

ORDINANCE No. 117000

NR
Law Department

COUNCIL BILL No. 109991

The City of

AN ORDINANCE relating to the Public Health Department; relating to administration and enforcement and fees; amending Seattle Municipal Code Sections 10.01.180, 10.01.190, 10.03.010 and 10.03.110.

Honorable President:

Your Committee on _____

to which was referred _____
report that we have considered _____

PUBLIC

COMPTROLLER FILE No. _____

Introduced: DEC 4 1993	By: HARRIS
Referred: DEC 4 1993	To: <i>of 9/10/93 sett - Law Dept.</i>
Referred:	To: BUSINESS, HEALTH, HUMAN SERVICE & EDUCATION COMMITTEE
Referred:	To:
Reported: DEC 14 1993	Second Reading: DEC 14 1993
Third Reading: DEC 14 1993	Signed: DEC 14 1993
Presented to Mayor: DEC 14 1993	Approved: DEC 17 93
Returned to City Clerk: DEC 20 93	Published:
Vetted by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Full Council

OK

Department

The City of Little Rock -- Legislative Department

RUSH

Date Reported
and Adopted

REPORT OF COMMITTEE

President:

Committee on

was referred

Council Bill No.

that we have considered the same and respectfully recommend that the same:

pass (SH, TL, CC, SP) on 12-7-91

and Council vote, 9-0

Sherry D Harris

Committee Chair

ORDINANCE 117000

AN ORDINANCE relating to the Public Health Department; relating to administration and enforcement and fees; amending Seattle Municipal Code Sections 10.01.180, 10.01.190, 10.03.010 and 10.03.110.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. Seattle Municipal Code 10.01.180 (Section 1(part) of Ordinance 109949) is amended as follows:

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, ~~((or))~~ 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.

SECTION 2. Seattle Municipal Code 10.01.190 (Section 1(part) of Ordinance 109949) is amended as follows:

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

1 3. Has been subject to an adverse finding in any judgment or order, in any
2 judicial or administrative proceeding for violation of any provision of a City ordinance or rule
3 or regulation prescribed thereunder pertaining to fire, building, sanitation, zoning, weights
4 and measures, license, consumer protection, or environmental protection matters, or any
5 activity regulated by Title 10; or

6 4. Has violated or failed to comply with any final order of the Director or
7 Hearing Examiner; or

8 5. Has failed to complete the application for a permit as required by this
9 chapter; or

10 6. Has failed to obtain a license or permit required by state or other law
11 necessary to engage in activity regulated by this Code; or

12 7. Has failed to comply with the RCW Chapter 49.12 and 28A.28, and rules
13 and regulations promulgated pursuant thereto, regarding employment of minors; or

14 8. If the applicant has any outstanding monies owed to the Department for
15 permit fees, late fees, checks returned by the bank, or other miscellaneous fees.

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

18 **SECTION 3.** Seattle Municipal Code 10.03.010 (Section 1 of Ordinance 109951 as
19 last amended by Section 1 of Ordinance 115945) is amended as follows:

20 **10.03.010 Administrative fees and charges.** The Director shall charge and collect the
21 following administrative fees and charges under the circumstances indicated below:

22 A. For replacement of lost or destroyed permit ~~(\$2.00)~~ \$25.00

23 B. For transferring a permit pursuant to SMC
24 Section 10.01.050 ~~(\$2.00)~~ \$25.00

25 C. For reissuing, pursuant to SMC Section
26 10.01.120, any permit previously voided for payment of permit
27 fee with dishonored check ~~(\$15.00)~~ \$25.00

28 D. For processing the late payment of any annual One-quarter (1/4) of the
29 permit fee if delinquent by more than ten (10) days applicable permit fee;

30 E. For processing the late payment of any annual One-half (1/2) of the
31 permit fee if delinquent by more than thirty (30) days applicable permit fee

32 F. For processing the late payment of any
33 ~~(temporary or)~~ seasonal permit fee if delinquent by no more
34 than five (5) days \$25.00

35 G. Inspections request by permittee or person in Cost to the Department of
36 charge of regulated activity, if outside regular Department providing the hours
37 working hours

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

- I. Change of name for an existing permit, no other change \$25.00
- J. Processing of a refund \$25.00

SECTION 4. Seattle Municipal Code 10.03.110 (Section 2 of Ordinance 110268, as last amended by Section 1 of Ordinance 116436) is amended as follows:

10.03.110 Food-service establishment permit fees.

A. The permit fees for the food-service establishments subject to regulation by Chapter 10.11 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	FEES
RESTAURANTS	
Seating Capacity 1-75	(\$145.00) \$155.00
Seating Capacity 76-150	(\$230.00) \$245.00
Seating Capacity 151-250	(\$330.00) \$355.00
Seating Capacity over 250	(\$430.00) \$460.00
CATERERS (if not part of another food service establishment)	
FOOD-PROCESSING ESTABLISHMENTS and RETAIL BAKERIES	(\$145.00) \$155.00
SNACK BARS (in which no food preparation occurs)	(\$60.00) \$65.00
MOBILE FOOD SERVICE UNITS	
((Low hazard m)) Mobile ((f)) Food ((e)) Carts, base fee	(\$175.00) \$185.00
Additional locations, each	(\$60.00) \$65.00
Restricted Mobile ((eaterers)) Food Vehicles, base fee	(\$175.00) \$185.00
Additional vehicles, each	(\$60.00) \$65.00
Unrestricted Mobile Food Vehicle, base fee	(\$200.00) \$215.00
Additional vehicles, each	(\$60.00) \$65.00
((Restricted mobile carts, base fee	(\$175.00)
Additional locations, each	\$60.00)
TEMPORARY FOOD SERVICE ESTABLISHMENTS	
Low hazard operation	(\$50.00) \$55.00
High hazard operation	(\$75.00) \$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	(\$85.00) \$90.00
FOOD PROMOTERS	(\$235.00) \$250.00
TAVERNS (no food preparation)	(\$85.00) \$90.00
GROCERY STORES	
Less than 4 checkout devices	(\$60.00) \$65.00
4-8 checkout devices	(\$130.00) \$140.00
Over 8 checkout devices	(\$235.00) \$250.00
BED AND BREAKFAST	
<u>Continental Breakfast</u>	\$ 65.00
<u>Full Service Breakfast</u>	\$155.00

TYPE OF FOOD-SERVICE ESTABLISHMENT

FEES

1 REDUCED FEE ESTABLISHMENTS

2 Religious, charitable, or educational organization or institution with
 3 an Internal Revenue Service 501(C)(3) nonprofit tax-exempt status
 4 operating a food service establishment \$ 50.00

5 Public, private, or parochial school lunchroom One-half fee for
 applicable category
 above

6 Vending facility under the supervision of the Washington State
 7 Commission for the Blind One-half fee for
 applicable category
 above

8 PLAN REVIEW

9 New construction \$200.00

10 Remodel \$150.00

11 Multiple permits in one facility (2+) (each) \$100.00

12 Resubmittal (per hour) Cost of service

13
 14 Subsequent pre-occupancies, on-site inspection prior to plan
 15 submittal, or on-site inspection when no plan review is required \$75.00

16 Temporary establishment \$25.00

17 LATE FEES

18 Annual permits, 10-30 days 25%

19 Annual permits, more than 30 days 50%

20 School lunchroom -0-

21 Temporary applications, submitted 9-14 days prior to the event \$25.00

22 Temporary applications, submitted 3-8 days prior to the event \$50.00

23 Temporary applications, submitted 0-2 days prior to the event, when
 24 approved \$50.00

25 MISCELLANEOUS FEES

26 Request for variance \$150.00

27
 28 Provided, that if the application pertains to a seasonal food-service establishment or a
 29 food-service establishment that is to be operated only after October 1st, in any year, the
 30 applicable permit fee shall be one-half (1/2) the annual fee specified above.

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

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

36 1. Only the number of seats (~~used for serving customers~~) and other provisions
 37 for on-premises consumption shall be counted; seating used solely for customer waiting
 38 shall not be counted.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

~~((D. The fee for reviewing a waiver request shall be One Hundred Fifty Dollars (\$150.00).))~~

Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the City Charter.

Passed by the City Council the 13 day of December, 1993, and signed by me in open session in authentication of its passage this 13 day of December, 1993.

Geo. A. Benson
President of the City Council

Approved by me this 17 day of December, 1993.

Norman B. Rice
Norman B. Rice, Mayor

Filed by me this 20 day of December, 1993.

Margaret Carter
Deputy Clerk

(SEAL)
Published _____



City of Seattle
Norman B. Rice, Mayor

King County
Tim Hill, Executive

Seattle-King County Department of Public Health

David M. Lurie, Director

MEMORANDUM

June 17, 1993

RECEIVED OMB

NOV 02 1993

TO: George Benson, President
Seattle City Council

VIA: Diana Gale, Budget Director
Attn: Celia Grether

FROM: David Lurie, Director of Public Health

RE: Request for Legislative Action - Food Code

I am forwarding the attached SOP 100-014 Request for Legislative Action and proposed ordinance to repeal the existing food code and replace it with a new code. The accompanying ordinance revises miscellaneous fees and provisions of the administrative provision of Title 10.

This legislation is a combination of the revised State Board of Health Food Service Rules and Regulations, some minor wording changes, and our current fee and administrative provisions, such as enforcement. The legislation also repeals the existing Title 10. There will be no budget impact resulting from these regulations.

The State Board of Health passed the revised state regulations in April, 1992 after a five year development and review process. The State Department of Health worked with local health departments and industry, and held work sessions throughout the state before submitting the legislation to the State Board of Health. At the public hearing, there were only minor amendments made at the request of industry.

Because Seattle has periodically updated these rules, the majority of the provisions of the state rules have been in effect here for some time. The impact of the rules on food service establishments will be minimal. The City Law Office has reviewed and approved this legislation. The County Board of Health adopted these regulations on May 14, 1993.

We feel that adoption of these rules are in the best interest of the public health and safety.

CO:DG:sgo
Enc.

cc: Carl Osaki, Chief, Environmental Health Division
Attn: Sharon Greenman, Supervisor, Food Protection Program
City Law Office

/wpw

TIME AND DATE STAMP

SPONSORSHIP

CB Health Dept Retirement fees

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Sherry D Harris

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

TIME AND DATE STAMP

SPONSORSHIP 11/93

CB Health Dept - Conform to State Law

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Sherry D Harris

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:

PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

38028
City of Seattle

-SS.

No. ORD IN FULL

City of Seattle
ORDINANCE 117000

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORD: 117000

published on
12/27/93

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

O. Gardner

Subscribed and sworn to before me on

12/27/93

S. Smith

Notary Public for the State of Washington,
residing in Seattle

AN ORDINANCE relating to the Public Health Department; relating to administration and enforcement and fees; amending Seattle Municipal Code Sections 10.01.180, 10.01.190, 10.03.010 and 10.03.110.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. Seattle Municipal Code 10.01.180 (Section 1(part) of Ordinance 109949) is amended as follows:

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. (a) 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, such refund shall be subject to a Twenty-Five Dollar (\$25.00) deduction for the cost of administration.

SECTION 2. Seattle Municipal Code 10.01.190 (Section 1(part) of Ordinance 109949) is amended as follows:

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
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 this chapter, or
4. Has violated or failed to comply with any applicable provision of any City ordinance or rule or regulation prescribed thereunder pertaining to this chapter, or
5. Has failed to complete the application for a permit for any activity regulated by Title 10; or

Section 11.

4. Has violated or failed to comply with any applicable provision of any City ordinance or rule or regulation prescribed thereunder pertaining to this chapter, or

Hearing Examiner; or

5. Has failed to complete the application for a permit for any activity regulated by Title 10; or

chapter; or

duction and Vari