before the permit is issued, if the applicant for a temporary permit withdraws his/her application more than fourteen (14) days prior to the event, or if the food-service establishment permit has been overpaid by more than Twenty-five Dollars (\$25.00), except, each refund shall be subject to a Twenty-five Dollar (\$25.00) deduction for the cost of administration.  
(Ord. 117000 § 1, 1993: Ord. 109949 § 1(part), 1981.)

#### **10.01.190 Grounds for permit denial, suspension or revocation.**

A. Permits may be denied, suspended or revoked by the Director for violation of any provision of Title 10 or of any ordinance or law which regulates any activity requiring a permit in order to further the public interest in public health, safety, and welfare. A permit may also be denied, suspended, or revoked upon a finding that any applicant or permittee, or any owner, officer, or agent thereof:

1. Has been subject to any adverse finding in any judgment or order in any judicial or administrative proceeding in which fraud, deceit, coercion, breach of trust, unfair method of competition, unfair or deceptive trade act or practice, or assertion of unconscionable contractual provisions, or other similar act, practice, or conduct, on the part of the permittee or applicant is proven, and the time elapsed since the judgment or order is less than ten (10) years; or
2. Has violated or failed to comply with any applicable provision of any City ordinance relating to public health or safety or rule or regulation prescribed thereunder; provided, that failure to obtain a permit shall not be grounds for permit denial; or

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3. Has been subject to an adverse finding in any judgment or order, in any judicial or administrative proceeding for violation of any provision of a City ordinance or rule or regulation prescribed thereunder pertaining to fire, building, sanitation, zoning, weights and measures, license, consumer protection, or environmental protection matters, or any activity regulated by Title 10; or
  4. Has violated or failed to comply with any final order of the Director or Hearing Examiner; or
  5. Has failed to complete the application for a permit as required by this chapter; or
  6. Has failed to obtain a license or permit required by state or other law necessary to engage in activity regulated by this Code; or
  7. Has failed to comply with RCW Chapters 49.12 and 28A.28, and rules and regulations promulgated pursuant thereto, regarding employment of minors; or
  8. If the applicant has any outstanding monies owed to the Department for permit fees, late fees, checks returned by the bank, or other miscellaneous fees.

B. Nothing shall prohibit revoking or suspending a permit that was erroneously issued by the Department.

(Ord. 117000 § 2, 1993; Ord. 109949 § 1(part), 1981.)

#### **10.01.200 Summary suspension or revocation.**

Notwithstanding any other provision of Title 10, a permit may be suspended or revoked by order of the Director, or any act or practice may be ordered to be ceased by the Director, without a hearing upon finding that:

A. There is reasonable cause to believe that the act or practice is regulated by Title 10 or that grounds for permit suspension or revocation exist, and that continuation of the act or practice will cause a clear, substantial and imminent hazard to health, safety, or property; or

B. Any public liability insurance policy required by Title 10 to be filed with the Director is impaired or is cancelled.

(Ord. 109949 § 1(part), 1981.)

#### **10.01.210 Order of permit suspension, revocation or denial.**

Permit suspension, revocation or denial shall be in writing in the form of an order and shall include a recital of the authority for the action, a brief and concise statement of facts which constitute the grounds for denial, suspension or revocation, and the Director's signature. A copy of the order, including notice of the right to a hearing shall be served on the applicant or permittee.

(Ord. 109949 § 1(part), 1981.)

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**10.01.220 Appeal of permit denial, suspension or revocation.**

A. If the Director has ordered a permit denied, suspended or revoked, the applicant may contest the denial by filing a notice of appeal and request for hearing with the Hearing Examiner within ten (10) days after service or mailing of the order.

B. If a timely request for hearing is filed by the applicant or permittee, a hearing before the Hearing Examiner shall be scheduled and shall be conducted by the Hearing Examiner according to his/her rules for contested cases.

C. If a timely appeal is not filed by the applicant or permittee, the order of the Director denying, suspending or revoking the permit shall be final; provided, that the Director may waive the ten (10) day appeal requirement upon satisfaction that failure to receive notice of the order was beyond the control of the person requesting the hearing.  
(Ord. 109949 § 1(part), 1981.)

**10.01.230 Effect of complaint or request for hearing on conduct of business activity.**

Except in the case of summary suspension or revocation, whenever a timely request for hearing on a complaint is filed, a permittee may engage in the activity for which the permit is required, pending decision by the Hearing Examiner.  
(Ord. 109949 § 1(part), 1981.)

**10.01.240 Order of the Hearing Examiner.**

The Hearing Examiner may affirm or deny decisions of the Director to issue, deny, suspend, or revoke a permit.  
(Ord. 109949 § 1(part), 1981.)

**10.01.250 Finality of the decision of the Hearing Examiner.**

The decision of the Hearing Examiner shall be final upon service upon each party.  
(Ord. 109949 § 1(part), 1981.)

**10.01.260 Permits--Reinstatement after suspension.**

Any person whose permit has been suspended may, at any time, submit to the Department a written application for an inspection for the purpose of reinstatement of a suspended permit, which application shall include a statement signed by the applicant that, in his opinion, the conditions causing suspension of the permit have been corrected. Within the ten (10) days following the Department's receipt of such an application, the Director shall inspect the premises or facilities for which inspection has been requested. In the event the applicant and such premises or facilities are in compliance with the requirements of the applicable ordinances, the permit shall be reinstated.  
(Ord. 109949 § 1(part), 1981.)

**10.01.270 Consent agreement.**

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The Director may enter into a consent agreement with the applicant or permittee for settlement of a contested case at any time prior to issuance of a decision by the Hearing Examiner. The consent agreement shall be in writing and signed by the applicant or permittee. The agreement shall be final when signed by the Director.

(Ord. 109949 § 1(part), 1981.)

#### **10.01.280 Inspections--Frequency.**

An inspection of an establishment, facilities, substances or activities regulated by this Code may be performed by the Director as often as the Director deems necessary. The Director shall inspect every establishment prior to issuing a permit therefor whenever the permittee is delinquent in the payment of any applicable permit fee.

(Ord. 109949 § 1(part), 1981.)

#### **10.01.290 Inspections--Access.**

Every person operating an establishment shall permit the Director, after proper identification, to enter the establishment during its normal business hours for the purpose of making inspections to determine compliance with applicable ordinances; and shall permit the Director to examine the records of the establishment to obtain information pertaining to food substances and/or supplies regulated by this Code that have been purchased, received, used, sold or otherwise distributed or stored by the establishment.

(Ord. 109949 § 1(part), 1981.)

#### **10.01.300 Inspections--Report.**

A. Whenever an inspection of a permitted establishment is made, the findings shall be recorded on the inspection report form prepared by the Director.

B. The inspection report form shall summarize the requirements of the applicable Seattle Municipal Code chapters. Inspection remarks shall be written to reference, by section number, the section of the Seattle Municipal Code violated, and shall state the date of the inspection, the correction to be made, and the period of time allowed for the correction of the violations found. The inspection report shall also state that failure to comply with any specified time limits for corrections may result in a Department directive to cease permitted operations and that an opportunity for hearing on the inspection findings will be provided if a written request for a hearing is filed with the Director within ten (10) days following the date of the inspection report.

C. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

(Ord. 109949 § 1(part), 1981.)

#### **10.01.310 Inspection--Time allowed for correction of violations.**

Correction of the violations identified in any inspection report shall be accomplished within the period specified therein.

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(Ord. 109949 § 1(part), 1981.)

**10.01.320 Administrative proceedings--Service of notices.**

A notice or order provided for in this chapter is properly served when it is delivered in person to the applicant, permittee or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the applicant or permittee. A copy of the notice shall be filed in the records of the Department.

(Ord. 109949 § 1(part), 1981.)

**10.01.330 Violations.**

A. It is a violation for any person to engage in any activity for which a permit is required without first obtaining a permit in accordance with the provisions of this Code;

B. It is a violation for any person to employ an individual in the capacity of an agent if that agent has failed to obtain any permit required by this Code;

C. It is a violation for any permittee or agent thereof to authorize any unpermitted person to engage in activity for which a permit is required, under color of a permit issued to the permittee;

D. It is a violation for any person to make or manufacture any permit required by this Code except upon order of the Director;

E. It is a violation for any person other than the Director, a permittee, or agent thereof to possess any permit issued pursuant to this Code.

(Ord. 109949 § 1(part), 1981.)

**10.01.340 Liability insurance.**

A. In those instances where Title 10 requires that the applicant for a permit shall provide insurance as a condition of receiving the permit, the purpose of the requirement is to ensure that members of the public and the City will be compensated for losses caused by personal injury or property damage resulting from the tortious acts of the permittee and its agents, employees, and officers.

B. Whenever the issuance of a permit is conditioned upon any applicant's obtaining liability insurance, each insurance policy shall:

1. Be issued by a company authorized to do business as an insurer in Washington State pursuant to the provisions of RCW Title 48 as now or hereafter amended;
2. Insure the permittee, and by endorsement or otherwise, name the City as additional insured protected against liability for, any damages sustained by any person on account of the negligence or the failure of permittee or any person in his/her employ, to comply with all laws and the ordinances of the City relating to the activity for which the permit is issued; and promise to defend from and pay any such damages;

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C. Contain by endorsement or otherwise, the following recital:

"This policy is issued pursuant to Title 10 of the Seattle Municipal Code and is intended to comply with all the conditions and requirements thereof; any exception or limitation herein in conflict with any such condition or requirement is void.";

D. Be approved by the Director as to sufficiency and, upon request by the Director, as to form by the City Attorney; and

E. Be terminable only on at least thirty (30) days' written notice to the Director.  
(Ord. 109949 § 1 (part), 1981.)

#### **10.01.350 Penalties.**

A. Any person violating or failing to comply with any of the provisions of Title 10 or any rule or regulation promulgated thereto, or any Order of the Hearing Examiner, is guilty of a violation subject to the provisions of Title 12A of the Seattle Municipal Code unless such violation or failure is specifically designated elsewhere in this Code as a crime.

B. Each day of continued violation or noncompliance constitutes a separate offense.  
(Ord. 109949 § 1(part), 1981.)

#### **10.01.360 Construction.**

The provisions of this chapter do not apply to or govern the construction of and punishment of any offense committed prior to the effective date of this chapter or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this chapter had not been enacted.

(Ord. 109949 § 1(part), 1981.)

### **Chapter 10.02**

#### **CIVIL EMERGENCIES<sup>1</sup>**

##### **Sections:**

10.02.010 Proclamation of civil emergency.

10.02.020 Authority of Mayor to issue certain orders.

10.02.025 Civil rights protected.

10.02.030 Authority of Mayor to enter into contracts and incur obligations.

10.02.040 Use of services and equipment of municipalities and citizens.

10.02.050 Disaster readiness and response plan.

10.02.060 Disaster Management Committee.

10.02.070 Emergency purchases of supplies.

10.02.080 Budget Director to review purchases and mutual aid agreements.

10.02.090 Personnel Department.

10.02.100 Notification of Governor, news media and public.

10.02.110 Violation--Penalty.

Statutory Reference: For statutory provisions on emergency services, see RCW Ch. 38.52.

1. Cross-reference: For further provisions regarding the Mayor's emergency powers, see Chapter 12A.26 of this Code.

#### **10.02.010 Proclamation of civil emergency.**

A. Whenever riot, unlawful assembly, insurrection, other disturbance, the imminent threat thereof, or any fire, flood, storm, earthquake or other catastrophe or disaster occurs in the City and results in or threatens to result in the death or injury of persons or the destruction of property or the disruption of local government to such extent as to require, in the judgment of the Mayor, extraordinary measures to prevent the death or injury of persons and to protect the public peace, safety and welfare, and alleviate damage, loss, hardship or suffering, the Mayor shall forthwith proclaim in writing of the existence of a civil emergency.

B. Such civil emergency shall cease to exist upon the issuance of a proclamation by the Mayor or by a resolution passed by a vote of not less than two-thirds ( 2/3) of all the members of the City Council terminating the same. Such proclamation shall be issued by the Mayor or by a resolution passed by a vote of not less than two-thirds ( 2/3) of all the members of the City Council when such extraordinary measures are no longer required for the protection of the public peace, safety and welfare. Before a civil emergency is declared terminated, either by proclamation by the Mayor or by a resolution passed by a vote of not less than two-thirds ( 2/3) of all the members of the City Council, the Mayor or Council will consult with the City's Police Chief, Fire Chief, Director of Public Health and the Director of Emergency Management to determine if there are any fiscal, public safety response or disaster recovery imperatives that require the continuation of emergency measures.

C. Any such proclamation by the Mayor shall, within forty-eight (48) hours of issuance of the proclamation, or as soon as practical, be filed with the City Clerk for presentation to the City Council for ratification and confirmation, modification, or rejection. The Council may, by resolution, modify or reject the proclamation and if rejected, it shall be void. If the Council modifies or rejects the proclamation, said modification or rejection shall be prospective only, and shall not affect any actions taken prior to the modification or rejection of the proclamation. The Council shall endeavor to act on any proclamation of civil emergency within forty-eight (48) hours of its being presented to the Council by the Mayor. (Ord. 120606 § 1, 2001; Ord. 102850 § 1, 1973.)

#### **10.02.020 Authority of Mayor to issue certain orders.**

Upon the proclamation of a civil emergency by the Mayor, and during the existence of such civil emergency, the Mayor may, in a form that meets the requirements of Section 10.02.025, make and proclaim any or all of the following orders:

A. An order imposing a general curfew applicable to the City as a whole, or to such geographical area or areas of the City and during such hours, as he deems necessary, which effective hours and affected area or areas may be modified from time to time;

B. An order requiring any or all business establishments to close and remain closed until further order;

C. An order requiring the closure of any or all bars, taverns, liquor stores, and other business establishments where alcoholic beverages are sold or otherwise dispensed; provided that with respect to those business establishments which are not primarily devoted to the sale of alcoholic beverages and in which such



alcoholic beverages may be removed or made secure from possible seizure by the public, the portions thereof utilized for the sale of items other than alcoholic beverages may, in the discretion of the Mayor, be allowed to remain open;

- D. An order requiring the discontinuance of the sale, distribution or giving away of alcoholic beverages in any or all parts of the City;
- E. An order requiring the discontinuance of the sale, distribution or giving away of firearms and/or ammunition for firearms in any or all parts of the City;
- F. An order requiring the discontinuance of the sale, distribution or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;
- G. An order requiring the closure of any or all business establishments where firearms and/or ammunition for firearms are sold or otherwise dispensed; provided that with respect to those business establishments which are not primarily devoted to the sale of firearms and/or ammunition and in which such firearms and/or ammunition may be removed or made secure from possible seizure by the public, the portions thereof utilized for the sale of items other than firearms and ammunition may, in the discretion of the Mayor, be allowed to remain open;
- H. An order closing to the public any or all public places including streets, alleys, public ways, schools, parks, beaches, amusement areas, and public buildings;
- I. An order prohibiting the carrying or possession of a firearm or any instrument which is capable of producing bodily harm and which is carried or possessed with intent to use the same to cause such harm, provided that any such order shall not apply to peace officers or military personnel engaged in the performance of their official duties;
- J. An order requesting federal and/or state assistance in combating such civil emergency;
- K. An order establishing economic controls in aid of and supplementary to and consistent with federal orders relating to price stabilization or controls including: the convening and establishing of ration boards; auditing retail and wholesale ration accounts; monitoring price control operations and reporting violations to appropriate authorities; assisting in providing essential supplies to disaster victims; advising appropriate authorities concerning rationing, price control, wage and rent controls and allocation of food and other essential commodities;
- L. An order directing the use of all public and private health, medical, and convalescent facilities and equipment to provide emergency health and medical care for injured persons;
- M. An order authorizing, in cooperation with utility management and appropriate state and federal agencies, the shutting off, restoration, and operation of utility services in accordance with priorities established for combating such civil emergency;
- N. An order providing for the evacuation and reception of the population of the City or any part



thereof; and

O. Such other orders as are imminently necessary for the protection of life and property; provided, however, that any such order shall, within forty-eight (48) hours of issuance of the order, or as soon as practical be filed with the City Clerk for presentation to the City Council for ratification and confirmation, modification or rejection, and if rejected shall be void. The Council shall consider the statements set forth in Section 10.02.025 and may, by resolution, modify or reject the order. If the Council modifies or rejects the order, said modification or rejection shall be prospective only, and shall not affect any actions taken prior to the modification or rejection of the order. The Council shall endeavor to act on any order within forty-eight (48) hours of its being presented to the Council by Mayor.  
(Ord. 120606 § 2, 2001; Ord. 116368 § 203, 1992; Ord. 102850 § 2, 1973.)

#### **10.02.025 Civil rights protected.**

An order pursuant to Section 10.02.020 shall contain the following:

- A. A statement of the facts upon which the order is based; and
- B. A statement that the Mayor believes it is in the best interest of public safety, rescue and recovery efforts and the protection of property that the exercise of certain rights be temporarily limited; and
- C. A statement that the conditions of the order are designed to provide the least necessary restriction on those rights.  
(Ord. 120606 § 3, 2001.)

#### **10.02.030 Authority of Mayor to enter into contracts and incur obligations.**

A. Upon the proclamation by the Mayor of a civil emergency resulting from a disaster caused by enemy attack, sabotage, or other hostile action, or by fire, flood, storm, earthquake, or other natural cause, and during the existence of such civil emergency, the Mayor, in carrying out the provisions of RCW Chapter 38.52, shall have the power by order to enter into contracts and incur obligations necessary to combat such disaster, protect the health and safety of persons and property, and provide emergency assistance to the victims of such disaster. Such powers shall be exercised in the light of the exigencies of the situation without regard to time-consuming procedures and formalities prescribed by ordinance (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations and requirements of competitive bidding and publication of notices pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditures of public funds; provided, that the Mayor shall, wherever practicable, advise and consult with the City Council with respect to disaster response activities, and any such order shall at the earliest practicable time be presented to the City Council for review and appropriate legislation including:

1. Findings by resolution with respect to actions taken;
2. Authorization of payment for services, supplies, equipment loans and commandeered property used during disaster response activities;

3. Approval of gifts, grants or loans accepted by the Mayor during the emergency;

4. Levy of taxes to meet costs of disaster response and recovery operations;

and upon such review the City Council may ratify and confirm, modify, or reject any such order, and if rejected any such order shall be void.

B. The City Director of Executive Administration shall be authorized to draw and to pay the necessary warrants for expenditures made pursuant to order and authorized by the City Council. If the applicable fund is solvent at the time payment is ordered, the Director of Executive Administration may elect to make payment by check.

(Ord. 120794 § 193, 2002; Ord. 120114 § 32, 2000; Ord. 116368 § 204, 1992; Ord. 102850 § 3, 1973.)

#### **10.02.040 Use of services and equipment of municipalities and citizens.**

In addition to and/or in connection with the exercise of the powers specified in Sections 10.02.020 and 10.02.030, the Mayor shall in accordance with RCW Chapter 38.52 and in carrying out the provisions thereof:

A. Utilize to the maximum extent practicable the services, equipment, supplies and facilities of existing departments, offices, and agencies of the City, state and other municipal corporations organized under the laws of the state; and

B. In the event of a disaster and upon the proclamation by the Governor of the existence of such disaster, command the service and equipment of as many citizens as the Mayor considers necessary in the light of the disaster proclaimed; provided, that citizens so commandeered shall be entitled during the period of such service to all privileges, benefits and immunities as are provided by RCW Chapter 38.52 and federal and state civil defense regulations for registered civil defense or emergency services workers.

(Ord. 102850 § 4, 1973.)

#### **10.02.050 Disaster readiness and response plan.**

Plans and programs for executing emergency powers including a disaster readiness and response plan shall be prepared and kept current under the direction of the Mayor who shall submit such plans and programs and proposed amendments thereto to the City Council for review and approval by resolution. Upon such approval the Mayor shall be authorized to exercise in accordance with such plans and programs the powers provided therein.

(Ord. 102850 § 5, 1973.)10.02.050

#### **10.02.060 Disaster Management Committee.**

There shall be a Disaster Management Committee consisting of such number of members as shall be appointed by the Mayor who shall designate the chairman thereof. Members of the Committee shall serve without compensation, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties.

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The Committee shall meet at least quarterly at the places and times as shall be prescribed by the Mayor, and shall:

A. Advise the Mayor on all matters pertaining to disaster readiness and response capabilities within the City;

B. Periodically review and make recommendations for the revision and/or maintenance of up-to-date disaster response plans for the City consistent with RCW Chapter 38.52 and including:

1. Preparations for and the carrying out of executive emergency powers,
2. The delegation and subdelegation of administrative authority by the Mayor,
3. The performance of emergency functions including firefighting, police, medical and health, welfare, rescue, engineering, transportation, communications and warning services, evacuation of persons from stricken areas, plant protection, restoration of utility services, and other functions relating to civilian protection together with all activities necessary or incidental to the preparation for and carrying out of such functions,
4. Requirements for department operation including management succession, procedures for providing twenty-four (24) hour capability, mobilization procedures, special disaster response procedures, plans for records protection, personnel procedures, finance plans, and training procedures for disaster response;

C. Provide cooperation and coordination with the disaster response plans of other local organizations and agencies;

D. Prepare and recommend to the Mayor plans for mutual aid operations with the state and political subdivisions thereof;

E. Recommend expenditures for disaster preparations and training.  
(Ord. 120606 § 4, 2001; Ord. 102850 § 6, 1973.)

#### **10.02.070 Emergency purchases of supplies.**

Upon the proclamation of a civil emergency by the Mayor, and during the existence thereof, emergency purchases of supplies, materials and equipment are authorized to be made in accordance with the following procedure:

A. Preprinted emergency purchasing forms shall be provided by the Director of Executive Administration for use for all emergency purchases or contracting for supplies, materials or labor during the existence of such emergency, which forms shall provide for the filling in of appropriate information prescribed by the Director of Executive Administration including: date and time of purchase; name and address of supplier; quantity, unit, description, unit price and total price of item; name and appropriate identification number from the City employee identification card of the person making the purchase; date required and date delivered; description of use of item, including disaster work order number, description of disaster work and location of

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use; and name and appropriate identification number from the City employee identification card of the person receiving the item.

B. An employee identification card shall be used in all cases to verify that the purchaser is an employee of the City.

C. A log of all purchases made during any emergency shall be maintained by each department and by the Director of Executive Administration.

D. The heads of departments using emergency purchase forms shall account for all costs incurred in making such purchases.

E. Upon termination of the emergency, the heads of departments shall review all emergency purchase orders issued by their respective departments, and shall verify and authenticate such orders, and submit a summary thereof through the Director of Executive Administration to the City Council for authorization of payment.

(Ord. 120794 § 194, 2002: Ord. 120606 § 5, 2001: Ord. 102850 § 7 1973.)

#### **10.02.080 Budget Director to review purchases and mutual aid agreements.**

The Budget Director, in cooperation with City departments making purchases or expenditures during the existence of an emergency, shall review all such purchases or expenditures for potential reimbursement under appropriate state or federal disaster assistance programs or other available state or federal grant funds. The Budget Director shall also review all mutual aid agreements and services received thereunder by the City during any such civil emergency and shall certify to the City Director of Executive Administration the services received and any payment due therefor.

(Ord. 120794 § 195, 2002: Ord. 118912 § 34, 1998: Ord. 117408 § 24, 1994: Ord. 116368 § 205, 1992: Ord. 102850 § 8, 1973.)

#### **10.02.090 Personnel Department.**

The Personnel Department with the cooperation of City departments shall be responsible for the registration of City employees and volunteers as civil defense or emergency services workers pursuant to RCW Chapter 38.52 and shall formulate and recommend a plan and program for compensation and reimbursement of persons so registered.

(Ord. 120181 § 113, 2000: Ord. 118397 § 98, 1996: Ord. 102850 § 9 1973.)

#### **10.02.100 Notification of Governor, news media and public.**

The Mayor shall cause each proclamation or order issued by him pursuant to the authority of this chapter to be delivered to the Governor of the state and, to the extent practicable, to all news media within the City, and shall utilize as many other available means, including, but not limited to, posting on public facilities and public address systems, as may be practical to use, in order to give the widest dissemination of such proclamations and orders to the public.

(Ord. 120606 § 6, 2001: Ord. 102850 § 10, 1973.)

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**10.02.110 Violation--Penalty.**

It is unlawful for anyone to fail or refuse to obey an order proclaimed by the Mayor pursuant to the provisions of this chapter. Anyone convicted of a violation of this section shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than one hundred eighty (180) days, or both such fine and imprisonment.  
(Ord. 102850 § 11, 1973.)

**Chapter 10.03**

**HEALTH CODE FEES**

**Sections:**

- 10.03.010 Administrative fees and charges.
- 10.03.013 Meat, rabbit, poultry, and aquatic foods permit, inspection, and examination fees.
- 10.03.020 Fumigator and exterminator permit and examination fees.
- 10.03.030 X-ray diagnostic fees for asbestos-related lung disease cases.
- 10.03.045 Laboratory fees.
- 10.03.056 Fees implementing Chapter 10.56--Swimming and spa pools.
- 10.03.110 Food-service establishment permit fees.
- 10.03.120 School inspection, review, and investigation fees.
- 10.03.130 Fees for personal health care and dental services.
- 10.03.140 Immunization fees.
- 10.03.150 Travel immunizations and related services.
- 10.03.155 Premarital seriological services--Charges.
- 10.03.160 Tuberculin test fees.
- 10.03.170 Pet kennel permit fees.
- 10.03.180 Construction and environmental review fees.
- 10.03.200 Sales to nonprofit community clinics.
- 10.03.210 Sales to other health departments and districts.

**10.03.010 Administrative fees and charges.**

The Director shall charge and collect the following administrative fees and charges under the circumstances indicated below:

- A. For replacement of lost or destroyed permit....\$25.00;
- B. For transferring a permit pursuant to SMC Section 10.01.050....25.00;
- C. For reissuing, pursuant to SMC Section 10.01.120, any permit previously voided for payment of permit fee with dishonored check....25.00;
- D. For processing the late payment of any annual permit fee if delinquent by more than ten (10) days: One-quarter ( 1/4) of the applicable permit fee;
- E. For processing the late payment of any annual permit fee if delinquent by more than thirty (30) days: One-half ( 1/2) of the applicable permit fee;

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F. For processing the late payment of any seasonal permit fee if delinquent by no more than five (5) days....25.00;

G. Inspections requested by permittee or person in charge of regulated activity, if outside regular Department working hours: Cost to the Department of providing the hours;

H. Furnishing special services or materials, requested by the public, if not ordinarily provided by the Department: Cost to the Department of performing the service or furnishing the materials;

I. Change of name for an existing permit, no other change....25.00;

J. Processing of a refund....25.00.  
(Ord. 117000 § 3, 1993: Ord. 115945 § 1, 1991: Ord. 112569 § 1, 1985: Ord. 110268 § 1, 1981: Ord. 109951 § 1(part), 1981.)

**10.03.013 Meat, rabbit, poultry, and aquatic foods permit, inspection, and examination fees.**

A. Amount of Permit Fees. The fees for annual permits issued pursuant to Seattle Municipal Code Chapter 10.13 shall be as follows:

1. Permit for wholesale MPRAF shop in which one (1) or more persons are engaged in preparing and processing and/or dispensing MPRAF food products:
  - a. Two (2) or fewer persons so engaged....\$575.00
  - b. Three (3) or more persons so engaged....805.00
2. Wholesale MPRAF dealer's permit....460.00
3. Retail processed MPRAF shop permit....85.00
4. Permit for retail MPRAF shop in which one (1) or more persons are engaged in preparing, processing, or dispensing MPRAF or MPRAF products:
  - a. Up to three (3) persons so engaged....345.00
  - b. Four (4) or more persons so engaged....460.00
5. MPRAF warehouse permit....85.00

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6. Extra unit fee: smoke shop,  
deli, seafood, gourmet,  
each....175.00

7. Meat cutter's permit and  
apprentice meat cutter's  
permit....25.00

8. Meat cutter's examination....25.00 Provided, that the fee for any annual permit issued during the  
period beginning January 1st and ending June 30th of any year, shall be an amount equal to  
one-half ( 1/2) of the applicable fee stated above.

B. Inspection Mileage Fee. Every person issued a preparer's permit or a permit for any wholesale  
MPRAF shop located outside the City shall be charged an inspection mileage fee of Thirty-four Cents (\$.34) per  
mile for the one (1) way distance between the inspector's office and the inspection site.

C. Permit Fee Due Date. The fee for any permit to be issued under this section shall be due and  
payable on or before the commencement date of the operation or activity subject to such permit.

D. Permit Expiration Date. Permits issued pursuant to this section shall expire annually, on June  
30th.

E. Fee Refunds. The Seattle-King County Department of Public Health is authorized to refund any  
permit fee paid under the following circumstances:

1. Where the fee or any portion thereof has been overpaid;
2. Where the fee has been paid in advance of the applicable permit effective period, and where the  
permit-holding individual or entity never undertook an operation or activity authorized by the  
permit during its effective period because of the permit-holder's illness, death, dissolution, sale  
or other transfer of interest; provided, that proof of any such circumstances, satisfactory to the  
Director of Public Health, must be submitted to the Director before any such refund will be  
provided. Each such refund shall be subject to a Fifteen Dollar (\$15.00) deduction for the costs  
of administration.

(Ord. 116936 § 1, 1993; Ord. 115439 § 1, 1990; Ord. 115139 § 8, 1990; Ord. 110881 § 1, 1982.)

### **10.03.020 Fumigator and exterminator permit and examination fees.**

Fees for permits, examinations and inspections under this chapter shall be paid prior to permit issuance,  
examination or inspection as follows:

- A. Master fumigator....\$150.00
- B. Master exterminator....150.00
- C. Master fumigator and....150.00

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Master exterminator permit (if held by the same individual)....150.00

D. Master fumigator exam (each time administered)....150.00

E. Master exterminator exam (each time administered)....150.00

F. Master fumigator and master exterminator exam (if administered concurrently)....200.00

G. Fumigation inspection fee, per fumigation....200.00

(Ord. 114837 § 1, 1989; Ord. 112566 § 1, 1985; Ord. 109951 § 1(part), 1981.)

**10.03.030 X-ray diagnostic fees for asbestos-related lung disease cases.**

A. The Director of the Seattle-King County Department of Public Health is authorized and directed to charge and collect a fee from other local health departments in the amount of Ten Dollars (\$10.00) for the service of X-ray reading and interpretation on each suspected asbestos-related lung disease case.

B. All funds received by the Department of Public Health in implementing the provisions of subsection A of this section, shall be deposited into the King County Tuberculosis Control Fund. (Ord. 107951 §§ 1, 2, 1979.)

**10.03.045 Laboratory fees.**

The Director of Public Health is authorized to charge and collect fees in the amount indicated for the following laboratory services:

A. Microbiological testing for:

1. Ova and parasites examination....\$17.60

2. Ova and parasites examination with trichrome....29.30

3. Culture, Group A streptococcus....6.00

4. Culture, Group B streptococcus....6.00

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5. Culture, Yersinia....36.45
6. Culture, acid-fast bacilli with smear....30.00
7. Culture, gonorrhea....4.25
8. Cryptosporidium examination....10.00
9. Culture, E coli 0157:H7....15.00
10. Culture, Haemophilus ducreyi....7.50
11. Culture, Herpes simplex virus....20.00
12. Culture, Stool....16.75
13. Culture, Virus....20.00
14. Pinworm examination....6.55
15. Rotavirus antigen....25.00
- B. Serological testing for:
  1. Adenovirus antibody....\$ 7.00
  2. Brucella antibody....7.00
  3. Chlamydia group antibody (Psittacosis-LGV)....7.00
  4. Cytomegalovirus antibody (CMV)....7.00
  5. Hepatitis A IgM antibody (IgM anti-HAV)....15.50
  6. Hepatitis B surface antigen (HBsAg)....7.00
  7. Hepatitis B core antibody (anti-HBc)....9.00
  8. Hepatitis B surface antibody (anti-HBs)....7.00

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9. Hepatitis B screen (HBsAg, anti-HBs)....13.00
10. Hepatitis panel (HBsAg, anti-HBs, anti-HBc)....21.50
11. Hepatitis panel (HBsAg, anti-HBs, anti-HBc, IgM anti-HAV)....36.00
12. Herpes simplex virus antibody....7.00
13. HIV-1 antibody, confirmation....50.00
14. HIV-2 antibody, confirmation....50.00
15. HIV-1/HIV-2 antibody, routine (includes WB when EIA is repeatably reactive)10.00
16. Influenza A antibody....7.00
17. Influenza B antibody....7.00
18. Measles antibody, diagnostic....7.00
19. Measles antibody, immune status....15.00
20. Mumps antibody, diagnostic....7.00
21. Mumps antibody, immune status....15.00
22. Mycoplasma antibody....7.00
23. Respiratory syncytial virus antibody....7.00
24. Rubella antibody, diagnostic....9.25
25. Rubella antibody, immune status....5.25
26. Rubella antibody, quantitative....6.00
27. Syphilis, cerebrospinal fluid, FTA-ABS....15.00

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28. Syphilis, cerebrospinal fluid  
VDRL....4.25

29. Syphilis, routine (includes MHA-TP when needed for sexually transmitted disease  
investigation)....4.25

30. Syphilis, treponemal antibody,  
FTA-ABS w/ VDRL....14.00

31. Syphilis, treponemal antibody,  
FTA-ABS w/out VDRL....12.00

32. Syphilis, treponemal antibody,  
MHA-TP w/ VDRL....6.65

33. Syphilis, treponemal antibody,  
MHA-TP w/out VDRL....4.65

34. Toxoplasma antibody, IgG....7.00

35. Toxoplasma antibody, IgM....25.00

36. Tularemia antibody....7.00

Other:

Miscellaneous laboratory procedure Cost  
(Ord. 116943 § 1, 1993; Ord. 111447 § 1, 1983; Ord. 110882 § 1, 1982.)

### **10.03.056 Fees implementing Chapter 10.56--Swimming and spa pools.**

A. Permit Fees.

1. Annual permits for one  
pool....\$300.00

2. Annual permit for each additional pool on the same premises as first pool....150.00

B. Plan Review Fees.

1. New pool....150.00

2. Renovation (including extensive changes in equipment, piping or pool structure, costing in  
excess of \$3,000.00)....\$ 75.00

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3. Alteration (including change of filtration equipment, pumps or other mechanical equipment)....25.00

C. Variance review fee....150.00

(Ord. 116942 § 1, 1993: Ord. 116435 § 1, 1992: Ord. 115441 § 1, 1990: Ord. 110886 § 1, 1982: Ord. 110180 § 2, 1981.)

**10.03.110 Food-service establishment permit fees.**

A. The permit fees for the food-service establishments subject to regulation by Chapter 10.10 Seattle Municipal Code shall be the annual fees set forth below and, with respect to temporary food-service establishments, the periodic fee set forth below:

**Type of Food--Service Establishment      Fee**

**Restaurants**

Seating capacity 1--75....\$155.00

Seating capacity 76--150....245.00

Seating capacity 151--250....355.00

Seating capacity over 250....460.00

Caterers (if not part of another food-service establishment), Food-Processing establishments and Retail Bakeries....155.00

Snack Bars (in which no food preparation occurs).... 65.00

**Mobile Food-Service Units**

Mobile Food Carts,  
base fee .... 185.00

Additional locations, each.... 65.00

Restricted Mobile Food Vehicles,  
base fee ....185.00

Additional vehicles, each....65.00

Unrestricted Mobile Food Vehicles,  
base fee.... 215.00

Additional vehicles, each .... 65.00

Temporary Food-Service Establishments,

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Low-hazard operation....55.00

High-hazard operation....80.00

Religious, charitable or educational organization or institution with an Internal Revenue Service 501(C)(3) nonprofit tax-exempt status....\$ 25.00

Food Demonstrators....90.00

Food Promoters....250.00

Taverns (no food preparation)....90.00

Grocery Stores

Less than 4 checkout devices....65.00

4--8 checkout devices....140.00

Over 8 checkout devices....250.00

Bed and Breakfast

Continental breakfast....65.00

Full-service breakfast....155.00

Reduced Fee Establishments

Religious, charitable or educational organization or institution with an Internal Revenue Service 501(C)(3) Operating a food service establishment....50.00

Public, Private, or parochial school lunchroom....One-half fee for applicable category above

Vending facility under the supervision of the Washington State Commission

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form the Blind....One-half fee for applicable category above

Plan Review

New construction....200.00

Remodel....150.00

Multiple permits in one facility (2+) (each)....100.00

Resubmittal (per hour)....Cost of service

Subsequent pre-occupancies, on-site inspection prior to plan submittal, or on-site inspection when no plan review is required....75.00

Temporary establishment....\$25.00

Late Fees

Annual permits, 10--30 days....25%

Annual permits, more than 30 days....50%

School lunchroom....-0-

Temporary applications, submitted 9--14 days prior to the event....25.00

Temporary applications, submitted 3--8 days prior to the event....50.00

Temporary applications, submitted 0--2 days prior to the event, when approved....50.00

Miscellaneous Fees

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Request for variance....150.00

Provided, that if the application pertains to a seasonal food-service establishment or a food-service establishment that is to be operated only after October 1st, in any year, the applicable permit fee shall be one-half ( 1/2) the annual fee specified above.

B. The fee for any permit to be issued under Chapter 10.10 of the Seattle Municipal Code shall be due and payable on or before the commencement date of the operation subject to such permit.

C. For the purpose of calculating seating capacity to determine the applicable permit fee, the following methodology shall be used:

1. Only the number of seats and other provisions for on-premises consumption shall be counted; seating used solely for customer waiting shall not be counted.

2. Any restaurant comprised of more than one (1) type of operation, such as a coffee shop and cocktail lounge, may, at the option of the permittee, have its seating capacity computed as if the restaurant were only a single operation.

3. Seating count for "take-out" and "drive-in" type food-service establishments shall either include the total number of inside and outside seats or two (2) seats for each defined parking stall provided by the food-service establishment, whichever is greater.

(Ord. 117000 § 1, 1993: Ord. 116934 § 1, 1993: Ord. 116436 § 1, 1992: Ord. 115945 § 2, 1991: Ord. 115441 § 3, 1990: Ord. 114837 § 2, 1989: Ord. 113908 § 1, 1988: Ord. 112569 § 2, 1985; Ord. 110883 § 1, 1982; Ord. 110268 § 2, 1981.)

### **10.03.120 School inspection, review, and investigation fees.**

A. The Director is authorized and directed to charge and collect from the appropriate board of education or school, the indicated fee for the services described below:

1. For reviewing....\$75.00 base fees  
plans and specifi- plus \$50.00 per  
cations in im- hour for actual  
plementation of time spent  
SMC Section performing such  
10.58.010A. review work

2. For any pre-occupancy....40.00  
inspection conducted  
subsequent to the initial  
inspection conducted pursuant  
to WAC 248-64-250(2)(a)  
and SMC Section 10.58.010 B.

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3. For any certification....75.00  
inspection conducted pursuant  
to SMC Section 10.58.010 C.

4. For any exemption investi-....75.00gation conducted pursuant  
to SMC Section 10.58.010 D.

B. Fees due under SMC Section 10.03.120 A shall be payable by the affected school or board of education prior to the Director of Public Health's final approval of any plans and specifications submitted for review. All other fees shall be due and payable by the affected school or board of education upon submission to the Director of Public Health of the application or request to perform the chargeable activity. (Ord. 116937 § 1, 1993; Ord. 114837 § 2, 1989; Ord. 112562 § 1, 1985; Ord. 110265 § 2, 1981.)

### **10.03.130 Fees for personal health care and dental services.**

A. General Fees Established. Fees for health care services authorized in SMC Section 10.60.010 are hereby fixed and established as the indicated maximum allowable reimbursement levels under Title XIX of the Social Security Act, as amended, rounded to the nearest dollar, for the indicated units of service, as specified in the then current Schedule of Maximum Allowances and Program Descriptions published by the State of Washington, Department of Social and Health Services, Division of Medical Assistance, one (1) copy of each of which documents has been filed with the City Clerk in C.F. 297801, which schedule is hereby adopted and, by this reference, made a part of this section; provided, that fees for dental services authorized in SMC Section 10.60.010, are hereby fixed and established as the indicated maximum allowable reimbursement levels under Title XIX of the Social Security Act, as amended, rounded to the nearest dollar, for the indicated units of service, as specified in the then current Schedule of Maximum Allowances and Program Descriptions published by the State of Washington, Department of Social and Health Services, Division of Medical Assistance, one (1) copy of which has been filed with the City Clerk in C.F. 297802, which schedule is hereby adopted and, by this reference, made a part of this section; provided, further, that fees for HIV Intervention Services authorized in SMC Section 10.60.010, providing early medical intervention/treatment to HIV seropositive low-income persons, are hereby fixed and established as the indicated maximum allowable reimbursement rate under RCW 70.24.250 and RCW 43.20A.550 and Washington State Administrative Code Chapter 248-168 for the indicated units of service as specified in the then current HIV Intervention Program Operations and Billing Manual published by the State of Washington, Department of Health, one (1) copy of which has been filed with the City Clerk as C.F. 298033, which schedule is hereby adopted and, by this reference, made a part of this subsection, less the adjustment specified by the Department of Health for each eligible recipient; and except the family planning annual visit fee is fixed and established as the maximum Title XIX allowable charges for E/M code 99204 or 99215; provided, further, that treatment of chlamydia fees shall be waived at sites within the Department that receive federal funding to subsidize this treatment; provided, further, that in the event the State Department of Social and Health Services, or its successor, publishes any new or revised Schedule of Maximum Allowances or the State Department of Health, or its successor, publishes a new or revised HIV Intervention Program Operations or Billing Manual, then the Director of Public Health, after making and filing a finding by said Director that such new or revised Schedule is consistent with State guidelines for the establishment of such schedules and filing one (1) copy of such new or revised Schedule with the City Clerk, which copy is adopted

and made a part of this section by this reference, shall charge and collect, as the Department's fee, the maximum allowable reimbursement set forth in such new or revised Schedule.

B. Fee Adjustments. Except as is provided in SMC Section 10.03.130 F, and except for the Department of Health-imposed sliding fee scale for HIV Intervention Program services, and except as mandated by Title X Federal Guidelines for sliding fee scales for Family Planning clinics, the Director of Public Health is authorized to charge and collect reduced fees for the personal health care and dental services authorized to be performed under SMC Section 10.60.010, according to the following schedule:

Gross Income Level of Health Care Services Recipient	Fee Category	Fee (Expressed as a percentage of Departmental fee as established in SMC 10.03.130 A or B)
Equal to or less than 100% of the CSA Poverty Guidelines	A	No charge for clinic services. \$2.50 will be charged for each Pharmaceutical supply
From more than 100% through 150% of the CSA Poverty Guidelines	B	25% of the full charge for clinic services and pharmaceutical supplies
From more than 150% through 200% of the CSA Poverty Guidelines	C	50% of the full charge for clinic services and pharmaceutical supplies
From more than 200% through 250% of the CSA Poverty Guidelines	D	75% of the full charge for clinic services and pharmaceutical supplies
Over 250% of the CSA Poverty Guidelines	E	Full charge for clinic services and pharmaceutical supplies

C. The Director of Public Health is authorized to waive the fees established by this section, for care provided to any recipient who demonstrates, or on whose behalf a demonstration is given, to the reasonable satisfaction of the Director, that such recipient is unable to pay such fees, or when the Director determines that such services are necessary to avert to control a current public health problem.

D. The term "CSA Poverty Guidelines," as used in subsection C hereof, means the "poverty income guidelines" applicable to the State of Washington, as published in the Federal Register Vol. 58, No. 28, pg. 8287.9, effective February 12, 1993, one (1) copy of which, together with related information, has been filed with the City Clerk in C.F. 298004, and which guidelines are hereby adopted and, by this reference, made a part hereof; provided, that in the event the federal government publishes any new or revised poverty guidelines and no different poverty guidelines have been established by the City Council, then the term "CSA Poverty Guidelines" shall mean such new or revised poverty income guidelines, upon the filing of one (1) copy of the same with the City Clerk.

E. No Fee for Treatment of Certain Sexually Transmitted Diseases. Notwithstanding any provision

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in subsection A or B hereof, to the contrary, the Director of Public Health shall not charge or collect a fee for health care services provided for the treatment of syphilis, gonorrhea or chancroid.

F. **Fees Chargeable to Third-Party Payors.** Whenever a chargeable personal health care service or treatment is provided to a recipient for whom third-party financial assistance is available, including but not limited to that from private insurance carriers, Medicaid Managed Care Plans, Medicare, and Medicaid, the Department shall charge the third-party payor the Fee Category E fee, except for patients covered by Title XIX of the Social Security Act, as amended, the fees for whom shall be those specified in SMC Section 10.03.130 A. (Ord. 116935 § 1, 1993; Ord. 115423 § 1, 1990; Ord. 114833 § 1, 1989; Ord. 114232 § 1, 1988; Ord. 113733 § 1, 1987; Ord. 113170 § 1, 1986; Ord. 112557 § 1, 1985; 112026 § 1, 1984; Ord. 111446 § 1, 1983; Ord. 110902 § 2, 1982; Ord. 110272 § 3, 1981.)

### **10.03.140 Immunization fees.**

The Director of Public Health is authorized to charge and collect fees for other than travel-related immunization, as follows:

Cost of vaccine plus a Ten Dollar (\$10) administration fee.

Provided, that any such fee may be waived for an immunization provided to any recipient who shows or on whose behalf a showing is made, to the satisfaction of the Director, that such recipient is unable to pay such fee or when the Director determines that such service is necessary to avert or control a current public health problem.

(Ord. 116941 § 1, 1993; Ord. 114231 § 1, 1988; Ord. 112561 § 1, 1985; Ord. 111445 § 1, 1983; Ord. 110903 § 1, 1982; Ord. 110649 § 1, 1982.)

### **10.03.150 Travel immunizations and related services.**

The Director of Public Health is authorized and directed to charge and collect the following fees for the designated health-related services provided to persons traveling to points outside the United States:

<b>Service</b>	<b>Fee</b>
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Issuing or updating International Travel Certificate and assessing all immunizations....	the greater of \$18 or allowable Title XIX reimbursement for E/M CPT 99211 plus the cost of vaccine plus a \$10 administration fee
--	--

Issuing and/or updating any Travel Certificate and/or an exemption letter if no immunization is provided by the Department....	the greater of \$18 or allowable Title XIX reimbursement for E/M CPT 99211
--	--

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Validating or attesting that any required immunization has been provided by other than the Seattle-King County Department of Public Health.... the greater of \$18 or allowable Title XIX reimbursement for E/M CPT 99211

(Ord. 116941 § 2, 1993; Ord. 114231 § 2, 1988; Ord. 112561 § 2, 1985; Ord. 112025 § 1, 1984; Ord. 111445 § 2, 1983; Ord. 110903 § 2, 1982.)

**10.03.155 Premarital seriological services--Charges.**

The Director of the Seattle-King County Department of Public Health is directed and authorized to charge every individual receiving venipuncture services for premarital seriological studies, including physician certification of results, a Ten Dollar (\$10) fee.

(Ord. 109991 § 1, 1981.)

**10.03.160 Tuberculin test fees.**

The Director of Public Health is authorized to charge and collect a fee for tuberculin tests, as follows:

For all individuals.... \$7

Provided, that any such fee may be waived for any tuberculin test provided to any recipient who shows or on whose behalf a showing is made, to the satisfaction of the Director, that such recipient is unable to pay such fee, or when the Director determines that such service is necessary to avert or control an emergency or communicable public health problem.

(Ord. 112551 § 1, 1985; Ord. 111444 § 1, 1983.)

**10.03.170 Pet kennel permit fees.**

Fees for permits under this chapter shall be paid prior to permit issuance as follows:

- A. Commercial kennel.... \$75;
- B. Veterinary hospital.... 40;
- C. Pet shop.... 75;
- D. Pet kennel.... 20.

(Ord. 112107 § 1, 1985.)

**10.03.180 Construction and environmental review fees.**

The Director is authorized and directed to charge and collect from the applicant for construction or master use permits when Health Department review is required the indicated fees for services described below:

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A. For the review of construction plans for non-single-family new or remodel construction.... \$50;

B. For environmental review of plans subject to the Washington State Environmental Policy Act (RCW 43.21C).... \$250 base fee, plus additional fee for actual review costs over and above \$250.

(Ord. 115944 § 1, 1991.)

**10.03.200 Sales to nonprofit community clinics.**

To assist nonprofit community clinics in obtaining drugs or supplies, the Director of Public Health shall set, charge and collect fees according to the following rate:

Service	Fee
Sales of Drugs or	At cost plus a 15%
Supplies	handling fee

(Ord. 116940 § 1(part), 1993.)

**10.03.210 Sales to other health departments and districts.**

To assist other health departments and health districts in obtaining drugs and supplies, the Director of Public Health shall set, charge and collect fees according to the following rates:

Service	Fee
Sales of Drugs or	At cost plus shipping
Supplies	charges plus a 15% handling fee

(Ord. 116940 § 1(part), 1993.)

**Chapter 10.04**

**PUBLIC FALLOUT SHELTERS**

**Sections:**

**10.04.020 Use of certain City property.**

**10.04.020 Use of certain City property.**

The City consents to the use of City property under the management and control of the Board of Library

Trustees for public fallout shelter purposes upon appropriate authorization by the Board and Commission.  
(Ord. 91478 § 2, 1962.)

## Chapter 10.06

### EMERGENCY CONTROL OF DRAINAGE PROBLEMS, EARTH MOVEMENT, MUD FLOWS, WINDSTORM DAMAGE AND OTHER HAZARDS

#### Sections:

**10.06.010** Citizen requests for assistance--Authority of Department Directors.

**10.06.010** Citizen requests for assistance--Authority of Department Directors.

A. For the emergency control of drainage problems, earth movement, mud flows, windstorm damage, and other hazards occurring or threatening to occur on private property, Department Directors are authorized upon the request of the owner or occupant of any such property to render necessary emergency assistance. City crews or contractors under the direction of a City employee may provide this assistance to citizens during an emergency when working in an area to restore City facilities or protect public safety under the following conditions:

1. Assistance may be provided to reduce or relieve a hazardous condition or the threat of a hazardous condition, not simply as a convenience to the citizen;
2. Assistance may be provided to the extent that the City resources are sufficient to perform the work;
3. Assistance may be provided to the extent that the City crew determines it will not interfere with higher priority emergency work;
4. Assistance may be provided if the City crew determines it will not place the City crew or contractors in an unsafe situation; and
5. Assistance may be provided if the City crew determines the work can be done without causing additional damage.

B. Department Directors are authorized to enter into agreements with any such owner or occupant providing for reimbursement of the City's cost of performing such emergency assistance, and is further authorized to collect such costs. Such agreements may include a waiver protecting the City from claims arising from the work to be performed as a result of the request for assistance and a cost estimate for the work to be performed based on current rates for labor, equipment, materials and other costs. In order to collect such costs, there must be an agreement with such owner or occupant and the City may seek reimbursement up to the amount estimated or actual costs, whichever is less.

(Ord. 118896 § 1, 1998: Ord. 118396 § 9, 1996: Ord. 102112 § 1, 1973.)

## Chapter 10.07

### GRAFFITI NUISANCE CODE

**Sections:**

10.07.010 Definitions.

10.07.020 Violation of chapter.

10.07.030 Notice.

10.07.040 Notice of civil violation and hearing.

10.07.050 Hearing before the Hearing Examiner.

10.07.060 Monetary penalty.

10.07.070 Abatement by the City.

10.07.080 Enforcement.

10.07.090 Severability.

**10.07.010 Definitions.**

A. "Abate" means to remove the graffiti by such means, in such a manner and to such an extent as the Director or the Hearing Examiner reasonably determines is necessary to remove the graffiti from public view.

B. "Director" means the Director of Seattle Public Utilities or his or her designee.

C. "Graffiti" means unauthorized markings, visible from premises open to the public, that have been placed upon any property through the use of paint, ink, chalk, dye or any other substance capable of marking property.

D. "Graffiti nuisance property" means property upon which graffiti has not been abated after the abatement date established pursuant to subsection 10.07.030 B.

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

F. "Owner" means any entity or entities having a legal or equitable interest in real or personal property including but not limited to the interest of a tenant or lessee.

G. "Premises open to the public" means all public spaces, including but not limited to streets, alleys, sidewalks, parks, and public open space, as well as private property on to which the public is regularly invited or permitted to enter for any purpose.

H. "Property" means any real or personal property and that which is affixed, incidental or appurtenant to real property, including but not limited to any structure, fence, wall, sign, or any separate part thereof, whether permanent or not.

I. "Responsible party" means an owner, or an entity or person acting as an agent for an owner by agreement, who has authority over the property or is responsible for the property's maintenance or management. Irrespective of any arrangement to the contrary with any other party, each owner shall always be a responsible party for the purposes of this chapter. There may be more than one responsible party for a particular property.

J. "Unauthorized" means without the consent of a responsible party.  
(Ord. 118082 § 1(part), 1996.)

**10.07.020 Violation of chapter.**

A. Any property located in The City of Seattle that becomes a graffiti nuisance property is in violation of this chapter and is subject to its remedies.

B. Every responsible party who permits a property to become a graffiti nuisance property is in violation of this chapter and subject to its remedies.  
(Ord. 118082 § 1(part), 1996.)

**10.07.030 Notice.**

When the Director has reason to believe that a property within the City may be a potential graffiti nuisance property, the Director shall:

A. Identify a responsible party and send that party an informational letter describing the nature and location of the graffiti and requesting that the graffiti be removed promptly. The letter shall explain the problems caused by the continued presence of graffiti and the need for its prompt removal, describe the resources available to aid in graffiti removal, and give notice that failure to remove graffiti is a violation of City law that may lead to legal action to remove the graffiti at the expense of the responsible party and may subject the responsible party to civil penalties.

B. If the graffiti is not promptly removed after the information letter has been sent, the Director shall notify the responsible party in writing, by certified mail, that the property has been identified as a potential graffiti nuisance property. The notice shall contain the following information:

1. The street address or description of the property reasonably sufficient for identification of the property;
2. A concise description of the conditions leading the Director to believe that the property may be a graffiti nuisance property;
3. A description of what must be done to abate the graffiti;
4. A statement that the graffiti must be abated within ten (10) calendar days after receipt of the letter, and a statement that if the graffiti is not abated within that time the property will be a graffiti nuisance property subject to abatement in accordance with Section 10.07.070, and the responsible party will be subject to monetary penalties and costs in accordance with Sections 10.07.050, 10.07.060 and 10.07.070.

C. The notice referred to in subsection B of this section shall be mailed by certified mail to the responsible party at that party's last known address. The notice shall also be posted at the property. As an alternative to mailing the notice, the Director may cause a copy of the notice to be personally served on the responsible party in the manner authorized by statute for personal service.

D. If, after proper notification has been given and the specified time period has elapsed, the graffiti has not been abated, the Director shall serve a notice of civil violation and hearing on the responsible party

directing that party to appear before the City's Hearing Examiner.

E. Once a responsible party has been notified pursuant to subsection A and B of this section that a specified property is a potential graffiti nuisance, the Director may thereafter issue a notice of civil violation and hearing for that property pursuant to Section 10.07.040 without further notice. (Ord. 118082 § 1(part), 1996.)

**10.07.040 Notice of civil violation and hearing.**

A. The notice of civil violation and hearing shall include the following:

1. The name and address of the responsible party;
2. The street address or description sufficient for identification of the property which constitutes the graffiti nuisance property;
3. A statement that the property is a graffiti nuisance property and a description of the graffiti constituting the graffiti nuisance;
4. A statement describing what must be done to abate the graffiti;
5. A statement that the costs and expenses of abatement incurred by the City pursuant to Section 10.07.070 and monetary penalties as specified in Section 10.07.050 and 10.07.060 may be assessed against the responsible party;
6. The date, time and location of a hearing before the Hearing Examiner at which the responsible party shall have the opportunity to contest the existence of the graffiti, to contest his or her responsibility for the graffiti nuisance property, and to raise any other defenses to liability or considerations by way of mitigation; and
7. A statement that the hearing will be canceled and no monetary penalty will be assessed if the Director approves the completed abatement at least forty-eight (48) hours prior to the scheduled commencement of the hearing.

B. Notwithstanding Seattle Municipal Code subsection 3.02.090 A, the date set for the hearing before the Hearing Examiner shall be no sooner than ten (10) and no later than thirty (30) calendar days from the date the notice of civil violation and hearing is issued.

C. The Director shall serve the notice of civil violation and hearing in the manner described in subsection 10.07.030 C of this chapter. If an address for mailed service cannot, after due diligence, be ascertained and the person to whom the notice is issued cannot, after due diligence, be personally served within King County, notice shall be served by posting a copy of the notice conspicuously at the graffiti nuisance property. 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.

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(Ord. 118082 § 1(part), 1996.)

**10.07.050 Hearing before the Hearing Examiner.**

A. The Hearing Examiner shall conduct a hearing on the civil violation pursuant to the rules of procedure of the Hearing Examiner for the conduct of hearings. The Director and the person to whom the notice of civil violation and hearing was issued are parties to the hearing and each may call witnesses.

B. The Director shall have the burden to prove by a preponderance of the evidence that the property contains graffiti, that the person issued the notice is a responsible party, that the required abatement is reasonable, and that the required abatement has not been completed prior to the date established in the notice pursuant to subsection 10.07.030 B.

C. If the Hearing Examiner finds that the property contains graffiti, that the person issued the notice is a responsible party, but that the abatement required by the Director is not reasonable, then the Examiner shall modify the abatement so that it is reasonable.

D. The Hearing Examiner shall issue to the responsible party a decision and order containing the following information:

1. The decision and order regarding the alleged graffiti nuisance property, including findings of fact and conclusions in support of the decision and order;
2. Any required abatement action and the date by which the abatement must be completed;
3. Any monetary penalties assessed based on subsection F of this section which shall be due ten (10) calendar days after the date of the decision and order;
4. A description of the additional civil penalties which will automatically accrue pursuant to subsection I of this section if the responsible party fails to abate the graffiti nuisance property by the date established in the decision and order;
5. The date after which the City may abate the graffiti nuisance property pursuant to Section 10.07.070 if the required abatement is not completed; and
6. Notice that judicial review of the decision and order may be sought pursuant to subsection K of this section.

E. Monetary penalties assessed by the Hearing Examiner shall accrue in the amount up to One Hundred Dollars (\$100.00) per day beginning on the correction date set by the Director or on a subsequent date set by the Hearing Examiner, provided that the maximum monetary penalty shall be Five Thousand Dollars (\$5,000.00). In the alternative, the Hearing Examiner may choose to assess no monetary penalties.

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

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1. Whether the responsible party cooperated with efforts to abate the graffiti nuisance property;
  2. Whether the responsible party failed to appear at the hearing;
  3. Whether the responsible party made substantial progress in abating the graffiti nuisance property; and
  4. Any other relevant factors.

G. The Hearing Examiner shall mail a copy of the decision and order to the person to whom the notice of civil violation and hearing was issued and to the Director within ten (10) working days of the close of the hearing record. If an address for mailing cannot after due diligence be ascertained, a copy of the decision and order shall be posted conspicuously at the property.

H. If the person to whom the notice of civil violation and hearing was issued fails to appear at the scheduled hearing, the Hearing Examiner shall, upon submittal of sufficient evidence by the Director, enter a decision and order finding that the property is a graffiti nuisance property, the person to whom the notice was issued is a responsible party, the required abatement is reasonable, and the required abatement action had not been completed prior to the date established in the notice; and assessing the appropriate monetary penalty and costs.

I. If the responsible party fails to abate the nuisance as ordered by the Hearing Examiner, monetary penalties in addition to any monetary penalties already assessed by the Hearing Examiner shall automatically accrue in the amount of One Hundred Dollars (\$100.00) per day until the abatement is complete and shall be due immediately upon accrual.

J. The City will carry out the Hearing Examiner's decision and order and recover all monetary penalties and costs.

K. Any review of the decision and order of the Hearing Examiner must be by land use petition filed within twenty-one (21) days of issuance of the decision and order as provided in Chapter 347 of the Laws of 1995.

(Ord. 118082 § 1(part), 1996.)

#### **10.07.060 Monetary penalty.**

A. Payment of a monetary penalty pursuant to this chapter does not relieve the responsible party of the duty to abate the graffiti nuisance.

B. The monetary penalty constitutes a personal obligation of the responsible party to whom the notice of civil violation and hearing is issued.

C. Any monetary penalty imposed pursuant to this chapter shall accrue interest from the date payment is due at the maximum rate authorized by law for interest on civil judgments, and there shall be added to such penalty the reasonable attorneys' fees and costs incurred in collecting it.

(Ord. 118082 § 1(part), 1996.)

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**10.07.070 Abatement by the City.**

- A. The Director may abate the graffiti nuisance property when a decision and order has been issued by the Hearing Examiner pursuant to Section 10.07.050 of this chapter and any required abatement is not complete by the date specified in the decision and order.
- B. The Director may call upon other City departments and other agencies and resources for assistance in abating a graffiti nuisance property.
- C. Using any lawful means, the Director may enter upon the graffiti nuisance property and abate the graffiti. The Director may seek such judicial process as is deemed necessary to carry out the abatement.
- D. The costs of correcting the violation shall be billed to the responsible party and shall be due and payable to the City within ten (10) days calendar days. Costs include both the value of the use of City staff and equipment and payments made to third parties, including but not limited to:

1. Personnel costs, both direct and indirect, including attorneys' fees and costs and administrative overhead;
  2. Costs incurred in documenting the violation;
  3. Hauling, storage and disposal expenses;
  4. Actual expenses and costs of the City in preparing notices, specifications and contracts, and in accomplishing or contracting and inspecting the work; and
  5. The costs of any required printing and mailing.
- (Ord. 118082 § 1(part), 1996.)

**10.07.080 Enforcement.**

Notwithstanding the provisions of Seattle Municipal Code Section 3.33.020, actions necessary for effective enforcement of this chapter may be brought in Superior Court.  
(Ord. 118082 § 1(part), 1996.)

**10.07.090 Severability.**

The provisions of this chapter are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection or portion of this chapter, or the application thereof to any person or circumstance, is held to be invalid, it shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances.  
(Ord. 118082 § 1(part), 1996.)

**Chapter 10.08**

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## ALARM SYSTEMS

### Sections:

#### Subchapter I General Provisions

- 10.08.010 Unlawful connections designated.
- 10.08.020 Direct connections to municipal systems prohibited.
- 10.08.030 Reporting not prohibited.
- 10.08.040 Violation--Penalty.

#### Subchapter II (Reserved)

#### Subchapter III Property and Panic Alarm Systems

- 10.08.135 Purpose.
- 10.08.140 Definitions.
- 10.08.145 Audible alarm standards.
- 10.08.150 Notice--Alarm turnoff.
- 10.08.155 Ten-minute limit on audible alarms.
- 10.08.160 Unlawful activation or report of alarm.
- 10.08.165 Alarm system monitoring companies--Verification process.
- 10.08.168 Determination--Rebuttable presumption.
- 10.08.178 Frequent false alarms--Process for disregarding automatic alarms--In-person verification.
- 10.08.180 Violation--Civil penalties.

### Subchapter I

#### General Provisions

#### 10.08.010 Unlawful connections designated.

It is unlawful for anyone having or conducting a privately owned fire alarm system to have direct electrical, mechanical, telephonic or other type of connection with the facilities, of any office, branch, department or agency of the Seattle Fire Department unless such person has and maintains a Central Station Protective Signaling System meeting the standards of the National Fire Protection Association dated June, 1956 (C.F. 234509), or for anyone having or conducting a privately owned burglary and/or robbery alarm system to have or maintain any equipment or device at, or any direct connection with, the facilities of any office, branch, department or agency of the Seattle Police Department; provided that nothing in Subchapters I or II of this chapter shall prohibit the installation or use of regular private or business telephone lines for the reporting by any person of a fire, burglary or robbery.  
(Ord. 101476 § 4, 1972; Ord. 87178 § 1, 1958.)

#### 10.08.020 Direct connections to municipal systems prohibited.

It shall be unlawful for anyone to make any direct connection to or on the municipally owned fire alarm and/or police signal systems of the City.  
(Ord. 87178 § 2, 1958.)

#### 10.08.030 Reporting not prohibited.

Nothing in Subchapters I or II of this chapter shall prohibit or prevent any individual from making reports to the Seattle Police and Fire Departments.

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(Ord. 87178 § 3, 1958.)

**10.08.040 Violation--Penalty.**

The violation of or failure to comply with any of the provisions of Subchapters I and II of this chapter shall subject the offender upon conviction thereof to a fine of not to exceed Three Hundred Dollars (\$300.00), or imprisonment in the City Jail for not to exceed ninety (90) days, or to both such fine and imprisonment. (Ord. 87178 § 4, 1958.)

**Subchapter II**

(Reserved)

**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.**

A. "Alarm system" or "alarm device" means any system, device, or mechanism which, when activated, transmits a telephonic, wireless, electronic, video, or other form of message to an alarm system monitoring company, or some other number, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a signal beyond the premises in some other fashion, except any system, device, or mechanism primarily protecting a motor vehicle. An alarm system or alarm device may consist of one or more components (e.g., motion detector, window breach detector, or similar components) all reporting to a central unit/system panel which, in turn, is connected to or reports to an alarm system monitoring company via telephonic, wireless, electronic, video, or other form of message.

B. "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.

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C. "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.

D. "Alarm user class" means a class provided by the Alarm Unit of the Seattle Police Department for the purpose of educating alarm users about false alarms.

E. Burglary alarm. See "Property alarm" below.

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

G. "Department" means the Seattle Police Department.

H. "Director" means the Director of Executive Administration of the City or any officer, agent or employee of the City designated to act on the Director's behalf.

I. "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.

J. Panic alarm. See "Robbery alarm" below.

K. "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.

L. "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.

M. "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.

N. "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:

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

O. Verification. See Section 10.08.165.  
(Ord. 121332 §§ 3, 4, 2003; 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.

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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.  
(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.  
See Ordinances 101476 and amending  
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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 Executive Administration as provided in SMC Chapter 6.10;
- 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 given to the Director on a quarterly basis;
- D. Verify with those subscribers who have an automatic alarm system, each alarm signal that has been accepted by the alarm system monitoring company using a verification process to prevent false alarms from resulting in unnecessary police dispatches.

A verification process is an independent method of determining that a signal from an automatic alarm system reflects a need for police assistance or investigation. The means of verification shall include one (1) or more of the following:

- 1. An attempt by the alarm system monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this ordinance, telephone verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to determine whether an alarm signal is valid before requesting law enforcement dispatch;

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2. A feature that permits the alarm system user or a person authorized by the user to send a cancellation code 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 police assistance or investigation;
  4. An independent confirmation that a signal reflects a need for 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.
- 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.  
(Ord. 121332 § 5, 2003; Ord. 120181 § 114, 2000; Ord. 118397 § 99, 1996; Ord. 117169 § 127, 1994; Ord. 116702 § 1(part), 1993.)

#### **10.08.168 Determination--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.)

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

- A. In exercising his or her discretion to make a dispatch in response to an automatic property or automatic burglary alarm, the Chief of Police may disregard a call for dispatch when:
  1. 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
  2. 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 a dispatch when an in-person verification from an individual at the premises, or other independent evidence,

shows a need for police assistance at the premises.

B. To discourage false alarms, the Chief may adopt a process of sending a letter by regular mail informing the alarm system monitoring company of record of the false alarm history, 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 disregarded and an in-person verification being required or other independent information showing a need for such a dispatch before a 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 monitoring company 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 alarm system monitoring company 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 Seattle Police Department will after ten (10) days disregard automatic signals from the premises without a 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. Both the alarm user and a representative from the alarm system monitoring company are required to attend. 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" 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 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. 121332 § 7, 2003; 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. With respect

to Subsections A, B, C, and E of Section 10.08.165, each day of noncompliance shall be a separate violation, and the monetary penalties shall accumulate. With respect to Subsection D of Section 10.08.165, each failure to verify an alarm signal that has been accepted by the alarm system monitoring company and results in a false alarm, shall be a separate violation.

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 1 civil infraction under RCW 7.80.120(c) to a maximum penalty and a default amount of Two Hundred Fifty Dollars (\$250) plus statutory assessments.

C. There shall be a maximum penalty and default amount of Two Hundred Fifty Dollars (\$250) plus statutory assessments as contemplated by RCW 7.80.160(3), for a failure to pay a penalty imposed pursuant to subsection A or B.

(Ord. 121332 § 8, 2003; Ord. 121009 § 2, 2002; Ord. 116702 § 4, 1993; Ord. 101467 § 5, 1972.)

## Chapter 10.09

### PUBLIC NUISANCES

#### Sections:

10.09.010 Definitions.

10.09.020 Enforcement.

10.09.030 Public nuisance defined.

10.09.040 Public nuisances enumerated.

10.09.050 Authorized act not a public nuisance.

10.09.060 Successive owners liable.

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10.09.080 Voluntary correction.

10.09.090 Notice of civil violation.

10.09.100 Hearing before the Hearing Examiner.

10.09.110 Abatement by the City.

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.

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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.

K. "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 administered 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.

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(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.

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

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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
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

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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 Hearing 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:

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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.**

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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
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.)

## Chapter 10.10

### 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.)

### 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

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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

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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 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,

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- 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 the risk of foodborne illness by:

1. Identifying hazards of high-risk foods;
2. Assessing the hazards posed by each preparation step;
3. Determining the critical points for controlling hazards;
4. Monitoring a critical control point or points; and
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;

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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. "Mislabeled" 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

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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.

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 (Aw) 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*.

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(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.

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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.)

#### **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**

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(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.
- (Ord. 117001 § 1(part), 1993.)

#### **10.10.114 Eggs.**

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.)

#### **10.10.115 Meat 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.)

#### **10.10.116 Game 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:

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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

#### 10.10.121 Generally.

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,
  - 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.)

#### 10.10.122 Emergency 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:

- Seattle Municipal Code  
December 2004 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.
- 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.)

**10.10.123 Sulfiting 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.)

**10.10.124 Mollusks.**

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;

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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.)

#### **10.10.125 Game 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,

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.)

#### **10.10.126 Cheese.**

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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**

##### **10.10.131 Generally.**

- 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:

- Seattle Municipal Code  
December 2004 code update file  
Text provided for historic reference only.
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.)

#### **10.10.132 Raw 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:
  1. Moisture content of forty percent (40%) or less,
  2. Saline-in-moisture content of 3.75% or greater,
  3. Water activity (Aw) of 0.96 or less, and
  4. pH of 5.40 or less.

(Ord. 117001 § 1(part), 1993.)

#### **10.10.133 Sulfiting agents.**

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

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- Seattle Municipal Code  
December 2004 code update file  
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See ordinances creating and amending  
sections for complete text, graphics,  
and tables and to confirm accuracy of  
this source file.
- 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.)

**10.10.134 Bulk 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.)

**10.10.135 Raw 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.)

**10.10.136 Alternative wording.**

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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.)

#### **10.10.137 Alcoholic 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 (8 1/2") 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**

#### **10.10.141 Generally.**

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,
  2. In a running water dipper well,

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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.)

##### **10.10.152 Additional foods.**

The food-service establishment owner shall not perform modified atmosphere packaging on the

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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;

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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:

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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.)

**10.10.169 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;

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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.**

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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.)

### **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;

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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

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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.)

#### **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;

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- 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 accomplished 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;

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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
- C. Stored in a proper concentration of sanitizing solution between uses.

(Ord. 117001 § 1(part), 1993.)

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**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,

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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:

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- 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;
  - 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.)

#### **10.10.4110 Liquid 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.)

#### **10.10.4115 Plumbing.**

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

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3. A similar device.  
(Ord. 117001 § 1(part), 1993.)

**10.10.4120 Carbonated 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.)

**10.10.4125 Toilets 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;
  - 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.)

**10.10.4130 Toilets 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.)

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**10.10.4135 Toilets 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.)

**10.10.4140 Toilets 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.)

**10.10.4145 Joint usage.**

Toilet facilities may be used jointly by patrons and food-service workers, provided patrons accessing 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.)

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**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;

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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 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:

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- 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;

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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
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

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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:

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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,

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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;

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- 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;
  - 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.)

**10.10.536 Animals.**

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 or 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**

**10.10.5405 Generally.**

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.)

**10.10.5410 Food 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.)

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**10.10.5415 Temperature 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.)

**10.10.5420 Cold 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.)

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**10.10.5425 Condiments, 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.)

**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:

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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 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.)

**10.10.5455 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.**

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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:

- 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.)

**10.10.5475 Plans.**

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;

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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.)

#### **10.10.5480 Other 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.)

#### **10.10.5485 Additional 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

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- C. Prohibit some menu items.  
(Ord. 117001 § 1(part), 1993.)

## Subchapter LV

### Mobile Food Carts

#### 10.10.5505 Generally.

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.)

#### 10.10.5510 Food 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.)

#### 10.10.5515 Temperature 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 leftover 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.

(Ord. 117001 § 1(part), 1993.)

#### 10.10.5520 Condiments, single service, equipment and utensils.

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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.)

**10.10.5525 Dishwashing 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.)

**10.10.5530 Cart 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.)

**10.10.5535 Ice 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.)

**10.10.5540 Water supply.**

- A. When a mobile food cart has a water supply:
  - 1. The source and system design shall be approved by the Health Officer;

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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.)

#### **10.10.5545 Wastewater.**

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.)

#### **10.10.5550 Handwashing 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.)

#### **10.10.5560 Toilet 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.  
(Ord. 117001 § 1(part), 1993.)

**10.10.5565 Overhead 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.)

**10.10.5570 Dishwashing 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.)

**10.10.5575 Commissary.**

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.)

**10.10.5580 Location.**

The owner of a mobile food cart shall provide an exact location for their operation.  
(Ord. 117001 § 1(part), 1993.)

**10.10.5585 Plans.**

- 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;

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4. When ownership is changed;
  5. Before the location is changed; or
  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.)

**10.10.5590 Additional 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

#### 10.10.561 Foods 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;

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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:

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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
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.**

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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.**

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.

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

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 establishment 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.

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 reused;

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;

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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.)

#### **10.10.642 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;

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See ordinances creating and amending  
sections for complete text, graphics,  
and tables and to confirm accuracy of  
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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

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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 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**

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**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 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**

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**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.)

**10.10.673 HACCP.**

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.

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See ordinances creating and amending sections for full text, graphics, and tables to confirm accuracy of this source file.  
(Ord. 117001 § 1(part), 1993.)

**10.10.674 Reports.**

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.)

**10.10.675 Frequency.**

- 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**

**10.10.681 Examination 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.)

**10.10.682 Hold orders.**

- A. The Health Officer may, after notice to the person in charge, place a written hold order on any
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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
  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;
  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:

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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.)

### **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**

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### 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;
- 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

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**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.)

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**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

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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 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 FiftyDollars (\$150.00)Renovation (including extensive changes in equipment, piping or pool structure at an estimated cost over (\$3,000.00) Seventy-fiveDollars (\$75.00)Alteration (including change of filtration equipment, pumps or other mechanical equipment) Twenty-fiveDollars (\$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 HundredDollars (\$300.00)Additional such facilities at same location operated by same person One HundredFifty 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 one person to another Twenty-fiveDollars (\$25.00)  
(Ord. 117092 § 1(part), 1994.)

**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;

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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.<sup>1</sup>  
(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 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.)

#### **10.12.130 Park 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**

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- 10.13.010 Title.  
10.13.020 Purpose and policy declared.  
10.13.030 Definitions "A" and "B."  
10.13.040 Definitions "C" and "D."  
10.13.050 Definitions "E" through "J."  
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10.13.070 Definitions "P" through "Z."

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#### 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.

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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 for 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 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 breading, 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 dispense, 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 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.

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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.

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

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(\$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 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 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

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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 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

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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 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.

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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

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5. Other chemicals;

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.)

#### **10.13.250 Preparation 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.)

#### **10.13.260 Processing, 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

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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

##### **10.13.400 Sanitation 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 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 including 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 or 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

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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.)

#### **10.13.520 MPRAF 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.)

#### **10.13.530 Unlawful 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**

#### **10.13.600 Examination 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

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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.)

#### **10.13.610 Examination 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 prepackaged 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 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

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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.)

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**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

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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.

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 AFIAC. No MRPIAC or AFIAC committee member shall receive any compensation for services thereof. (Ord. 110052 § 1(part), 1981.)

### **10.13.810 Implementing personnel.**

The overall coordination of the implementation and enforcement of this chapter shall be by a veterinarian licensed by the state of Washington. Department inspectors used to enforce this chapter shall be persons who have been actively engaged in the preparing and/or processing of meat for a minimum of five (5) years. (Ord. 110052 § 1(part), 1981.)

## **Chapter 10.14**

### **COMMERCIAL FISHING BOAT RETAIL SALES**

#### **Sections:**

- 10.14.010 Title.
- 10.14.020 Purpose and policy declared.
- 10.14.030 Specific definitions.
- 10.14.040 Adopted definitions.
- 10.14.110 General requirements.
- 10.14.120 Application for retail commercial fishing boat permits.
- 10.14.130 Permit fee due date, amounts, and refunds.
- 10.14.140 Permit duration and expiration dates.
- 10.14.150 Permit issuance and denial.
- 10.14.210 Dispensing authorized upon receipt of permit.
- 10.14.310 Consumer protection standards affecting advertisements, displays, labeling, and frozen aquatic food.
- 10.14.320 Dispensing of certain crustacea and shellfish prohibited.
- 10.14.410 Sanitation standards for personnel of retail commercial fishing boats.
- 10.14.420 Sanitation standards for retail commercial fishing boat operations.
- 10.14.430 Construction and sanitation standards for retail commercial fishing boats.



- 10.14.510 Unlawful possession or dispensing of aquatic foods.  
10.14.520 Commercial dispensing of aquatic foods restricted.  
10.14.530 Unlawful use or alteration of permits, marks, numbers or other insignia.  
10.14.610 Inspection of commercial fishing boats and equipment thereon.  
10.14.620 Examination and inspection of aquatic food products.  
10.14.630 Examination and inspection of records.  
10.14.640 Removal of orders, tags, marks and aquatic food.  
10.14.710 Rulemaking.  
10.14.720 Temporary prohibition against dispensing.  
10.14.730 Suspension of permit  
10.14.740 Revocation of permits.  
10.14.750 Appeal of inspector's or Director's order or decision.  
10.14.760 Injunctions.  
10.14.770 Penalty.  
10.14.800 Recognition of activity exempt from municipal regulation.

**10.14.010 Title.**

This chapter may be cited as the "Commercial Fishing Boat Retail Sales Code."  
(Ord. 110940 § 1(part), 1982.)

**10.14.020 Purpose and policy declared.**

A. This chapter is enacted as an exercise of the police power of The City of Seattle 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 regulate the storing and dispensing by commercial fishermen of aquatic food originating from outside of Washington State and to provide for and promote the health, safety, and welfare of the general public, but 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 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. 110940 § 1(part), 1982.)

**10.14.030 Specific definitions.**

For the purposes of this chapter, unless the context clearly indicates a different meaning:

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A. "Adulterated" means:

1. Containing or bearing any toxic, deleterious or unwholesome substance of any kind in a quantity that may render aquatic food 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. Consisting in whole or in part of any substance otherwise unfit for human consumption;
4. Prepared, processed, or held under an unsanitary condition, such that contamination may have occurred or such that the aquatic food may have been rendered injurious to health;
5. 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; or
6. Contained in a container composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health.

B. "Commercial fishing" means engaging in fishing as a substantial means of livelihood, not for sport.

C. "Dress" means to slaughter or kill and perform the least cutting as is necessary to eviscerate, decapitate, head, gill and gut; slime; ice and freeze aquatic food to maintain the quality of the same.

D. "Equipment" means all slicers; knives, saws, cutting boards, counters, tables, refrigerators, freezers, cold storage facilities, hatches, holds, sinks, and similar items used in the operations of a retail commercial fishing boat.

E. "Retail commercial fishing boat" means any commercial fishing boat used to dispense aquatic foods directly to consumers.

F. "Retail operations" means the activity of a retail commercial fishing boat that is directly related to the dispensing of aquatic foods, and does not include activity relating to the catching or harvesting of aquatic foods.

G. "Process" means to cut, divide or grind, can; pickle; salt, smoke, dehydrate, or otherwise cure, cook at any temperature, and engage in any other activity with respect to aquatic foods that modifies the natural state of such aquatic food; provided, that the term "process" does not include the minimal cutting necessary to dress aquatic foods.

(Ord. 110940 § 1(part), 1982.)

#### **10.14.040 Adopted definitions.**

The following words shall have the meanings ascribed to such words in SMC Chapter 10.13, except that for the purpose of this chapter, all references, if any, in such definitions to "MPRAF" shall be deemed and understood

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to be references to aquatic foods, only, and references in such definitions to an "MPRAF establishment" shall be deemed and understood to be references to a retail commercial fishing boat:

"Approved"	"Frozen"
"Aquatic food"	"Inspected"
"City"	"Inspector"
"Commercially"	"Law"
"Consumer"	"Misbranded"
"Crustacea"	"Mollusks"
"Department"	"Permitted"
"Director"	"Person"
"Dispense"	"Person in charge"
"Fish"	"Prepackaged"
"Fresh"	"Shellfish"

(Ord. 110940 § 1(part), 1982.)

**10.14.110 General requirements.**

A. Possession of Permit. No person shall dispense within the City, aquatic foods originating from outside of Washington State without having an appropriate permit therefor issued pursuant to SMC Chapter 10.13 or alternatively having such person's name listed on a valid retail commercial fishing boat permit issued pursuant to this chapter.

B. Display of Permit. Every retail commercial fishing boat permit shall be displayed in a conspicuous location easily visible by a member of the public on or adjacent to, the permitted retail commercial fishing boat.

(Ord. 110940 § 1(part), 1982.)

**10.14.120 Application for retail commercial fishing boat permits.**

A. Standard Application Form. Every application for a retail commercial fishing boat permit shall be submitted to the Director upon an application form provided by the Department.

B. Standard Application Disclosures and Submittals. Each permit application shall include the applicant's full name and address and an identification of the form by which the applicant does business; provided, that if such form is a partnership, the applicant shall identify the names and addresses of all general partners, and if such form is a corporation, the applicant shall identify the state of incorporation and the names and addresses of all stockholders holding more than twenty percent (20%) of the outstanding stock of such corporation. The application shall also disclose:

1. The name of the fishing boat to be used as a retail commercial fishing boat;
2. The home port of such boat;
3. The official or registration number of such boat;
4. The proposed docking facility where such boat will be moored while dispensing is undertaken;

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- Seattle Municipal Code  
December 2004 code update file  
Text provided for historic reference only.  
See ordinances creating and amending  
sections for complete text, graphics,  
and tables and for consistency of  
this document.
5. Identification of the species of aquatic foods to be dispensed;
  6. Disclosure of the general location(s) where such species have been caught or harvested;
  7. A description of how and where the aquatic foods have been stored and refrigerated prior to being dispensed;
  8. If the aquatic food has been processed, the name and street address of each processor and the means by which its product can be identified;
  9. Appropriate evidence (such as a gear license, fish ticket, landing permit, or other proof) that the aquatic foods to be dispensed are, in fact, the applicant's lawful catch and that such applicant engages in commercial fishing; and
  10. The names and respective home addresses of all persons who are or will be engaged in the dispensing of aquatic food from such boat; provided, that whenever a holder of a retail commercial fishing boat permit desires any person not so listed to dispense aquatic food from such permitted boat, such holder shall file with the Director a supplementary application and pay the fee required by SMC 10.14.130C prior to allowing such other person to dispense any aquatic food from such permitted boat.

(Ord. 110940 § 1(part), 1982.)

#### **10.14.130 Permit fee due date, amounts, and refunds.**

A. Permit Fee Due Date. The fee for a retail commercial fishing boat permit is due and payable, and shall be paid, on or before the commencement date of the operation or activity subject to such permit.

B. Amount of Permit Fees. The fees for retail commercial fishing boat permits shall be as follows:

Annual....\$150.00

Semi-Annual.... 75.00

Provided, that in the event the applicable fee is not paid prior to the commencement of the activity or retail operation subject to such permit, or in the event a previously permitted person continues in such operation or activity for more than ten (10) days after the expiration date of such previous permit without having obtained another permit, the person owing the applicable fee shall be subject to a surcharge equal to an additional one-quarter ( 1/4) of the applicable permit fee, to pay for the additional Departmental administrative procedures occasioned by such delinquency.

C. Application Supplement Fee. The fee for supplementing an application for a retail commercial fishing boat permit to list additional persons who are or will be engaged in dispensing aquatic foods from a permitted retail commercial fishing boat shall be Fifteen Dollars (\$15.00) per supplement.

D. Fee Refunds. The Department is authorized to refund any permit fee paid under the following circumstances:

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1. Where the fee or any portion thereof has been overpaid;

2. Where the fee has been paid in advance of the applicable permit effective period, and where the permit-holding individual or entity never undertook a retail operation or activity authorized by the permit during its effective period because of the permit-holder's illness, death, dissolution, sale or other transfer of interest; provided, that proof of any such circumstances, satisfactory to the Director, must be submitted to the Director before any such refund will be provided. Each such refund shall be subject to a Ten Dollar (\$10.00) deduction for the costs of administration.  
(Ord. 110940 § 1(part), 1982.)

**10.14.140 Permit duration and expiration dates.**

All annual retail commercial fishing boat permits issued pursuant to this chapter shall expire on September 31st. Semiannual retail commercial fishing boat permits issued pursuant to this chapter from and after October 1st shall expire on the next succeeding March 31st; and those issued from and after April 1st shall expire on the next succeeding September 31st.  
(Ord. 110940 § 1(part), 1982.)

**10.14.150 Permit issuance and denial.**

Upon submittal of an application containing the information and evidence required in SMC 10.14.120 C, and payment of the appropriate permit fee specified in SMC 10.14.130, the Director shall issue a retail commercial fishing boat permit; otherwise, it shall be denied.  
(Ord. 110940 § 1(part), 1982.)

**10.14.210 Dispensing authorized upon receipt of permit.**

Upon the issuance of a retail commercial fishing boat permit, every person listed as an "authorized dispenser" on the application for such permit or any supplement thereto filed with the Department, shall be authorized to dispense to consumers directly from the permitted retail commercial fishing boat, for the duration of such permit, aquatic foods that have been caught or harvested by the master and crew of such permitted boat, and are whole or dressed, and fresh or frozen, or have been processed and are prepackaged in an MPRAF establishment issued a valid City permit under SMC Chapter 10.13 or in a preparer's or processor's facility under governmental inspection, and are prepackaged.  
(Ord. 110940 § 1(part), 1982.)

**10.14.310 Consumer protection standards affecting advertisements, displays, labeling, and frozen aquatic food.**

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 aquatic food or the dispensing of the same, that is untrue, deceptive, or misleading.

B. Advertisement or Representation of Frozen or Once-frozen Aquatic Foods. No person shall advertise or represent aquatic food that is or has been frozen without clearly indicating in the advertisement or



representation that such aquatic food is or has been frozen.

C. Refreezing Prohibited. No person shall refreeze prior to dispensing the same, any aquatic food that has been frozen and then thawed, except crab or shrimp.

D. Labeling Requirements. No person shall dispense from any retail commercial fishing boat, any package or receptacle containing any aquatic food unless such package or receptacle is labeled by stamping, printing, embossing, lithographing, or other graphic means, marking, stickers, seals, wrappers or container designs to show clearly, legibly, prominently, and informatively, the following:

1. The true name of the aquatic food contained therein;
2. The name of the retail commercial fishing boat from which such aquatic food has been dispensed or such boat's official or registration number, or both;
3. If the aquatic food is frozen, the month and year it was frozen;
4. If the aquatic food has been previously frozen and thawed, a statement that such aquatic food has been frozen; provided, that the dispensing of previously frozen shrimp and crab shall be exempt from this labeling requirement;
5. If the aquatic food has been stored in brine or salt water-ice prior to dispensing, that the aquatic food should be rinsed in fresh water prior to use;
6. If the aquatic food is prepackaged, the net weight of the package, price per pound of the aquatic food, and the total price of the package; and
7. If the aquatic food has been processed, identification of the processor and the condition of the aquatic food after processing (such as "sliced," "smoked," "dried," etc.).

E. Disapproved Labels Prohibited. No person shall apply or affix to, enclose with, or otherwise use in connection with any aquatic food any label or labeling that has been disapproved by the Director. The Director shall disapprove any label, brand, or tag for any aquatic food if the use of such label, brand or tag should result in misbranding.

(Ord. 110940 § 1(part), 1982.)

#### **10.14.320 Dispensing of certain crustacea and shellfish prohibited.**

A. Dispensing of Processed Crab and Lobster. No person shall dispense any processed 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. Dispensing of Shellfish. 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.

(Ord. 110940 § 1(part), 1982.)

#### **10.14.410 Sanitation standards for personnel of retail commercial fishing boats.**

A. **Personal Hygiene Requirements.** No person who works in or on a retail commercial fishing boat and handles, or who undertakes any of the functions connected with the dispensing of aquatic foods, shall use tobacco in any form while on duty, eat any food, or engage in any other potentially unsanitary practice or activity where aquatic foods are processed, dispensed or stored. Each such person shall put on clean outer garments in good repair immediately prior to dispensing aquatic food. Each such person shall wash his/her hands with soap and water immediately prior to dispensing any aquatic food that is not wrapped or otherwise protected against contamination; immediately after smoking, eating, drinking, or using the toilet; and otherwise during retail operations as necessary to keep them clean.

B. **Food and Beverage Service Workers Permits.** Every person whose duties, for more than thirty (30) days, include the handling of unwrapped or unpackaged aquatic food shall obtain and file with his/her employer, or where self-employed shall obtain a valid Food and Beverage Worker's Permit issued under RCW Chapter 69.06. No person shall employ for more than thirty (30) days any person whose duties include the handling of unwrapped or unpackaged aquatic food and who has not filed such permit with his/her employer. (Ord. 110940 § 1(part), 1982.)

#### **10.14.420 Sanitation standards for retail commercial fishing boat operations.**

No person shall dispense aquatic food from a retail commercial fishing boat that is not in compliance with the following standards:

A. **Ice and Water Used in Retail Operations.** Ice and water used on a retail commercial fishing boat for dressing, storing or dispensing aquatic food must be from a source that is not contaminated and has not been disapproved by the Director.

B. **Refrigeration Levels.** All fresh aquatic foods shall be kept under refrigeration while in storage or available for dispensing at a temperature not higher than forty (40) degrees Fahrenheit (four (4) degrees Celsius). Frozen aquatic foods 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). No frozen aquatic foods available for dispensing shall be stored or displayed at a temperature higher than fifteen (15) degrees Fahrenheit (minus nine (9) degrees Celsius). Every retail commercial fishing boat shall install a thermometer inside each storage and dispensing area or piece of equipment used for storage or display to measure the temperature therein and such area's or equipment's compliance with these requirements.

C. **Storage of Inedible Products.** Inedible products and poisons must be stored in a location sufficiently separated from any aquatic foods to ensure that contamination of edible materials cannot occur.

D. Use of Poisons. Poisons may be used on a retail commercial fishing boat only consistent with directions and labels on the poison package or container, and in a manner not prohibited by law.

E. Live Animals on Premises. Live animals other than Seeing-eye, guide, hearing, and guard dogs shall be prohibited from being in any area of a retail commercial fishing boat where aquatic foods are stored or dispensed. Seeing-eye, guide, hearing, and guard dogs are permitted only in the area of a retail commercial fishing boat used for dispensing, and only when accompanying a blind or deaf consumer or when on guard duty.

F. Packaging of Aquatic Foods. All aquatic foods, whether fresh or frozen, shall be packaged prior to being dispensed to a 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 aquatic food from becoming contaminated prior to being unwrapped by the consumer.

G. Containment of Garbage and Refuse. Any garbage or refuse aboard a retail commercial fishing boat 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 garbage containers. Outside storage of unprotected plastic bags, wet-strength paper bags, or baled units containing garbage or refuse is prohibited. In containers designed with drains, drain plugs shall be in place at all times, except during cleaning. 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 aquatic food. Liquid waste from compacting or cleaning shall be disposed of as sewage.

H. Cleaning of Retail Commercial Fishing Boat and Equipment. Every retail commercial fishing boat, including its bulkheads, decks, holds, hatches, marine sanitation devices, toilets, and lavatories, and all equipment used in dispensing and storing aquatic food shall be kept clean and free of gear and other items not reasonably necessary to the catching, harvesting, dressing and retail operations of the boat. All retail commercial fishing boat or equipment surfaces with which aquatic foods may come in contact during dressing and retail operations shall be kept free of oil, debris, and other contaminants. All hatches and holds used to store aquatic foods shall be free of bilge water and evidence of infestation by insects, pests, or rodents. Dust, spiders, rodents, and insects shall be prevented from boarding or remaining on any such boat. Notwithstanding any other provision hereof, the presence of rust on any such boat or its equipment shall not be considered evidence of a lack of cleanliness so long as appropriate steps have been taken to prevent rust from coming into contact with aquatic foods.

I. Ventilation. All hatches, holds, and other areas and equipment used for the storage of aquatic foods shall be kept free from smoke, steam and obnoxious odors. All hatches, holds, and equipment used for the storage of aquatic foods shall be periodically vented as necessary to prevent condensation from forming. (Ord. 110940 § 1(part), 1982.)

#### **10.14.430 Construction and sanitation standards for retail commercial fishing boats.**

No person shall dispense aquatic food from a retail commercial fishing boat that is not in compliance with the following standards.

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A. Impervious Surfaces. All retail commercial fishing boat and equipment surfaces with which aquatic food may come in contact in the course of display or wrapping shall be smooth, hard, and water-and-grease-impervious.

B. Lavatory and Toilet or Marine Sanitation Facilities. Each retail commercial fishing boat shall have on board, for its personnel, a conveniently located sink equipped with running water for hand-washing, hand-cleansing soap or detergent, and disposable or approved sanitary towels or other approved hand-drying devices. Each such boat shall also have available for its personnel a toilet or marine sanitation device approved by the Director, either on board such boat or on shore within a radius of three hundred seventy-five feet (375') of the boat's moorage. All such facilities shall be in good repair and shall be accessible to such personnel at all times.

C. Artificial Lighting. All artificial lighting fixtures located over, by or within areas where aquatic food is stored, or dispensed shall be shielded to protect against broken glass falling onto the aquatic food. (Ord. 110940 § 1(part), 1982.)

#### **10.14.510 Unlawful possession or dispensing of aquatic foods.**

No retail commercial fishing boat shall have on board or shall dispense any aquatic food that is not wholesome or that has not been kept and handled in a sanitary manner. (Ord. 110940 § 1(part), 1982.)

#### **10.14.520 Commercial dispensing of aquatic foods restricted.**

No person shall commercially dispense fresh frozen or processed aquatic foods to any consumer, except on or from a commercial fishing boat having a valid retail commercial fishing boat permit issued pursuant to this chapter; or from a retail MPRAF shop, retail processed MPRAF shop, or wholesale MPRAF shop, having a valid permit issued pursuant to SMC Chapter 10.13; provided, that nothing herein shall restrict the authority of individuals authorized by RCW 36.71.090 to dispense aquatic foods without a permit. (Ord. 110940 § 1(part), 1982.)

#### **10.14.530 Unlawful 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 permit in his/her/its possession with intent to use the same.

B. Inspection Tags. No person shall apply, affix or attach to any aquatic food or container therefor any mark, tag, stamp or insignia indicating that the same has been inspected unless the same has been inspected. (Ord. 110940 § 1(part), 1982.)

#### **10.14.610 Inspection of commercial fishing boats and equipment thereon.**

Authorization to Inspect. The Director may inspect any commercial fishing boat for which a retail commercial fishing boat permit has been applied or granted, and any commercial fishing boat on or from which

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the Director has reason to believe aquatic food is being or has been dispensed without a permit having been issued therefor, and the equipment on such boat, as frequently as may be necessary and to the extent necessary to ensure that such boat and the equipment thereon are maintained and operated in compliance with this chapter. (Ord. 110940 § 1(part), 1982.)

**10.14.620 Examination and inspection of aquatic food products.**

A. Authorization to Inspect. The Director may examine and inspect, as frequently as may be necessary, all aquatic foods on board commercial fishing boats to ensure that the same is appropriately labeled, is wholesome and not adulterated, and has been stored, dispensed, and otherwise handled in a manner conforming with the requirements of this chapter.

B. Taking of Samples. Aquatic food, whether fresh or frozen, and prepackaged or otherwise, may be sampled by the Director as often as may be necessary to determine whether such food is appropriately labeled and is wholesome and not adulterated; and such samples as may be reasonably required 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 commercial fishing boat, whichever is earlier, the person in charge of the commercial fishing boat 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 commercial fishing boat from which such sample was obtained. (Ord. 110940 § 1(part), 1982.)

**10.14.630 Examination and inspection of records.**

The person in charge of a retail commercial fishing boat, at all reasonable times, shall exhibit, on demand in the name of the Director, any and all books, records, processor's receipts and invoices, and other information relating to the processing, storing, dressing, dispensing and other handling of aquatic food caught or harvested by the master and crew of such boat. (Ord. 110940 § 1(part), 1982.)

**10.14.640 Removal of orders, tags, marks and aquatic food.**

No person other than the Director shall remove or alter any order placed by the Director on a commercial fishing boat subject to the provisions of this chapter. No person shall remove any aquatic food from a commercial fishing boat or other facility after the Director has suspended the sale or transfer of aquatic food therefrom, except as permitted by the Director. All aquatic food determined to be adulterated, unhealthful, or unwholesome 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 aquatic food, part thereof, aquatic food package or container, equipment, or commercial fishing boat, except pursuant to an order or direction of the Director. (Ord. 110940 § 1(part), 1982.)

**10.14.710 Rulemaking.**

The Director is authorized to promulgate, amend, and rescind rules and regulations, pursuant to the

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Administrative Code of the City (Seattle Municipal Code Ch. 3.02 or its successor) consistent with this chapter to promote its objectives.  
(Ord. 110940 § 1(part), 1982.)

#### **10.14.720 Temporary prohibition against dispensing.**

Whenever any inspector finds that any aquatic foods being dispensed from a commercial fishing boat is inappropriately labeled, or is adulterated or not wholesome, or is being stored or dispensed under unsanitary conditions, such inspector, by appropriate order in the name of the Director, shall forthwith prohibit the dispensing from such commercial fishing boat of aquatic food until the same shall have been fully inspected, and appropriate corrective actions have been taken by the person in charge of the commercial fishing boat to ensure that all aquatic food being dispensed therefrom is labeled appropriately, is wholesome and not adulterated, and has been stored, and dispensed 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 boat where the subject aquatic food was stored or dispensed.

(Ord. 110940 § 1(part), 1982.)

#### **10.14.730 Suspension of permit**

A. **Suspension of Permit Upon Failure or Refusal to Admit Inspector.** Upon the failure or refusal of the person in charge of any permitted retail commercial fishing boat 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 boat's permit. If the person in charge thereafter continues to refuse inspection, the inspector shall forthwith inform the person in charge that the retail commercial fishing boat's permit is suspended, that all operations governed by this chapter must immediately cease, 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.

B. **Other Conditions Permitting Permit Suspension Prior to Permit 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 commercial fishing boat described in the permit or the equipment used therein, have become or are unsanitary; or that the permit holder has been convicted of a crime or violation involving fraud or dishonesty in the dispensing of aquatic food; or that the permit holder has employed for more than thirty (30) consecutive days any person whose duties include handling unwrapped or unpackaged aquatic food, who has failed to file with his/her employer a valid Food and Beverage Service Worker's Permit or that the permit holder has failed to obtain the same; 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 storing or dispensing of aquatic foods, 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.

(Ord. 110940 § 1(part), 1982.)

#### **10.14.740 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

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the right to be heard, to be represented by counsel, and to introduce evidence in his/her/its behalf. The holder of the permit shall have the right to at least three (3) days' prior written notice from the Director, of the time and place of such hearing, together with a summary of the reasons assigned for such proposed revocation, which notice shall be mailed or delivered to the permit holder at his/her/its last known address.

B. Director's Actions Following Hearing. If, following the hearing, the Director finds that one (1) or more of the reasons assigned for the proposed revocation exist, 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. 110940 § 1(part), 1982.)

#### **10.14.750 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. 110940 § 1(part), 1982.)

#### **10.14.760 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. 110940 § 1(part), 1982.)

#### **10.14.770 Penalty.**

Violation of any provision of this chapter constitutes a violation subject to the provisions of Chapters 12A.02 and 12A.04 of the Seattle Municipal Code.  
(Ord. 110940 § 1(part), 1982.)

#### **10.14.800 Recognition of activity exempt from municipal regulation.**

Nothing in this chapter shall prohibit the carrying on of activity that is exempt from municipal regulation pursuant to RCW 36.71.090.  
(Ord. 110940 § 1(part), 1982.)

### **Chapter 10.16**

#### **MILK AND MILK PRODUCTS**

##### **Sections:**

##### **Subchapter I General Provisions**

**10.16.010 Definitions.**

**10.16.020 Sale of adulterated, misbranded, or ungraded products prohibited.**

**10.16.030 Permits.**

**10.16.040 Labeling.**

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- 10.16.050 Inspection of dairy farms and milk plants.  
10.16.060 Examination of milk and milk products.  
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#### Subchapter II Producer Dairies

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#### Subchapter IV Administration and Enforcement

- 10.16.560 Grades of milk and milk products which may be sold.  
10.16.570 Sale of below-standard milk to creameries and cheese factories.  
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**10.16.600 Milk and milk products from points beyond the limits of routine inspection.**

**10.16.610 Future dairies and milk plants.**

**10.16.620 Notification of disease.**

**10.16.630 Procedure when infection is suspected.**

**10.16.640 Enforcement.**

**10.16.650 Violation--Penalty.**

Statutory Reference: For statutory provisions regarding dairies and dairy products, see RCW Ch. 15.32; for provisions regarding fluid milk, see RCW Ch. 15.36; for statutory provisions regarding local milk inspection service units, see RCW 15.36.560.

Severability: Should any section, paragraph, sentence, clause, or phrase of this chapter be declared unconstitutional or invalid for any reason, the remainder of the chapter shall not be affected thereby.

(Ord. 84106 § 18, 1955.)

## Subchapter I

### General Provisions

#### 10.16.010 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

1. "Adulterated and misbranded milk and milk products" means any milk or cream to which water has been added, or any milk or milk product which contains any unwholesome substance, or which if defined in this chapter does not conform with its definition, shall be deemed to be adulterated. Any milk or milk product which carries a grade label, unless such grade label has been awarded by the Director and not revoked, or which fails to conform in any other respect with the statement on the label, shall be deemed to be misbranded.
2. Where the term "and/or" is used, "and" shall apply where possible, otherwise "or" shall apply.
3. "Average bacterial plate count" and "average direct microscopic count" mean the logarithmic average, and "average cooling temperature" means the arithmetic average of the respective test results of the last four consecutive samples, taken upon separate days, irrespective of the six (6) month period referred to in Section 10.16.060.
4. "Buttermilk" is a fluid product resulting from the churning of milk or cream. It contains not less than eight and one-quarter percent (8 1/4) milk solids-not-fat.
5. "Certified milk-pasteurized" is certified milk-raw which has been pasteurized, cooled, and bottled in a milk plant which conforms with the requirements for Grade A pasteurized milk.
6. "Certified milk-raw for pasteurization" is raw milk which conforms with the latest requirements of the American Association of Medical Milk Commissions in force at the time of adoption of the ordinance codified in this chapter<sup>1</sup> and which is produced under the supervision of a Medical Milk Commission reporting monthly to the Director.
7. "Concentrated milk" is a fluid product, unsterilized and unsweetened resulting from the removal of a considerable portion of the water from milk. When recombined with water, in accordance with instructions printed on the container, the resulting product conforms with the standards for milkfat and solids-not-fat of milk as defined in subsection 31.

8. "Concentrated milk products" means and includes homogenized concentrated milk, vitamin D concentrated milk, concentrated skim milk, concentrated flavored milk, concentrated flavored drink, and similar concentrated products made from concentrated milk or concentrated skim milk, as the case may be and which when recombined with water in accordance with instructions printed on the container conform with the definitions of the corresponding milk products in this section.
9. "Cottage cheese" is the soft uncured cheese prepared from the curd obtained by adding harmless, lactic-acid-producing bacteria, with or without enzymatic action, to pasteurized skim milk or pasteurized reconstituted skim milk. It contains not more than eighty percent (80%) moisture.
10. "Cream," "light cream," "coffee cream," or "table cream" is a portion of milk which contains not less than twenty percent (20%) milkfat.
11. "Creamed cottage cheese" is the soft uncured cheese which is prepared by mixing cottage cheese with pasteurized cream, or with a pasteurized mixture of cream and milk or skim milk, and which contains not less than four percent (4%) milkfat by weight, and not more than eighty percent (80%) moisture.
12. "Cultured buttermilk" is a fluid product resulting from the souring or treatment, by a lactic acid or other culture, of pasteurized skim milk or pasteurized reconstituted skim milk. It contains not less than eight and one-quarter percent (8 1/4%) milk solids-not-fat.
13. "Cultured milk" is a fluid or semifluid product resulting from the souring or treatment, by a lactic acid or other culture, of pasteurized milk, pasteurized reconstituted milk, or pasteurized concentrated milk. It contains not less than eight and one-quarter percent (8 1/4%) milk solids-not-fat and not less than three and one-half percent (3 1/2%) milkfat.
14. A "dairy," or "dairy farm," is any place or premises where one (1) or more cows are kept, a part or all of the milk or milk products from which is sold or offered for sale.
15. "Director" means the Director of Public Health of the City or his authorized representative.
16. "Dry milk" is milk from which at least ninety-five percent (95%) of the water has been removed.
17. "Flavored drink," or "flavored dairy drink," is a beverage or confection consisting of skim milk to which has been added a syrup or flavor made from wholesome ingredients.
18. "Flavored milk" is a beverage or confection consisting of milk to which has been added a syrup or flavor made from wholesome ingredients.
19. "Flavored reconstituted drink," or "flavored reconstituted dairy drink," is a flavored drink made from reconstituted skim milk.
20. "Flavored reconstituted milk" is a flavored milk made from reconstituted milk.

21. "Fortified milk" is milk, other than vitamin D milk, the vitamin and/or mineral content of which has been increased by a method and in an amount approved by the Director. "Fortified milk products" are those milk products defined in this section, other than vitamin D milk products, the vitamin and/or mineral content of which has been increased by a method and in an amount approved by the Director, and to which skim milk solids may or may not have been added. The label shall contain the word "fortified" and shall clearly show the amount and source of each vitamin and/or mineral added.
22. "Goat milk" is the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy goats. "Milk" shall be interpreted to include goat milk.
23. "Grade A pasteurized milk" is Grade A raw milk for pasteurization which has been pasteurized, cooled, and placed in the final container in a milk plant which conforms with the items of sanitation described in Sections 10.16.330 through 10.16.550.
24. "Grade A raw milk" is raw milk produced upon dairy farms conforming with all of the sections of sanitation in Sections 10.16.080 through 10.16.550. The bacterial plate count or the direct microscopic clump count of the milk shall not exceed twenty thousand (20,000) per milliliter, as determined in accordance with Section 10.16.060.
25. "Grade A raw milk for pasteurization" is raw milk from producer dairies conforming with the items of sanitation in Sections 10.16.080 through 10.16.320, except Section 10.16.300, Bottling and capping, Section 10.16.310, Personnel-Health, and such portions of other items as are indicated therein. The bacterial plate count or the direct microscopic clump count of the milk, as delivered from the farm, shall not exceed one hundred thousand (100,000) per milliliter, as determined in accordance with Section 10.18.060.
26. "Grade C pasteurized milk" is pasteurized milk which does not meet the requirements for Grade A pasteurized milk.
27. "Grade C raw milk" is raw milk which violates any of the requirements for Grade A raw milk.
28. "Grade C raw milk for pasteurization" is raw milk which does not meet the requirements for Grade A raw milk for pasteurization.
29. "Half-and-half" is a product consisting of a mixture of milk and cream homogenized which contains not less than eleven and one-half percent (11 1/2%) milkfat.
30. "Homogenized milk" is milk which has been treated in such a manner as to insure break-up of the fat globules to such an extent that, after forty-eight (48) hours of quiescent storage, no visible cream separation occurs on the milk, and the fat percentage of the top one hundred (100) milliliters of milk in a quart bottle, or of proportionate volume in containers of other sizes, does not differ by more than ten percent (10%) of itself from the fat percentage of the remaining milk as determined after thorough mixing. "Milk" shall be interpreted to include homogenized milk.

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31. "Milk" is the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows, which contains not less than eight and one-quarter percent (8 1/4%) milk solids-not-fat and not less than three and one-half percent (3 1/2%) milkfat.
  32. A "milk distributor" is any person who offers for sale or sells to another any milk or milk products for human consumption as such.
  33. "Milkfat," or "butterfat," is the fats of milk.
  34. A "milk hauler" is any person, other than a milk plant employee, who transports milk and/or milk products to or from a milk plant or a collecting plant.
  35. A "milk plant" is any place, premises, or establishment where milk or milk products are collected, transferred, handled, processed, stored, pasteurized, bottled, or prepared for distribution, except an establishment where milk or milk products are sold at retail only.
  36. A "milk producer" is any person who owns or controls one or more cows a part or all of the milk or milk products from which is sold, or offered for sale.
  37. "Milk products" means and includes cream, sour cream, half-and-half, reconstituted half-and-half, concentrated milk, concentrated milk products, skim milk, nonfat milk, flavored milk, flavored drink, flavored reconstituted milk, flavored reconstituted drink, buttermilk, cultured buttermilk, cultured milk, vitamin D milk, fortified milk and fortified milk products, reconstituted or recombined milk, reconstituted cream, reconstituted skim milk, and any other product made by the addition of any substance to milk, or to any of these milk products, and used for similar purposes and designated as a milk product by the Director.
  38. "Nonfat dry-milk solids" means nonfat milk from which at least ninety-five percent (95%) of the water has been removed.
  39. "Nonfat, fat-free or defatted milk" is skim milk which contains not more than 0.25 percent milkfat.
  40. "Official veterinarian" includes all veterinarians approved, employed or appointed by the State Department of Agriculture or the United States Bureau of Animal Industry.
  41. "Pasteurization," "pasteurized" and similar terms refer to the process of heating every particle of milk or milk products to at least one hundred forty-three (143) degrees Fahrenheit, and holding it at such temperature continuously for at least thirty (30) minutes, or to at least one hundred sixty-one (161) degrees Fahrenheit, and holding it at such temperature continuously for at least fifteen (15) seconds, in approved and properly operated equipment; provided, that nothing contained in this definition shall be construed as barring any other process which has been demonstrated to be equally efficient and which is approved by the State Health Authority.
  42. "Person" means any individual, partnership, corporation, company, firm, trustee or association.

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43. A "producer dairy" is a dairy farm which sends milk or cream to a milk plant for processing.
  44. A "producer-distributor" is a milk producer who is also a milk distributor.
  45. "Reconstituted, or recombined cream" is a product which results from the combination of dry cream, butter, or milkfat, with cream, milk, skim milk, or water, and which complies with the milkfat standards of cream as defined in this section.
  46. "Reconstituted, or recombined half-and-half" is a product resulting from the combination of reconstituted milk or reconstituted skim milk with cream or reconstituted cream, homogenized, which contains not less than eleven and one-half percent (11 1/2%) milkfat.
  47. "Reconstituted, or recombined milk" is a product which results from the recombining of milk constituents with water, and which complies with the standards for milkfat and solids-not-fat of milk as defined in this section.
  48. "Sour cream" is cream the acidity of which is more than 0.20 percent, expressed as lactic acid.
  49. "Skim milk" is milk from which a sufficient portion of milkfat has been removed to reduce its milkfat content to less than three and one-half percent (3 1/2%).
  50. "Skim milk solids" includes concentrated skim milk and nonfat dry-milk solids.
  51. "Vitamin D milk" is milk the vitamin D content of which has been increased by an approved method to at least four hundred (400) U.S.P. units per quart.
  52. "Whipping cream" is cream which contains not less than thirty percent (30%) milkfat.

(Ord. 84106 §§ 1(part), 7(part), 7(Item 26r(part)), 7(Item 23p(part)), 7(Item 1r(part)), 1955.)

1. Editor's Note: Ord. 84106 was passed by the City Council on May 16, 1958.

#### **10.16.020 Sale of adulterated, misbranded, or ungraded products prohibited.**

A. No person shall, within the City, or its police jurisdiction produce, sell, offer or expose for sale, or have in possession with intent to sell, any milk or milk product which is adulterated, misbranded, or ungraded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any adulterated, misbranded, or ungraded milk or milk product; provided, that in an emergency the sale of ungraded pasteurized milk or pasteurized milk products may be authorized by the Director, upon the approval of the State Health Authority, in which case they shall be labeled "ungraded."

B. Any adulterated, misbranded, and/or improperly labeled milk or milk products may be impounded by the Director and disposed of in accordance with state law.  
(Ord. 84106 § 2, 1955.)

#### **10.16.030 Permits.**

A. It shall be unlawful for any person to bring into, send into, or receive into the City, or its police jurisdiction, for sale, or to sell, or offer for sale therein, or to have in storage where milk or milk products are

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sold or served, any milk or milk products defined in this chapter, who does not possess a permit from the Director.

B. Every milk producer, milk hauler, milk distributor, and operator of a milk plant shall secure a permit. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons and/or locations.

C. Such a permit may be temporarily suspended by the Director upon violation by the holder of any of the terms of this chapter, or for interference with the Director in the performance of his duties, or may be revoked after an opportunity for a hearing by the Director upon serious or repeated violations. (Ord. 84106 § 3, 1955.)

#### **10.16.040 Labeling.**

A. All bottles, cans, packages, and other containers enclosing milk or any milk product defined in Section 10.16.010 shall be plainly labeled or marked with:

1. The name of the contents as given in the definition in this chapter;
2. The word "reconstituted" or "recombined" if included in the name of the product as given in the definition;
3. The grade of the contents;
4. The word "pasteurized" only if the contents have been pasteurized;
5. The word "raw" only if the contents are raw;
6. The phrase "for pasteurization" if the contents are to be pasteurized;
7. The name of the producer if the contents are raw, and the identity of the plant at which the contents were pasteurized if the contents are pasteurized;
8. In the case of vitamin D milk or milk products, the designation "Vitamin D," the source of the vitamin D, and the number of U.S.P. units per quart;
9. In the case of concentrated milk or milk products, the volume or proportion of water to be added for recombining; and
10. The words "skim-milk solids added," and the percentage added if such solids have been added, except that this requirement shall not apply to reconstituted or recombined milk or milk products;

Provided, that only the identity of the producer dairy shall be required on cans delivered to a milk plant which receives only one grade of raw milk for pasteurization, and which immediately dumps, washes, and returns the cans to the producer dairy.

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B. The label, or mark, shall be in letters of an approved size, kind, and color, and shall contain no marks or words which are misleading.

C. Homogenized milk or homogenized cream shall not be mixed with milk, skim milk, or cream which has not been homogenized, unless the product is labeled "homogenized" and conforms with the standards for homogenization in subsection 30 of Section 10.16.010.  
(Ord. 84106 § 4, 1955.)

#### **10.16.050 Inspection of dairy farms and milk plants.**

A. Prior to the issuance of a permit, and at least once every six (6) months thereafter, the Director shall inspect all dairy farms and all milk plants whose milk or milk products are intended for consumption within the City, or its police jurisdiction, provided, that the Director may accept, as a supplement to official inspection, the results of periodic inspections by industry, of producer dairies which he checks periodically and finds satisfactory. If the Director should discover the violation of any requirement, he shall make a second inspection after a lapse of such time as he may deem necessary for the defect to be remedied, but not before the lapse of three (3) days; and the second inspection shall be used in determining compliance with the requirements of Sections 10.16.070 through 10.16.550. Any violation of the same requirement of this chapter and on such reinspection shall call for immediate degrading, and/or suspension of permit, and/or court action.

B. One (1) copy of the inspection report shall be posted by the Director in a conspicuous place upon an inside wall of the milk house or milk plant, and the inspection report shall not be defaced or removed by any person except the Director.

C. Another copy of the inspection report shall be filed with the records of the Health Department. Every milk producer and distributor shall, upon the request of the Director, permit him access to all parts of the establishment; and every distributor shall furnish the Director, upon his request, for official use only, a true statement of the actual quantities of milk and milk products of each grade purchased and sold, together with a list of all sources of such milk and milk products, records of inspections and tests, including bacterial tests, and pasteurization time and temperature records and samples for bacterial test when required by the Director.  
(Ord. 84106 § 5, 1955.)

#### **10.16.060 Examination of milk and milk products.**

A. During each six (6) month period, at least four (4) samples of milk and cream from each dairy farm, and at least four (4) samples of milk, cream, and homogenized milk from each milk plant, shall be taken on separate days and examined by the Director; provided, that in the case of raw milk for pasteurization, the Director may accept the test results of laboratories which he has checked periodically and found satisfactory. Samples of other milk products shall be taken and examined by the Director at least once during each six (6) month period. Samples may be taken at any time prior to the final delivery of the milk or milk products. Samples of milk and milk products from stores, cafes, soda fountains, restaurants, and other places where milk or milk products are sold shall be examined as often as the Director may require. All proprietors of such places shall furnish the Director, upon his request, with the names of all distributors from whom their milk and milk products are obtained. Bacterial plate counts, direct microscopic counts, coliform determinations, phosphatase tests, efficiency of bactericidal treatment, and other laboratory and screening tests shall conform to the procedures in the latest edition of "Standard Methods for the Examination of Dairy Products" recommended by

the American Public Health Association as shown in Comptroller's File No. 226831. Examinations may include such other chemical and physical determinations as the Director may deem necessary for the detection of adulteration. Bio-assays of the vitamin D content of vitamin D milk, and milk products, and bio-assays and chemical tests of fortified milk and milk products shall be made when required by the Director in a laboratory approved by him for such examinations. The cost of such bio-assays and chemical tests shall be borne by the dairies from which the samples for examination are taken.

B. Whenever the average bacterial count, or the average cooling temperature of the last four (4) consecutive samples, taken on separate days, is beyond the limit for the grade then held, the Director shall send written notice thereof to the person concerned and shall take an additional sample, but not before the lapse of three (3) days, for determining a new average in accordance with subsection 3 of Section 10.16.010. Violation of the grade requirements by the new average, by any subsequent average during the remainder of the current six (6) month period, shall call for immediate degrading, suspension of permit, and/or court action, unless the last individual result is within the grade limit, provided, that the three-out-of-four method, as specified in subsection C of this section for determining compliance of coliform counts may be used in lieu of the averaging method for determining compliance of bacterial plate counts, direct microscopic counts, or cooling temperatures.

C. Whenever more than one (1) of the last four (4) consecutive coliform counts of samples taken on separate days are beyond the limit for the grade then held, the Director shall send written notice thereof to the person concerned. He shall then take an additional sample, but not before the lapse of three (3) days. Immediate degrading, suspension of permit, and/or court action shall be called for when the grade limit is violated by such additional samples, or when the grade limit is again violated during the remainder of the current six (6) month period by more than one (1) of the last four (4) consecutive samples, unless the last individual result is within the grade limit.

D. In case of violation of the phosphatase-test requirement, the probable cause shall be determined and corrected before milk or milk products from the plant concerned again can be sold as pasteurized milk or milk products.  
(Ord. 84106 § 6, 1955.)

#### **10.16.070 Grading of milk and milk products.**

At least once every six (6) months, the Director shall announce the grades of all milk and milk products delivered by all distributors and ultimately consumed within the City or its police jurisdiction. Grades shall be based on the standards set out in subsections 6, 24, and 25 of Section 10.16.010, the grading of milk products being identical with the grading of milk, except that the bacterial-count standards and coliform count standards shall be doubled in the case of cream and half-and-half, and shall be omitted in the case of sour cream, buttermilk, cultured buttermilk and cultured milk. Vitamin D milk shall be only of Grade A pasteurized, or certified pasteurized quality. The grade of a milk product shall be that of the lowest grade of milk or milk products used in its preparation.  
(Ord. 84106 § 7(part), 1955.)

### **Subchapter II**

#### **Producer Dairies**

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**10.16.080 Cows--Health.**

A. All milk for pasteurization shall be from herds which are located in a modified accredited tuberculosis-free area, as determined by the Bureau of Animal Industry, United States Department of Agriculture, and which have been tested for tuberculosis not more than six (6) years prior to the adoption of the ordinance codified in this chapter<sup>1</sup> and at least every six (6) years after such test; provided, that herds located in an area that fails to maintain such accredited status, or that has an incidence of bovine tuberculosis in excess of 0.2 percent shall have been accredited by the Bureau of Animal Industry as tuberculosis-free, or shall have passed an annual tuberculin test. All additions to such herds shall be free from tuberculosis. In the case of milk not for pasteurization, all herds and additions thereto shall be tested and found free of tuberculosis before any milk therefrom is sold, and all herds shall be retested at least every twelve (12) months thereafter. The tests and retests shall be made, and any reactors disposed of, in accordance with the latest requirements approved by the Bureau of Animal Industry, United States Department of Agriculture, for tuberculosis-free, accredited herds, in effect at the time of the adoption of the ordinance codified in this chapter.<sup>1</sup> A certificate identifying each animal, signed by the veterinarian or attested to by the Director, and filed as directed by the Director, shall be evidence of the test specified in this subsection.

B. It shall be unlawful to sell, offer or expose for sale any fluid milk or cream designated or represented to be "Grade A" fluid milk or cream with knowledge that such milk or cream has been produced from a herd of cows or goats, one or more of which are infected with brucellosis at the time such milk was produced, or with knowledge that all animals in such herd have not been blood-tested for brucellosis at least once during the preceding calendar year or milk-ring-tested for brucellosis at least semiannually during the preceding calendar year. The results of a test for brucellosis by the State or Federal Laboratory of a blood sample drawn by an official veterinarian, shall be prima facie evidence of the infection or noninfection of an animal or herds, or in lieu thereof two (2) official negative milk-ring tests for brucellosis not less than six (6) months apart may be accepted as such evidence.

C. All herds of cows or goats shall be blood-tested for brucellosis annually or milk-ring-tested for brucellosis semiannually. All herds showing any reaction to the milk-ring test must be blood-tested and all reactors to the blood test must be removed from the herd and disposed of within fifteen (15) days from the date they are tagged and branded. The remaining animals in the infected herd shall be retested at not less than thirty (30) day nor more than sixty (60) day intervals from date of the first test. A series of retests, with removal and slaughter of reacting animals, shall be continued until the herd shall have passed two (2) successive negative tests, at the above-mentioned interval, computed from succeeding tests in which no reactors are found. If upon a final test, not less than six (6) months nor more than seven (7) months from the date of the last negative test, no reactors are found in the herd, it shall be deemed a disease-free herd. In the case of milk not for pasteurization, all herds and additions thereto shall be tested and found free of brucellosis before any milk therefrom is sold, and all herds shall be retested at least every twelve (12) months thereafter. Reactors are those animals classified as such by existing or subsequently amended state and federal regulations, copies of which are on file in the City Clerk's Office under Comptroller's File No. 222274. Results of official blood and milk-ring tests shall be conspicuously displayed in the milk house.

D. Cows which show a complete induration of one-quarter ( 1/4) or extensive induration in one (1) or more quarters of the udder upon physical examination, whether secreting abnormal milk or not, shall be permanently excluded from the milking herd; provided, that this shall not apply in the case of a quarter that is

completely dry. Cows giving bloody, stringy, or otherwise abnormal milk, but without entire or extensive induration of the udder, shall be excluded from the herd until re-examination shows that the milk has become normal.

E. For other diseases, such tests and examinations as the Director may require after consultation with State Livestock Sanitary Officials shall be made at intervals and by methods prescribed by him, and any diseased animals or reactors shall be disposed of as he may require.  
(Ord. 116368 § 207, 1992; Ord. 84106 § 7(Item 1r(part)), 1955.)

1. Editor's Note: Ord. 84106 was passed by the City Council on May 16, 1955.

#### **10.16.090 Milking barn--Lighting.**

A milking barn, stable or parlor shall be provided. It shall be provided with adequate light, properly distributed, for both day and night milking.  
(Ord. 84106 § 7(Item 2r), 1955.)

#### **10.16.100 Milking barn--Air space and ventilation.**

Such sections of the milking barn, stable or parlor, where cows are kept or milked, shall be well ventilated, and shall be so arranged as to avoid overcrowding.  
(Ord. 84106 § 7(Item 3r), 1955.)

#### **10.16.110 Milking barn--Floors--Certain animals prohibited.**

The floors and gutters of that portion of the barn, stable, or parlor, in which cows are milked, shall be constructed of concrete, or other approved, impervious and easily cleaned material. Floors and gutters shall be graded so as to drain properly, and shall be kept clean and in good repair. No horses, swine, calves, or fowl shall be permitted in the milking barn, stable, or parlor.  
(Ord. 84106 § 7(Item 4r), 1955.)

#### **10.16.120 Milking barn--Walls and ceilings.**

The interior walls and the ceilings of the milking barn, stable, or parlor shall be whitewashed or painted as often as may be necessary, or finished in an approved manner, and shall be kept clean and in good repair. Where there is a second story above the milk barn, stable, or parlor, the ceiling shall be tight. If feed should be ground or mixed, or sweet feed should be stored in a feed room or feed storage space which adjoins the milking space, it shall be separated therefrom by a dust-tight partition and door.  
(Ord. 84106 § 7(Item 5r), 1955.)

#### **10.16.130 Cow yard.**

The cow yard shall be graded and drained as well as is practicable, and shall be so maintained that there are no standing pools of water nor accumulations of organic wastes; provided, that, in loafing and/or cattle-housing areas, manure droppings shall be removed, or clean bedding added, at sufficiently frequent intervals to prevent the accumulation of manure on cows' udders and flanks. Swine shall not be permitted in the cow yard or milking barn.  
(Ord. 84106 § 7(Item 6r), 1955.)



**10.16.140 Manure disposal.**

All manure shall be removed, and stored or disposed of in such manner as best to prevent the breeding of flies therein and the access of cows to piles thereof.  
(Ord. 84106 § 7(Item 7r), 1955.)

**10.16.150 Milk house or room--Construction and equipment.**

There shall be provided a milk house or milk room in which the cooling, handling, and storing of milk and milk products and the washing, bactericidal treatment, and storing of milk containers and utensils shall be done.

A. The milk house or room shall be provided with smooth floor, constructed of concrete or other impervious material, maintained in good repair, and graded to provide proper drainage.

B. It shall have walls and ceilings of such construction as to permit easy cleaning, and shall be well-painted, or finished in an approved manner.

C. It shall be well-lighted and well-ventilated.

D. It shall have all openings effectively screened, including outward-opening self-closing doors, unless other effective means are provided to prevent the entrance of flies.

E. It shall be used for no purposes other than those specified above, except as may be approved by the Director; it shall not open directly into a milking barn or stable nor into any room used for domestic purposes; it shall have water piped into it and shall be provided with adequate facilities for heating water to clean utensils; and it shall be equipped with two (2) compartment, stationary, wash and rinse vats, except that in the case of retail raw milk, if chemicals are employed as the principal bactericidal treatment, the three (3) compartment type must be used. The cleaning and other operations shall be located and conducted so as to prevent any contamination of the milk or of cleaned equipment, and shall unless the milk is to be pasteurized, be partitioned to separate the handling of milk and the storage of cleaned utensils from the cleaning and other operations, which shall be so located and conducted as to prevent any contamination of the milk or of cleaned equipment. A sign displaying the text of Section 10.16.620, copies of which may be obtained from the Director, shall be posted in the milk house.  
(Ord. 84106 § 7(Item 8r), 1955.)

**10.16.160 Milk house or room--Cleanliness.**

The floors, walls, ceilings and equipment of the milk house or room shall be kept clean at all times. All necessary means for elimination of flies shall be used.  
(Ord. 84106 § 7(Item 9r), 1955.)

**10.16.170 Toilet.**

Every dairy farm shall be provided with one (1) or more sanitary toilets, conveniently located, and



properly constructed, operated and maintained, so that the waste is inaccessible to flies and does not pollute the surface soil nor contaminate any water supply.  
(Ord. 84106 § 7(Item 10r), 1955.)

#### **10.16.180 Water supply.**

Water for all dairy purposes shall be from a supply properly located, protected, and operated, and shall be easily accessible, adequate, and of a safe sanitary quality.  
(Ord. 84106 § 7(Item 11r), 1955.)

#### **10.16.190 Utensils--Construction.**

All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products shall be made of smooth, nonabsorbent, noncorrodible, nontoxic material, shall be so constructed as to be easily cleaned, and shall be kept in good repair. Joints and seams shall be welded or soldered flush. Woven-wire cloth shall not be used for straining milk. When milk is strained, strainer pads shall be used and shall not be reused. All milk pails obtained hereafter<sup>1</sup> shall be of the seamless, hooded type. All single-service articles used shall have been manufactured, packaged, transported and handled in a sanitary manner.

(Ord. 84106 § 7(Item 12r), 1955.)

1. Editor's Note: Ord. 84106 was passed by the City Council on May 16, 1955 and became effective on June 15, 1955.

#### **10.16.200 Utensils--Cleaning.**

All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk and milk products shall be thoroughly cleaned after each usage.  
(Ord. 84106 § 7(Item 13r), 1955.)

#### **10.16.210 Utensils--Bactericidal treatment.**

All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products shall, before each usage, be subjected effectively to an approved bactericidal process utilizing steam, hot water, chemicals, or hot air.  
(Ord. 84106 § 7(Item 14r), 1955.)

#### **10.16.220 Utensils--Storage.**

All containers and other utensils used in the handling, storage, or transportation of milk or milk products, unless stored in bactericidal solutions, shall be stored so as to drain dry, and so as not to become contaminated before being used.  
(Ord. 84106 § 7(Item 15r), 1955.)

#### **10.16.230 Utensils--Handling.**

After bactericidal treatment, containers and other milk and milk-product utensils shall be handled in such a manner as to prevent contamination of any surface with which milk or milk products come into contact.  
(Ord. 84106 § 7(Item 16r), 1955.)

**10.16.240 Milking--Udders and teats--Abnormal milk.**

Milking shall be done in the milking barn, stable, or parlor. The udders and teats of all milking cows shall be clean and wiped with an approved bactericidal solution at the time of milking. Abnormal milk shall be kept out of the milk supply and shall be so handled and disposed of as to preclude the infection of the cows and the contamination of milk utensils.

(Ord. 84106 § 7(Item 17r), 1955.)

**10.16.250 Milking--Flanks--Brushing.**

The flanks, bellies, and tails of all milking cows shall be free from visible dirt at the time of milking. All brushing shall be completed before milking commences.

(Ord. 84106 § 7(Item 18r), 1955.)

**10.16.260 Clean clothing.**

Milkers and milk handlers shall wear clean outer garments while milking or handling milk, milk products, containers, utensils, or equipment.

(Ord. 84106 § 7(Item 20r), 1955.)

**10.16.270 Milk stools.**

Milk stools and surcingles shall be kept clean.

(Ord. 84106 § 7(Item 21r), 1955.)

**10.16.280 Removal of milk.**

Each pail or can of milk shall be removed immediately to the milk house or straining room. No milk shall be strained or poured in the barn unless it is protected from flies and other contamination.

(Ord. 84106 § 7(Item 22r), 1955.)

**10.16.290 Cooling.**

Milk for pasteurization, delivered daily, shall be cooled immediately to sixty (60) degrees Fahrenheit, or less and shall be maintained at that temperature as determined in accordance with Section 10.16.060, until delivered; provided, that within five (5) years after the adoption of this ordinance codified in this chapter,<sup>1</sup> all milk for pasteurization delivered daily, shall be cooled immediately to fifty (50) degrees Fahrenheit, or less, and maintained at that temperature until delivered. Milk and milk products not for pasteurization shall be cooled, immediately after completion of milking, to fifty (50) degrees Fahrenheit, or less, and shall be maintained at that temperature until delivery as determined in accordance with Section 10.16.060. Milk for pasteurization, picked up every other day, must be cooled to a temperature of forty (40) degrees Fahrenheit, or less and be maintained at that temperature until picked up. Milk held for every-other-day pickup shall not exceed a temperature of forty-five (45) degrees Fahrenheit upon delivery to a milk plant.

(Ord. 84106 § 7(Item 23r), 1955.)

1. Editor's Note: Ord. 84106 was passed by the City Council on May 16, 1955.

**10.16.300 Bottling and capping.**

Milk and milk products not for pasteurization shall be bottled on the farm where produced. Bottling and capping shall be done in a sanitary manner by means of approved equipment, and these operations shall be integral in one (1) machine. Caps or cap stock shall be purchased in sanitary containers, and shall be kept therein in a clean, dry place until used.

(Ord. 84106 § 7(Item 24r), 1955.)

**10.16.310 Personnel--Health.**

A. The Director or a physician authorized by him, shall examine and take a careful morbidity history of every person connected with a producer-distributor dairy, or about to be employed by one, whose work brings him into contact with the production, handling, storage or transportation of milk, milk products, containers, or equipment. If such examination or history should suggest that such person may be a carrier of, or be infected with, the organisms of typhoid or paratyphoid fever or any other communicable disease likely to be transmitted through milk, he shall obtain appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the state health authorities for such examination, and if the results justify, such person shall be barred from such employment.

B. Such person shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the Director may require for the purpose of determining freedom from infection.

C. No person with an infected cut or lesion on hands or arms shall handle milk, milk products, milk containers, or milk equipment.

D. Milkers' hands shall be washed clean, rinsed with an effective bactericidal solution, and dried with a clean towel, immediately before milking and immediately after any interruption in the milking operation. Wet-hand milking is prohibited. Convenient facilities shall be provided for the washing of milkers' hands. No person with an infected cut or lesion on hands or arms shall milk cows, or handle milk or milk utensils.  
(Ord. 84106 § 7(Items 19r and 25r), 1955.)

**10.16.320 Vehicles and surroundings.**

A. All vehicles used for the transportation of milk or milk products shall be constructed and operated so as to protect their contents from the sun, from heat, from freezing, and from contamination. All vehicles used for the distribution of milk and milk products shall have the distributor's name prominently displayed thereon. The immediate surroundings of the dairy shall be kept in a clean, neat condition.

B. In all cases the milk shall show efficient pasteurization as evidenced by satisfactory phosphatase test, and at no time after pasteurization and before delivery shall the milk have a bacterial plate count exceeding twenty thousand (20,000) per milliliter, or a coliform count exceeding five (5) per milliliter, as determined in accordance with Section 10.16.060; provided, that the raw milk at no time between dumping and pasteurization, shall have a bacterial plate count or direct microscopic clump count exceeding two hundred thousand (200,000) per milliliter.

C. The grading of a pasteurized milk supply shall include the inspection of receiving and collecting

stations with respect to compliance with Sections 10.16.330 through 10.16.470, 10.16.490, 10.16.510, 10.16.530, 10.16.540, and 10.16.550, except that the partitioning requirement of Section 10.16.370 shall not apply.

(Ord. 84106 § 7(Item 26r(part)), 1955.)

### **Subchapter III**

#### **Milk Plants**

##### **10.16.330 Floors.**

The floors of all rooms in which milk or milk products are handled or stored, or in which milk utensils are washed, shall be constructed of concrete or other equally impervious and easily cleaned material, and shall be smooth, properly drained, provided with trapped drains, and kept clean and in good repair.

(Ord. 84106 § 7(Item 1p), 1955.)

##### **10.16.340 Walls and ceilings.**

Walls and ceilings of rooms in which milk or milk products are handled or stored, or in which milk utensils are washed, shall have a smooth, washable, light-colored surface, and shall be kept clean and in good repair.

(Ord. 84106 § 7(Item 2p), 1955.)

##### **10.16.350 Doors and windows.**

Unless other effective means are provided to prevent the access of flies, all openings to the outer air shall be effectively screened, and all doors shall be self-closing.

(Ord. 84106 § 7(Item 3p), 1955.)

##### **10.16.360 Lighting and ventilation.**

All rooms shall be well-lighted and well-ventilated.

(Ord. 84106 § 7(Item 4p), 1955.)

##### **10.16.370 Miscellaneous protection from contamination.**

The various milk plant operations shall be located and conducted so as to prevent any contamination of the milk, or of cleaned equipment. All necessary means shall be used for the elimination of flies, other insects, and rodents. There shall be separate rooms for: (A) the pasteurizing, processing, cooling, and bottling operations, and (B) the washing and bactericidal treatment of containers. Cans of raw milk shall not be unloaded directly into the pasteurizing room. Rooms in which milk, milk products, cleaned utensils, or containers are handled or stored shall not open directly into any stable or living quarters. The pasteurization plant, milk containers, utensils, and equipment shall be used for no purposes other than the processing of milk and milk products and the operations incident thereto, except as may be approved by the Director.

(Ord. 84106 § 7(Item 5p), 1955.)

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**10.16.380 Toilet facilities.**

Every milk plant shall be provided with toilet facilities conforming with the ordinances of the City. Toilet rooms shall not open directly into any room in which milk, milk products, equipment, or containers are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair and well ventilated. A placard on which Section 10.16.620 is printed, and a sign directing employees to wash their hands before returning to work, shall be posted in all toilet rooms used by employees.  
(Ord. 84106 § 7(Item 6p), 1955.)

**10.16.390 Water supply.**

The water supply shall be easily accessible, adequate, and of a safe, sanitary quality.  
(Ord. 84106 § 7(Item 7p), 1955.)

**10.16.400 Hand-washing facilities.**

Convenient hand-washing facilities shall be provided, including hot and cold running water, soap, and approved sanitary towels. Handwashing facilities shall be kept clean. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without having washed his hands.  
(Ord. 84106 § 7(Item 8p), 1955.)

**10.16.410 Sanitary piping.**

All piping used to conduct milk or milk products shall be "sanitary milk piping" of a type which can be easily cleaned. Pasteurized milk and milk products shall be conducted from one (1) piece of equipment to another only through sanitary milk piping.  
(Ord. 84106 § 7(Item 9p), 1955.)

**10.16.420 Construction and repair of containers and equipment.**

All multi-use containers and equipment with which milk or milk products come into contact shall be of smooth, impervious, noncorrodible, nontoxic material; shall be so constructed and so located as to be easily cleaned; and shall be kept in good repair. All single-service containers, closures, gaskets, and other articles used shall have been manufactured, packaged, transported, and handled in a sanitary manner.  
(Ord. 84106 § 7(Item 10p), 1955.)

**10.16.430 Disposal of wastes.**

All wastes shall be properly disposed of. All plumbing and equipment shall be so designed and so installed as to prevent contamination of milk equipment by backflow.  
(Ord. 84106 § 7(Item 11p), 1955.)

**10.16.440 Cleaning and bactericidal treatment of containers and equipment.**

All milk and milk-product containers and equipment, except single-service containers, shall be

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thoroughly cleaned after each usage. All such containers shall be subjected effectively to an approved bactericidal process after each cleaning, and all equipment immediately before each usage. When empty, and before being returned to a producer by a milk plant, each container shall be thoroughly cleaned and subjected to an effective, approved, bactericidal process.

(Ord. 84106 § 7(Item 12p), 1955.)

#### **10.16.450 Storage of containers and equipment.**

After bactericidal treatment, all bottles, cans, and other multi-use milk or milk-product containers and equipment shall be transported and stored in such a manner as to be protected from contamination.

(Ord. 84106 § 7(Item 13p), 1955.)

#### **10.16.460 Handling of containers and equipment.**

Between bactericidal treatment and usage, and during usage, containers and equipment shall not be handled or operated in such a manner as to permit contamination of the milk. Pasteurized milk or milk products shall not be permitted to come into contact with equipment with which unpasteurized milk or milk products have been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process. No milk or milk products shall be permitted to come into contact with equipment with which ungraded or a lower grade of milk or milk products has been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process.

(Ord. 84106 § 7(Item 14p), 1955.)

#### **10.16.470 Storage of caps, parchment paper, and single-service containers.**

Milk bottle caps, or cap stock, parchment paper for milk cans, single-service containers, and gaskets shall be purchased and stored only in sanitary tubes, wrappings, or cartons; shall be kept therein in a clean, dry place until used; and shall be handled in a sanitary manner.

(Ord. 84106 § 7(Item 15p), 1955.)

#### **10.16.480 Pasteurization.**

Pasteurization shall be performed as described in subsection 41 of Section 10.16.010.

(Ord. 84106 § 7(Item 16p), 1955.)

#### **10.16.490 Cooling.**

All milk and milk products received for pasteurization shall be cooled immediately in approved equipment to fifty (50) degrees Fahrenheit or less, and shall be maintained at that temperature until pasteurized and all pasteurized milk and milk products, except those to be cultured, shall be cooled immediately in approved equipment to a temperature of fifty (50) degrees Fahrenheit or less, and shall be maintained thereat until delivery, as determined in accordance with Section 10.16.060.

(Ord. 84106 § 7(Item 17p), 1955.)

#### **10.16.500 Bottling and packaging.**

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Bottling and packaging of milk and milk products shall be done at the place of pasteurization in approved mechanical equipment.  
(Ord. 84106 § 7(Item 18p), 1955.)

#### **10.16.510 Overflow milk.**

Overflow milk or milk products shall not be sold for human consumption.  
(Ord. 84106 § 7(Item 19p), 1955.)

#### **10.16.520 Capping.**

Capping of milk and milk products shall be done in a sanitary manner by approved mechanical equipment. Hand-capping is prohibited. The cap, or cover, shall protect the pouring lip to at least its largest diameter.  
(Ord. 84106 § 7(Item 20p), 1955.)

#### **10.16.530 Personnel--Health examinations and schooling--Health cards.**

A. All employees in milk pasteurization plants shall have a health examination annually or as often as required by the Director. It shall be unlawful for any person to work or be employed in any pasteurizing plant unless he shall furnish and place on file, within forty-eight (48) hours from the date of employment, with the person in charge of such establishment a valid health card, record, permit, or certificate from the Director of the City stating that such person has been examined by the Director or a physician authorized by him on a date specified therein and that such person is entitled to work in a pasteurizing plant.

B. Such persons shall furnish such information, submit to such physical examination and submit such laboratory specimens as the Director may require for the purpose of determining freedom from infection.

C. The Director may require pasteurization plant employees to attend a training course in sanitary practices approved by the Director.

D. No person with an infected cut or lesion on hands or arms shall handle milk, milk products, milk containers, or milk equipment.  
(Ord. 84106 § 7(Item 21p), 1955.)

#### **10.16.540 Personnel--Cleanliness.**

All persons who come into contact with milk, milk products, containers, or equipment, shall wear clean outer garments, and shall keep their hands clean at all times while engaged in such work.  
(Ord. 84106 § 7(Item 22p), 1955.)

#### **10.16.550 Vehicles.**

A. All vehicles used for the transportation of milk or milk products shall be constructed and operated so as to protect their contents from the sun, from freezing, and from contamination. All vehicles used for the distribution of milk or milk products shall have the name of the distributor prominently displayed

thereon. The immediate surroundings of the milk plant shall be kept in a neat, clean condition.

B. Milk tank cars and tank trucks shall comply with the construction, cleaning, bactericidal treatment, storage, and handling requirements of Sections 10.16.370, 10.16.420, 10.16.440, 10.16.450, and 10.16.460. While containing milk, cream, or milk products, they shall be sealed and labeled in an approved manner. For each tank shipment, a bill of lading containing all necessary information shall be prepared in triplicate, and shall be kept on file by the shipper, the consignee, and the carrier for a period of six (6) months for the information of the Director.  
(Ord. 84106 § 7(Item 23p(part)), 1955.)

#### **Subchapter IV**

#### **Administration and Enforcement**

#### **10.16.560 Grades of milk and milk products which may be sold.**

From the date on which the ordinance codified in this chapter takes effect<sup>1</sup> no milk or milk products shall be sold to restaurants, soda fountains, grocery stores, or similar establishments, except certified pasteurized and Grade A pasteurized; provided, that when any milk distributor fails to qualify for one of the above grades, the Director is authorized to suspend his permit, or, in lieu thereof, to degrade his product and to permit its sale during a temporary period not exceeding thirty (30) days, or in emergencies such longer periods as he may deem necessary.

(Ord. 84106 § 8, 1955.)

1. Editor's Note: Ord. 84106 became effective on June 15, 1955.

#### **10.16.570 Sale of below-standard milk to creameries and cheese factories.**

Nothing in this chapter shall prohibit the sale to creameries, cheese factories, milk plants or milk distributors of the whole unadulterated milk from any healthy cow whose milk tests below the standards fixed in this chapter.

(Ord. 84106 § 1(A), 1955.)

#### **10.16.580 Reinstatement of permit--Supplementary regrading.**

A. If, at any time between regular announcements of the grades of milk or milk products, a lower grade shall become justified in accordance with Sections 10.16.050, 10.16.060, or 10.16.070 through 10.16.550, the Director shall immediately lower the grade of such milk or milk products, and shall enforce proper labeling thereof.

B. Any producer or distributor of milk or milk products, the grade of which has been lowered by the Director, and who is properly labeling his milk and milk products, or, whose permit has been suspended at any time may make application for the regrading of his products or the reinstatement of his permit.

C. Upon receipt of a satisfactory application for regrading or reinstatement of permit based on correction of a violation of any bacteriological or cooling temperature standard, the Director shall take further samples at the rate of not more than two (2) per week, and shall approve the application upon compliance with the grade requirements as determined in accordance with Section 10.16.060; provided, that if samples are not

available because of suspension of permit to operate, or for other reasons, the Director may issue a temporary permit not to exceed thirty (30) days, upon satisfying himself, by inspection of the facilities and the operating methods, that the conditions responsible for the violation have been corrected, with final reinstatement of permit conditional upon subsequent bacteriological or temperature findings.

D. In case the lowered grade of the applicant's product or the permit suspension had been due to a violation of an item other than bacteriological standards or cooling temperature, the application must be accompanied by a statement, signed by the applicant, to the effect that the violated item of the specifications has been corrected. Within one (1) week after the receipt of such an application and statement, the Director shall make a reinspection of the applicant's establishment, and thereafter as many additional reinspections as he may deem necessary, to assure himself that the applicant is again complying with the higher grade requirements, and, in case the findings justify, shall regrade the milk or milk products upward or reinstate the permit. (Ord. 84106 § 9, 1955.)

#### **10.16.590 Transferring or dipping milk--Delivery containers--Cooling--Quarantined residences.**

A. Except as permitted in this section, no milk producer or distributor shall transfer milk or milk products from one container to another on the street, or in any vehicle or store, or in any place except a bottling or milk room especially used for that purpose. The sale of dip milk is prohibited.

B. Milk and fluid milk products sold in the distributor's containers in quantities less than five (5) gallons, except by special permission of the Director, shall be delivered in standard milk bottles or in approved single-service containers.

C. It shall be unlawful for hotels, soda fountains, restaurants, groceries, and similar establishments to sell or serve any milk or fluid milk products except in the individual, original container in which it was received from the distributor, or from a bulk container equipped with an approved dispensing device; provided, that this requirement shall not apply to cream, whipped cream or half-and-half which is consumed on the premises, and which may be served from the original bottle or from a dispenser approved for such service, nor to milk served at hospitals and institutions, which may be served from one (1) quart containers packaged at a milk plant, nor to mixed milk drinks requiring less than one-half ( 1/2) pint of milk, which may be poured from one (1) quart or two (2) quart containers packaged at a milk plant.

D. It shall be unlawful for any hotel, soda fountain, restaurant, grocery, hospital or similar establishment to sell or serve any milk or milk product which has not been maintained, while in its possession, at a temperature of fifty (50) degrees Fahrenheit or less. If containers of milk or milk products are stored in water for cooling, the pouring lips of the containers shall not be submerged.

E. It shall be the duty of all persons to whom milk or milk products are delivered to clean thoroughly the containers in which such milk or milk products are delivered before returning such containers.

F. The delivery of milk or milk products to, and the collection of milk or milk-product containers from, residences in which cases of communicable disease transmissible through milk supplies exist, shall be subject to the special requirements of the Director. (Ord. 84106 § 10, 1955.)

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**10.16.600 Milk and milk products from points beyond the limits of routine inspection.**

Milk and milk products from points beyond the limits of routine inspection of the City may not be sold in the City, or its police jurisdiction, unless produced and/or pasteurized under provisions which are substantially equivalent to the requirements of this chapter, and which are enforced with equal effectiveness, as determined by a milk sanitation rating.  
(Ord. 84106 § 11, 1955.)

**10.16.610 Future dairies and milk plants.**

All dairies and milk plants from which milk or milk products are supplied to the City, which are hereafter<sup>1</sup> constructed, reconstructed, or extensively altered, shall conform in their construction to the Grade A requirements of this chapter. Properly prepared plans for all dairies and milk plants, which are hereafter constructed, reconstructed, or extensively altered, shall be submitted to the Director for approval before work is begun. In the case of milk plants, signed approval shall be obtained from the Director and/or the State health authority.

(Ord. 84106 § 12, 1955.)

1. Editor's Note: Ord. 84106 was passed by the City Council on May 16, 1955.

**10.16.620 Notification of disease.**

No person with any disease in a communicable form, or who is a carrier of such disease, shall work at any dairy farm or milk plant in any capacity which brings him into contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment; and no dairy farm or milk plant shall employ in any such capacity any such person, or any person suspected of having any disease in a communicable form, or of being a carrier of such disease. Any producer or distributor of milk or milk products upon whose dairy farm, or in whose milk plant, any communicable disease occurs, or who suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease, shall notify the Director immediately.

(Ord. 84106 § 13, 1955.)

**10.16.630 Procedure when infection is suspected.**

When reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of milk or milk products, the Director is authorized to require any or all of the following measures: (A) the immediate exclusion of that person from milk handling; (B) the immediate exclusion of the milk supply concerned from distribution and use; and (C) adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges.

(Ord. 84106 § 14, 1955.)

**10.16.640 Enforcement.**

This chapter shall be enforced by the Director in accordance with the interpretations thereof contained in "Milk Ordinance and Code-1953 Recommendations of the Public Health Service," a certified copy of which is in Comptroller's File No. 226709. The Director shall have the power and duty to adopt, issue, and promulgate from time to time necessary additional rules, regulations and orders for the enforcement of this chapter.

(Ord. 84106 § 15, 1955.)

**10.16.650 Violation--Penalty.**

Anyone failing to comply with or violating any of the provisions of this chapter shall upon conviction thereof be punished by a fine in a sum not exceeding Three Hundred Dollars (\$300.00) or by imprisonment in the City Jail for a term not exceeding ninety (90) days, or by both such fine and imprisonment. (Ord. 84106 § 16, 1955.)

**Chapter 10.18**

**FROZEN DAIRY FOOD PRODUCTS**

**Sections:**

- 10.18.010 Definitions.
- 10.18.020 Pasteurization of mix.
- 10.18.030 Adulterated or misbranded product--Disposal.
- 10.18.040 Rinsing of multi-use containers.
- 10.18.050 Containers--Manufacturer and pull date.
- 10.18.060 Cleaning of equipment.
- 10.18.070 Overflow or spilled mix not to be sold.
- 10.18.080 Storage of scoops and dippers.
- 10.18.090 Permit--Required.
- 10.18.100 Permit--Application and issuance.
- 10.18.110 Examination of frozen dairy foods.
- 10.18.120 Permit--Suspension.
- 10.18.130 Permit--Revocation.
- 10.18.140 Hearing on suspended or revoked permit.
- 10.18.150 Sanitation--U.S. Public Health Service regulations.
- 10.18.160 Sanitation--Seattle food-service ordinance.
- 10.18.170 Standards for freezers and equipment.
- 10.18.180 Transferring frozen dairy foods.
- 10.18.190 Inspection of dairy food establishments.
- 10.18.200 Personnel health and disease control.
- 10.18.210 Procedure when infection is suspected.
- 10.18.220 Enforcement.
- 10.18.230 Approval of construction or alteration.
- 10.18.240 Violation--Penalty.

Statutory Reference: For statutory provisions on dairy products, see RCW Ch. 15.32.

Severability: Should any section, subsection or part of this chapter be declared unconstitutional or invalid for any reason, such shall not affect the validity of the remaining portions. (Ord. 94524 § 15, 1966.)

**10.18.010 Definitions.**

The following words and phrases as used in this chapter shall mean as follows:

A. "Adulterated" means the condition of the frozen dairy food: (1) if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health; (2) if it bears or contains 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) if it consists in whole or in part of any substance unfit for human consumption; (4) if it has been processed, prepared, packed, or held under unsanitary conditions whereby it may have been rendered injurious to health; (5) if its container is composed in whole or in part of any toxic or deleterious substance which may render the contents injurious to health; and (6) if it

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contains any substance that does not conform to the definitions contained in this chapter.

B. "Confectionery" means candy, cakes, cookies, glaze fruits, and similar products.

C. "Frozen confection" means a product not containing milk or milk products but served to the public in a frozen or semifrozen state in the same manner as frozen dairy foods. "Frozen dairy foods" shall be interpreted to include frozen confection.

D. "Frozen dairy food" means ice cream, mix, soft-serve, milkshake, frozen custard, french ice cream, french custard ice cream, ice milk, fruit sherbet, water ices, popsicles and frozen confections, or any other product containing milk or milk products in combination with other food products, including but not limited to wholesome fruits, flavoring, nuts, confectioneries, harmless coloring, stabilizers, and emulsifiers served to the public in a frozen or semifrozen state and designated as a frozen dairy food by the Health Officer.

E. "Frozen dairy foods distributor" means any person who offers for sale or sells to another for resale any frozen dairy foods for human consumption in a final package.

F. "Frozen dairy foods establishment" means any place or premises where frozen dairy foods or mix are manufactured, distributed, served, or provided to the public for human consumption with or without charge.

G. "Frozen dairy foods manufacturer" means any person who manufactures, pasteurizes, packages and/or freezes any mix for distribution for resale.

H. "Frozen dairy foods plant" means any place or premises where frozen dairy foods or mix are manufactured, pasteurized, frozen or packaged for distribution for resale. The operation of soft-serve, milkshake, and related dispensing equipment shall not be construed to be the operation of a frozen dairy foods plant for purposes of this chapter.

I. "Frozen dairy foods processor" means any person who freezes any pasteurized mix in semisolid or solid form, for distribution for resale as a frozen dairy food.

J. "Health Officer" means the Director of Public Health of the City or his authorized representative.

K. "Milkshake" means the product resulting from agitation of frozen dairy food to which milk has been added or from processing of mix in a milkshake machine and to which flavoring may or may not have been added.

L. "Misbranded" means the presence of any written, printed, or graphic matter, upon or accompanying any frozen dairy food or containers for frozen dairy foods which is false or misleading.

M. "Mix" means the unfrozen combination of all ingredients of a frozen dairy food with or without fruits, fruit juices, confectioneries, nut meats, flavor, harmless coloring, stabilizers or emulsifiers.

N. "Official laboratory" means a biological, chemical, or physical laboratory which is under the direct supervision of the state or Seattle Director of Public Health.

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O. "Officially designated laboratory" means a private commercial laboratory which is authorized to do official work by the Health Officer or a milk industry laboratory similarly officially designated to make laboratory examinations.

P. "Person" means any individual, partnership, corporation, company, firm, trustee, or association.

Q. "Product contact surface" means the surface of equipment or container which comes in direct contact with the frozen dairy food or mix which is offered to the public for human consumption.

R. "Retail frozen dairy foods processor" means any person who freezes any pasteurized mix in soft-serve, semisolid or solid form for retail sale.

S. "Soft-serve" means the soft partially frozen product resulting from the processing of mix in a freezer for direct sale to consumers.

(Ord. 94524 § 1, 1966.)

#### **10.18.020 Pasteurization of mix.**

Every particle of the combined milk, cream, milk product or other ingredients used in the manufacture of a frozen dessert mix shall be heated and held at temperatures of not less than one hundred fifty-five (155) degrees Fahrenheit for not less than thirty (30) minutes, or one hundred seventy-five (175) degrees Fahrenheit for not less than twenty-five (25) seconds; or not less than one hundred ninety-four (194) degrees Fahrenheit by the Vacreator process in approved and properly operated equipment. Provided, that nothing contained in this requirement shall be construed as barring any other method or process, as may be demonstrated to be equally efficient and which is approved by the Health Officer.

(Ord. 94524 § 2(part), 1966.)

#### **10.18.030 Adulterated or misbranded product--Disposal.**

No person shall, within the municipality of Seattle or its police jurisdiction, manufacture, freeze, sell, offer or expose for sale, or have in possession with intent to sell, any mix or frozen dairy food which is adulterated or misbranded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession adulterated or misbranded mix or frozen dairy food. Any adulterated, misbranded or improperly labeled mix or frozen dairy food may be impounded by the Health Officer and disposed of in accordance with the following procedure:

Frozen dairy food may be examined or sampled by the Health Officer as often as may be necessary to determine freedom from adulteration or misbranding. The Health Officer may, upon written notice to the owner or person in charge, place a hold order on any frozen dairy food which he determines or has probable cause to believe to be unwholesome or otherwise adulterated, or misbranded. Under a hold order, frozen dairy food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on frozen dairy food by the Health Officer, and neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the Health Officer, except on order by a court of competent jurisdiction. The owner or person in charge may demand a hearing such as is provided in Section 10.18.140 and on the basis of evidence produced at such hearing, or on the basis of his

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examination if written request for a hearing is not received within ten (10) days, the Health Officer may vacate the hold order, or may by written order, direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food for human consumption or to bring it into compliance with the provisions of this chapter; provided, that such order of the Health Officer to denature or destroy such food or bring it into compliance with the provisions of this chapter shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.  
(Ord. 94524 § 2(part), 1966.)

**10.18.040 Rinsing of multi-use containers.**

It shall be the duty of all persons to whom mix or frozen dairy foods are delivered to rinse thoroughly the multi-use containers in which such mix or frozen dairy foods are delivered before returning such multi-use containers.  
(Ord. 94524 § 2(part), 1966.)

**10.18.050 Containers--Manufacturer and pull date.**

All delivery containers in which mix is delivered from the mix manufacturer shall bear the identity of the manufacturer and shall plainly show the "pull" date or the date limit for its use.  
(Ord. 94524 § 2(part), 1966.)

**10.18.060 Cleaning of equipment.**

The product contact surfaces of all frozen dairy foods freezers and other equipment used in processing or preparing frozen dairy foods shall be thoroughly cleaned by methods approved by the Health Officer at least once in every twenty-four (24) hours. All such equipment shall be sanitized by methods approved by the Health Officer just prior to re-use.  
(Ord. 94524 § 2(part), 1966.)

**10.18.070 Overflow or spilled mix not to be sold.**

Product drip or overflow, or spilled mix or frozen dairy foods or their ingredients, shall not be sold for human consumption.  
(Ord. 94524 § 2(part), 1966.)

**10.18.080 Storage of scoops and dippers.**

Dispensing scoops, spoons, and dippers, used in serving frozen dairy foods, shall be stored, between uses, either in an approved running water dipper well, or in a manner approved by the Health Officer.  
(Ord. 94524 § 2(part), 1966.)

**10.18.090 Permit--Required.**

A. It shall be unlawful for any retail frozen dairy foods processor, frozen dairy foods processor, frozen dairy foods manufacturer, frozen dairy foods distributor, frozen dairy foods plant, or person to bring into, send into, or receive in the City, or its police jurisdiction, for sale, or to sell, or offer for sale therein, or to have

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in storage where frozen dairy foods are sold or served, any frozen dairy food or mix, without having a permit issued by the Health Officer in accordance with such rules and regulations as he may promulgate under this chapter; provided, that those holding valid food establishment permits issued under Ordinance 92987<sup>1</sup> are exempt from such permit requirement.

B. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a permit. The permit shall not be transferable with respect to persons and/or locations. (Ord. 94524 § 3(part), 1966.)

1. Editor's Note: Ord. 92987 was repealed by Ord. 109910; current Food Code provisions are codified in Chapter 10.11 of this title.

#### **10.18.100 Permit--Application and issuance.**

A. Persons desiring a permit shall make written application on a form to be provided by the Health Officer. Such application shall include the applicant's full name and post office address whether such applicant is an individual, firm, or corporation, and, if a partnership, the names and addresses of the partners; the location and type of the proposed frozen dairy foods plant or establishment; and the signature of the applicant or applicants. If the application is for a temporary frozen dairy foods plant or establishment, it shall also include the inclusive dates of the proposed operation.

B. Within three (3) business days, or by agreed appointment with the permit seeker, the Health Officer shall make an inspection of the proposed frozen dairy foods plant or establishment to determine compliance with the provisions of this chapter. When inspection reveals that the applicable requirements of this chapter have been met a permit shall be issued to the applicant by the Health Officer. (Ord. 94524 § 3(part), 1966.)

#### **10.18.110 Examination of frozen dairy foods.**

A. Samples of frozen dairy foods may be taken by the Health Officer from any retail frozen dairy foods processor, frozen dairy foods processor, frozen dairy foods manufacturer, and frozen dairy foods distributor as often as the Health Officer deems necessary. Such samples may be taken from freezers, from other processing equipment, from any receptacle containing mix or other dairy foods, and packaged frozen dairy foods and such samples shall be taken as near to the end product served to the public as possible. The Health Officer shall take samples as often as he deems necessary for bacterial and coliform analysis or phosphatase tests in an official laboratory. Examinations may include such other bacteriological, chemical, and physical determinations as the Health Officer may deem necessary. Samples may be submitted by the Health Officer to an officially designated laboratory for analysis. All sample results from both official and officially designated laboratories shall be used to determine the compliance record of frozen dairy foods plants or establishments. After pasteurization, the bacterial plate count of the mix at the place of manufacture shall not exceed twenty-five thousand (25,000) per gram nor shall the coliform count exceed five (5) per gram. Before delivery to the consumer, no frozen dairy food shall have a bacterial plate count exceeding fifty thousand (50,000) per gram nor a coliform count exceeding ten (10) per gram. The bacterial plate count of water in dipper wells shall not exceed fifty thousand (50,000) per milliliter nor shall the coliform count exceed ten (10) per milliliter. During delivery and storage, the temperature of mix and frozen dairy foods shall not exceed forty (40) degrees Fahrenheit; provided, that soft-serve mix held in the reservoirs of soft-serve dispensing equipment prior to use shall not exceed forty-five (45) degrees Fahrenheit. In the case of a positive phosphatase test on mix or frozen dairy food, the probable cause shall be determined and corrected to the satisfaction of the Health Officer before the mix is frozen or the frozen dairy food is sold. Bacterial counts, coliform determinations,

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phosphatase tests, and other laboratory or screening tests shall conform to the procedures in the latest edition of "Standard Methods for Examination of Dairy Products" of the American Public Health Association, a copy of which is filed with the City Comptroller under File No. 254784.

B. If any result of test made by the Health Officer is beyond the limits specified he shall notify the person concerned. He shall then take an additional sample, within a reasonable period of time, but not before a lapse of three (3) days. Should this sample also be beyond the limits specified in this section, the Health Officer shall send a written notice thereof to the person concerned. The operator shall then be required to furnish, and have analyzed at his own expense, additional samples of frozen dairy foods, or mix, not to exceed two (2) per week, in accordance with instructions of the Health Officer. The cost of this analysis shall be paid for by the operator of the establishment.

C. Such samples shall be furnished until three (3) out of four (4) consecutive bacterial counts, coliform counts, or cooling temperatures of mix or frozen dairy foods taken on separate days are within the limits specified in this section. Failure to provide such samples and to provide for submission of the results of the laboratory examinations to the Health Officer shall constitute a violation of this chapter. Failure to furnish samples as required in this section shall not be a violation of this chapter if frozen dairy foods, or mix, are no longer sold or offered for sale. Failure to meet the required standards in three (3) out of four (4) of the additional samples taken shall call for a suspension warning to the person concerned, followed by additional samples as provided in this section. Three (3) such suspension warnings to one person within any twelve (12) month period shall be cause for suspension by the Health Officer of the establishment permit, until evidence is submitted that the establishment can comply with the minimum requirements of the chapter.

D. The Health Officer, at his discretion, may require the manager, operator, or any employees of a frozen dairy foods establishment to attend a training course in frozen dairy food sanitation and machine operation, in the event the manager, operator, or any employee of a frozen dairy foods establishment is determined by the Health Officer to be the cause for a failure to meet the required standards in three (3) out of four (4) of the additional samples taken, as described in this section. The class schedule shall not exceed fifteen (15) hours in length, nor shall attendance be required if the person or persons involved have attended such a class within twelve (12) months.

(Ord. 112559 § 1, 1985; Ord. 94524 § 4, 1966.)

#### **10.18.120 Permit--Suspension.**

A. Any permit may be suspended temporarily by the Health Officer for failure of the holder to comply with the requirements of this chapter.

B. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this chapter, the permit holder or operator shall be served with a notice that, effective upon such service, his permit is suspended. Such notice shall advise that a hearing is filed with the Health Officer by the permit holder.

(Ord. 94524 § 5, 1966.)

#### **10.18.130 Permit--Revocation.**

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Health Officer in the performance of his duties, or for failure to comply with any notice properly given under this chapter, the Health Officer may permanently revoke any permit. Before revoking any permit the Health Officer shall notify the permit holder in writing of the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five (5) days following service of such notice, unless a request for a hearing is filed with the Health Officer by the permit holder within such five (5) day period.

(Ord. 94524 § 6(part), 1966.)

#### **10.18.140 Hearing on suspended or revoked permit.**

Hearings on suspensions or revocation of permits shall be conducted by the Director of Public Health of the City or by a person designated by him, at such time and place as he shall designate. At such hearing the permittee may appear with or without counsel and may testify, call witnesses and cross-examine. The person conducting the hearing shall make findings and shall sustain, modify or rescind any official notice or order considered at the hearing. A written report of the hearing decision shall be furnished to the permit holder by the Health Officer. The decision of the hearing may be appealed to a court of competent jurisdiction with notice of appeal to be made within thirty (30) days.

(Ord. 116368 § 208, 1992: Ord. 94524 § 6(part), 1966.)

#### **10.18.150 Sanitation--U.S. Public Health Service regulations.**

Frozen dairy foods plants and frozen dairy foods processors shall comply with the standards specified in Section 7 of the U.S. Public Health Service "Frozen Desserts Ordinance and Code," a copy of which is filed with the City Clerk under Comptroller's File No. 254783.

(Ord. 116368 § 208, 1992: Ord. 94524 § 7(part), 1966.)

#### **10.18.160 Sanitation--Seattle food-service ordinance.**

Retail frozen dairy foods processors, and frozen dairy foods distributors shall comply with the sanitation standards provided in Seattle Ordinance No. 92987, Sections 2 to 6, inclusive.<sup>1</sup>

(Ord. 94524 § 7(part), 1966.)

1. Editor's Note: Ord. 92987 was repealed by Ord. 109910; the current Food Code is codified in Chapter 10.11 of this title.

#### **10.18.170 Standards for freezers and equipment.**

All freezers and other processing equipment installed after the effective date of the ordinance codified in this chapter<sup>1</sup> shall comply with the standards of the National Sanitation Foundation for soft-serve and shake machines and related equipment used in frozen dairy food establishments. Frozen dairy food plant equipment shall comply with the standards of the 3A Standards Committee for dairy equipment or additional standards as may hereafter be determined as acceptable by the Health Officer. Approval of specific equipment by the National Sanitation Foundation or the 3A Standards Committee shall constitute compliance with their standards.

(Ord. 94524 § 7(part), 1966.)

1. Editor's Note: Ord. 94524 became effective March 2, 1966.

#### **10.18.180 Transferring frozen dairy foods.**

Except as permitted by the Health Officer, no person shall transfer frozen dairy foods from one (1)



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container to another on the street, or in any vehicle or store, or in any place except under sanitary conditions.  
(Ord. 94524 § 8, 1966.)

**10.18.190 Inspection of dairy food establishments.**

The Health Officer exhibiting proper identification shall be permitted to enter at any reasonable time, any frozen dairy foods plant or establishment for the purpose of making inspections to determine compliance with this chapter. He shall be permitted to examine the records of the plant or establishment pertaining to mix and frozen dairy foods purchased, received, or used, and persons employed.  
(Ord. 94524 § 9, 1966.)

**10.18.200 Personnel health and disease control.**

No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in any area of a frozen dairy foods plant or establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the plant or establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the Health Officer immediately. It shall be the responsibility of anyone operating a frozen dairy foods plant or establishment to see that all employees have valid food and beverage service worker's permits issued under Chapter 197, Laws of 1957, and the Rules and Regulations of the State Board of Health. It shall be unlawful for anyone to work in a frozen dairy foods plant or establishment without a valid food and beverage service worker's permit. Such permits shall be issued by the Seattle-King County Department of Public Health and signed by the local Health Officer or his authorized representative and all applicants for such a permit or renewal thereof shall pay to such department a fee in the sum of Two Dollars (\$2.00).  
(Ord. 94524 § 10(part), 1966.)

**10.18.210 Procedure when infection is suspected.**

When the Health Officer has reasonable cause to suspect possibility of disease transmission from any employee of a frozen dairy foods plant or establishment, the Health Officer shall secure a morbidity history of the suspected employee, or make such other investigations as may be indicated, and take appropriate action. The Health Officer may require any or all of the following measures:

- A. The immediate exclusion of the employee from handling mix, frozen dairy foods or their ingredients;
  - B. The immediate exclusion of the mix or frozen dairy foods concerned from distribution and use; and
  - C. Adequate medical and bacteriological examination of the person, or his associates, and of his and their body discharges.
- (Ord. 94524 § 10(part), 1966.)

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**10.18.220 Enforcement.**

This chapter shall be enforced by the Health Officer who is authorized to make and enforce rules and regulations consistent with the provisions of this chapter for the purpose of effectuating such provisions. (Ord. 94524 § 11, 1966.)

**10.18.230 Approval of construction or alteration.**

All frozen dairy foods plants from which mix or frozen dairy foods are supplied within borders of the City, which are hereafter constructed, reconstructed, or extensively altered<sup>1</sup> shall conform in their construction to the requirements of this chapter. Properly prepared plans for all frozen dairy foods plants which are hereafter constructed, reconstructed, or extensively altered shall be submitted to the Health Officer for approval before work is begun and signed approval shall be obtained from the Health Officer. (Ord. 94524 § 12, 1966.)

1. Editor's Note: Ord. 94524 was passed by the City Council on January 31, 1966.

**10.18.240 Violation--Penalty.**

Any person violating or failing to comply with any of the provisions of this chapter upon conviction thereof shall be punished by a fine of not to exceed Three Hundred Dollars (\$300.00) or by imprisonment in the City Jail for a term not to exceed ninety (90) days, or by both such fine and imprisonment, and each day that any person shall continue to so violate or fail to comply shall be considered a separate offense. In addition thereto, such persons may be enjoined from continuing such violations. (Ord. 94524 § 13, 1966.)

**Chapter 10.20**

**COLD STORAGE EGGS**

**Sections:**

**10.20.010 Labeling required for sale.**

**10.20.020 Violation--Penalty.**

**10.20.010 Labeling required for sale.**

It shall be unlawful for any vendor in the City, or his agent, clerk, or other employee to sell, offer for sale, or have in his possession with the intent to sell, any cold storage eggs, unless the words "Cold Storage" shall be plainly and legibly stamped or printed on the outside of the crate, box, carton, case, bag or other receptacle for such eggs, and unless such eggs so sold or offered for sale are actually sold or offered for sale as cold storage eggs.

(Ord. 28605 § 1, 1911.)

**10.20.020 Violation--Penalty.**

Any person guilty of violating any of the provisions of this chapter shall, upon conviction, be fined in any sum not more than One Hundred Dollars (\$100.00), or be committed to the City Jail for a period not

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exceeding thirty (30) days or may be both so fined and imprisoned.  
(Ord. 28605 § 2, 1911.)

## Chapter 10.22

### FLUORIDATION OF WATER SUPPLY

#### Sections:

**10.22.010 Addition--Administration.**

**10.22.010 Addition--Administration.**

A source of fluoridation approved by the Washington State Department of Social and Health Services be added to the Seattle water supply under the rules and regulations of the Washington State Department of Social and Health Services, such addition to be administered by the Director of Seattle Public Utilities under the direction of the Director of the Seattle-King County Department of Public Health.  
(Ord. 118396 § 10, 1996; Ord. 96931 § 1, 1968.)

## Chapter 10.24

### MISCELLANEOUS HEALTH REGULATIONS<sup>1</sup>

#### Sections:

**10.24.010 Nuisance prohibited--Removal procedure.**

**10.24.020 Unlawful to refuse to obey order or regulation.**

**10.24.030 Dumping of waste animal or vegetable matter prohibited.**

**10.24.040 Sleeping apartments--Air and space requirements.**

**10.24.050 Air space and area in schoolrooms, hospitals, offices, workshops and factories.**

**10.24.060 Ventilation requirements.**

**10.24.070 Flushing floors with water.**

**10.24.080 Right of entry for inspection.**

**10.24.090 Person defined--Number and gender.**

**10.24.100 Violation--Penalty.**

1. Editor's Note: References in this chapter to "Board of Health" and "Department of Health and Sanitation" have been editorially changed to "Seattle-King County Department of Public Health."

**10.24.010 Nuisance prohibited--Removal procedure.**

It shall be unlawful for any person to have or permit upon any premises owned, occupied or controlled by them, any nuisance detrimental to health, or any accumulation of filth, garbage, decaying animal or vegetable matter or any animal or human excrement, and it shall be the duty of the Health Officer of the City to cause any such person to be notified to abolish, abate and remove such nuisance, and in case such person shall fail, neglect or refuse to remove the same within three (3) days after receiving such notice, such nuisance may be removed and abated under and by order of the Health Officer, and the person whose duty it was to abate or remove such nuisance, in addition to incurring the penalties in this chapter provided, shall become indebted to the City for the damages, costs and charges incurred by the City by reason of the existence and removal of such nuisance.

(Ord. 15957 § 13, 1907.)

**10.24.020 Unlawful to refuse to obey order or regulation.**

It shall be unlawful for any person to violate or refuse to obey any lawful order or regulation of the Seattle-King County Department of Public Health, the Health Officer or any Quarantine Officer made within the powers conferred by the Charter<sup>1</sup> or ordinances of the City upon the officer making such order, or to in any manner obstruct or interfere with Seattle-King County Department of Public Health, Health Officer or any appointee of said Department in the performance of duties imposed by the Charter<sup>1</sup> or ordinances of the City. (Ord. 15957 § 14, 1907.)

1. Editor's Note: The Charter is included at the beginning of this Code.

#### **10.24.030 Dumping of waste animal or vegetable matter prohibited.**

It shall be unlawful for any person to dump or place upon any land, or in any water or waterway, within the City, any dead animals, butcher's offal, fish or parts of fish or any waste vegetable or animal matter whatever, and the Board of Public Works is authorized to offer a reward of Fifty Dollars (\$50.00) to any person furnishing evidence that will lead to the arrest and conviction of any person depositing the body of any dead animal in any water or waterway within the City, and it shall also be unlawful for any person to place upon any land or premises within the City any refuse lumber, debris or waste material of any kind within which rats may nest, or within or under which rats may harbor. (Ord. 23147 § 1, 1910: Ord. 15957 § 17, 1907.)

#### **10.24.040 Sleeping apartments--Air and space requirements.**

It shall be unlawful for any person to use, conduct or keep any lodginghouse, tenement house, hotel or any house or building containing sleeping apartments, or to allow or permit persons to occupy as sleeping apartments, any room or place which shall contain less than five hundred twelve (512) cubic feet of air or space, or less than sixty-four (64) square feet of floor space for each and every person over fourteen (14) years of age lodging or sleeping in any such sleeping apartments, or less than three hundred (300) cubic feet of air or space or forty (40) square feet of floor space for each child under fourteen (14) years of age, or which is not provided, while in use as such sleeping apartment, with a system of ventilation in continuous operation so contrived as to provide twenty-five (25) cubic feet per minute of outer air for each occupant thereof, exclusive of air consumed by combustion. (Ord. 15957 § 41, 1907.)

#### **10.24.050 Air space and area in schoolrooms, hospitals, offices, workshops and factories.**

It shall be unlawful to use, or permit the use of, any room for the purposes designated in this section, unless such room contains at least the minimum amount of cubic feet of air space and of square feet of floor space for each person occupying said room, as follows: Schoolroom for adults, two hundred forty (240) cubic feet and twenty (20) square feet; schoolroom for children, one hundred eighty (180) cubic feet and fifteen (15) square feet; hospitals, eight hundred (800) cubic feet and eighty (80) square feet; offices, two hundred fifty (250) cubic feet and twenty-five (25) square feet; and workshops and factories, three hundred (300) cubic feet and twenty-five (25) square feet. (Ord. 72874 § 1, 1943: Ord. 15957 § 43, 1907.)

#### **10.24.060 Ventilation requirements.**

It shall be unlawful for any person to keep or use, or to allow or permit to be used, any room or building

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as a hospital, sleeping apartment, kitchen, bakeshop, factory, workshop or as a schoolroom, theater, church, or place of public assemblage or entertainment, unless the same shall have in continuous operation while occupied, a system of ventilation so contrived as to provide twenty-five (25) cubic feet every minute of outside air for each occupant thereof exclusive of air consumed by combustion; provided, however, that when any room or place is so proportioned as not to allow each occupant, if children, six hundred (600) cubic feet and, if adults, one thousand (1,000) feet of fresh air per hour, or less than three (3) times such amount in sickrooms or hospitals by natural means without exposure to improper air currents, then such rooms shall be ventilated by artificial means.

(Ord. 15957 § 44, 1907.)

#### **10.24.070 Flushing floors with water.**

It shall be unlawful for any person to flush the floor of any room or building with water, unless such floor be so constructed as to be impervious to water, and so constructed as to prevent any water from running, leaking or seeping through such floor or any opening therein, unless such opening be connected with the public sewer, and so trapped as to prevent the escape of sewer gas into such room; and it shall be unlawful for any person to discharge, sweep or drain water used in flushing any such floor or building outside of such building.

(Ord. 15957 § 40, 1907.)

#### **10.24.080 Right of entry for inspection.**

The members of the Seattle-King County Department of Public Health, the Health Officer and any accredited officer or agent of said Department, are authorized and empowered to, at all reasonable times, enter and inspect all buildings and premises for the purpose of ascertaining whether the provisions of this chapter are being violated; and it shall be unlawful for any person to prevent or attempt to prevent any such entrance or inspection or to obstruct or interfere with any such officer while engaged therein.

(Ord. 15957 § 51(part), 1907.)

#### **10.24.090 Person defined--Number and gender.**

"Person," wherever used in this chapter, means and includes natural persons of either sex, associations, copartnerships and corporations, whether acting by themselves or by a servant, agent or employee; the singular number shall include the plural and the masculine pronoun shall include the feminine.

(Ord. 15957 § 52(part), 1907.)

#### **10.24.100 Violation--Penalty.**

Any person violating or failing to comply with any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not exceeding One Hundred Dollars (\$100.00) or by imprisonment in the City Jail not exceeding thirty (30) days, or by both such fine and imprisonment.

(Ord. 15957 § 53(part), 1907.)

### **Chapter 10.25**

#### **REPORTS ON WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS**

For current SMC, contact  
the Office of the City Clerk

**Sections:**

- 10.25.010 Application for information.
- 10.25.020 Fee for report.
- 10.25.030 Submittal of water samples for analysis--Fee.

**10.25.010 Application for information.**

Any person, agency or company desiring a report on the condition of a water supply or sewage disposal system shall make application for such information to the Department of Public Health on a form provided by the Director of Public Health.  
(Ord. 107099 § 1, 1978.)

**10.25.020 Fee for report.**

Application for a report on such water supply or individual sewage disposal system shall be accompanied by a fee as follows:

- A. For a report on a water supply....\$115.00
- B. For a report on a sewage disposal system....90.00
- C. For a report on a water supply and a sewage disposal system on the same premises 135.00.  
(Ord. 116938 § 1, 1993: Ord. 114828 § 1, 1989: Ord. 113168 § 1, 1986: Ord. 110266 §§ 1 and 3 (part), 1981: Ord. 107099 § 2, 1978.)

**10.25.030 Submittal of water samples for analysis--Fee.**

Any person, agency or company may submit water samples to the Department of Public Health for analysis. The fee for the analysis of each submitted water sample is Fifteen Dollars (\$15.00).  
(Ord. 116938 § 2, 1993: Ord. 110266 §§ 1 and 3 (part), 1981: Ord. 109497 § 1, 1981: Ord. 107099 § 3, 1978.)

**Chapter 10.26**

**QUARANTINE REGULATIONS<sup>1</sup>**

**Sections:**

- 10.26.010 Authority to close public places.
- 10.26.020 Permission required to leave quarantined area.
- 10.26.030 Right of entry for inspection.
- 10.26.040 Person defined--Number and gender.
- 10.26.050 Violation--Penalty.

1. Editor's Note: References in this chapter to "Board of Health" have been editorially changed to "Seattle-King County Department of Public Health."

**10.26.010 Authority to close public places.**



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The Seattle-King County Department of Public Health is authorized and empowered, and it shall be its duty, in all cases of pestilence, contagious, infectious or epidemic diseases, or of danger from anticipated or impending pestilence, contagious, infectious or epidemic diseases, or in case the sanitary condition of the City shall be of such a character as to warrant it, to take such measures, and to adopt such specific rules, and to do and order and cause to be done such acts for the preservation of the public health as the public safety and health demand, and to that end may cause any and all schools, libraries, theaters, churches and all buildings or places where people are accustomed to congregate, and all other houses, buildings and places where the Seattle-King County Department of Public Health shall have reason to believe there is or may be special danger of contagion, to be closed for a specified period, or until the danger from such pestilence, contagious, infectious or epidemic disease shall have ceased to exist, and to cause all such buildings to be disinfected; and it shall be unlawful for any person to violate or neglect or refuse to obey any such specific rules, regulations or orders made by the Seattle-King County Department of Public Health.  
(Ord. 15957 § 4, 1907.)

**10.26.020 Permission required to leave quarantined area.**

It shall be unlawful for any person knowing, or having cause to believe themselves to be sick with typhus fever, ship or yellow fever, Asiatic cholera, smallpox, diphtheria or membranous croup, measles, scarlet fever or scarlatina, bubonic plague or being an adult with chicken pox, or any person acting as nurse or attendant upon any such sick person, or any person living in the house with such sick person, to appear upon any of the streets, alleys or other public places of the City, or move about or approach or mix with other persons, or to move to or visit another habitation or building, or to remove from any house or place, to any other house or place, or leave any such house or place for any purpose, or for any person to remove any such sick person from any such house or place to any other house or place, or to permit any minor child living in the house with any such sick person to leave such house, without permission from the Health Officer so to do.  
(Ord. 15957 § 7, 1907.)

**10.26.030 Right of entry for inspection.**

The members of the Seattle-King County Department of Public Health, the Health Officer and any accredited officer or agent of said Department, are authorized and empowered to, at all reasonable times, enter and inspect all buildings and premises for the purpose of ascertaining whether the provisions of this chapter are being violated; and it shall be unlawful for any person to prevent or attempt to prevent any such entrance or inspection or to obstruct or interfere with any such officer while engaged therein.  
(Ord. 15957 § 51(part), 1907.)

**10.26.040 Person defined--Number and gender.**

"Person," wherever used in this chapter, means and includes natural persons of either sex, associations, copartnerships and corporations, whether acting by themselves or by a servant, agent or employee; the singular number shall include the plural and the masculine pronoun shall include the feminine.  
(Ord. 15957 § 52(part), 1907.)

**10.26.050 Violation--Penalty.**

Any person violating or failing to comply with any of the provisions of this chapter, shall be deemed

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guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not exceeding One Hundred Dollars (\$100) or by imprisonment in the City Jail not exceeding thirty (30) days, or by both such fine and imprisonment.

(Ord. 15957 § 53(part), 1907.)

## Chapter 10.28

### HOSPITAL RECORDS--ACCIDENT REPORTS

#### Sections:

#### Subchapter I Hospital Records

10.28.010 Definitions.

10.28.020 Records to be kept--Information required.

10.28.030 Access of records for inspection.

10.28.040 Refusal or neglect to report certain persons.

10.28.050 Violation--Penalty.

#### Subchapter II Accident Reports by Physicians

10.28.100 Report to police required.

10.28.110 Violation--Penalty.

#### Subchapter III Health Care Records

10.28.200 Definitions--Interpretation of subchapter.

10.28.210 Disclosure to Health Department.

10.28.220 Infant mortality.

10.28.230 Violation--Penalty.

#### Subchapter IV Seattle Fire Department Medical Incident Reports

10.28.300 Seattle Fire Department medical incident reports--Access by law enforcement agencies required.

10.28.310 Policies and procedures controlling acquisition, maintenance, retention, and dissemination of health care information required.

Statutory Reference: For statutory provisions on the retention and preservation of hospital records, see RCW 70.41.190.

### Subchapter I

#### Hospital Records

#### 10.28.010 Definitions.

A. "Hospital," wherever used in this chapter, means and includes any building, place or institution maintained and conducted for the purpose of caring for sick, injured and disabled persons.

B. "Person," wherever used in this chapter, shall, when necessary, mean and include natural persons of either sex, associations, copartnerships and corporations, whether acting by themselves or by a servant, agent or employee; the singular number shall include the plural and the masculine pronoun shall include the feminine. (Ord. 16677 § 1, 1907.)

#### 10.28.020 Records to be kept--Information required.

It shall be unlawful for any person to conduct, maintain or have charge of any hospital without keeping at such hospital in a well-bound book to be kept for that purpose, a permanent record, written in ink, showing in

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regard to each person received, treated, nursed or cared for at such hospital, his name; sex; color or race; conjugal condition (as single, married, widowed or divorced); date of birth; age; place of birth, state or foreign country; name of father; birthplace of father, state or foreign country; maiden name of mother; birthplace of mother, state or foreign country; occupation; place of residence; signature of patient, or signature and address of informant; name and place of residence of next of kin, or in case the identity of the person cannot be ascertained, a physical description of such person, giving sex; color or race; apparent age; apparent height and weight; complexion; color of eyes and hair and a description and location of filling in teeth; scars; deformities; birthmarks and any marked physical peculiarities, and the name and address of the person bringing such person to the hospital, and, in case of injury, the place where sustained; nature of illness, if suffering from poisoning, physical injury or traumatism; name of attending physician, date of entering hospital and date of discharge from hospital or of death.  
(Ord. 16677 § 2, 1907.)

**10.28.030 Access of records for inspection.**

It shall be unlawful for any person in charge of any hospital to fail, neglect or refuse to allow the Health Officer or the Chief of Police of the City to at all reasonable times examine and inspect the record provided for in Section 10.28.020.  
(Ord. 16677 § 3, 1907.)

**10.28.040 Refusal or neglect to report certain persons.**

It shall be unlawful for any person conducting, maintaining or having charge of any hospital on receiving any person at such hospital suffering from poisoning or any physical injury or traumatism, or any person whose identity cannot be ascertained, to fail, neglect or refuse to immediately report the same to the Chief of Police, or fail, neglect or refuse to permit the Chief of Police or Health Officer, or any authorized representative of either, to visit such person.  
(Ord. 16677 § 4, 1907.)

**10.28.050 Violation--Penalty.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Hundred Dollars (\$100), or by imprisonment in the City Jail for a term not exceeding thirty (30) days, or by both such fine and imprisonment.  
(Ord. 16677 § 5, 1907.)

**Subchapter II**

**Accident Reports by Physicians**

**10.28.100 Report to police required.**

It shall be unlawful for any doctor, physician or surgeon or other person in the City to refuse, neglect or fail to immediately report to the Police Department of the City any case of accident or injury to any person or persons who may come to him or be delivered or sent to him for care or treatment.  
(Ord. 32986 § 1, 1914.)

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**10.28.110 Violation--Penalty.**

A. Every offense defined by this chapter or conduct made unlawful thereby shall constitute a violation. A violation may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500), but a conviction of a violation shall not give rise to any disability or legal disadvantage based on the conviction of a criminal offense.

B. Notwithstanding the civil nature of the penalty provided in this section for violations, nothing in this section shall deny any constitutional rights which a defendant would have were the penalty deemed criminal.

(Ord. 104445 § 1, 1975; Ord. 32986 § 1A, 1914.)

**Subchapter III**

**Health Care Records**

**10.28.200 Definitions--Interpretation of subchapter.**

A. The definitions in RCW 70.020.210 (Chapter 335, Laws of 1991, Section 102), apply to the underscored words in this subchapter.

1. "Director" means the Director of the Seattle-King County Health Department.

B. This subchapter shall be interpreted to conform with and carry out RCW Chapter 70.02, enacted as Chapter 335, Laws of 1991, commonly known as the Uniform Health Care Information Act.

(Ord. 116039 § 1 (part), 1992.)

**10.28.210 Disclosure to Health Department.**

As authorized and contemplated by RCW 70.02.050, a health care provider and/or health care facility shall disclose health care information to the Director or his/her designee when required by statute to report the same; when the information is needed to determine compliance with State or federal licensure certification or registration rules or laws; and/or on written request, when the Director determines that the information is needed to protect the public health, and is on or relates to the death of any infant, born alive, who dies within one (1) year of his or her birthday. The Director shall promulgate rules under the procedures of the City's Administrative Code, SMC Chapter 3.02, and policies and procedures controlling the Department's acquisition, maintenance and retention of records and health care information in order to protect the privacy of patients.

(Ord. 116039 § 1 (part), 1992.)

**10.28.220 Infant mortality.**

The Director may require a health care provider and/or health care facility to disclose to the Director or his/her designee health care information on or relating to the death of any infant, born alive, who dies within one (1) year of his or her birthday.

(Ord. 116039 § 1 (part), 1992.)

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**10.28.230 Violation--Penalty.**

Any person who violates any of the provisions of this subchapter is guilty of a violation, and upon conviction thereof shall be punished by a fine not exceeding Five Hundred Dollars (\$500). (Ord. 116039 § 1 (part), 1992.)

**Subchapter IV**

**Seattle Fire Department Medical Incident Reports**

**10.28.300 Seattle Fire Department medical incident reports--Access by law enforcement agencies required.**

The Seattle Fire Department shall provide law enforcement agencies with access to Fire Department emergency medical incident reports requested by such agencies pursuant to this subchapter. A law enforcement agency may request: (A) specified reports relating to incidents to which the law enforcement agency responded or which it is investigating; or (B) categories of reports, as provided in guidelines or protocols approved by the law enforcement agency and the Fire Department. Such protocols or guidelines may request categories of reports relating to incidents in which, based on the content of the report, it appears that physical violence, the use of a weapon, or the threatened use of a weapon may have occurred related to the incident described in the report. In addition to access to written reports, access may include electronic access to electronic copies of reports. For purposes of this subchapter, law enforcement agencies include, but are not limited to, the Seattle Police Department and the Criminal Division of the Seattle Law Department. (Ord. 119797 § 1(part), 1999.)

**10.28.310 Policies and procedures controlling acquisition, maintenance, retention, and dissemination of health care information required.**

The Fire Department and any law enforcement agency requesting access to medical incident reports pursuant to this subchapter shall, before providing or obtaining such access, develop policies and procedures, as contemplated in RCW 70.02.050(3), controlling the acquisition, maintenance, retention, and dissemination of health care information provided or obtained pursuant to this subchapter. (Ord. 119797 § 1(part), 1999.)

**Chapter 10.30**

**PHYSICAL EXAMINATION OF ARRESTED PERSONS**

**Sections:**

- 10.30.010 Examination required.**
- 10.30.020 Violation--Penalty.**

**10.30.010 Examination required.**

For the purpose of preventing the spread of contagious and infectious diseases or maladies, it shall be the duty of the Director of the Seattle-King County Department of Health or his/her designated representative to

duly examine in such manner and by such methods as modern science has found to be proper all persons who are taken into custody by the Police Department of the City, who are suspected of being afflicted with any contagious or infectious disease or malady. The Director or his/her representative is authorized and empowered, and it shall be his/her duty, to order any such persons so taken into custody to be examined for such purpose. It shall be unlawful for any person who is in the custody of the City to refuse or neglect to comply with any order made by the Director or his/her representative with reference to such examinations.

(Ord. 108152 § 1, 1979; Ord. 32444 § 1, 1914.)

Cases: Seattle Ordinances 15957 and 32444 were held constitutional against the contention that they unlawfully delegated legislative authority by leaving the definition and classification of diseases to health boards. **State ex rel. McBride v. Superior Court**, 103 Wn.409, 174 P. 973 (1918). Imprisonment for one (1) week of a person arrested for prostitution, for the purpose of determining the presence of venereal disease, pursuant to a City health ordinance, was not unconstitutional. **Laux v. Stitt**, 186 Wn. 180, 57 P.2d 321 (1936).

#### **10.30.020 Violation--Penalty.**

Any person convicted of a violation of this chapter shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding the sum of One Hundred Dollars (\$100.00), or imprisoned in the City Jail for a term not exceeding thirty (30) days, or may be both fined and imprisoned.

(Ord. 32444 § 2, 1914.)

### **Chapter 10.32**

#### **DISTRIBUTING MEDICINE SAMPLES**

##### **Sections:**

**10.32.010 Unlawful deposit designated.**

**10.32.020 Violation--Penalty.**

#### **10.32.010 Unlawful deposit designated.**

It shall be unlawful to place or leave upon the property of any person, within the limits of the City, unless such person has solicited it, any drug, medicine, chemical or any combination of such, recommended or said to cure or relieve any disease, illness, pain, injury or any bodily ailment whatever.

(Ord. 29205 § 1, 1912.)

#### **10.32.020 Violation--Penalty.**

A. Every offense defined by this chapter or conduct made unlawful thereby shall constitute a violation. A violation may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500.00), but a conviction of a violation shall not give rise to any disability or legal disadvantage based on the conviction of a criminal offense.

B. Notwithstanding the civil nature of the penalty provided in this section for violations, nothing in this section shall deny any constitutional rights which a defendant would have were the penalty deemed criminal.

(Ord. 104539 § 1, 1975; Ord. 29205 § 1A, 1912.)

### **Chapter 10.34**

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## RODENT CONTROL<sup>1</sup>

### Sections:

**10.34.010 Chapter purpose.**

**10.34.020 Buildings to be rodentproofed--Inspection.**

**10.34.030 Preventive measures to be taken.**

**10.34.040 Violation--Penalty.**

Statutory Reference: for statutory provisions on rodent control, see RCW Ch. 17.16.

1. Editor's Note: References in this chapter to "Commissioner of Health" have been editorially changed to "Director of Public Health."

### **10.34.010 Chapter purpose.**

It is the purpose of this chapter to prevent the spread of infectious and contagious diseases and especially the disease known as "Bubonic Plague" by rats, mice, and other rodents.  
(Ord. 74182 § 1, 1945.)

### **10.34.020 Buildings to be rodentproofed--Inspection.**

It shall be unlawful for the owner or occupant to fail to reconstruct or repair all storerooms, grain elevators, warehouses, docks, and slaughterhouses, and other buildings, including residences, by the use of screens, nets, cement or other materials approved by the Director of Public Health as to sufficiency, for the purpose of preventing rats, mice, or other rodents from gaining entrance thereto; and it shall also be unlawful for the owner of any food or other products or of any goods, wares, and merchandise in such buildings to fail to adequately protect the same to prevent such rodents from gaining access to or coming in contact therewith. Such buildings shall at all times be kept free from such rodents; and the Director of Public Health, or his representative, may at any reasonable hours inspect such buildings for the purpose of ascertaining the presence of such rodents; and if found to be present, the owner or occupant of the premises shall apply such reasonable measures for their eradication as shall be approved by the Director and shall thereafter continue such reasonable measures likewise approved to keep such buildings free therefrom.  
(Ord. 74182 § 2, 1945.)

### **10.34.030 Preventive measures to be taken.**

All premises and places shall be maintained free from rats, mice, and other rodents; and it shall be unlawful for the owner or occupant thereof to fail to take such reasonable preventive and remedial measures for such purpose as shall be prescribed by the Director of Public Health.  
(Ord. 74182 § 3, 1945.)

### **10.34.040 Violation--Penalty.**

The violation of or failure to comply with, any of the provisions of this chapter shall be punishable by a fine of not to exceed Three Hundred Dollars (\$300.00), or by imprisonment in the City Jail for not to exceed ninety (90) days, or by both such fine and imprisonment.  
(Ord. 74182 § 4, 1945.)

## Chapter 10.36

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## BEEKEEPING

### Sections:

**10.36.010 Maintenance and registration of colonies.**

**10.36.020 Nuisances designated.**

**10.36.030 Abatement of nuisances.**

Statutory Reference: For statutory provisions on apiaries, see RCW Ch. 15.60.

### **10.36.010 Maintenance and registration of colonies.**

A. It shall be the duty of any person, firm or corporation having honey bees, *apis mellifera* on its property to maintain each colony in the following condition:

1. Colonies shall be maintained in movable-frame hives.
2. Adequate space shall be maintained in the hive to prevent overcrowding and swarming.
3. Colonies shall be re-queened following any swarming or aggressive behavior.

B. All colonies shall be registered with the Director of Agriculture pursuant to RCW 15.60.030 prior to April 1st of each year.

(Ord. 108150 § 1, 1979; Ord. 101531 § 1 (part), 1972.)

### **10.36.020 Nuisances designated.**

Bees living in trees, buildings, or any other space except in movable-frame hives; abandoned colonies; or diseased bees shall constitute a public nuisance and subject the owner to the penalties imposed by Section 1 of Ordinance 101531<sup>1</sup>.

(Ord. 101531 § 2, 1972.)

1. Editor's Note: Penalties imposed by Section 1 of Ord. 101531, are set out in Section 10.36.030.

### **10.36.030 Abatement of nuisances.**

Activities or places not meeting these standards shall be deemed public nuisances. The Corporation Counsel shall maintain a civil action to abate and prevent such nuisances. Upon judgment and order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court or released upon such conditions as the court in its discretion may impose to secure that the nuisance will be abated; the owner of such nuisance shall be liable for a fine not to exceed One Hundred Dollars (\$100.00).

(Ord. 101531 § 1 (part), 1979.)

## Chapter 10.38

## LAUNDRIES<sup>1</sup>

### Sections:

**10.38.010 Compliance with chapter regulations.**

**10.38.020 Employment of persons with contagious disease prohibited.**

**10.38.030 Toilet facilities and dressing rooms.**

**10.38.040 Receiving or distributing laundry in building where foodstuffs or secondhand garments are sold.**

**10.38.050 Inspections.**

**10.38.060 Violation--Penalty.**

I. Editor's Note: References in this chapter to "Commissioner of Health" have been editorially changed to "Director of Public Health."

**10.38.010 Compliance with chapter regulations.**

It shall be unlawful for any person, persons, firm or corporation to establish, maintain, operate or carry on the business of public laundry or public washhouse where clothes or other articles are cleansed for hire, within the corporate limits of the City, without first having complied with the conditions specified in this chapter.

(Ord. 41908 § 1, 1921.)

**10.38.020 Employment of persons with contagious disease prohibited.**

No person, persons, firm or corporation engaged in the laundry business within the City, shall knowingly permit any person suffering from any infectious or contagious disease to work in or about, or remain within or upon the premises used by such person, persons, firm or corporation for the purposes of a public laundry. It shall be unlawful for any person afflicted with any contagious or infectious disease, such as typhus, typhoid, ship or yellow fever, Asiatic cholera, diphtheria, smallpox, or membranous croup, scarlet fever, measles, German measles, whooping cough, mumps, chicken pox, cerebrospinal meningitis, bubonic plague or tuberculosis, or any venereal disease in a contagious state, or who shall suspect that he has any of the abovementioned diseases, or who has any rash or skin trouble, or in whose place of residence any contagious or infectious disease exists, to work or be employed in or for any person to employ such person in about any laundry or public washhouse during the time the disease exists, or thereafter, until the Director of Public Health shall issue a certificate that there is no danger from employment of the person in such establishment. If at any time any infectious or contagious disease, rash or skin trouble shall appear, the Director of Public Health shall have the authority to at once exclude such person from the establishment where employed, and it shall be unlawful for any person so excluded to return to work, or for the employer to allow such person so affected to work in his establishment, so long as the person is affected with any contagious or infectious disease, rash or skin trouble.

(Ord. 41908 § 7, 1921.)

**10.38.030 Toilet facilities and dressing rooms.**

It shall be unlawful for any person to maintain or operate any public laundry or public washhouse not provided with ample and separate toilet facilities and separate dressing rooms furnished with suitable hooks for the hanging of clothes, for the male and female employees thereof, which toilets and dressing rooms shall at all times be kept in proper condition for the use of such employees. The floors of all washrooms in every public laundry or public washhouse must be made impervious to water and be of cement tile laid in cement or other material approved by the Director of Public Health.

(Ord. 66658 § 1, 1936: Ord. 41908 § 8, 1921.)

**10.38.040 Receiving or distributing laundry in building where foodstuffs or secondhand garments are sold.**

It shall be unlawful for any person, firm, or corporation to maintain any device for receiving soiled clothing for the purpose of being laundered, or to conduct any office or place for the collection of soiled

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clothing for laundering purposes, or for the distribution of clothing after laundering, within any building, room, apartment, dwelling, basement or cellar where foodstuffs are sold, offered for sale, prepared, produced, manufactured, packed, stored, or otherwise disposed of, or in any premises wherein the business of secondhand or misfit clothing, hat or clothing renovating, or repairing of shoes is conducted.  
(Ord. 41908 § 11, 1921.)

#### **10.38.050 Inspections.**

The Director of Public Health and Fire Marshal of the City, or their respective deputies shall at all times have the right to, and it shall be their duty to inspect all public laundries or washhouses for the purpose of ascertaining whether the same are kept in a sanitary condition and so conducted as to not be dangerous to surrounding property from fire, and in case any such public laundry or public washhouse is not being maintained and carried on in accordance with the rules and regulations established by the Board of Public Works, or with the requirements of this chapter, the Director of Public Health or Fire Marshal may, upon due notice, require such changes to be made as will render such place of business sanitary and safe from fire, and in case the notice shall not be complied with the Board of Public Works may revoke the permit provided for in this chapter.<sup>1</sup>

(Ord. 41908 § 12, 1921.)

1. Editor's Note: The sections of Ord. 41908 which provided for the issuance of a laundry or washhouse permit were repealed by Ord. 45633.

#### **10.38.060 Violation--Penalty.**

Any person, persons, firm or corporation establishing, maintaining or carrying on the business of public laundry or public wash where clothes or other articles are cleansed for hire within the limits of the City, without first having complied with the provisions of this chapter, or who shall permit any person suffering from any infectious or contagious disease to work in or about, or remain within or upon the premises used by said person, persons, firm or corporation for the purposes of a public laundry, or who shall fail for ten (10) days to comply with any order of the Director of Public Health or Fire Marshal requiring the place where the public laundry is carried on to be made sanitary and safe from fire, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Ten Dollars (\$10.00) or more than One Hundred Dollars (\$100.00), or by imprisonment for not more than thirty (30) days or both such fine and imprisonment; and in case of a second conviction, the permit<sup>1</sup> for establishing, maintaining, and carrying on such public laundry shall be revoked, and the place of business may be abated as a public nuisance.

(Ord. 41908 § 15, 1921.)

1. Editor's Note: The sections of Ord. 41908 which provided for the issuance of a laundry or washhouse permit were repealed by Ord. 45633.

### **Chapter 10.40**

#### **RENTING SHOES AND WEARING APPAREL<sup>1</sup>**

##### **Sections:**

**10.40.010 Disinfecting required.**

**10.40.020 Violation--Penalty.**

1. Editor's Note: References in this chapter to "Commissioner of Health" have been editorially changed to "Director of Public Health."

**10.40.010 Disinfecting required.**

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All shoes and wearing apparel rented or furnished to the public shall, after each use, be disinfected in such manner as to prevent the spread of any contagious or infectious disease; provided, that any disinfectant or disinfectant agency approved by the Director of Public Health for such purpose and used as required by this chapter shall satisfy the requirements hereof.  
(Ord. 74178 § 1, 1945.)

**10.40.020 Violation--Penalty.**

Any violations of, or failure to comply with, the provisions of this chapter shall be punishable by a penalty of not more than Three Hundred Dollars (\$300.00) or to imprisonment in the City Jail for not more than ninety (90) days, or by both such fine and imprisonment.  
(Ord. 74178 § 2, 1945.)

**Chapter 10.42**

**COMMON DRINKING CUPS**

**Sections:**

**10.42.010 Use prohibited.**

**10.42.020 Furnishing or allowing common cup to be used--Prohibited.**

**10.42.030 Violation--Penalty.**

**10.42.010 Use prohibited.**

The use of public and common drinking cups, glasses or vessels of any kind to be used in common, for the purpose of drinking therefrom, in railway stations, either steam, electric or cable, in public or private schools, public buildings, halls, churches, theaters, markets, playgrounds, parks, stores, factories or manufacturing establishments in the City, is prohibited.  
(Ord. 28383 § 1, 1911.)

**10.42.020 Furnishing or allowing common cup to be used--Prohibited.**

No person, copartnership or corporation, in charge or control of any railway station, either steam, electric or cable, public or private school, public building, hall, church, theater, market, playground, park, store, factory or manufacturing establishment or any other public place whatsoever, shall furnish, provide, place or expose or allow to be furnished, provided, placed or exposed any cup, glass or any other drinking vessel at any place where the public or more than one (1) particular individual may or can have access to or the use of such vessels or where such vessels may or can be used in common by the public or by more than one (1) particular individual in any railway station, either steam, electric or cable, public or private school, public building, hall, church, theater, market, playground, park, store, factory or manufacturing establishment or any other place whatsoever, under his, her or its control, in the City.  
(Ord. 28383 § 2, 1911.)

**10.42.030 Violation--Penalty.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and

punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment, not to exceed thirty (30) days, or by both such fine and imprisonment, and each day's failure to comply with any of the provisions of this chapter shall constitute an additional and separate offense.  
(Ord. 28383 § 3, 1911.)

## Chapter 10.44

### WIPING AND ABSORBENT MATERIALS

#### Sections:

10.44.010 Regulations generally.

10.44.020 Violation--Penalty.

#### 10.44.010 Regulations generally.

It shall be unlawful for any person to use, or sell or offer for sale for such use, any material for wiping machinery, metal or utensils of any kind or character used or employed in any manufacturing plant, printing establishment or other industry, or in any kitchen or restaurant, or for the purpose of absorbing oil or grease in, on or about such machinery, metal or utensils, or for the purpose of cleaning or polishing such machinery, metal or utensils in the places in this section, unless such material has first been thoroughly washed and cleansed and is entirely free from all blood, pus or other obnoxious or unsanitary substances of any kind or character.  
(Ord. 26022 § 1, 1911.)

#### 10.44.020 Violation--Penalty.

Any person violating any of the provisions of Section 10.44.010 shall upon conviction be fined in any sum not exceeding One Hundred Dollars (\$100.00) or imprisoned in the City Jail for a term not exceeding thirty (30) days, or may be both fined and imprisoned.  
(Ord. 26022 § 2, 1911.)

## Chapter 10.46

### SEPTIC TANKS, CESSPOOLS AND GREASE TRAPS

#### Sections:

10.46.010 Permit for disposal required.

10.46.020 Authority to make rules and regulations.

10.46.030 Violation--Penalty.

#### 10.46.010 Permit for disposal required.

It shall be unlawful for anyone to deposit or dispose of the cleanings of septic tanks, cesspools, grease traps and seepage pits within the City without a proper permit issued by the Director of Seattle Public Utilities authorizing the disposal of such cleanings at points to be specified by the Director of Seattle Public Utilities. The fee for such permit, which shall be issued only to the holder of a proper registration and inspection certificate to carry on or engage in the business of cleaning septic tanks, cesspools, grease traps and seepage pits issued by the Seattle-King County Health Department pursuant to law for carrying on such business, shall be Thirty Dollars (\$30.00) per month, payable in advance on the first day of each and every month to defray the



costs of supervision of such waste disposal and in addition such permit holder shall deposit with the City Finance Director in the Guaranty Deposit Fund the sum of One Hundred Fifty Dollars (\$150.00) to guarantee compliance with the terms of Section 10.46.020.

(Ord. 118396 § 11(part), 1996; Ord. 116368 § 209, 1992; Ord. 84055 § 1, 1955.)

#### **10.46.020 Authority to make rules and regulations.**

The Director of Seattle Public Utilities is authorized to promulgate rules and regulations governing the issuance of such permits, the dumping of such cleanings under the terms of this chapter, fixing the locations and times at which dumping of such cleanings shall be made.

(Ord. 118396 § 11(part), 1996; Ord. 84055 § 2, 1955.)

#### **10.46.030 Violation--Penalty.**

Any violation of or failure to comply with any of the provisions of this chapter or of the rules and regulations referred to in Section 10.46.020 shall subject the offender on conviction thereof to a fine in any sum not exceeding Three Hundred Dollars (\$300.00) or to imprisonment in the City Jail for a term not exceeding ninety (90) days or by both such fine and imprisonment and each day on which violation or failure to comply occurs shall constitute a separate offense.

(Ord. 118396 § 11(part), 1996; Ord. 84055 § 3, 1955.)

### **Chapter 10.50**

#### **OFFENSIVE BUSINESSES<sup>1</sup>**

##### **Sections:**

**10.50.010 Offensive businesses designated.**

**10.50.020 Control of odors, gases and fumes.**

**10.50.030 Rendering of animal matter.**

**10.50.040 Approval of construction or repair of buildings.**

**10.50.050 Violation--Penalty.**

1. Editor's Note: References in this chapter to "Commissioner of Health" have been editorially changed to "Director of Public Health."

##### **10.50.010 Offensive businesses designated.**

It shall be unlawful for any person, firm or corporation within the limits of the City to conduct any of the following businesses or to use any building or premises for any of the following uses, unless the businesses shall at all times be so conducted as to create no offense or nuisance:

- A. Cement, lime, gypsum or plaster of paris manufacture;
- B. Chlorine or hydrochloric, nitric, picric, sulphurous, or sulfuric acid manufacture;
- C. Distillation of bones;
- D. Fat, tallow, or lard rendering;
- E. Fertilizer manufacture from organic materials or minerals;



F. Glue, size or gelatine manufacture;

G. Hair factory;

H. Petroleum refining;

I. Potash refining;

J. Reduction of garbage, offal, dead animals or refuse;

K. Slaughterhouses or packing plants;

L. Smelting of copper, tin, zinc, or iron ores;

M. Stockyards;

N. Tannery;

O. Wool pulling or scouring;

P. Any other trade, industry or use which is or is likely to become similarly objectionable by reason of the emission of dangerous, unwholesome, foul, nauseous or offensive gases, odors or fumes.  
(Ord. 45312 § 1, 1923.)

#### **10.50.020 Control of odors, gases and fumes.**

All dangerous, unwholesome, nauseous or offensive odors, gases or fumes arising from or incidental to any of the businesses or uses enumerated in Section 10.50.010 or any part thereof shall be condensed or destroyed by some effective means and no such odors, gases or fumes shall be allowed to escape into the open air in such amounts as to be at any time disagreeably noticeable more than two hundred feet (200') from the building or premises whence said odors, gases or fumes emanated.  
(Ord. 45312 § 2(part), 1923.)

#### **10.50.030 Rendering of animal matter.**

No animal matter shall be rendered after it becomes spoiled or putrid, nor shall any animal matter be rendered on any premises except such animal matter as shall be produced or accumulated from slaughtering or packing operations conducted upon such premises.  
(Ord. 45312 § 2(part), 1923.)

#### **10.50.040 Approval of construction or repair of buildings.**

No permit for construction, reconstruction or repair of any building or structure used for any of the businesses enumerated in this chapter shall be issued by any department of the City until the plan therefor shall show adequate means for carrying out the provisions of this chapter and until the plan shall have been approved

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by the Director of Public Health.  
(Ord. 45312 § 3, 1923.)

**10.50.050 Violation--Penalty.**

Any person, firm or corporation who shall violate or fail to comply with any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding One Hundred Dollars (\$100), or imprisoned in the City Jail for a term not exceeding thirty (30) days, or both so fined and imprisoned, and each day the person, firm or corporation shall continue to violate or fail to comply with any of the provisions of this chapter, shall be deemed and considered a separate offense, and in addition to the penalty provided in this section for the violation of this chapter, any failure, neglect or refusal to comply with any of the terms of this chapter, shall be deemed a nuisance and may be abated in the manner provided by the ordinances of the City for the abatement of nuisances.  
(Ord. 45312 § 6, 1923.)

**Chapter 10.52**

**WEEDS AND VEGETATION**

**Sections:**

10.52.010 Definitions.

10.52.020 Nuisances designated.

10.52.030 Duties of owners and occupants.

10.52.040 Enforcement.

10.52.050 Notice of violation.

10.52.060 Time to comply.

10.52.070 Extension of compliance date.

10.52.080 Civil penalty.

10.52.090 Abatement.

10.52.100 Money collected.

**10.52.010 Definitions.**

A. "Alley" means a public way, paved or unpaved, which is intended to provide or which provides a roadway for vehicular and pedestrian access to abutting properties and is generally located to the rear or side of those properties, but not including such a public way in its natural and undeveloped state which cannot be used by vehicles.

B. "Director" means the Director of the Department of Planning and Development, or the Director's designee.

C. "Fire hazard" means vegetation which is dry and combustible, including but not limited to weeds, grass or clippings, dead bushes or trees or their parts, and other combustible vegetative materials.

D. "Health hazard" means vegetation or refuse providing a harborage for rats or other rodents, excluding squirrels, rodent runs and habitats, and vegetation which is poisonous or noxious, including but not limited to poison ivy, poison oak, poison hemlock, poison sumac, and nightshade, or which creates a danger of contamination or disease.

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E. "Occupant" means any person occupying or having possession of property or any portion thereof.

F. "Owner" means any person who, alone or with others, has title or interest in property with or without accompanying actual possession thereof, and including any person who as agent, or as executor, administrator, trustee or guardian of an estate, has charge, care or control of any property.

G. "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.

H. "Planting strip" means that part of a street right-of-way between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

I. "Property" means a specific parcel or parcels, platted or unplatted, of land or real estate.

J. "Safety hazard" means vegetation which overhangs the streets, sidewalk or alley in such a way as to impede the free and full use of the street, sidewalk or alley, and vegetation which obstructs the vision of drivers such that traffic regulation signs or view of an intersection is obstructed from a position of thirty (30) feet or closer to the intersection, and vegetation which creates injury to or the opportunity or risk for injury to passersby or the general public.

K. "Street" means a public or private way, other than an alley, used for public travel.

L. "Vegetation" means trees, shrubs, grass, weeds, bushes, vines, and other plant materials, including but not limited to clippings, fallen leaves, fruit or branches.  
(Ord. 121276 § 12, 2003; Ord. 114355 § 2(part), 1989.)

#### **10.52.020 Nuisances designated.**

The following conditions are hereby declared nuisances within The City of Seattle:

A. Vegetation constituting a fire hazard;

B. Vegetation constituting a health hazard;

C. Vegetation constituting a safety hazard.

(Ord. 114355 § 2(part), 1989.)

#### **10.52.030 Duties of owners and occupants.**

A. It is the duty of the owner of the property and of any occupant of the property wherein or whereon any such nuisance exists to abate the nuisance by destroying, removing or trimming vegetation, and removing or destroying any health, safety or fire hazard.

B. In addition to duties the owner or occupant may have to abate nuisances, the owner or occupant

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of property shall:

1. Remove vegetation in or on an abutting sidewalk;
  2. Destroy, remove or trim vegetation or parts thereof on the property, and which are also overhanging any sidewalk within eight (8) feet measured vertically from any point on the sidewalk;
  3. Destroy, remove or trim vegetation or any parts thereof on the property or on adjacent planting strips, which encroaches on or overhangs the travelled portion of the street or alley within fourteen (14) feet measured vertically from any point on the street or alley;
  4. Remove vegetation constituting a safety hazard found on adjacent planting strips or alleys;
  5. Remove vegetation constituting a fire hazard found on adjacent planting strips or alleys;
  6. Remove vegetation constituting a health hazard found on adjacent planting strips or alleys.
- (Ord. 114355 § 2(part), 1989.)

#### **10.52.040 Enforcement.**

A. It shall be the duty of the Director to enforce this chapter. The Director may call upon the police, fire, health or other appropriate City departments to assist in enforcement.

B. Upon presentation of proper credentials, the Director or duly authorized representative of the Director may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued warrant, enter at reasonable times any building or premises subject to the consent or warrant to perform the duties imposed by this chapter.

C. This chapter shall be enforced for the benefit of the health, safety and welfare of the general public, not for the benefit of any particular person or class of persons.

D. It is the intent of this chapter to place the obligation of complying with its requirements upon the owner or occupier of the land and buildings within the scope of this chapter. No provision of or term used in this chapter is intended to impose any duty upon the City or any of its officers or employees which would subject them to damages in a civil action.

E. In identifying violations of this chapter and in specifying corrective action necessary to comply with this chapter, the Director shall take appropriate measures to ensure that environmental hazards and unsafe conditions are not created in environmentally critical areas and in property maintained in a wholly undeveloped and unimproved state.

F. Property which does not abut a street, alley or sidewalk and which is owned or maintained by the Seattle Department of Parks and Recreation is exempt from the requirements of this chapter.  
(Ord. 119096 § 1, 1998; Ord. 114355 § 2(part), 1989.)

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**10.52.050 Notice of violation.**

A. If after investigation the Director determines that a violation of this chapter has occurred, the Director may have a notice of violation served upon the owner, or occupant or other person believed to be responsible for the condition. The notice may be served by mailing a copy by United States mail addressed to the last known address of the owner, occupant or other person responsible for the condition. The notice shall state separately each violation of this chapter and what corrective action is necessary to comply with this chapter. A reasonable time for compliance shall be established in the notice.

B. The notice of violation may be amended by the Director to cite additional authority for the stated condition or to correct clerical errors.  
(Ord. 114355 § 2(part), 1989.)

**10.52.060 Time to comply.**

When calculating a reasonable time for compliance, the Director shall take into consideration:

A. The type and degree of violation cited in the notice;

B. The intent of a responsible party to comply if an intent has been expressed.

(Ord. 114355 § 2(part), 1989.)

**10.52.070 Extension of compliance date.**

An extension of time for compliance with a notice of violation may be granted by the Director upon receipt of a written request therefor. The Director may, without a written request, grant an extension of time after finding that required actions have been started and that the work is progressing at a satisfactory rate.  
(Ord. 114355 § 2(part), 1989.)

**10.52.080 Civil penalty.**

A. In addition to any other sanction or remedial procedure which may be available, any person failing to comply with a notice of violation of this chapter shall be subject to a cumulative penalty in the amount of Twenty-five Dollars (\$25.00) per day for each violation, from the date set for compliance until the notice of violation is complied with; provided persons failing to comply with a notice of violation issued with respect to property which is not used for residential purposes shall be subjected to a cumulative penalty in the amount of One Hundred Dollars (\$100.00) per day; and provided further that the penalty for failure to comply with a notice of violation where the City has abated the nuisance, shall be increased to include the actual cost of such removal, plus administrative cost which shall be defined to be fifteen percent (15%) of the actual cost or removal and shall include interest on the amount at the rate allowed for judgments.

B. The penalty imposed by this section shall be collected by civil action brought in the name of the City. The Director shall notify the City Attorney in writing of the name of any person subject to the penalty and the City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty.  
(Ord. 114355 § 2(part), 1989.)

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**10.52.090 Abatement.**

Any property on which violations of this chapter remain uncorrected after issuance of a notice of violation may be abated in any manner otherwise provided by law or in accordance with the following procedures:

A. The City Council may, after a report filed by the Director, by resolution require a property owner, in addition or alternative to the penalties prescribed by Section 10.52.080, to abate the nuisance by removal or destruction at his or her cost and expense within a time specified in the resolution; and if the removal or destruction is not made by such owner within the time specified, the Director may abate the same as provided in subsection C of this section.

B. The resolution shall not be passed until the property owner is given at least five (5) days' notice of the pendency of the proposed resolution. Such notice shall be given by the Director by mailing a copy of the notice to the owner as shown upon the records of the County Treasurer and at the address shown thereon. If no owner and address is shown on such records, a copy of the notice shall be posted upon the property, and shall also be published in one (1) issue of the official newspaper. The mailing, posting and publication shall be made at least five (5) days before the resolution is adopted and proof shall be made by affidavit of the Director filed with the City Clerk. The notice shall include the resolution number and shall describe the property involved and the nature of the condition constituting the nuisance.

C. If the nuisance is not abated by the property owner within the time fixed in the resolution, the Director may abate the same and mail a bill to the property owner covering the cost to the City of such abatement, including the Director's expense. If the property owner fails or refuses to pay the bill immediately, the Director shall file a lien therefor against the property, which lien shall be in the same form, filed with the same officer and within the same time and manner and enforced and foreclosed as is provided by law for liens for labor and material.

(Ord. 114355 § 2(part), 1989.)

**10.52.100 Money collected.**

Sums recovered by the City as reimbursement for costs incurred by the City for the abatement of nuisance, and fines and penalties collected pursuant to this chapter, shall be paid into the Housing and Abatement Revolving Fund.

(Ord. 114355 § 2(part), 1989.)

**Chapter 10.54**

**FUMIGATORS AND EXTERMINATORS**

**Sections:**

10.54.010 Definitions.

10.54.020 Permit required.

10.54.030 Exemption from chapter requirements.

10.54.040 Grounds for summary suspension or revocation.

10.54.050 Requirements for certified fumigator or certified exterminator permits.

10.54.060 Requirements for certified applicator permits.

10.54.070 Compliance with chapter required.

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10.54.080 Storage requirements.

10.54.090 Notification of fumigation--Record of extermination.

10.54.100 Protection of the public--Notification of occupant.

10.54.110 Fumigation of a ship.

10.54.120 Danger signs--Preparation of premises.

10.54.130 Watchers.

10.54.140 Two persons to perform fumigation.

10.54.150 Airing out and ventilation.

10.54.160 First aid kit--Knowledge of CPR.

#### 10.54.010 Definitions.

Unless the context otherwise requires:

A. "Applicant" means an individual or entity formally requesting a certified exterminator and/or certified fumigator permit from the Seattle-King County Department of Public Health.

B. "Apprentice" means a person who works directly under the supervision of a certified fumigator, certified exterminator, fumigator, or exterminator as a sealer, watcher or helper.

C. "Certified applicator" means any individual who is licensed as a pesticide applicator, pesticide operator, public operator, private commercial applicator, or any other individual who is certified by the Director of the Washington State Department of Agriculture to use or supervise the use of any pesticide which is classified by the Environmental Protection Agency as a restricted use pesticide or by the state as restricted to use by certified applicators only.

D. "Certified Exterminator" means a person who has passed the City of Seattle's Master Exterminator exam and has a current Seattle-King County Health Department extermination permit.

E. "Certified Fumigator" means a person who has passed The City of Seattle's Certified Fumigator exam and has a current Seattle-King County Health Department fumigation permit.

F. "Director" means the Director of the Seattle-King County Department of Public Health or his representative.

G. "Direct supervision by a certified exterminator or certified fumigator" means application of pesticides by a person acting under the instruction and control of a certified exterminator or certified fumigator who is available if and when needed, even though such certified exterminator or certified fumigator is not physically present at the time the pesticide is applied.

H. "Extermination" or "exterminate" means the use of powder, spray or bait for the destruction of rodents, vermin, fungi, insects or other pests.

I. "Exterminator" means a person employed by a certified exterminator who applies the powder, spray or bait for the destruction of rodents, vermin, fungi, insects, or other pests.

J. "Fumigant" means and includes any substance which by itself or in combination with any other substance emits or liberates a gas, fume or vapor used for the destruction or control of insects, fungi, vermin, germs, rodents or other pests, and is distinguished from insecticides and disinfectants which are essentially

effective in this solid or liquid phase.

K. "Fumigation" or "fumigate" means the use of fumigants in buildings, vessels or enclosed spaces for the destruction or control of insects, fungi, vermin, germs, rodents or other pests.

L. "Fumigator" means a person employed by a certified fumigator who liberates any fumigant in fumigating any building, vessel or enclosed space.  
(Ord. 112908 § 1, 1986; Ord. 109932 § 1(part), 1981.)

#### **10.54.020 Permit required.**

A. It is unlawful for any person to engage in the business of certified fumigator or certified exterminator without first obtaining a permit as required by this chapter.

B. It is unlawful for any person to work as a fumigator, exterminator or apprentice without first obtaining any permits that may be required by the State of Washington and King County.  
(Ord. 112908 § 2, 1986; Ord. 109932 § 1 (part), 1981.)

#### **10.54.030 Exemption from chapter requirements.**

No certified fumigator or certified exterminator permit is required for:

A. Fumigation of or extermination in greenhouses, mushroom houses, or horticulture or farm fumigation or extermination, or fumigation of or extermination in grain in bins or elevators, truck trailers or railroad cargo cars or of flouring mills; provided, that if such fumigation or extermination is done by an individual other than the owner, including an employee of the owner, the individual shall obtain the appropriate permit prior to commencement of fumigation or extermination;

B. Fumigation or extermination under the direction and supervision of the United States Public Health Service or other federal or state authority;

C. The owner or occupant using upon his/her premises any powder, spray or bait for the destruction of rodents, vermin, fungi, insects or other pests.  
(Ord. 112908 § 3, 1986; Ord. 109932 § 1(part), 1981.)

#### **10.54.040 Grounds for summary suspension or revocation.**

In addition to grounds for summary suspension or revocation of permits in Chapter 10.01, a certified fumigator or certified exterminator permit may be summarily suspended or revoked if a certified applicator, fumigator, exterminator, or apprentice under contract to or employed by the permittee is not under the direct supervision of a certified exterminator or a certified fumigator.  
(Ord. 112908 § 4, 1986; Ord. 109932 § 1(part), 1981.)

#### **10.54.050 Requirements for certified fumigator or certified exterminator permits.**

The following requirements must be met by the applicant before the Director shall issue either a certified

fumigator or certified exterminator permit:

- A. The applicant shall be no less than eighteen (18) years of age;
- B. The applicant must have furnished proof satisfactory to the Director of two (2) years' actual full-time experience in the field in which the applicant is applying for the permit, or one (1) year's actual full-time experience in the field in which the applicant is applying for the permit and completion of a course of study approved by the Director training applicants in the pertinent technology;
- C. The applicant shall obtain and maintain a general public liability insurance policy in full force and effect for the term of the permit. Evidence of such policy must be filed by the applicant with the City Clerk. This policy shall be conditioned as required in Chapter 10.01, and shall: Provide liability insurance in the minimum amount of One Hundred Thousand Dollars (\$100,000.00), and a minimum aggregate amount of not less than Five Hundred Thousand Dollars (\$500,000.00) for all claims arising during any one (1) year;
- D. The applicant shall pass a written examination administered by the Director, in which he/she shall be required to exhibit knowledge about fumigants, rodenticides and insecticides, and any other substance or mechanical devices, under whatever name known, for the destruction or control of insects, vermin, rodents, fungi, or other pests, and their uses, and antidotes; as to the hazards involved, precautionary and safety measures; the use of gas masks; the effects, residual and otherwise, upon foods and commodities; dosages and exposure periods; provisions for adequate ventilation and safe occupancy; first aid methods; the rules and regulations of the City relating to the use of fumigants and insecticides;
- E. Certified exterminator and certified fumigator permits shall expire annually on December 31st, but may be renewed annually for up to five (5) years from the date of the applicant's successful passage of the examination without re-examination, provided that the applicant demonstrates to the satisfaction of the Director that he/she has accumulated annually five (5) continuing education credits at courses, seminars, conferences or workshops approved by the Washington State Department of Agriculture.  
(Ord. 116368 § 210, 1992; Ord. 112908 § 6, 1986; Ord. 109932 § 1(part), 1981.)

**10.54.060 Requirements for certified applicator permits.**

The applicant for a certified applicator permit shall pass an examination administered by the Washington State Department of Agriculture in accordance with RCW Chapter 17.21. No Seattle-certified applicator permit or examination is required.  
(Ord. 112908 § 7, 1986; Ord. 109932 § 1(part), 1981.)

**10.54.070 Compliance with chapter required.**

No person shall keep, store or use any fumigant, inflammable liquid, poisonous solid liquid, powder, spray or bait used to fumigate or exterminate without complying with this chapter and all other ordinances of the City and all laws governing their keeping, storing or use.  
(Ord. 112908 § 8, 1986; Ord. 109932 § 1(part), 1981.)

**10.54.080 Storage requirements.**

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No fumigant shall be stored by a certified fumigator, certified exterminator or certified applicator in any place other than a separate, well-ventilated room, approved for the purpose by the Chief of the Fire Department and the Director. On all doors leading to any such room, there shall be posted a conspicuous sign bearing a skull and crossbones and the words "DANGER! FUMIGANT STORAGE" in red letters not less than two inches (2") high on a white background. No certified fumigator, certified exterminator or certified applicator shall store any flammable liquid, or poisonous solid or liquid used for extermination in any place other than a separate room approved for the purpose by the Chief of the Fire Department and the Director; provided, that such substances for use only on the premises where stored may be kept in a separate locker approved by the Director and the Chief of the Fire Department, and that on all doors leading to the room or locker there shall be posted conspicuous signs bearing the skull and crossbones, and the words "DANGER! STORAGE OF INFLAMMABLES AND POISONS" in red letters not less than two inches (2") high on a white background, and that any room or locker shall at all times when a competent person is not present be securely locked against entry.

(Ord. 112908 § 9, 1986; Ord. 109932 § 1(part), 1981.)

#### **10.54.090 Notification of fumigation--Record of extermination.**

A. No certified fumigator, certified exterminator or certified applicator shall fumigate any building or enclosed space without giving at least twenty-four (24) hours' written notice thereof to the Director, Chief of the Fire Department and Chief of Police of the City, stating the location, character and the use of such building or space, type of fumigant to be used and the time when fumigation is to be performed.

B. No certified fumigator, certified exterminator or certified applicator shall fumigate any vessel without giving at least four (4) hours' written notice thereof to the Director, Chief of the Fire Department and Chief of Police of the City, stating the location of such vessel, type of fumigant to be used and the time when fumigation is to be performed.

C. Each certified exterminator shall keep a record of each premises on which extermination work has been done under his/her direction which shall show the address of such premises and the date of application of exterminating substances used. Such records shall be open to examination by the Director or his/her authorized representative on request.

(Ord. 112908 § 10, 1986; Ord. 109932 § 1(part), 1981.)

#### **10.54.100 Protection of the public--Notification of occupant.**

A. The Director shall prohibit any fumigation when, in his/her judgment, such action is necessary to protect the public health and safety.

B. No person shall remain in any building, vessel or enclosed space during the period of fumigation thereof; provided, that where the part to be fumigated is locked and warning signs posted as elsewhere herein provided, persons may remain in other parts when deemed by the Director to be safe. At least twenty-four (24) hours prior to fumigation, the certified fumigator shall notify in writing every occupant of the premises to be fumigated and every person within any surrounding area in which human life may be endangered by the fumigation of the time of fumigation. The fumigator shall, immediately prior to fumigation, cause a careful examination to be made of all parts of the place to be fumigated and of the surrounding area in which human life may be endangered by the fumigation to see that no persons remain.

C. The Director may require the use of five-percent (5%) chloropicrin or any warning gas in conjunction with a fumigant.

(Ord. 112908 § 11, 1986; Ord. 109932 § 1(part), 1981.)

**10.54.110 Fumigation of a ship.**

No ship shall be fumigated until the captain or other commanding officer shall have mustered the crew and caused its members and all other persons in or on it to leave and remain away from the ship during the process of fumigation; provided, that, where a part of a ship is not immediately adjoining or does not communicate with an occupied portion of the ship, and where after an investigation conducted by the Director and fumigator, it appears to the satisfaction of the Director and fumigator that such portion may be fumigated without danger to life or health, or without creating a fire hazard, the Director may, in his/her discretion, grant permission to a certified fumigator to perform fumigation without requiring all persons in other parts of the ship to leave it, subject to such conditions and restrictions as the Director may impose.

(Ord. 112908 § 12, 1986; Ord. 109932 § 1(part), 1981.)

**10.54.120 Danger signs--Preparation of premises.**

Before any person commences a fumigation, the following regulations shall be complied with:

A. Danger Signs. Prior to fumigation, warning signs shall be posted on all doors, entrances, and exits to the premises to be fumigated, and upon all gangplanks and ladders from the dock, pier, or land to the ship as follows:

1. Signs shall be eighteen (18) inches by thirteen (13) inches, printed in red on white background with letters in headlines at least two (2) inches in height;
2. Signs shall conform substantially with the following format;

		18"		
	Skull	DANGER	Skull	
	And	FUMIGATING	and	
	Cross	WITH (NAME OF GAS)	Cross	
13"	Bones		Bones	13"
DEADLY POISON				
All persons are warned to keep away				
DO NOT ENTER				

3. At night signs shall be illuminated so that they are plainly readable.

B. Where the Director permits the presence of persons in any portion of a building while another portion is being fumigated, all doors and entrance ways to the portion to be fumigated shall be posted as above



required.

C. All moist food and liquids, if not sealed in gas-proof containers or compartments, shall be removed from the place to be fumigated.

D. The fumigator in charge of the work on the premises to be fumigated shall make a personal inspection and examination of the premises, and cause a thorough cleanup, removing all refuse, oily waste, and other needless combustible material prior to the sealing of the premises, and cause a proper and secure sealing of all cracks, crevices, openings and apertures in the walls, ceilings and floors in such manner as to confine the fumigant exclusively to the building, ship or other similar enclosed space intended to be fumigated, and take all other practical precautions necessary to protect and safeguard persons that may be exposed.

E. All fires, oil burners, flames, pilot lights, and similar sources of ignition shall be eliminated from the space under fumigation.

F. If a fire occurs in the immediate vicinity, the Fire Chief of the City may at his/her discretion cause the building under fumigation to be immediately ventilated by the fumigator. Ventilation shall take place at points furthest from the fire.  
(Ord. 109932 § 1(part), 1981.)

#### **10.54.130 Watchers.**

During fumigation, except fumigation in a gastight vault or tank, a capable, alert watcher or watchers shall remain on duty at the entrance or entrances to the building, ship or enclosed space being fumigated, who shall be supplied with an efficient gas mask of the type approved by the Director and who shall continue on duty until after the fumigation is completed, the premises properly ventilated, again safe for human occupancy, and released and approved for occupancy by the Director. Sufficient watchers shall be provided to prevent any person without being observed from entering the building, ship or enclosed space under fumigation.  
(Ord. 109932 § 1(part), 1981.)

#### **10.54.140 Two persons to perform fumigation.**

Two persons, working together, shall do the fumigating and ventilation. No person shall be allowed in the building, ship or enclosed space under fumigation during the placing of chemicals, during fumigation and until the same is properly ventilated and declared safe for occupancy by the Director, unless he/she wears a properly tested gas mask suitable for protection from the particular gas or fumes used.  
(Ord. 109932 § 1(part), 1981.)

#### **10.54.150 Airing out and ventilation.**

A. The fumigator shall, after fumigation, cause all pillows, mattresses, bedding, curtains, rugs, upholstered furniture, clothing and other similar articles to be thoroughly aired before the fumigated place is again occupied. These articles shall be well ventilated until methyl orange test papers indicate absence of cyanide gas. The Director may require such other tests to indicate presence of other dangerous gas he/she deems advisable.

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B. After fumigation of any place, all doors and windows shall be opened and kept open until clearing and ventilation is completed. Mechanical ventilation by means of electric fans or blower or suction type shall be employed as required by the Director. Clearing and ventilation shall be conducted with due regard to the hazard to persons outside the building in the vicinity of ventilation openings. Whenever required by the Director the space fumigated after it has been once cleared and ventilated shall be heated to seventy-five (75) degrees Fahrenheit and again ventilated and cleared until no dangerous gases are indicated by tests required herein.

C. No fumigated building, space or vessel shall be released for occupancy nor shall the watcher be discharged or the danger or warning signs removed until the building, space, or vessel has been inspected and approved for occupancy by the Director.

D. The fumigator shall dispose of all empty containers, pails, tubs, canvas or other devices used in fumigation as required by the Director.  
(Ord. 109932 § 1 (part), 1981.)

#### **10.54.160 First aid kit--Knowledge of CPR.**

A. Any fumigator shall have as a part of his/her equipment, a first aid kit and a medical aid kit consisting of:

1. Antidotes with instructions on how to use, for all fumigant(s) used;
2. Testing equipment for each fumigant in use; and
3. A gas mask that will allow emergency entry into an area where a fumigant is being administered.

B. Each fumigator shall have a "Heartsaver" certificate dated within the past two (2) years showing successful completion of a cardiopulmonary resuscitation training course, as approved by the Director.  
(Ord. 109932 § 1(part), 1981.)

### **Chapter 10.56**

#### **SWIMMING AND SPA POOL CODE**

##### **Sections:**

**10.56.010 Citation.**

**10.56.020 Definitions.**

**10.56.030 Permit required.**

**10.56.040 Plans and specifications for construction, alteration or renovation.**

**10.56.045 Operation and maintenance.**

**10.56.050 Water quality.**

**10.56.060 Disinfection.**

**10.56.070 Recirculation and filtration.**

**10.56.080 Waste.**

**10.56.090 Cross-connections.**

**10.56.100 Operating records.**

**10.56.110 Alternate materials, equipment or procedures.**

Severability: The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this chapter, or the invalidity of the application thereof to any person or circumstance

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shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances.  
(Ord. 110180 § 5, 1981.)

**10.56.010 Citation.**

This chapter may be cited and referred to, and shall be known as the "Seattle Swimming and Spa Pool Code."  
(Ord. 110180 § 1(part), 1981.)

**10.56.020 Definitions.**

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

- A. "Approved" means approved, in writing, by the Director.
- B. "Director" means the Director of the Seattle-King County Department of Public Health or his designee.
- C. "Private pool" means any swimming, wading, spa or spray pool maintained by an individual, the use of which is confined to members of his/her family or invited guests.
- D. "Public pool" means any swimming or spa pool, together with buildings and appurtenances in connection therewith, that is available to the general public, with or without payment of an admission charge, for the use of same; and shall include any swimming pool of fifteen thousand (15,000) square feet or more in surface area, whether or not available to the general public.
- E. "Semipublic pool" means any swimming or spa pool less than fifteen hundred (1,500) square feet in surface area, the use of which is provided for and limited to defined persons, or multiple-family or cooperative groups such as, but not limited to, the guests, patrons, and members of hotels, motels, mobile home parks, apartments, condominiums, subdivisions, community clubs, private clubs, institutions, and schools, and their invited guests.
- F. "Spa pool" means a unit designed for recreational or therapeutic use that is not drained, cleaned or refilled for each user. It may include, but not be limited to hydrojet circulation, hot water, cold water, mineral baths, air induction bubbles, or any combination thereof. Industry terminology for a spa includes, but is not limited to, "therapeutic pool," "hydrotherapy pool," "whirlpool," "hot spa," "hot tubs," etc. This definition excludes pools in medical health-care facilities licensed by the State of Washington Department of Social and Health Services or its successor.
- G. "Spray pool" means any pool or artificially constructed depression into which water is sprayed but is not allowed to pond in the bottom of the pool.
- H. "Swimming pool" means any structure, basin, chamber, or tank containing an artificial body of water for swimming, diving, or recreational bathing and having a depth of two (2) feet or more at any point and including all facilities incidental thereto.
- I. "Wading pool" means any artificial pool of water intended and constructed for wading purposes

that is not over two (2) feet in depth at any point.  
(Ord. 110180 § 1(part), 1981.)

**10.56.030 Permit required.**

It shall be unlawful for any person to operate a swimming or spa pool without a valid permit issued to such person by the Director.  
(Ord. 110180 § 1(part), 1981.)

**10.56.040 Plans and specifications for construction, alteration or renovation.**

A. No person shall commence the construction, alteration, or renovation of any public or semipublic swimming, wading, spray, or spa pool or any appurtenance thereto, without first having obtained the Director's approval of the plans and specifications for such construction, alteration or renovation.

B. 1. Plans and specifications for the construction, alteration or renovation of a public or semipublic swimming, spray, wading, or spa pool or any appurtenance thereto, shall be submitted, in duplicate, to the Director for review and approval prior to the commencement of any such construction, alteration, or renovation. Plans and specifications for new public or semipublic swimming, spray, wading or spa pools shall be prepared by an architect or professional engineer qualified in the proposed work and licensed to practice such profession under the laws of the State of Washington. Plans shall be accompanied by a plan review fee specified in SMC 10.03.056.

2. Plans shall be drawn to scale. Specifications shall include details on all recirculation and chemical equipment, including pumps, disinfection equipment, chemical feeders, filters, meters, strainers, overflow channels and/or skimming facilities and related equipment, to facilitate a comprehensive engineering review of such plans and specifications including piping and hydraulic details. If, upon examination of such plans and specifications, the Director finds that the proposed construction, alteration or renovation will comply with the provisions of this chapter and applicable departmental rules and regulations established in accordance herewith, he/she shall approve the same; otherwise such plans and specifications shall be disapproved. The Director may condition his/her approval of plans and specifications upon making of such modifications in such plans and specifications as the public health or safety may require.

C. The construction, alteration or renovation of any public or semipublic swimming, wading, spray, or spa pool or appurtenance thereto shall be made only in accordance with approved plans and specifications therefor; provided, that changes or modifications in such approved plans and specifications that are consistent with the public health and safety may be made with the written approval of the director.

D. Upon completion of any such construction, alteration, or modification, the owner or operator of such pool, or the agent of either, shall notify the Director of its readiness for inspection. No such pool shall be opened for use or allowed or caused to be used until it has been inspected by the Director and found to have been constructed, altered or remodeled consistent with the approved plans and specifications therefor, and to be in compliance with the provisions of this chapter and applicable rules and regulations established in accordance herewith.

(Ord. 110180 § 1(part), 1981.)

**10.56.045 Operation and maintenance.**

A. All public or semipublic swimming, spray, wading and spa pools and all components thereof, appurtenances thereto, and the premises thereof, shall be maintained in a clean and sanitary condition at all times such pool is open to users.

B. The person to whom a pool permit is issued shall be responsible for the maintenance, operation and proper use of the public or semipublic pool for which such permit is issued, and shall provide one (1) or more operators or attendants at such times as shall be necessary for the maintenance and operation of such pool in compliance with the provisions of this chapter and applicable rules and regulations established in accordance herewith. All such operators and attendants shall be familiar with the equipment and appurtenances of such pool and the principles of pool operation.  
(Ord. 110180 § 1(part), 1981.)

**10.56.050 Water quality.**

The water in all public or semipublic swimming, spa, wading and spray pools, at all times shall meet such standards of chemical, physical and bacteriological quality as the Director shall establish, by rule, to ensure that persons using such pools shall not be exposed to toxic or irritating chemical conditions, or disease-producing organisms.  
(Ord. 110180 § 1(part), 1981.)

**10.56.060 Disinfection.**

A disinfecting process or procedure shall be used to maintain in all public or semipublic swimming, and wading pools, and spray pools using recirculated water, a minimum free-chlorine residual of 1.0 ppm and in spa pools, a minimum free-chlorine residual of 2.0 ppm; provided, that upon written application, the Director may approve the use of other processes or procedures found to ensure adequate and continuous disinfection of water throughout such pools during the period such pools are in use.  
(Ord. 110180 § 1(part), 1981.)

**10.56.070 Recirculation and filtration.**

Recirculation and filtration equipment adequate to recirculate and filter the entire volume of water at least once every six (6) hours shall be provided for every public swimming pool; and at least once every twelve (12) hours for every semipublic swimming or wading pool; and at least once every thirty (30) minutes for every spa pool. Such equipment shall be in operation at all times such pool is open for use; provided, that such recirculation and filtration equipment need not be provided for a flow-through pool in which the supply of water meets the water quality requirements of Section 10.56.050, hereof, and the disinfection requirements of Section 10.56.060, hereof; and such supply is sufficient to provide a complete change of water within the time period required by this section; and the introduction of such water supply into the pool is accomplished by the same type of inlet design required for recirculation pools. Where more than one pool is located on the same premises, each must have an independent recirculation and filtration system.  
(Ord. 110180 § 1(part), 1981.)

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**10.56.080 Waste.**

All water from backwash, filter residues, and other waste in any public or semipublic pool shall be disposed of in a safe and sanitary manner approved by the Director.  
(Ord. 110180 § 1(part), 1981.)

**10.56.090 Cross-connections.**

No piping arrangement shall be installed or used in any public or semipublic, spray, or wading pool such that under any condition, sewage or waste water will be permitted to enter the recirculation system of the pool, or water from the recirculation system or the pool will be permitted to enter the potable water supply or make-up water supply.  
(Ord. 110180 § 1(part), 1981.)

**10.56.100 Operating records.**

At all public or semipublic swimming, spa, and wading pools, and spray pools using recirculating water, complete daily records shall be kept of the times each filter is backwashed or cleaned and of the results of all tests made as to water quality and disinfectant residual. Such records shall be made available at any reasonable time for examination by the Director.  
(Ord. 110180 § 1(part), 1981.)

**10.56.110 Alternate materials, equipment or procedures.**

For the purpose of temporarily evaluating equipment, materials, or procedures, and to meet any temporary emergency condition, the Director, consistent with the needs of the public health and safety, may permit the use of materials, equipment and procedures not specifically prescribed by this chapter and applicable departmental rules and regulations established in accordance herewith.  
(Ord. 110180 § 1(part), 1981.)

**Chapter 10.58**

**SCHOOL INSPECTIONS, REVIEWS OF PLANS AND SPECIFICATIONS, AND INVESTIGATIONS**

**Sections:**

**10.58.010 School inspections, reviews, and investigations.**

**10.58.010 School inspections, reviews, and investigations.**

Upon receipt of a request or direction from the chief administrator of a public or private school, the governing board of education of any public school, the State Department of Social and Health Services, or the Superintendent of Public Instruction, the Director of Health is authorized to do the following:

- A. Review final plans and specifications for construction of any new school facility and any new addition to or major alteration of an existing facility or any of the utilities connected thereto, and make recommendations for any necessary or appropriate changes therein to secure compliance with, and otherwise implement, Chapter 248-64 WAC;

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See ordinances creating and amending  
sections for complete text, graphics,  
and tables and to confirm accuracy of  
this source file.

B. Conduct preoccupancy inspections of new school construction, and major alterations and additions to existing school facilities to determine conformance with, and to otherwise implement, Chapter 248-64 WAC;

C. Inspect private school facilities to certify compliance with the provisions of Chapter 248-64 WAC to implement RCW 28A.02.201(5);

D. Investigate whether any exemption from the provisions of Chapter 248-64 WAC should be made by the State Board of Health pursuant to WAC 248-64-360. (Ord. 110265 § 1, 1981.)

#### **Chapter 10.60**

### **PERSONAL HEALTH CARE PROGRAMS**

#### **Sections:**

**10.60.010 Authority to provide personal health care.**

#### **10.60.010 Authority to provide personal health care.**

The Director of Public Health is authorized to provide personal health care services to eligible recipients thereof, as follows:

A. Treatment for sexually transmitted diseases;

B. Treatment under maternal and child health programs contemplated under Title V of the Social Security Act, as amended;

C. Dental care for adults and children;

D. Comprehensive care through the North District Family Health Clinic;

E. Treatment for diseases related to travel abroad; and

F. Treatment received at Health Department clinics for diseases related to the public health of the community. (Ord. 110902 § 1, 1982; Ord. 110272 § 1, 1981.)

#### **Chapter 10.62**

### **WHOLESALE OF DRUGS AND SUPPLIES**

#### **Sections:**

**10.62.010 Authorization for wholesaling.**

#### **10.62.010 Authorization for wholesaling.**

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The Director of Public Health is authorized to sell drugs and supplies to community clinics with which contracts have been executed for or on the behalf of the City, for the procurement of health care services for the public, which sales shall be at rates equal to the Health Department's cost for such drugs and supplies plus ten percent (10%) of such cost to reimburse the Department for its administrative overhead associated with such activity.  
(Ord. 110270 § 1, 1981.)

**Chapter 10.64**

**NO-SMOKING AREAS**

**Sections:**

- 10.64.010 Definitions.
- 10.64.020 Prohibition.
- 10.64.030 No smoking areas in restaurants.
- 10.64.040 Designation of "Smoking" and "No Smoking" areas.
- 10.64.050 Enforcement.
- 10.64.060 Penalty.

**10.64.010 Definitions.**

- A. "Public place" as used in this chapter shall mean any building or vehicle used by, and open to, the public regardless of whether such building or vehicle is owned in whole or in part by private persons or entities, or by The City of Seattle or other public entity, and regardless of whether a fee is charged for admission to the place.
- B. "Smoke" or "smoking" as used in this chapter means the carrying or smoking of any kind of lighted pipe, cigar, cigarette or any other form of ignited tobacco or lighted smoking or material equipment.  
(Ord. 111099 § 1(part), 1983.)

**10.64.020 Prohibition.**

Smoking is prohibited in the following public places:

- A. Elevators;
- B. Mass transportation vehicles, such as buses; except on chartered buses for private hire or in taxicabs clearly designated by the operator to permit smoking;
- C. Indoor facilities serving as museums, concert halls, theaters, auditoriums and exhibition halls, whether owned or occupied by The City of Seattle or by any other person; provided that smoking by performers as part of a theatrical production is permitted; and provided further that smoking may be permitted in designated areas including portions of lobbies, so long as such areas are physically separated from the spectator areas, lobbies and all other public areas;
- D. Indoor sports arenas, provided that smoking may be permitted in designated areas of lobbies, if the lobbies are physically separated from the spectator area;

E. Hallways and waiting rooms of every health care facility including, but not limited to, hospitals, nursing homes, clinics and health departments, provided that smoking may be allowed in one or more designated, physically separate waiting rooms;

F. All areas open to the public in buildings owned by The City of Seattle, provided that smoking may be permitted in designated smoking areas of the Seattle Center's "Center House" not to exceed thirty percent (30%) of the common area of the Center House;

G. All areas open to the public within premises leased or rented by The City of Seattle;

H. Public places which are part of shopping centers, retail stores and financial institutions, including, but not limited to department stores, banks, laundromats and barbershops; provided, that smoking may be allowed in the common areas of shopping malls;

I. Classrooms and lecture halls of schools, colleges and universities;

J. Rooms in which meetings and/or hearings open to the public are held;

K. All public areas and waiting rooms of public transportation facilities including but not limited to bus, train, airport and ferry facilities; provided that smoking may be permitted in designated smoking areas that may not exceed thirty percent (30%) of the waiting area;

L. All public restrooms including, but not limited to those found in all public places listed above;

M. Libraries.

(Ord. 111715 § 1(part), 1984; Ord. 111099 § 1(part), 1983.)

#### **10.64.030 No Smoking areas in restaurants.**

Restaurants with food service capacity of seventy-five (75) persons and over shall provide and post notice to customers of the availability of food service seating where tobacco smoking will not be permitted. (Ord. 111099 § 1(part), 1983.)

#### **10.64.040 Designation of "Smoking" and "No Smoking" areas.**

A. The rightful occupant of each public place in which smoking is prohibited shall post signs prohibiting smoking. Signs shall be posted conspicuously at every entrance and in prominent locations throughout the buildings, rooms, and public places in which smoking is prohibited; provided, that signs shall not be posted in violation of other laws or ordinances.

B. It is unlawful for any person to remove, deface, or destroy any sign posted in compliance with this chapter. (Ord. 111099 § 1(part), 1983.)

#### **10.64.050 Enforcement.**

The Seattle Fire Department is authorized to enforce Section 10.64.040; the Seattle-King County Health Department is authorized to enforce Section 10.64.030. (Ord. 111099 § 1(part), 1983.)

**10.64.060 Penalty.**

An offense against Section 10.64.020, Section 10.64.030 or Section 10.64.040 is a violation, subject to the provisions of Chapter 12A.02 (General Provisions) and Chapter 12A.04 (Defenses) of the Seattle Criminal Code. Any person convicted of violating Section 10.64.020, Section 10.64.030 or Section 10.64.040 may be punished by a civil fine or forfeiture not to exceed One Hundred Dollars (\$100.00). (Ord. 113907 § 1, 1988: Ord. 111715 § 2, 1984: Ord. 111462 § 1, 1983: Ord. 111099 § 1(part), 1983.)

**Chapter 10.72**

**PET KENNELS**

**Sections:**

- 10.72.010 Definitions.
- 10.72.020 Permit required.
- 10.72.030 Permit applications.
- 10.72.040 Nuisance or offensive condition--Permit revocation.

**10.72.010 Definitions.**

- A. "Commercial kennel" means any establishment or premises other than "veterinary hospital" or "pet shop" as defined in this section, where four (4) or more dogs or cats or aggregate thereof are kept for commercial purposes, including but not limited to board, propagation and treatment.
- B. "Director" means Director of the Seattle-King County Department of Public Health.
- C. "Pet kennel" means any establishment or premises where four (4) or more dogs or cats or aggregate thereof over four (4) months of age, are kept for noncommercial or for any purpose other than as defined in "commercial kennel," "veterinary hospital" or "pet shop."
- D. "Pet shop" means any establishment or premises maintained for the purchase, sale or exchange of domestic pets of any type.
- E. "Veterinary hospital" means any establishment or premises operated under the supervision of a duly licensed veterinarian for surgical or medical treatment of domestic animals and pets. (Ord. 111834 § 1(part), 1984: Ord. 111649 § 1(part), 1984.)

**10.72.020 Permit required.**

- A. It is unlawful to keep or maintain a commercial kennel, veterinary hospital, pet shop, or pet kennel within the City, without first having a permit therefor.<sup>1</sup>

B. A separate permit shall be required for each location and activity as defined in this chapter. Each permit shall expire on midnight, December 31st, of the year for which issued. Holders of unexpired pet kennel permits on the effective date of this chapter<sup>2</sup> may be allowed a pro rata credit on the fee for permits issued under this chapter.

(Ord. 111834 § 1(part), 1984: Ord. 111649 § 1(part), 1984.)

1. Editor's Note: Pet kennel permit fees are codified at Section 10.03.170 of this Code.2. Editor's Note: Ordinance 111649 was passed on April 30, 1984; Ordinance 111834 was passed August 13, 1984. Ordinance 112107 extended the expiration date for the 1984 permit year to midnight, January 31, 1985.

#### **10.72.030 Permit applications.**

A. Applications for kennel permits required by this chapter shall be made to the Director and, in the case of applications for new permits only, shall include a determination by the Director of the Department of Construction and Land Use that the proposed use is consistent with Seattle zoning laws.

B. The Director shall, upon receipt of any application for a pet kennel permit or commercial kennel permit, cause to be posted in a conspicuous place at or near the proposed location of such kennel, notice advising the public of such application, and in addition shall give written notice of such application to the owner or occupant nearest to such proposed location on each side.

C. Any owner or occupant of property within eight hundred feet (800') of such proposed location may within ten (10) days of the date of such notice file a written protest with the Director, which protest shall contain the address of the property occupied or owned by the protestor. The Director shall consider such protests, if any, in determining whether to issue or deny the permit.

D. After reviewing and considering all pertinent information, the Director may issue or deny the permit in accordance with the provisions of this chapter.

E. When an application for a commercial kennel, veterinary hospital, pet shop or pet kennel permit is received by the Director, he or she shall inspect the proposed premises. If the same are found by him or her to be insanitary, not suitable for sanitary use as a kennel, pet shop or veterinary hospital, or otherwise to adversely affect the health, safety or welfare of the public, no permit shall be issued until the premises are sanitary and do not adversely affect the public health and safety.

F. The Director may adopt such standards for the design, construction, and maintenance of kennels, pet shops and veterinary hospitals as are necessary to ensure their sanitary condition.

G. The Director shall promulgate the implementing rules pursuant to the Administrative Code of the City.<sup>1</sup>

H. The Director may inspect premises permitted under this chapter to protect the public health and safety.

(Ord. 111834 § 1(part), 1984: Ord. 111649 § 1(part), 1984.)

1. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

#### **10.72.040 Nuisance or offensive condition--Permit revocation.**

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the Office of the City Clerk

It is unlawful for any person, whether or not a licensee, to keep, use or maintain within the City, any commercial kennel, veterinary hospital, pet shop, or pet kennel in such manner that the same is found to be insanitary, adversely affecting health and safety, nauseous, foul or offensive, or a public or private nuisance. After hearing, and upon such finding (whether or not a person has been convicted of the offense), the Director may revoke a permit.

(Ord. 111834 § 1(part), 1984; Ord. 111649 § 1(part), 1984.)

## Chapter 10.76

### HAZARDOUS WASTE MANAGEMENT COORDINATION COMMITTEE

#### Sections:

10.76.010 Findings and authority.

10.76.020 Definitions.

10.76.030 Consistency with state law.

10.76.040 Hazardous Waste Management Committee.

10.76.050 Powers of the Committee.

10.76.060 Fees.

#### 10.76.010 Findings and authority.

A. The City of Seattle finds that it is in the interest of the preservation and promotion of public health that moderate risk wastes not be commingled with other solid waste nor placed into sewage disposal systems through which underground and surface waters may be contaminated. The City finds that enhanced public education and enforcement of existing regulations will reduce the quantity of moderate risk wastes entering the regular solid waste stream and sewage disposal systems, and that additional funding is required for these enhancements. The City finds that a regional intergovernmental approach is best suited to these enhancements as described in the Local Hazardous Waste Management Plan for Seattle-King County.

B. Authority for this chapter is contained in RCW 70.05.060 and 70.95.160.  
(Ord. 115620 § 1(part), 1991.)

#### 10.76.020 Definitions.

A. "Certified hauler" means any person engaged in the business of solid waste handling having a certificate granted by the Washington Utilities and Transportation Commission for that purpose.

B. "Committee" means the Hazardous Waste Management Committee established in Section 10.76.040 of this chapter.

C. "Department" means the Department of Public Health.

D. "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.

E. "Moderate risk waste" shall have the same meaning ascribed in RCW 70.105.010(17).

F. "Passenger licensed vehicle" means any motor vehicle licensed by the State of Washington as a



passenger vehicle.

G. "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals and glass, that are identified as recyclable material pursuant to the City of Seattle's Comprehensive Solid Waste Plan.

H. "Self hauler" means and includes all vehicles that are neither passenger licensed vehicles nor vehicles used by certified haulers in their solid waste handling operations.

I. "Septage" means a semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system.

J. "Sewage" means any liquid or liquid-borne waste from the ordinary living processes, or liquid or liquid-borne waste which contains animal or vegetable matter in suspension or solution, or any liquid or liquid-borne waste which contains chemicals in suspension or solution, and which may be lawfully discharged into a public sanitary sewer.

K. "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, infectious waste, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded commodities, or contaminated excavated solid/fills material. This includes all liquid, solid and semisolid materials which are not the primary product of public or private industrial, commercial, mining, and agricultural operations, except that for the purposes of this chapter "solid waste" does not include source-separated recyclable materials.

L. "Suburban city" means any incorporated city or town whose boundaries include territory within King County and has entered into a Solid Waste Interlocal Agreement with King County pursuant to Chapter 10.08.130, King County Code.

M. "Transfer station" means a staffed, fixed, supplemental collection and transportation facility used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a permanent disposal site.  
(Ord. 117260 § 1, 1994; Ord. 115620 § 1(part), 1991.)

#### **10.76.030 Consistency with state law.**

Unless the context clearly indicates otherwise, the words and phrases used in this title shall be construed so as to make it consistent with Chapter 70.105 RCW ("Hazardous Waste Management"), and with applicable rules and regulations promulgated thereunder.  
(Ord. 115620 § 1(part), 1991.)

#### **10.76.040 Hazardous Waste Management Committee.**

The Seattle/King County Hazardous Waste Management Coordination Committee is hereby established. The Committee shall be composed of five (5) members:

A. The Director of the King County Public Works Department or his/her designee;



B. The Director of Seattle Public Utilities or his/her designee;

C. A representative appointed by the Suburban Cities Association;

D. The Director of Metro or his/her designee; and

E. The Director of the Seattle-King County Health Department or his/her designee.  
(Ord. 118396 § 12, 1996: Ord. 115620 § 1(part), 1991.)

#### **10.76.050 Powers of the Committee.**

The Committee shall be responsible for:

A. Accepting and recommending a management plan and budget for the reduction of moderate risk waste generation, its entry into the solid waste stream, entry into the liquid waste (sewage) stream, into storm drainage or surface waters, and evaporation into the air. The Management Coordination Committee will develop an annual plan and budget and reach agreement on it through consensus of the entire Committee. Lacking a consensus, a majority and a minority report will be forwarded to the Seattle City Council and King County Board of Health;

B. Recommending contracts with the suburban cities, Metro, sewer districts located entirely or partially within King County, and King County, to implement portions of the management plan.  
(Ord. 115620 § 1(part), 1991.)

#### **10.76.060 Fees.**

The following fees, which shall be remitted to the Department on a quarterly basis, are established to provide funds for the implementation of the Local Hazardous Waste Management Plan:

A. The City of Seattle, Seattle Public Utilities shall pay to the Department from the Solid Waste Fund an amount of One Million, One Hundred Two Thousand Two Hundred Fifty-nine Dollars (\$1,102,259.00) in 1994. Effective January 1, 1995, the City of Seattle, Seattle Public Utilities shall pay to the Department from the Solid Waste Fund an amount equivalent to Sixty Cents (\$0.60) per month for each residential customer.

B. The City of Seattle, Seattle Public Utilities shall pay to the Department from the Solid Waste Fund an amount equivalent to Two Dollars and Sixty-one Cents (\$2.61) per ton for each self hauler load of solid waste brought to a transfer station operated by the City.

C. Each privately owned transfer station or landfill located within the City shall pay to the Department an amount equivalent to Two Dollars and Sixty-one Cents (\$2.61) per ton for each load of solid waste brought to such transfer station or landfill.  
(Ord. 118396 § 13, 1996: Ord. 117260 § 2, 1994: Ord. 116841 § 1, 1993: Ord. 115620 § 1(part), 1991.)

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the Office of the City Clerk