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1  
2 **ORDINANCE** \_\_\_\_\_

3 AN ORDINANCE relating to street-food vending, merchandise displays, and sidewalk cafés;  
4 amending various sections of and adding sections to Titles 11 and 15 of the Seattle  
5 Municipal Code; repealing Chapter 10.10, and Sections 10.03.110, 15.17.010, and  
6 15.17.020; amending the current Seattle Department of Transportation Street Use fee  
schedule by adding new vending-related Street Use permit use codes and amending  
vending-related Street Use permit fees.

7 WHEREAS, food, beverage, and flower vending, merchandise displays, and sidewalk cafés  
8 improve public safety by providing eyes-on-the-street and create pedestrian activity on  
sidewalks where commercial activity is permitted and encouraged; and

9 WHEREAS, safe, active, and enjoyable streets and public spaces advance Seattle's character and  
10 quality of life; and

11 WHEREAS, well-managed street-food vending offers low-cost culturally-diverse food options,  
12 attracts foot traffic to commercial districts, and creates a more vibrant retail business  
climate; and

13 WHEREAS, access to fresh produce promotes community health; and

14 WHEREAS, street-food vending serves as a low-cost, entry-level business opportunity to help  
15 entrepreneurs develop a business track record and build a loyal clientele, and is a  
16 valuable economic point-of-entry for Seattle's immigrant and refugee communities; and

17 WHEREAS, amendments to Chapter 15.16, sidewalk cafés, were made to create consistency  
18 where appropriate with the vending and merchandise display amendments to Chapter  
15.17 and to edit references to the repealed Chapter 10.10, Seattle Health Code; and

19 WHEREAS, Section 15.04.074 of the Seattle Municipal Code authorizes the Director of  
20 Transportation to prepare and recommend to the City Council the Street Use Permit Fee  
21 Schedule that is to establish street and sidewalk permit fees commensurate with the cost  
22 of administering, reviewing, inspecting, and policing the use granted by the Street Use  
permit; and

23 WHEREAS, Seattle's procedures for authorizing street-food vending and merchandise displays  
24 can increase opportunities for well-managed street-food vending with appropriate  
oversight and enforcement; and

1 WHEREAS, the City Council has established a setback from food service establishments and  
2 business entrances to ensure trucks and carts are compatible with existing businesses and  
to promote access and the orderly movement of pedestrians on the street; and

3 WHEREAS, given that the Pike Place Market Historic District provides entry-level business  
4 opportunities and is a heavily-used pedestrian environment, food-vending trucks or carts  
5 should be limited to those that attract and preserve businesses in the Historic District;  
NOW, THEREFORE,

6 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

7 Section 1. A new Section 11.14.157 of the Seattle Municipal Code is added as follows:

8 **11.14.157 Curb space**

9 "Curb space" means that portion of the roadway area next to the curb.  
10

11 Section 2. A new Section 11.14.227 of the Seattle Municipal Code is added as follows:

12 **11.14.227 Food vehicle**

13 "Food vehicle" means a licensed and operable motor vehicle used to serve, vend, or  
14 provide food or nonalcoholic beverages for human consumption from a fixed location or along a  
15 route in a public place as authorized by the Seattle-King County Department of Public Health  
16 and Chapter 15.17.  
17

18 Section 3. A new Section 11.14.228 of the Seattle Municipal Code is added as follows:

19 **11.14.228 Food-vehicle zone**

20 "Food-vehicle zone" means a portion of a public place designated by a sign or other  
21 traffic control device that is reserved for the exclusive use of food vehicles that are permitted to  
22 vend in the curb-space portion of the public place.  
23

24 Section 4. Section 11.14.450 of the Seattle Municipal Code, last amended by Ordinance  
25 108200, is amended as follows:  
26

1 **11.14.450 Pedestrian zone((-))**

2 "Pedestrian zone" means the area or space ~~((officially set apart within a))~~ of the public  
3 place or roadway ~~((for))~~ that is reserved for the exclusive use of pedestrians ~~((and which is~~  
4 ~~protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise, so~~  
5 ~~as to be plainly discernible))~~.

6 Section 5. Section 11.16.280 of the Seattle Municipal Code, last amended by Ordinance  
7 122779, is amended as follows:  
8

9 **11.16.280 Traffic Engineer – Authority – Special zones((-))**

10 \* \* \*

11 G. Determine the location of and establish food-vehicle zones;

12 ~~((G))~~H. Determine the location of and establish other special zones for the purpose and in  
13 accordance with the criteria specified in this ~~((section))~~ Section 11.16.280;  
14

15 ~~((H))~~I. Make surveys and recommendations with respect to the Stadium Event Restricted  
16 Parking Zone, process applications for parking in the zone, issue decals or other authorizations  
17 for ~~((such))~~ parking, and delegate to the University of Washington or deputize its staff to receive  
18 applications and deliver ~~((such))~~ permits.

19 Section 6. Section 11.23.420 of the Seattle Municipal Code, last amended by Ordinance  
20 123162, is amended as follows:  
21

22 **11.23.420 Curb space parking permits((-))**

23 The Director of Transportation may authorize curb space parking permits for: charitable,  
24 educational, or community ~~((purposes))~~ events, including ~~((, for example,))~~ medically-related  
25 programs, armed-forces-recruiting efforts, ~~((and))~~ or street fairs ~~((provided that no));~~ food  
26

1 vehicle vending as permitted by Section 15.17.120; or curb space parking as permitted by Title  
2 11, Vehicles and Traffic. The Director shall not authorize curb space parking permits ((other than  
3 those specifically authorized by this Title shall be authorized for commercial purposes except in  
4 conjunction with community events. For purposes of this section, curb space constitutes roadway  
5 area next to the curb)) for commercial purposes in the roadway.

6  
7 Section 7. Section 11.23.440 of the Seattle Municipal Code, last amended by Ordinance  
8 123162, is amended as follows:

9 **11.23.440 Parking privileges((-))**

10 No person shall be granted a franchise or special privilege to the exclusion of any other  
11 ((like)) person for parking vehicles on any roadway. Zones may be granted for taxicabs, official  
12 career consul vehicles, moving or loading, disabled persons, curb space parking including no  
13 parking zones, service parking, carpool parking, car share parking, food vehicles, or similar uses,  
14 or for any restricted parking zone program that may be developed. Establishment of ((such)) a  
15 zone does not constitute a grant of franchise.  
16

17 Section 8. Section 11.31.121 of the Seattle Municipal Code, last amended by Ordinance  
18 123161, is amended as follows:

19  
20 **11.31.121 Monetary penalties – Parking infractions((-))**

21 The base monetary penalty for violation of each of the numbered provisions of the Seattle  
22 Municipal Code listed in the following table ((shall be)) is as shown, unless and until the penalty  
23 shown below for a particular parking infraction is modified by Local Rule of the Seattle  
24 Municipal Court adopted pursuant to the Infraction Rules for Courts of Limited Jurisdiction  
25 ("IRLJ") or successor rules to the IRLJ:  
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Municipal Code Reference	Parking Infraction Short Description	Base Penalty Amount
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11.23.400	UNAUTHORIZED USE - DISABLED	\$250
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\* \* \*

11.72.220	HOODED METERS, SIGNS	\$42
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11.72.225	FOOD-VEHICLE ZONE	\$42
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Section 9. A new Section 11.72.195 of the Seattle Municipal Code is added as follows:

**11.72.195 Food-vehicle zone**

No vehicle, other than a food vehicle displaying a valid food vehicle Street Use permit, shall be stopped or parked in a food-vehicle zone during the hours the zone restriction is in effect or unless allowed by a sign or other traffic control device identifying food-vehicle zone time restrictions. Vending from a permitted food vehicle may only occur in a designated food-vehicle zone during authorized times.

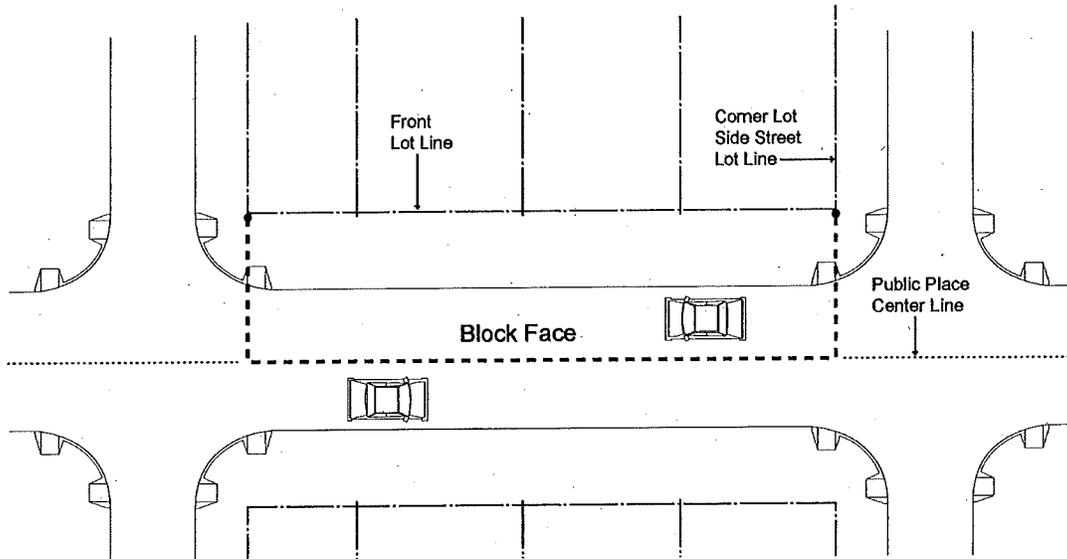
Section 10. Section 11.72.430 of the Seattle Municipal Code, last amended by Ordinance 108200, is amended as follows:

**11.72.430 Trailer or camper — Detached((+))**



for 15.02.042: Block Face).

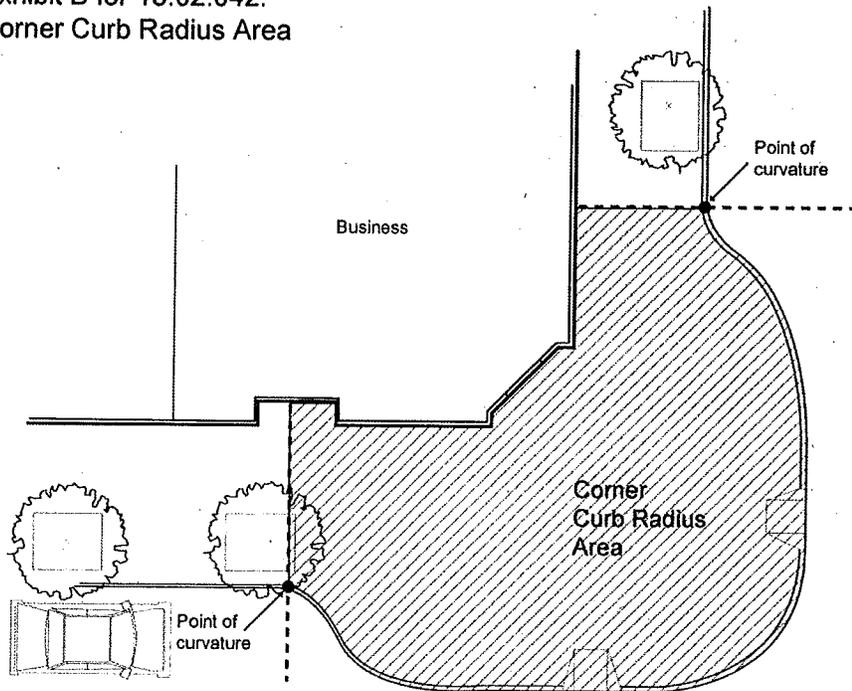
Exhibit A for 15.02.042: Block Face



((G))H. "Canopy" means a protective covering located at an entrance to a building.

I. "Corner-curb-radius area" means the area that includes the intersection of two sidewalks bounded by the adjoining corner or curb bulb and curb ramps (Exhibit B for 15.02.042: Corner-curb-radius area). If the start of the point of curvature for the curb bulb or curb radius occurs beyond the sidewalk intersections, the area shall be extended to the point of curvature for the curb bulb or curb radius.

Exhibit B for 15.02.042:  
Corner Curb Radius Area



Section 12. Section 15.02.044 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

**15.02.044 Definitions D through M((:))**

\* \* \*

D. "Food service business" means:

1. The following business or other entities that serve, vend, or provide food for human consumption, including but not limited to:

a. Food establishments permitted by the Seattle-King County Department of Public Health;

b. Restaurants, snack bars, cafeterias, taverns, bars;

1 c. Stores selling groceries, produce, meat/fish/poultry, baked or

2 delicatessen goods;

3 d. Food services in schools and private higher education learning facilities;

4 or

5 e. Institutions licensed by the Seattle-King County Department of Public

6 Health, such as hospitals, prisons, state-licensed-higher-education facilities, and child-care

7 facilities;

8  
9 2. The following businesses or other entities are not food-service businesses:

10 a. Private homes where food is prepared by or served to household

11 members, their tenants, or guests;

12 b. Wholesale food distributors or food-processing plants;

13 c. Food vehicles or vending carts; or

14 d. Establishments where the sales of nonpotentially-hazardous food are

15 incidental to the business.

16  
17 ((D))E. "Marquee" means an approximately horizontal, rigid, nonretractable,  
18 noncollapsible structure, projecting from and supported by a building.

19 ((E))F. "Marquee sign" means a sign placed on, constructed in, or attached to a marquee.

20  
21 G. "Mobile-food vending" means to sell, offer for sale, solicit orders, display, or  
22 otherwise peddle; food that is exempt from acquiring a food-establishment permit under Title 5  
23 of the King County Board of Health; to the public from a public place; as authorized or  
24 prohibited in Sections 15.17.010, or 15.17.130.

Section 13. Section 15.02.046 of the Seattle Municipal Code, last amended by Ordinance 122824, is amended as follows:

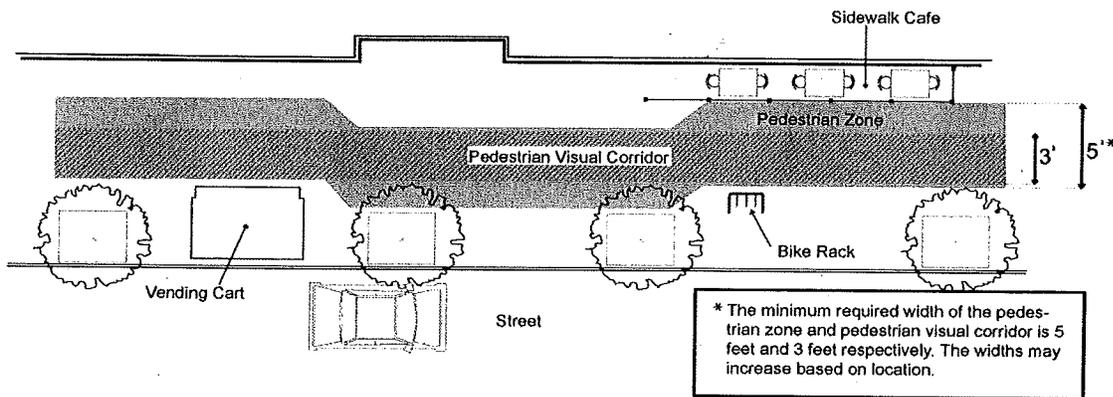
**15.02.046 Definitions N through ((S.))Z**

\* \* \*

C. "Peak ~~((Period))~~ period" means the peak traffic periods as defined in the current edition of the City of Seattle Traffic Control Manual for In-Street Work.

D. "Pedestrian zone" means the area or space of the public place or roadway that is reserved for the exclusive use of pedestrians (Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual Corridor).

Exhibit A for 15.02.046  
Pedestrian Zone / Pedestrian Visual Corridor



1           E. "Pedestrian visual corridor" means a continuous and straight corridor within the  
2 designated pedestrian zone that provides pedestrians with a clear visual indication of the location  
3 of the path of travel along a block face (Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian  
4 Visual Corridor). Street furniture, plantings, and other obstructions shall not protrude into this  
5 corridor.

6           ~~((D))~~F. "Public place" means and includes streets, avenues, ways, boulevards, drives,  
7 places, alleys, sidewalks, and planting ~~((parking))~~ strips, squares, triangles, plazas, and right-of-  
8 way for public use and the space above or beneath its surface, whether or not opened or  
9 improved.

10           ~~((E))~~G. "Publisher" means the owner or distributor of a newspaper or other publication  
11 distributed through a newsstand.

12           ~~((F))~~H. "RCW" is an abbreviation for Revised Code of Washington.

13           ~~((G))~~I. "Shoreline street ends" means the land portions of ~~((those))~~ street segments that  
14 provide or could provide if improved, the public with visual or physical access to a body of water  
15 and its shoreline ~~((, or could provide such access if improved,))~~ that are listed on Exhibit A to  
16 Resolution 29370 ~~((, a resolution adopting))~~ that adopted policies ~~((to guide))~~ guiding the  
17 development of public access improvements to shoreline street ends.

18           ~~((H))~~J. "Sidewalk ~~((cafe))~~ café" means a portion of the public ~~((right-of-way))~~ place in  
19 which tables and chairs are placed for the use of patrons consuming food ~~((and/))~~ or beverages,  
20 including alcoholic beverages~~((, served))~~ that is operated by a food~~((service establishment as~~  
21 ~~defined in Section 10.10.040 of Title 10))~~ service business located on ~~((adjacent))~~ abutting  
22 property.



Section 15. Section 15.04.074 of the Seattle Municipal Code, last amended by Ordinance

123100, is amended as follows:

**15.04.074 Permit – Fees((-))**

\* \* \*

E. Fees for the use of public places under the jurisdiction of the Department of Parks and Recreation shall be deposited in the Park and Recreation Fund; all other fees under the jurisdiction of Seattle Transportation shall be deposited in the Transportation Operating Fund. If the Superintendent of Parks delegates the administration of this title to the Director of Transportation, fees resulting from permits for the use of the public place that were administered by the Director of Transportation shall be deposited into the Transportation Operating Fund.

F. Fees for vending activities authorized under Chapter 15.17 shall be deposited in the Transportation Operating Fund. Street Use permit fees for vending activities may be used by other City departments for vending enforcement as authorized by the Director of Transportation and shall be used by the Department of Transportation for the following purposes: administering the vending program, including notifying property owners abutting a proposed vending site designated by the Department of Transportation; verifying property boundaries and square footage of usage; designating preapproved vending sites by the Department of Transportation; signing and demarcating designated vending sites and food-vehicle zones; attending meetings or hearings; preparing documents, legislation, forms, and notices; inspecting and enforcing permitted or illegal vending activity; or engaging in any other vending-related activity as directed by the Director of Transportation.

1 Section 16. Section 15.16.010 of the Seattle Municipal Code, last amended by Ordinance  
2 122824, is amended as follows:

3 **15.16.010 Permit (~~--Required.~~) required**

4 ((It is unlawful to)) No person shall operate a sidewalk ((~~eafe~~) café without obtaining a  
5 ((~~street use~~) Street Use permit ((~~to do so~~)) from the Director of Transportation((;)) as provided  
6 for in ((this chapter)) Chapter 15.16 and Section 15.04.010. A ((street use)) Street Use permit to  
7 operate a sidewalk ((~~eafe~~) café shall not be transferred or assigned.

8  
9 Section 17. Section 15.16.012 of the Seattle Municipal Code, last amended by Ordinance  
10 122824, is amended as follows:

11 **15.16.012 Permit (~~--Expiration,~~) expiration, renewal, administration, and revocation((;))**

12 A. A ((street use)) Street Use permit for a sidewalk ((~~eafe~~) café expires ((when)) if: the  
13 ((~~adjacent food service establishment~~) business changes ownership((~~, when~~)); the ((~~adjacent~~  
14 ~~food service establishment's~~) Street Use permit duration expires((;)); or ((if)) Street Use permit  
15 fees are not paid ((according to the provisions of Section 15.04.074 B)) as required by  
16 subsection 15.04.074.B. All permit-related encroachments shall be removed from the public  
17 place when the Street Use permit expires. Street Use permits for a sidewalk café shall not be  
18 transferrable or assignable.

19  
20  
21 B. The Director of Transportation may, upon issuing the annual Street Use permit invoice  
22 and receipt of the renewal fee, renew a sidewalk café Street Use permit provided: the permittee  
23 is in compliance with all permit conditions; the ownership or business has not changed; and the  
24 space is not needed for transportation, utility, or any other public-use purpose.

1           C. The Director of Transportation may modify the conditions of a sidewalk café Street  
2 Use permit, including permitted hours or days of operation, after providing the permittee with  
3 written notice ten days before modifying the Street Use permit. A copy of the modified Street  
4 Use permit shall be mailed by first-class mail to the permittee at the address listed on the Street  
5 Use permit application. The permittee may request a Director's review of the decision to modify  
6 the conditions of the Street Use permit as provided for in Section 15.04.112.

7           ~~((A street use permit for a))~~ D. All sidewalk ((cafe is wholly of a)) café Street Use  
8 permits authorized by Chapter 15.16 are of a temporary nature, ((vests)) vest no permanent rights  
9 ((whatsoever)), and ((is)) are revocable ((pursuant to SMC)) as provided for in Section  
10 15.04.070. The Director of Transportation may suspend ((or revoke the street use)) any sidewalk  
11 café Street Use permit ((for a sidewalk cafe if an applicant violates this title, any implementing  
12 rules, or the terms and conditions of the permit)) for transportation mobility or public safety  
13 purposes; or to coordinate with: permitted Special Events authorized by Chapter 15.52, parade  
14 permits authorized by Chapter 11.25, or any other permitted activity.

15           Section 18. Section 15.16.020 of the Seattle Municipal Code, last amended by Ordinance  
16  
17  
18 117569, is amended as follows:

19 **15.16.020 Permit ~~((--Application.))~~ application**

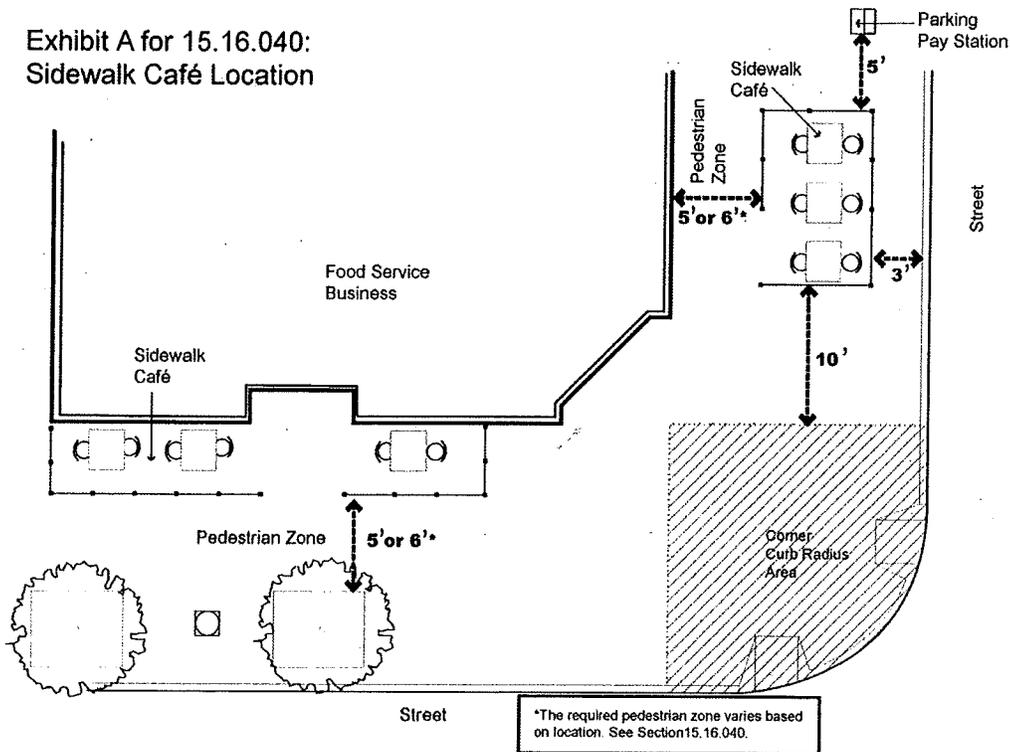
20           In addition to the information required by Section 15.04.025, ~~((an application for))~~ a  
21 sidewalk ~~((cafe))~~ café Street Use permit application shall state the anticipated periods of use  
22 during the year~~((, and))~~; the proposed hours of daily use~~((,))~~ including Saturdays, Sundays, and  
23 holidays; and whether any liquor, as defined in RCW 66.04.010(6), will be sold or consumed in  
24 the area to be covered by the sidewalk café Street Use permit.  
25  
26

Section 19. Section 15.16.040 of the Seattle Municipal Code, last amended by Ordinance 122824, is amended as follows:

**15.16.040 Terms and conditions((-))**

A. The Director of Transportation may issue a ((street-use)) Street Use permit ((for)) authorizing the use of ((a portion of the right-of way)) a public place for a sidewalk ((cafe if the Director determines that)) café under the following requirements as depicted in Exhibit A for

15.16.040: Sidewalk Café Location:



1. The applicant is the owner or occupant of the ((adjacent)) abutting property and operates a food((~~service establishment thereon that is permitted under Title 10 or by the Seattle-King County Director of Public Health or the Director's representative~~)) service business;

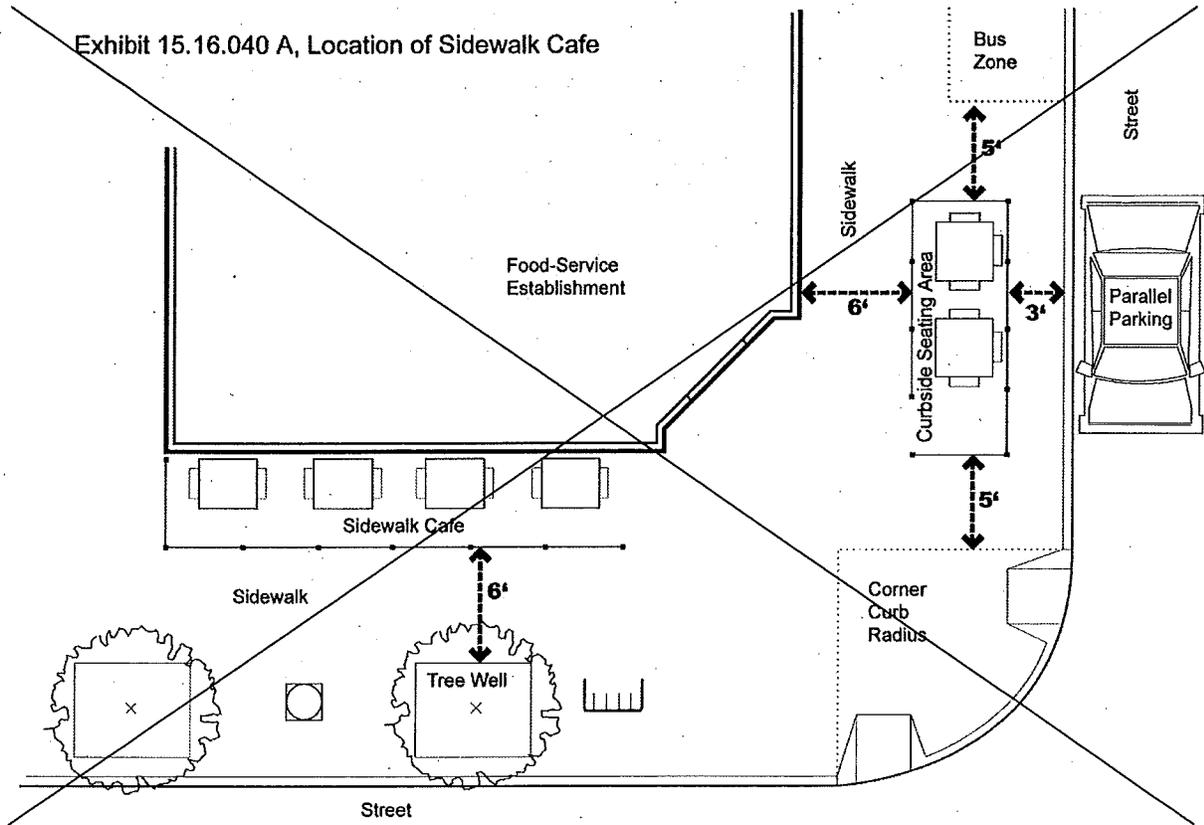
1                   2. ~~((The))~~ As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian  
2 Visual Corridor; a proposed use for a sidewalk ~~((cafe would))~~ café and all associated elements  
3 including fencing, umbrellas, or signage, shall not ~~((unduly and unreasonably))~~ impair pedestrian  
4 passage ~~((in or on the right of way))~~ and ~~((allow))~~ shall be sited to provide:

5                   a. An unobstructed corner-curb-radius area; and

6                   b. ~~((if located in the Downtown Urban Center as established in the~~  
7 ~~Comprehensive Plan,))~~ A pedestrian zone at least ~~((six (6) feet of clear path of travel for~~  
8 ~~pedestrian passage if the permit application is submitted after the effective date of the ordinance~~  
9 ~~codified in this section (see Exhibit A 15.16.040 Location of Sidewalk Cafe) and at least five (5)~~  
10 ~~feet of clear path of travel for pedestrian passage for sidewalk cafes established before that date))~~  
11 6 feet wide with a 4-foot-wide pedestrian visual corridor if the sidewalk café is located in the  
12 Downtown Urban Center as established in the Comprehensive Plan; or

13                   ~~((b. if))~~ c. If located outside of the Downtown Urban Center as established  
14 in the Comprehensive Plan, a pedestrian zone at least ~~((five (5) feet of clear path of travel for~~  
15 ~~pedestrian passage (see Exhibit A 15.16.040 Location of Sidewalk Cafe))~~ 5 feet wide with a 3-  
16 foot-wide pedestrian visual corridor; or

Exhibit 15.16.040 A, Location of Sidewalk Cafe



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1 designation(~~(7)~~) as shown on the Official Land Use Map(~~(, as these zoning designations are~~  
2 ~~defined under Section 23.30.010 A of Title 23)~~), Chapter 23.32; ~~((and)) or~~

3 ~~((e. at a))f. A larger setback distance ((farther than that required in 3a, 3b,~~  
4 ~~or 3c, based upon)) may be required by the Director of ((Transportation's determination that such  
5 additional distance is needed to facilitate the use of the sidewalk by pedestrians)) Transportation  
6 to provide for pedestrian passage, traffic management, or any other public-use purpose;  
7~~

8 4. The width of the sidewalk café shall not exceed the available pedestrian-zone  
9 width, provided the Director, may allow the sidewalk café to increase in width if the Director  
10 determines that the pedestrian zone can extend into an adjacent public place closed to vehicular  
11 travel or a public-place plaza;

12 ~~((4))~~5. The applicant ((has obtained)) shall obtain a ((ertificate)) Certificate of  
13 ~~((approval))~~ Approval for the sidewalk ~~((cafe))~~ café from the appropriate Board or Commission  
14 when located in a Landmark District or Historic District subject to the provisions of Title 23 or  
15 25;  
16

17 ~~((5))~~6. The proposed sidewalk ((cafe is consistent with any applicable standards  
18 established by the federal)) café activity shall not violate the Americans with Disabilities Act;  
19 ~~((and~~  
20

21 ~~6. The applicant has posted a notice of the application for the street use permit for~~  
22 ~~the sidewalk cafe. The notice shall be clearly visible from the adjacent sidewalk and shall state~~  
23 ~~that comments on the application may be sent to the Director of Transportation and will be~~  
24 ~~considered in reviewing the application.))~~  
25

1                    7. Amplified sound shall not be used in the sidewalk café and the permittee shall  
2 comply with Chapter 25.08, Noise Control; and

3                    8. The permittee shall not locate electrical lines overhead or on the ground surface  
4 where the public has access to the public place.

5                    B. The Director of Transportation may require additional information from ~~((an))~~ the  
6 applicant ((in accordance with)) as provided for in Section 15.04.030.

7                    C. The Director may, ((and may include in the street use)) as deemed appropriate,  
8 condition the sidewalk café Street Use permit ((such terms and conditions as he or she deems  
9 appropriate including, but not limited)) to address the:

10                    1. Design standards;

11                    2. ~~((Restrictions as to the hours))~~ Hours of operation and dates of use;

12                    ~~((3. A requirement that the sidewalk cafe be removed when the street use permit~~  
13 ~~for a sidewalk cafe expires, or upon the order of the Director of Transportation or other~~  
14 ~~appropriate City officer such as the Chief of Police or Fire Chief or their authorized~~  
15 ~~representatives;~~

16                    4. ~~Provisions that the permittees shall maintain the right of way in a clean and~~  
17 ~~safe condition for pedestrian travel;~~

18                    5. ~~A requirement that the applicant clear the right of way as may be necessary to~~  
19 ~~accommodate reasonable access to adjacent or other nearby properties and utilities;~~

20                    6. ~~A requirement that designs for platforms or other structures in the right of way,~~  
21 ~~for which a separate permit from the Director of Transportation has been obtained, be certified~~  
22 ~~by a registered professional civil engineer or architect;~~

1                   7. ~~A requirement that platforms or other structures in the right of way, for which~~  
2 ~~a separate permit from the Director of Transportation has been obtained, be maintained in an as-~~  
3 ~~built condition;~~

4                   ~~8. Regulations upon~~)3. Impacts associated with the sidewalk café activity from:  
5 lighting ((and illumination of the sidewalk cafe; limitations upon)), noise ((; and restrictions  
6 upon)), or the placement of signage, furniture, or equipment ((used in connection with the  
7 sidewalk cafe));

8  
9                   ~~((9. The posting of))~~4. Posting a surety bond in accordance with the provisions of  
10 Section 15.04.044 or ((establishment of)) establishing an escrow account in accordance with the  
11 provisions of Section 15.04.042;

12                   ~~((10. If the sidewalk cafe causes a change in pedestrian travel patterns,~~  
13 ~~appropriate))~~5. Need for repairs or improvements to the ((right of way in the immediate  
14 vicinity)) public place in order to accommodate the ((change or to assure compliance)) sidewalk  
15 café or to ensure access to the use complies with the ((federal)) Americans with Disabilities Act;  
16 or

17  
18                   ~~((11. Restoration of the right of way upon completion of the use))~~6. Pedestrian  
19 circulation, traffic management, or any other public-use purpose.

20  
21                   C. The Director of Transportation ((shall)) may promulgate rules to implement ((this  
22 chapter)) Chapter 15.16. The rules may address the subjects identified in ((this section)) Section  
23 15.16.040 and other subjects the Director believes may aid in the implementation of ((this  
24 chapter)) Chapter 15.16.

1 D. Unless expressly authorized by the Director of Transportation pursuant to the ((street  
2 use)) Street Use permit for a sidewalk ((cafe)) café, no ((right-of-way)) public place surface shall  
3 be broken or disturbed, and no permanent fixture of any kind shall be installed in or on the  
4 ((right-of-way)) public place in connection with a sidewalk ((cafe)) café.

5 1. A separate Street Use permit shall be applied for before placing any additional  
6 item beyond the sidewalk café fencing and may be approved by the Director of Transportation,  
7 provided the following requirements are met:

8 a. Platforms or other site-leveling structures may only be approved if a  
9 portion of the proposed site area exceeds an 8-percent grade;

10 b. Plans for a platform or other structure shall be certified by a registered  
11 professional engineer; and

12 c. Platforms or other structures in the public place shall be continuously  
13 maintained by the permittee in an as-built condition.

14 ((E. Amplified sound is prohibited within the sidewalk cafe.))

15 Section 20. Section 15.16.050 of the Seattle Municipal Code, last amended by Ordinance  
16 122824, is amended as follows:

17 **15.16.050 Liquor((-))**

18 Liquor, as defined in RCW 66.04.01024, as now existing or ((hereinafter)) as amended,  
19 may only be used ((and)) or sold at a sidewalk ((cafe when)) café if authorized by: the ((street  
20 use)) Street Use permit; the ((food-service establishment)) permit issued ((pursuant to Seattle  
21 Municipal Code Chapter 10.10, or)) by the Director of the Seattle-King County ((Director))

1 Department of Public Health (~~(or his or her representative)~~); and ~~((by))~~ the permit issued by the  
2 Washington State Liquor Control Board(~~(, and not otherwise)~~).

3 Section 21. Section 15.16.060 of the Seattle Municipal Code, last amended by Ordinance  
4 122824, is amended as follows:

5 **15.16.060 Insurance(~~(-)~~)**

6 An applicant for a sidewalk café Street Use permit (~~((for a sidewalk cafe))~~) shall, ~~((prior~~  
7 ~~to))~~ before issuance of ~~((such a))~~ the Street Use permit, ~~((provide))~~ obtain and maintain in full  
8 force and effect ~~((while the permit is in effect, public))~~ at its own expense, commercial general  
9 liability (CGL) insurance ((in an amount specified by the Director of Transportation sufficient to  
10 cover potential claims for bodily injury, death, or disability and for property damage, which may  
11 arise from or be related to the use of right of way area for sidewalk cafe purposes, naming the  
12 City an additional insured.)) that names the City of Seattle as an additional insured for primary  
13 limits of liability for the purpose of protecting the City from all claims and risks of loss as a  
14 result of the permittee's activity, occupation, operation, maintenance, or use of a public place in  
15 conjunction with the permitted activity. The CGL insurance shall be in an amount specified by  
16 the Director of Transportation and shall include: premises operations, products and completed  
17 operations, broad form property damage liability, and personal injury. Failure to maintain the  
18 required CGL insurance coverage is grounds for sidewalk café Street Use permit revocation.

19  
20  
21  
22 Section 22. Section 15.16.070 of the Seattle Municipal Code, last amended by Ordinance  
23 122824, is amended as follows:

24 **15.16.070 Indemnity(~~(-)~~)**

1 The ((applicant or)) permittee shall agree to defend, indemnify, and hold harmless the  
2 City of Seattle, its officials, officers, employees, and agents against:

3 ((1))A. Any liability, claims, causes of action, judgments, or expenses, including  
4 reasonable attorney fees, resulting directly or indirectly from any act or omission of the  
5 ((applicant or)) permittee, its subcontractors, anyone directly or indirectly employed by them,  
6 and anyone for whose acts or omissions they may be liable, arising out of the  
7 ((applicant/permittee's)) permittee's use or occupancy of the public ((right-of-way)) place; and  
8

9 ((2))B. All loss by the failure of the ((applicant or)) permittee to fully or adequately  
10 perform, in any respect, all authorizations of obligations under the sidewalk ((eafe)) café Street  
11 Use permit.

12 Section 23. A new Section 15.16.075 of the Seattle Municipal Code is added as follows:

13 **15.16.075 Public notice of application**

14 A. A sidewalk café Street Use permit applicant shall post notice of a new application for  
15 a sidewalk café at the proposed site. The notice shall be clearly visible from the abutting  
16 sidewalk.  
17

18 B. The notice of application shall be on a form approved by the Department of  
19 Transportation and shall state that written comments shall be postmarked or emailed to the  
20 Director of Transportation no later than ten business days after the first day of the posted public  
21 notice.  
22

23 C. A sidewalk café Street Use permit for which notice is required shall not be issued by  
24 the Director of Transportation until after the notice of application comment period has ended.  
25  
26

1 Section 24. Section 15.16.080 of the Seattle Municipal Code, last amended by Ordinance  
2 122824, is amended as follows:

3 **15.16.080 ((Sidewalk condition.)) Maintaining public place conditions**

4 ~~((The applicant shall comply with the terms and conditions of the sidewalk cafe permit  
5 issued, and shall maintain the right of way in a clean and safe condition for pedestrian travel,  
6 and shall immediately clear the sidewalk area when ordered to do so by the Director of  
7 Transportation or other appropriate City officer such as the Chief of Police or Fire Chief or their  
8 authorized representatives.))~~

10 A. The permittee shall maintain the sidewalk café and adjoining and abutting public place  
11 free of all refuse of any kind generated from the operation of the sidewalk café and their  
12 business.

14 B. Only materials and supplies used by the permittee for the daily operation of the  
15 sidewalk café may be located within the sidewalk café and the permittee shall not store other  
16 supplies or other materials in the sidewalk café or public place.

17 C. The surface of the public place shall not be altered and fixtures of any kind shall not  
18 be installed in the public place unless authorized by a Street Use permit.

20 D. A sidewalk café shall not be secured to any public amenity unless authorized by a  
21 Street Use permit.

22 E. The permittee shall temporarily remove the sidewalk café and clear the public place as  
23 the Director of Transportation deems necessary to temporarily accommodate access to abutting  
24 properties or utilities.

1           F. The permittee is responsible for ensuring that the sidewalk café activity does not  
2 encroach into the roadway or cause pedestrians to divert from the pedestrian zone.

3           G. The permittee shall not operate the sidewalk café in a way that restricts or interferes  
4 with access to the abutting property; or creates a nuisance or hazard to public health, safety, or  
5 welfare; or increases traffic congestion or delay; or constitutes an obstruction for fire, police, or  
6 sanitation vehicles.

7           H. The permittee shall immediately remove the sidewalk café when ordered by the  
8 Director of Transportation, the Chief of Police, the Fire Chief, or other City official.

9           Section 25. Section 15.17.005 of the Seattle Municipal Code, last amended by Ordinance  
10 121242, is amended as follows:

11 **15.17.005 ((~~Vending and display~~)) Authorized vending in public places((;))**

12           ((~~It is unlawful to display for sale~~)) No person shall vend to the public ((~~or sell goods,~~  
13 ~~wares, merchandise or services~~)) in a public place((;)) unless authorized below:

14           A. ((~~The activity exercises a civil liberty or constitutional right illustrated by Section~~  
15 ~~15.17.200;~~

16           B. ~~The activity implements a right or privilege granted by state law; a license authorized~~  
17 ~~by ordinance(e.g., Chapter 6.310, Taxicabs and For hire Vehicles; Chapter 15.14, Newsstands);~~  
18 ~~or a franchise granted by the City;~~

19           C.)) The permittee's activity occurs in an area ((under permit that contemplates such))  
20 that is permitted for that type of an activity, ((e.g., a permit for a)) for example: Chapter 11.25,  
21 parade permits ((issued by the Police Department (Chapter 11.25))); Chapters 15.08 and 15.16,  
22 ((an)) areaway or sidewalk ((cafe (Chapters 15.08 and 15.16); street areas within the Pike Place

1 ~~Market Historical District (Chapter 25.24) that are being administered by the Pike Place Market~~  
2 ~~Preservation and Development Authority)) café Street Use permits; street areas within the Pike~~  
3 ~~Place Market Historical District (Chapter 25.24) that are being administered by the Pike Place~~  
4 ~~Market Preservation and Development Authority; ((a)) Chapter 15.35, filming ((permit (Chapter~~  
5 ~~15.35))) permits; ((or a permit for an event issued by the Special Events Committee (Chapter~~  
6 ~~15.52))) Chapter 15.52, Special Event permits; or Chapter 6.310, Taxicabs and For-hire~~  
7 ~~Vehicles; or~~  
8

9 ~~((D. The seller is a "mobile food service unit" making sales of food or refreshments on a~~  
10 ~~regular basis within a district or on a route in compliance with the Food Code (Chapter 10.11)~~  
11 ~~and rules of the Public Health Department and with Sections 15.17.010—15.17.020; or~~

12 ~~E.))B. The ((seller)) permittee has ((received)) obtained a Street Use permit ((therefore~~  
13 ~~issued pursuant to Sections 15.17.080 or 15.17.100)) authorized by Sections 15.17.080,~~  
14 ~~15.17.100, 15.17.120, 15.17.130, 15.17.150, or 15.17. 200; or~~

15 ~~C. The vendor is vending newspapers, magazines, event programs, and other similar~~  
16 ~~publications on foot, as authorized by Chapter 15.14.~~  
17

18 Section 26. A new Section 15.17.006 of the Seattle Municipal Code is added as follows:

19 **15.17.006 Permit expiration, renewal, administration, and revocation**

20  
21 A. A Street Use permit for vending or merchandise display expires if: the business, food  
22 vehicle, or vending cart changes ownership; the Street Use permit duration expires; or Street Use  
23 permit fees are not paid as required by subsection 15.04.074.B. All carts, objects, or other Street  
24 Use permit-related encroachments shall be removed from the public place when the Street Use  
25

1 permit expires. A Street Use permit to vend or display merchandise shall not be transferrable or  
2 assignable.

3 B. The Director of Transportation may, upon issuing the annual Street Use permit invoice  
4 and receipt of the renewal fee, renew a merchandise display or attended newsstand vending  
5 Street Use permit provided: the permittee is in compliance with all Street Use permit conditions;  
6 the ownership and business has not changed; and the space is not needed for transportation,  
7 utility, or any other public-use purpose.  
8

9 C. Vending cart, food vehicle, or stadium and exhibition center event vending Street Use  
10 permits shall have a duration of no longer than one year from the date the permit is issued;  
11 provided, a shorter duration may be established by the Director of Transportation.  
12

13 D. To reissue a vending cart, food vehicle, or stadium and exhibition center event  
14 vending Street Use permit for an existing permitted site, the permittee shall submit a new  
15 complete application at least 30 calendar days before the current Street Use permit expires, if the  
16 permit is longer than 30 days in duration. The vending Street Use permit may be reissued if a  
17 timely and complete application is received from an existing permittee.  
18

19 1. If multiple complete applications are received for the same vending site before  
20 the current Street Use permit expires, and if the existing permittee has had two or more Street  
21 Use citations upheld by the Hearing Examiner within one year before the expiration of the Street  
22 Use permit, the Department of Transportation may schedule and hold a lottery to determine the  
23 new permittee.  
24

25 2. Only complete applications for the site that are submitted before the current  
26 application expires shall be included in the lottery.  
27

1                   3. If a Street Use permit has not been previously issued for a site, only complete  
2 applications submitted before a public notice period may be included in a lottery to determine the  
3 vending site permittee.

4                   E. If the abutting property or business owner applies for a merchandise display Street Use  
5 permit at least 30 calendar days before the current vending Street Use permit for the vending site  
6 expires, the merchandise display application will be given priority use of the site and a lottery  
7 will not be conducted. If a vending Street Use permit has not been previously issued for the site,  
8 only merchandise display Street Use permit applications submitted before the public notice for a  
9 complete vending Street Use permit application being submitted shall be given priority use of the  
10 site.  
11

12                   F. The Director of Transportation may modify the conditions of a vending or  
13 merchandise display Street Use permit, including permitted hours or days of operation, after  
14 providing the permittee with written notice ten calendar days before modifying the Street Use  
15 permit. A copy of the modified Street Use permit shall be mailed by first-class mail to the  
16 permittee at the address listed on the Street Use permit. The permittee may request a Director's  
17 review of the decision to modify the conditions of the Street Use permit as provided for in  
18 Section 15.04.112.  
19  
20

21                   G. All vending or merchandise display Street Use permits authorized by Chapter 15.17  
22 are of a temporary nature, vest no permanent rights, and are revocable as provided for in Section  
23 15.04.070. The Director of Transportation may suspend any vending or merchandise display  
24 Street Use permit to: promote transportation mobility or public safety; or coordinate with  
25 permitted Special Events authorized by Chapter 15.52, parade permits authorized by Chapter  
26

1 11.25, or any other permitted activity; or, provide access to property if an access affidavit is  
2 withdrawn by the property owner.

3 Section 27. A new Section 15.17.007 of the Seattle Municipal Code is added as follows:

4 **15.17.007 Insurance**

5 A. An applicant for a vending or merchandise display Street Use permit shall, before  
6 issuance of the Street Use permit, obtain and maintain in full force and effect, at its own expense,  
7 commercial general liability (CGL) insurance that names the City of Seattle as an additional  
8 insured for primary limits of liability for the purpose of protecting the City from all claims and  
9 risks of loss as a result of the permittee's activity, occupation, operation, maintenance, or use of a  
10 public place in conjunction with the permitted activity. The CGL insurance shall be in an amount  
11 specified by the Director of Transportation and shall include: premises operations; products and  
12 completed operations; broad form property damage liability; and personal injury. Failure to  
13 maintain the required CGL insurance coverage is grounds for vending or merchandise display  
14 Street Use permit revocation.  
15  
16

17 B. A property owner or public entity applicant for a temporary curb space food vehicle  
18 vending Street Use permit, as authorized in subsection 15.17.120.D, shall submit a copy of the  
19 vendor's CGL insurance as required in subsection 15.17.007.A.  
20

21 Section 28. A new Section 15.17.008 of the Seattle Municipal Code is added as follows:

22 **15.17.008 Indemnity**

23 The permittee shall agree to defend, indemnify, and hold harmless the City of Seattle, its  
24 officials, officers, employees, and agents against:  
25  
26  
27

1 A. Any liability, claims, causes of action, judgments, or expenses, including reasonable  
2 attorney fees, resulting directly or indirectly from any act or omission of the permittee, its  
3 subcontractors, anyone directly or indirectly employed by them, and anyone for whose acts or  
4 omissions they may be liable, arising out of the permittee's use or occupancy of the public place;  
5 and

6  
7 B. All loss by the failure of the permittee to fully or adequately perform, in any respect,  
8 all authorizations of obligations under the vending or merchandise display Street Use permit.

9 Section 29. A new Section 15.17.009 of the Seattle Municipal Code is added as follows:

10 **15.17.009 Public notice of application**

11 A. The vending Street Use permit applicant shall send notice of an application for a  
12 vending site by first-class mail to:

13  
14 1. All street-level business entities, public entities, and residences located:

15 a. Within a 100-foot radius of the vending site, and

16 b. On the adjacent and opposing block face of the vending site, and

17 c. On the adjoining block face around the corner if the vending site is

18 located within 10 feet of a corner-curb-radius area.

19  
20 2. The property manager, home owners association, or apartment manager of all  
21 residential units located above:

22 a. The adjacent and opposing block face of the proposed vending site, and

23 b. On the adjoining block face around the corner if the vending site is

24 located within 10 feet of a corner-curb-radius area.

1 B. The applicant shall send all required notices three calendar days before the start of the  
2 public notice period.

3 C. Notice of application is not required if: a permittee with an existing vending Street  
4 Use permit applies to renew the same type of vending Street Use permit for the same vending  
5 site, or the stadium and exhibition center event site has already been designated or permitted by  
6 the Director of Transportation.

7 D. The notice of application shall be on a form approved by the Department of  
8 Transportation.

9 E. Written comments concerning the application shall be postmarked or emailed to the  
10 Director of Transportation no later than ten business days after the first day of the public notice  
11 period.  
12

13 F. The applicant shall provide the notice of application required by subsection  
14 15.17.009.A once the Director of Transportation has accepted an application as complete. The  
15 applicant shall provide the Director of Transportation with a mailing list containing: the  
16 individuals the notice was mailed to, the recipient's mailing address, and date the notice was  
17 mailed to each recipient.  
18

19 G. The Director of Transportation shall provide a notice to the public before designating  
20 a food-vehicle zone, stadium-exhibition-center-event site, or other City-designated vending site.  
21

22 H. A vending Street Use permit for which notice is required shall not be issued until a  
23 complete mailing list has been received by the Director of Transportation and the notice of  
24 application comment period has ended.  
25

1 Section 30. Section 15.17.010 of the Seattle Municipal Code, last amended by Ordinance  
2 121813 and that currently reads as follows, is repealed:

3 ~~((15.17.010 Areas where mobile vending is restricted.~~

4 Except for the vending on foot of newspapers, magazines, event programs and other such  
5 publications, it is unlawful for any person unless authorized by Section 15.17.020 to sell, offer  
6 for sale, solicit orders, rent, lease, or otherwise peddle from a public place while walking,  
7 moving from place to place, using a mobile cart, using a vehicle, or by any other mobile method,  
8 within the following boundaries  
9

10 A. ~~Beginning at the waterfront on Elliott Bay in a direct line with West Prospect Street,~~  
11 ~~then east to West Olympic Place; then east along West Olympic Place to First Avenue West;~~  
12 ~~then north along First Avenue West to West Aloha Street; then east along West Aloha and Aloha~~  
13 ~~Streets to Westlake Avenue North; then south along Westlake Avenue North and Westlake~~  
14 ~~Avenue to Eighth Avenue; then south along Eighth Avenue to South Jackson Street; then west~~  
15 ~~along South Jackson Street to Fifth Avenue South; then south along Fifth Avenue South to~~  
16 ~~Airport Way South; then southeast along Airport Way South to Sixth Avenue South; then south~~  
17 ~~along Sixth Avenue South to South Holgate Street; then west along South Holgate Street to~~  
18 ~~Elliott Bay on the waterfront; then north along the waterfront to a point in direct line with West~~  
19 ~~Prospect Street, the place of beginning.~~

22 B. ~~Within two hundred (200) feet of any public park, as defined in the Park Code,~~  
23 ~~Ordinance 106615 as amended (Seattle Municipal Code Chapter 18.12), or within one~~  
24 ~~thousand(1,000) feet of any public school.~~

1 C. Beginning at the junction of 15th Avenue N.E. and N.E. 40th Street; then west on N.E.  
2 40th Street to Brooklyn Avenue ; then north on Brooklyn Avenue to N.E. 50th ; then east on  
3 N.E. 50th Street to 15th Avenue N.E.; then south on 15th Avenue N.E. to N.E. 40th Street, the  
4 place of beginning, including both sides of the streets and avenues mentioned.))

5 Section 31. Section 15.17.020 of the Seattle Municipal Code, last amended by Ordinance  
6 120822 and that currently reads as follows, is repealed:

7 ~~((15.17.020 Mobile vending in restricted area.~~

8 ~~Selling is permitted in public places in the areas described in Section 15.17.010 by  
9 persons on foot along the route of any parade for which a permit has been issued by the Police  
10 Department while the parade is in progress and for one (1) hour prior to its commencement.~~

11 ~~Selling by persons on foot is also permitted in public places in such areas when  
12 authorized by a permit for a crowd control event issued pursuant to Chapter 15.52 and the selling  
13 is in accordance with the terms of the permit.~~

14 ~~A "mobile food service unit" licensed by the Public Health Department may sell food and  
15 beverages from a vehicle in public places in such areas to personnel at business and industrial  
16 establishments and at construction sites on a pre-arranged route or a prearranged schedule. The  
17 driver and vehicle are subject to the Traffic Code, Title 11.~~

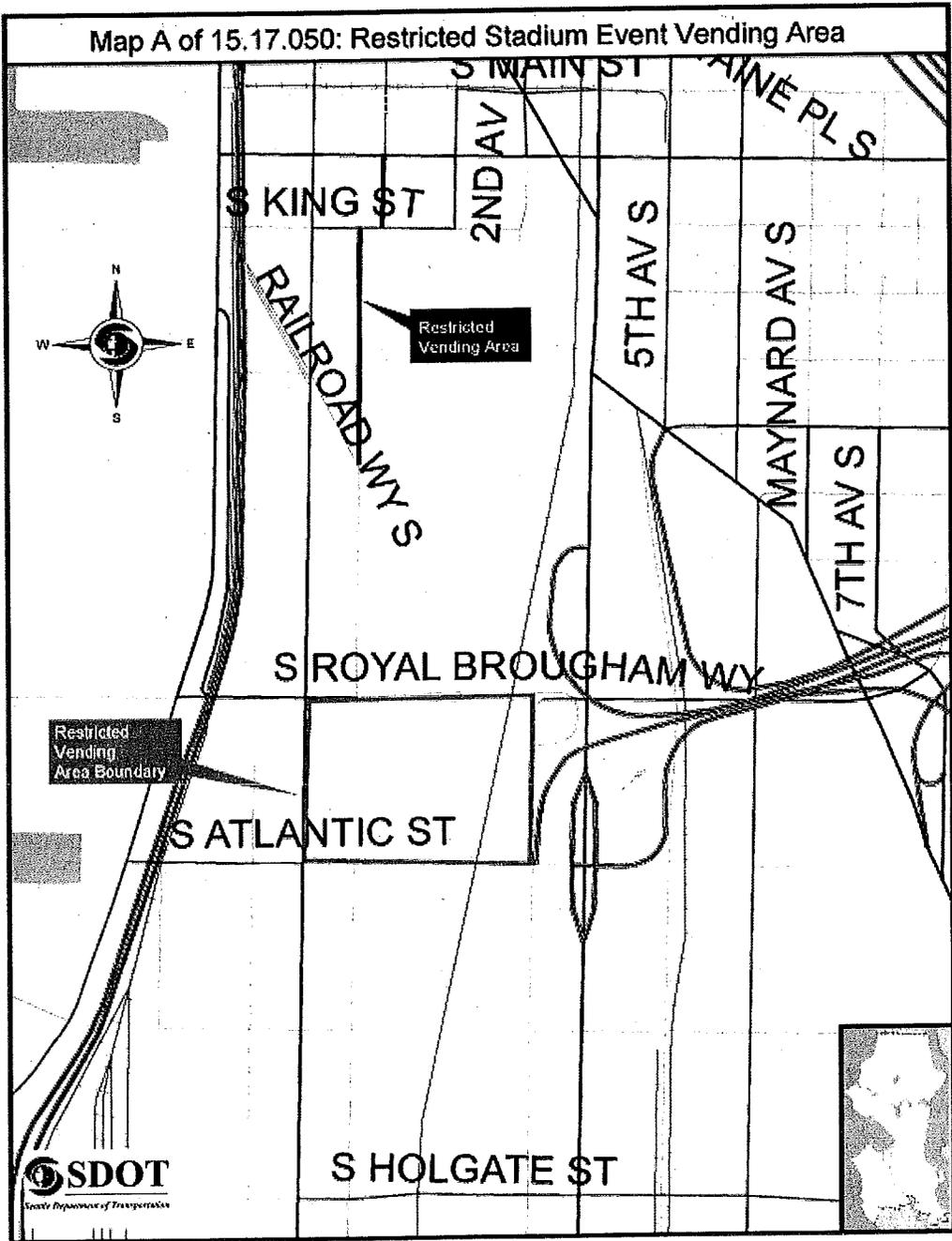
18 ~~Nothing in this section authorizes selling as prohibited by Section 15.17.050.))~~

19 Section 32. Section 15.17.050 of the Seattle Municipal Code, last amended by Ordinance  
20 121242, is amended as follows:

21 **15.17.050 ((No)) Stadium and exhibition center event restricted vending ((zone.))area**

1           (~~Except for the vending on foot of newspapers, magazines, event programs and other~~  
2 ~~such publications as authorized by the Director, it is unlawful to sell, offer to sell, solicit orders,~~  
3 ~~rent, lease, or otherwise peddle any goods or services))A. No person shall vend to the public in a  
4 public place within the area bounded by the centerline of South Royal Brougham Way, the center  
5 line of First Avenue South, the center line of ((~~South Atlantic Street~~) Edgar Martinez Drive  
6 South, and the center line of Third Avenue South ((~~for the day (a twenty-four 24-hour period~~  
7 from midnight to midnight) of any event scheduled at Safeco Field)) and on Occidental Avenue  
8 South between Railroad Way South and South Jackson Street (see Map A of 15.17.050:  
9 Restricted Stadium Event Vending Area) for the event day, a 24-hour period starting the  
10 midnight before any event scheduled at the stadiums or exhibition event center begins and  
11 ending the midnight after the event ends; provided that newspapers, magazines, event programs,  
12 and other similar publications may be vended on foot as authorized by rules adopted by the  
13 Director of Transportation.  
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1           B. The Director of Transportation (~~(is authorized to)~~) may adopt rules relating to the  
2 vending (~~(on foot)~~) of newspapers, magazines, event programs, and other (~~(such)~~) similar  
3 publications on foot in the (~~(No)) Restricted Stadium Event Vending (~~(Zone. Such)) Area. These~~~~  
4 rules may, among other subjects, address (~~(the)~~) issuance and duration of Street Use permits,  
5 (~~(the)~~) number and (~~(placement)~~) location of the (~~(on foot)~~) on-foot vendors, advertising and  
6 posting of prices, (~~(the)~~) display of licenses, documentation to accompany applications for  
7 registration, and prohibitions against discrimination(~~(, among other subjects)~~).

9           Section 33. Section 15.17.080 of the Seattle Municipal Code, last amended by Ordinance  
10 121242, is amended as follows:

11 **15.17.080 Stadium and exhibition center event (~~(vending-)) authorized vending area~~**

12           A. The Director of Transportation may issue a Street Use permit (~~(to authorize)~~)  
13 authorizing the use of a public place for vending within the area bounded by the center line of  
14 South Jackson Street, the center line of Fifth Avenue South, the center line of Airport Way  
15 South, the center line of Sixth Avenue South, the center line of South Holgate Street, and the  
16 center line of Alaskan Way South(~~(, except that during events at Safeco Field,))~~ for the event  
17 day, a 24-hour period starting the midnight before any event scheduled at the stadiums or  
18 exhibition event center begins and ending the midnight after the event ends (see Map A of  
19 15.17.080: Stadium Event Vending Area).

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B.

1 Stadium and exhibition event center vending shall not be permitted on Occidental Avenue South  
2 between Railroad ~~((Avenue))~~ Way South and South Jackson Street~~((, for the sale of))~~ or the area  
3 depicted in Section 15.17.050. C. The Director of Transportation may issue a Street Use permit  
4 authorizing the use of a public place for the vending of goods, ~~((wares, merchandise))~~ things,  
5 services, food ~~((and)), or nonalcoholic beverages of any kind~~ from a temporary display table, tent  
6 ~~((or cart that is)), vending cart, or food vehicle~~ stationed at ~~((a site approved by the Director for~~  
7 stadium and exhibition center events,)) an authorized site under the following ~~((terms and~~  
8 ~~conditions))~~ requirements:

9  
10 ~~((A. Vending of food and beverages must meet))~~1. The food vendor permittee  
11 shall comply with all ~~((standards established by the))~~ Seattle-King County Department of Public  
12 Health ~~((Department, and if propane or a combustible fuel is used, the requirements of the))~~ and  
13 King County Board of Health code requirements, and Seattle Fire Department requirements if  
14 propane or a combustible fuel is used;

15  
16 ~~((B. Food and beverages sold must be))~~2. The food vendor permittee shall only  
17 sell food and beverages that are capable of immediate consumption;

18  
19 ~~((C. The display))~~3. Display tables, vending carts, food vehicles, tents, and all  
20 other equipment ~~((must be removed from the public place after business hours))~~ shall only be  
21 operated on stadium or exhibition event center event days, a 24-hour period starting the midnight  
22 before any event scheduled at the stadiums or exhibition event center begins and ending the  
23 midnight after the event ends;

24  
25 4. All stadium and exhibition event center vending activity including vending  
26 carts, food vehicles, tables, tents, customer queues, accessory units, or signage shall be contained

1 within the permitted site use area. If the abutting roadway is closed to vehicular traffic, customer  
2 queues may be allowed to occupy the abutting roadway;

3 5. Stadium and exhibition event center vending sites shall not be located in  
4 driveways, loading zones, or within 15 feet of a business entrance or exit unless the adjacent  
5 property owner submits an affidavit stating that access is not needed during the permitted  
6 vending hours;

7  
8 ~~((D. The vendor must provide public liability insurance naming the City as an additional~~  
9 ~~insured in an amount determined by the Director of Transportation by rule;~~

10 ~~E. The vending site must be kept clean at all times. The vendor must supply a refuse~~  
11 ~~container;))~~

12 ~~((F.No use of voice amplification devices is allowed))~~6. The permittee shall not  
13 use amplification or noise-making devices and the permittee shall comply with Chapter 25.08,  
14 Noise Control;

15  
16 ~~((G.Electrical utility connections are permitted to the adjacent property, but no~~  
17 ~~lines may be extended overhead or on the sidewalk provided the))~~7. The permittee shall not  
18 locate electric lines overhead or on the ground surface where the public has access to the public  
19 place;

20  
21 ~~((H. The vendor must present to the City written approval for the vending by the~~  
22 ~~adjoining property owner and/or tenant; if the tenant and property owner disagree, the property~~  
23 ~~owner's decision controls;))~~

1                    ~~((F))~~8. ~~The ((vender displays))~~ permittee shall obtain and maintain in effect all  
2 required permits and business licenses and display the Stadium Event vending Street Use permit  
3 at the vending site in a manner approved by the Director of Transportation; and

4                    9. The permittee is responsible for ensuring that customer queues do not encroach  
5 into the abutting roadway when the street is open for vehicular traffic.

6                    C. All vending and merchandise display authorized under Sections 15.17.100, 15.17.120,  
7 and 15.17.150 that is permitted in the public place on nonevent days in the stadium and  
8 exhibition center event vending area shall be removed for event days, the 24-hour period starting  
9 the midnight before any event scheduled at the stadiums or exhibition event center begins and  
10 ending the midnight after the event ends.

11                    D. The permittee shall not leave any display tables, vending carts, food vehicles, tents, or  
12 any other vending-related equipment unattended for longer than 30 minutes.

13                    ~~((F))~~E. ~~The ((vender satisfies))~~ permittee shall satisfy all the conditions of ((its)) the  
14 Stadium Event vending Street Use permit and ((such)) other ((criteria and)) requirements ((as))  
15 the Director of Transportation may establish ((from time to time by rule in the public interest))  
16 by rule.

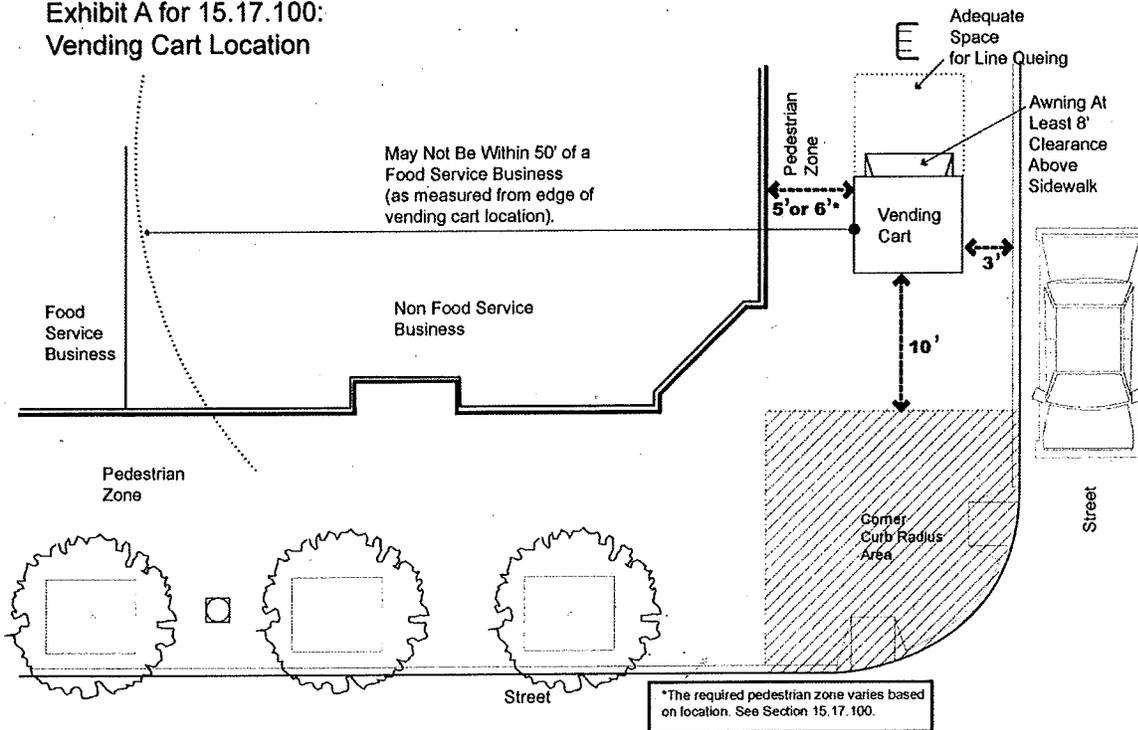
17                    Section 34. Section 15.17.100 of the Seattle Municipal Code, last amended by Ordinance  
18 117569, is amended as follows:

19                    **15.17.100 Food and flower vending ((by cart from a site.)) from a public place sidewalk or**  
20 **plaza**

21                    ~~((An authorizing official))~~A. The Director of Transportation may issue a Street Use  
22 permit ((to authorize)) authorizing the use of a public place sidewalk or plaza for ((the sale of));

1 vending food, flowers, ((and)) or nonalcoholic beverages from a vending cart((s)) as depicted in  
2 Exhibit A for 15.17.100: Vending Cart Location; or food vehicle stationed at an authorized  
3 public place plaza site; or from an attended newsstand under the following ((terms and  
4 conditions)) requirements:

5 **Exhibit A for 15.17.100:**  
6 **Vending Cart Location**



18 ((A. Vending of food and beverages must meet))1. The permittee shall comply  
19 with all: ((standards established by the)) Seattle-King County Department of Public Health  
20 ((Department,)) and King County Board of Health code requirements, ((and if propane or a  
21 combustible fuel is used, the requirements of the)) and Seattle Fire Department requirements if  
22 propane or a combustible fuel is used((. Vending may not occur in a single family or residential  
23 low rise zone));

1                   ~~((B.Food))~~2. The permittee shall only sell food and beverages ~~((sold must be))~~  
2 that are capable of immediate consumption;

3                   3. The permittee shall obtain and maintain in effect all required permits and  
4 business licenses and display the vending Street Use permit at the vending site in a manner  
5 approved by the Director of Transportation;

6                   4. The permittee's vending cart or food vehicle shall not be located in the public  
7 place abutting a lot zoned RSL, SF 5000, SF 7200, SF 9600, LR1, LR2, or LR3 as these zoning  
8 designations are defined under subsection 23.30.010.A if the abutting zoning does not have an  
9 RC designation as shown on the Official Land Use Map, Chapter 23.32;

10                   5. The permittee's vending cart or food vehicle shall not be located in the curb  
11 space of the public place, unless authorized under 15.17.120;

12                   ~~((C.The cart for vending food and/or beverages may not be more than five feet~~  
13 ~~(5') long, five feet (5') high, and three feet (3') wide; the authorizing official may also permit~~  
14 ~~awnings;))~~6. As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual

15 Corridor; a proposed vending cart, food vehicle, or attended newsstand, and all associated  
16 vending activity including customer queues, accessory units, or signage; shall not impair  
17 pedestrian passage and shall be sited to provide:

18                   a. An unobstructed corner-curb-radius area; and

19                   b. If located in the Downtown Urban Center as established in the  
20 Comprehensive Plan, a pedestrian zone at least 6 feet wide with a 4-foot-wide pedestrian visual  
21 corridor; or

1                                    c. If located outside of the Downtown Urban Center as established in the  
2 Comprehensive Plan, a pedestrian zone at least 5 feet wide with a 3-foot-wide pedestrian visual  
3 corridor; or

4                                    d. A wider pedestrian zone or pedestrian visual corridor may be required  
5 by the Director of Transportation to provide for pedestrian passage, traffic management, or any  
6 other public-use purpose;

7                                    6. In addition to any other required setbacks, the vending cart, food vehicle, or  
8 attended newsstand site shall be located at least:

9                                    a. 3 feet from the curb; and

10                                   b. 5 feet from alleys, driveways, bus zone areas, disabled person parking  
11 zones, food-vehicle zones, and commercial loading zones; and

12                                   c. 5 feet from curb ramps, parking meters or pay stations, traffic signs,  
13 utility poles, fire hydrants, bike racks, and other street fixtures; and

14                                   d. 10 feet along the curb line from the point where the radius of corner  
15 curb area intersects the curb line; and

16                                   e. 15 feet from any business entrance or exit; and

17                                   f. 50 feet from a food service business if the permittee is vending food or  
18 nonalcoholic beverages and at least 50 feet from a floral business if the permittee is vending  
19 flowers. A vending Street Use permit may, however, be issued to the owner of a food service  
20 business for a site along the food service business's frontage provided, all other Chapter 15.17  
21 vending requirements are satisfied; and

1 g. 1,000 feet from any public or private school containing a 9-12 class if  
2 the permittee's vending cart or food vehicle is located in a public place abutting a lot listed in  
3 subsection 15.17.100.A.4.

4 7. A larger setback distance may be required by the Director of Transportation to  
5 provide for pedestrian passage, traffic management, or any other public-use purpose;

6 8. Vending sites shall not be located in driveways or within 15 feet of a business  
7 entrance or exit unless the abutting property owner submits an affidavit stating that access is not  
8 needed during the proposed vending hours;

9 9. The proposed vending activity shall not violate the Americans with Disabilities  
10 Act;

11 10. The permittee shall not use amplification or noise-making devices and the  
12 permittee shall comply with Chapter 25.08, Noise Control;

13 11. The permittee shall not locate electrical lines overhead or on the ground  
14 surface where the public has access to the public place; and

15 12. The permittee shall not leave a vending cart or food vehicle unattended in the  
16 public place for longer than 30 minutes.

17 ~~((D. The cart must be capable of being pushed by one (1) person, with at least two (2)~~  
18 ~~functional wheels and positive wheel locking devices;))~~

19 B. A maximum of two vending carts stationed at an authorized public place sidewalk per  
20 block face may be approved by the Director of Transportation.

21 C. The Director of Transportation may require additional information from the applicant  
22 as provided for in Section 15.04.030.

1           D. The Director may, as deemed appropriate, condition the vending cart or food vehicle

2           Street Use permit to address the:

3                     1. Design and placement of food-vending equipment and umbrellas;

4                     2. Hours of operation and dates of use;

5                     3. Need for repairs or improvements to the public place in order to accommodate

6           the vending activity or to ensure access to the use complies with the Americans with Disabilities

7           Act;

8                     4. Impacts associated with the vending activity from: lighting, noise, emissions to

9           the air, the placement of signage, or equipment such as generators;

10                    5. Impacts to the abutting business displays, business signage, or intake vents

11           from the proposed vending activity; and

12                    6. Pedestrian circulation, traffic management, or any other public-use purpose.

13           E. The permittee shall keep the vending cart wheels ~~((of the cart must be locked))~~ safely  
14           secured while the ~~((vendor))~~ permittee is ~~((offering to conduct))~~ conducting business, and the  
15           vending cart ~~((must))~~ or food vehicle shall be removed from the public place after authorized  
16           business hours;

17                     ~~((F. The vendor must provide public liability insurance naming the City as an additional~~  
18           insured in an amount determined by the authorizing official by rule;

19           G. ~~The vending site must be kept clean at all times. When vending involves a container or~~  
20           wrapper, the vendor must supply a refuse container;

21           H. ~~No mechanical audio or noise making devices or hawking is allowed;~~

1 I. Electrical utility connections are permitted to the adjacent property, but no lines may be  
2 extended overhead or upon the sidewalk;

3 J. The vendor must present to the City written approval for the vending by the adjoining  
4 property and/or tenant; if the tenant and property owner disagree, the property owner's decision  
5 controls;))

6 ((K))F. If the proposed vending ((~~occurs within two hundred feet (200')~~)) will occur  
7 within 50 feet of a park ((~~or public school, the vendor must present written consent of the~~  
8 ~~Superintendent of Parks and Recreation or the Seattle School District, respectively; if the~~  
9 ~~vending occurs within two hundred feet (200')~~ of a private school, the vendor must present proof  
10 of mailing or delivery of notice of the application to the school's administrator and an  
11 opportunity for comment shall be allowed. No vending of flowers may occur within two hundred  
12 feet (200') of an established florist without the written consent of the florist)) as defined in  
13 Section 18.12.030, the Superintendent of the Parks Department may recommend to the Director  
14 of Transportation whether the vending site should be approved or denied based on the following  
15 considerations:

16 1. Public safety or access within the park;

17 2. Conflicts with existing businesses and concessionaires, permitted events, or  
18 other special activities occurring in the park; or

19 3. The need to encourage park activation.

20 ((L. The vendor satisfies such other criteria and requirements as the authorizing official  
21 may establish from time to time by rule in the public interest.))

1                   G. Vending is allowed on public places located in the Pike Place Market Historical  
2 District, as depicted in Chapter 25.24 Exhibit A: Pike Place Market Historical District Map, only  
3 if:

4                   1. The Pike Place Market Preservation and Development Authority is the  
5 applicant and obtains a Street Use vending permit; or

6                   2. A business located in the Pike Place Market Historic District, licensed by the  
7 City to do business and permitted to do business in the Pike Place Market Historic District by the  
8 Pike Place Market Preservation and Development Authority, is the applicant and obtains a Street  
9 Use vending permit.

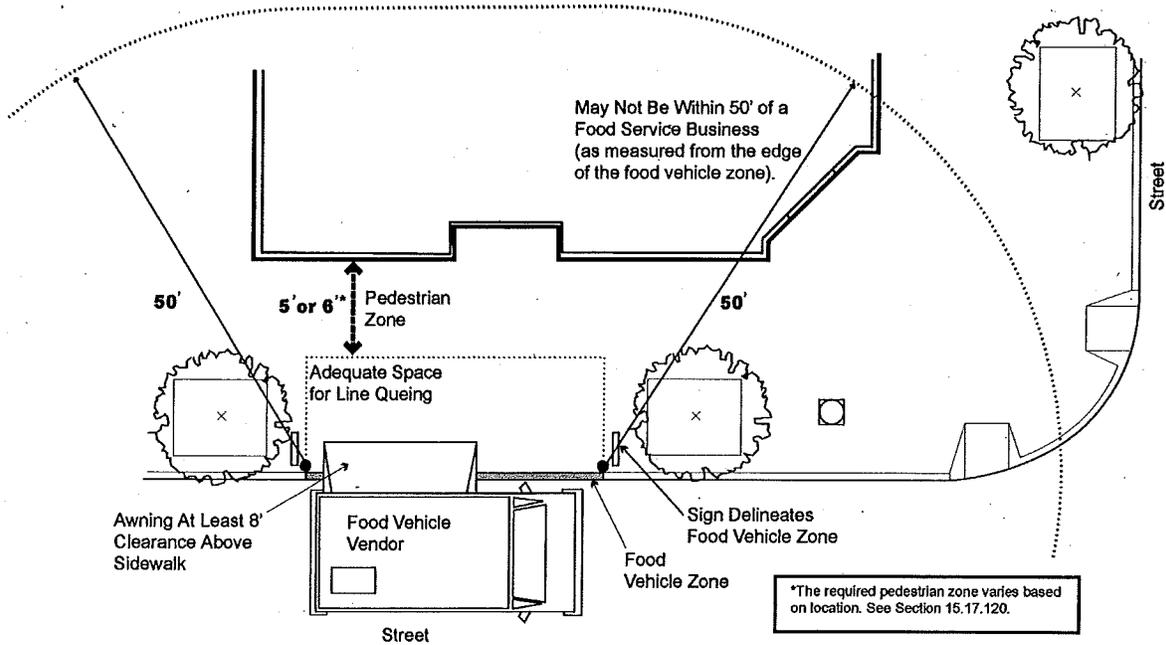
10                   H. If an existing vending site conflicts with the setback requirements of subsection  
11 15.17.100.A.6, the Director of Transportation shall not issue a new vending Street Use permit  
12 when the existing Street Use permit expires.

13                   Section 35. A new Section 15.17.120 of the Seattle Municipal Code is added as  
14 follows:

15                   **15.17.120 Food vending from a curb space**

16                   A. The Director of Transportation may issue a Street Use permit authorizing use of a curb  
17 space for vending food or nonalcoholic beverages from a food vehicle. Vending from the food  
18 vehicle shall be subject to Title 11, Vehicles and Traffic under the following requirements, as  
19 depicted in Exhibit A for 15.17.120: Food Vehicle Location:

1 Exhibit A for 15.17.120:  
2 Food Vehicle Location



14 1. Vending shall only occur from a curb space if the vending has been authorized

15 by:

16 a. Food-vehicle-zone vending Street Use permit that allows vending if the  
17 curb space is delineated by a sign or other traffic control device as a food-vehicle zone, or

18 b. Temporary-curb-space vending Street Use permit that allows vending  
19 from a curb space the Director of Transportation has approved for a vending activity that shall  
20 only occur in conjunction with an event located on private property abutting the curb space or an  
21 event occurring in the public place;  
22

1                   2. The permittee shall comply with all Seattle-King County Department of Public  
2 Health requirements and Seattle Fire Department requirements if propane or a combustible fuel  
3 is used;

4                   3. The permittee shall only sell food and beverages that are capable of immediate  
5 consumption;

6                   4. The permittee shall obtain and maintain in effect all required permits and  
7 business licenses and display the food-vehicle zone or temporary-curb-space vending Street Use  
8 permit at the vending site in a manner approved by the Director of Transportation;

9                   5. As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual  
10 Corridor; a food vehicle and all associated vending activity including customer queues,  
11 accessory units, or signage; shall not impair pedestrian passage and shall be sited to provide:  
12

13                   a. If located in the Downtown Urban Center as established in the  
14 Comprehensive Plan, a pedestrian zone at least 6 feet wide with a 4-foot-wide pedestrian visual  
15 corridor; or  
16

17                   b. If located outside of the Downtown Urban Center as established in the  
18 Comprehensive Plan, a pedestrian zone at least 5 feet wide with a 3-foot-wide pedestrian visual  
19 corridor; or  
20

21                   c. A wider pedestrian zone or pedestrian visual corridor may be required  
22 by the Director of Transportation to provide for pedestrian passage, traffic management, or any  
23 other public-use purpose;  
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1                   6. Food-vehicle-zone vending and temporary-curb-space vending Street Use  
2 permit vending sites shall not be located in driveways, loading zones, or within 15 feet of a  
3 business entrance or exit;

4                   7. The proposed vending activity shall not violate the Americans with Disabilities  
5 Act;

6                   8. The permittee shall not use amplification or noise-making devices and the  
7 permittee shall comply with Chapter 25.08, Noise Control;

8                   9. The permittee shall not locate electrical lines overhead or on the ground surface  
9 where the public has access to the public place; and  
10

11                   10. The vending shall only occur from the side of a food vehicle that is parked  
12 abutting and parallel to the curb.

13                   B. The Director of Transportation may designate a maximum of one food-vehicle zone  
14 per block face and no more than two food vehicles may be allowed in any one food-vehicle zone.  
15 The Director of Transportation may, however, increase the size of the food-vehicle zone if the  
16 Director determines that additional food vehicles can be accommodated without negatively  
17 impacting existing businesses on the block face, for example, where there are few or no occupied  
18 buildings on the block face. Increasing the size of a food-vehicle zone does not prevent the  
19 Director from exercising the inherent authority to regulate uses of the public place and reduce the  
20 size of the food-vehicle zone at a later date.  
21

22                   C. The Department of Transportation may designate a food-vehicle zone subject to the  
23 following requirements:  
24

25                   1. The proposed location is:  
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1 a. At least 50 feet from a food service business when vending food or  
2 nonalcoholic beverages; and

3 b. Not located in the public place abutting a lot zoned RSL, SF 5000, SF  
4 7200, SF 9600, LR1, LR2, or LR3 as these zoning designations are defined under subsection  
5 23.30.010.A if the abutting zoning does not have an RC designation as shown on the Official  
6 Land Use Map, Chapter 23.32; and

7 c. 1,000 feet from any public or private school containing a 9-12 class if  
8 the permittee's food vehicle is located in a public place abutting a lot listed in subsection  
9 15.17.120.C.1.b.  
10

11 2. If an existing food-vehicle zone conflicts with the setback requirements of  
12 subsection 15.17.120.C.1, the Director of Transportation shall not issue a new food-vehicle-zone  
13 vending Street Use permit when the existing Street Use permit expires.  
14

15 D. The Director of Transportation may issue to a vendor, property owner, or public  
16 entity, a temporary-curb-space vending Street Use permit that: authorizes vending from a curb  
17 space that is not designated as a food-vehicle zone, and is effective for no more than four days  
18 during a six-month period for the adjoining address in a lot with a zoning designation other than  
19 those listed in 15.17.120.C.1.b, or is effective for no more than one day during a calendar year  
20 for the block abutting a lot listed in subsection 15.17.120.C.1.b. The temporary-curb-space  
21 vending Street Use permit may be issued under the following requirements:  
22

23 1. The permittee shall reserve the curb space as required in Title 11, Vehicles and  
24 Traffic;

25 2. The permittee shall comply with the requirements in subsections 15.17.120.A;  
26

1                   3. The temporary-curb-space vending Street Use permit shall only be issued for  
2 an event located on private property abutting the curb space or an event located in the adjoining  
3 public place. If the event requires a Special Event as permitted and authorized under Chapter  
4 15.52, Special Event permits, the Director of Transportation shall not issue a temporary-curb-  
5 space vending Street Use permit; and

6                   4. If located in the public place abutting a lot zoned RSL, SF 5000, SF 7200, SF  
7 9600, LR1, LR2, or LR3 as these zoning designations are defined under subsection 23.30.010.A  
8 if the abutting zoning does not have an RC designation as shown on the Official Land Use Map,  
9 Chapter 23.32; the vending activity shall end by 10:00 p.m.

10                  E. The Director of Transportation may require additional information from the applicant  
11 as provided for in Section 15.04.030.

12                  F. The Director may, as deemed appropriate, condition the food-vehicle zone or  
13 temporary-curb-space vending Street Use permit to address the:

- 14                   1. Design and placement of food-vending equipment and umbrellas;  
15                   2. Hours of operation and dates of use;  
16                   3. Need for repairs or improvements to the public place in order to accommodate  
17 the vending activity or to ensure access to the use complies with the Americans with Disabilities  
18 Act;  
19                   4. Impacts associated with the vending activity from: lighting, noise, emissions to  
20 the air, the placement of signage, or equipment such as generators;  
21                   5. Impacts to the abutting business displays, business signage, or intake vents  
22 from the proposed vending activity; and  
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6. Pedestrian circulation, traffic management, or any other public-use purpose.

G. If the proposed temporary-curb-space vending or food-vehicle-zone vending will occur within 50 feet of a park, as defined in Section 18.12.030, the Superintendent of the Parks Department may recommend to the Director of Transportation whether the vending site should be approved or denied based on the following considerations:

1. Public safety or access within the park;
2. Conflicts with existing businesses and concessionaires, permitted events, or other special activities occurring in the park; or
3. The need to encourage park activation.

H. Vending is allowed on public places located in the Pike Place Market Historical District, as depicted in Chapter 25.24 Exhibit A: Pike Place Market Historical District Map, only if:

1. The Pike Place Market Preservation and Development Authority is the applicant and obtains a Street Use vending permit; or
2. A business located in the Pike Place Market Historic District, licensed by the City to do business and permitted to do business in the Pike Place Market Historic District by the Pike Place Market Preservation and Development Authority, is the applicant and obtains a Street Use vending permit.

Section 36. A new Section 15.17.130 of the Seattle Municipal Code is added as follows:

**15.17.130 Mobile-food vending from a public place**

A. The Director of Transportation may issue a mobile-food vending Street Use permit authorizing mobile vending of food and beverages that are exempt from the food-establishment

1 permit requirement of Title 5 of the King County Board of Health as determined by the Director  
2 of the Seattle-King County Department of Public Health or authorized representative.

3 B. Mobile-food vending may occur from a vending cart or food vehicle in the public  
4 place subject to the following requirements:

5 1. Mobile-food vending from a food vehicle or vending cart shall be subject to  
6 Title 11, Vehicles and Traffic;

7 2. Mobile-food-vending permittees shall not stop the food vehicle or vending cart  
8 in a curb space or other public place for any longer than necessary to vend to waiting customers;

9 3. Mobile-food-vending permittees shall comply with all applicable requirements  
10 of Title 5 of the Code of the King County Board of Health;

11 4. Mobile-food-vending permittees shall obtain and maintain in effect all required  
12 permits and business licenses and display the mobile-food vending Street Use permit on the  
13 vending cart or food vehicle in a manner approved by the Director of Transportation;

14 5. Mobile-food-vending permittees shall comply with Chapter 25.08, Noise  
15 Control;

16 6. Tables, carts, umbrellas or other vending-related installations shall not be  
17 erected in the public place in association with a mobile-food vending activity; and

18 7. As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual  
19 Corridor, a vending cart or food vehicle and all associated mobile-food vending activity  
20 including customer queues shall not impair pedestrian passage and shall be sited to provide a  
21 pedestrian zone at least 5 feet wide with a 3-foot-wide pedestrian visual corridor.  
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1 C. In addition to the restrictions on vending in the public place identified in Section  
2 15.17.005, mobile-food vending is prohibited in the following areas:

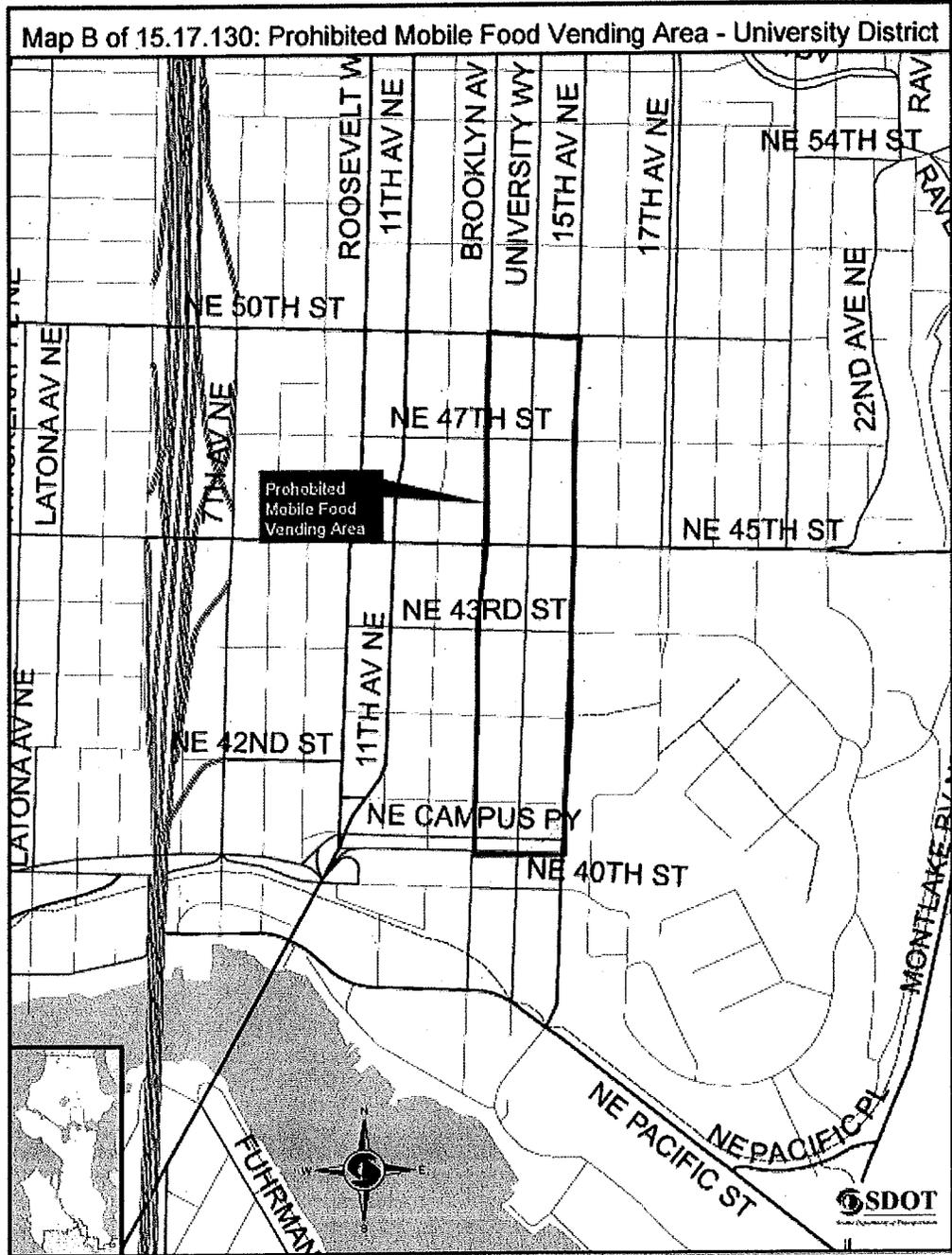
3  
4 1. Beginning at the waterfront on Elliott Bay in a direct line with West Prospect  
5 Street, then east to West Olympic Place; then east along West Olympic Place to First Avenue  
6 West; then north along First Avenue West to West Aloha Street; then east along West Aloha and  
7 Aloha Streets to Westlake Avenue North; then south along Westlake Avenue North and  
8 Westlake Avenue to Eighth Avenue; then south along Eighth Avenue to South Jackson Street;  
9 then west along South Jackson Street to Fifth Avenue South; then south along Fifth Avenue  
10 South to Airport Way South; then southeast along Airport Way South to Sixth Avenue South;  
11 then south along Sixth Avenue South to South Holgate Street; then west along South Holgate  
12 Street to Elliott Bay on the waterfront; then north along the waterfront to a point in direct line  
13 with West Prospect Street, the place of beginning, including both sides of the above-identified  
14 public places (see Map A of 15.17.130: Prohibited Mobile-food vending Area-Greater  
15 Downtown).  
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1           2. Within 50 feet of any public park, as defined in Chapter 18.12; 1,000 feet of any public  
2 or private school containing a Kindergarten through 12<sup>th</sup>-grade class; and 50 feet of any food-  
3 service business; or within loading zones.

4           3. Beginning at the junction of 15th Avenue N.E. and N.E. 40th Street; then west  
5 on N.E. 40th Street to Brooklyn Avenue N.E.; then north on Brooklyn Avenue N.E. to N.E. 50th  
6 Street; then east on N.E. 50th Street to 15th Avenue N.E.; then south on 15th Avenue N.E. to  
7 N.E. 40th Street, the place of beginning, including both sides of the above-identified public  
8 places (see Map B of 15.17.130: Prohibited Mobile-food vending Area-University District).  
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1 C. The Director of Transportation may require additional information from the applicant  
2 as provided for in Section 15.04.030.

3 D. The Director may, as deemed appropriate, condition the mobile-food vending Street  
4 Use permit to address the:

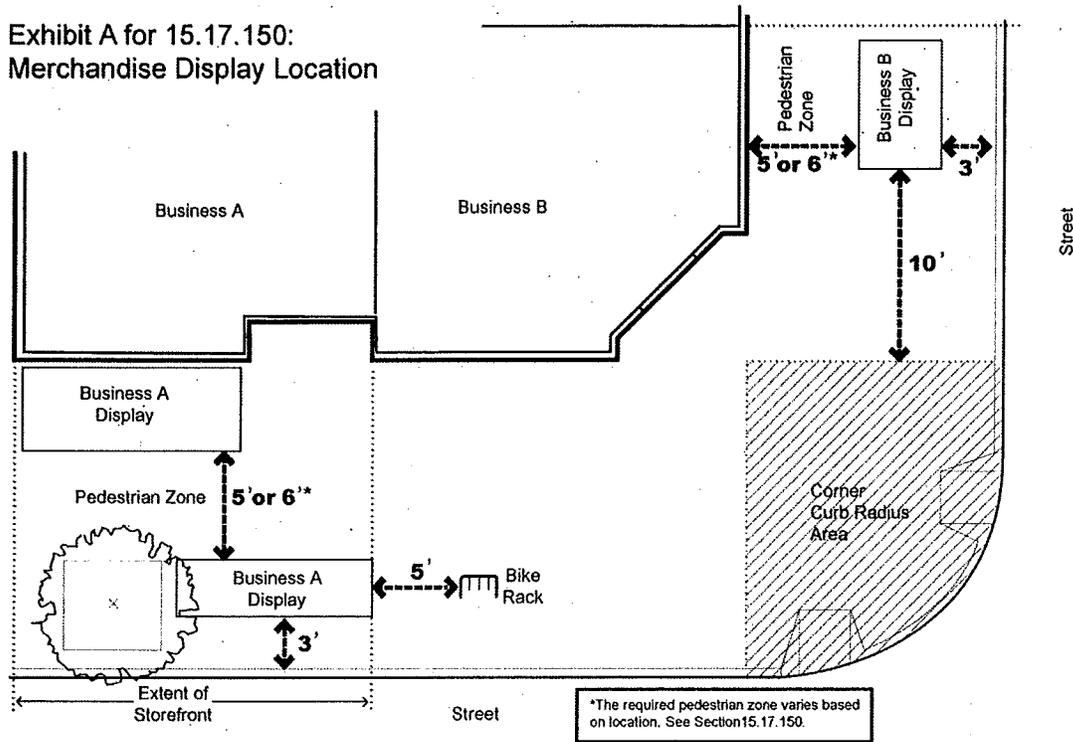
- 5 1. Hours of operation and dates of use;
- 6 2. Impacts associated with the vending activity from: lighting, noise, or emissions  
7 to the air; or
- 8 3. Pedestrian circulation, traffic management, or any other public-use purpose.

9  
10 Section 37. Section 15.17.150 of the Seattle Municipal Code, last amended by Ordinance  
11 121388, is amended as follows:

12 **15.17.150 ~~((Sidewalk displays.))~~ Merchandise display from a public place**

13  
14 A. The Director of Transportation may issue a merchandise display Street Use permit to  
15 ((the owner or manager of a business upon)) a retail sales business allowing the same goods or  
16 wares offered for sale by the business to be displayed on the adjoining ((property making sales at  
17 retail to the public in a zone other than single family or low rise multi family zone to display on  
18 a public sidewalk goods or wares that are being offered for sale inside the business)) public  
19 place. ((Sidewalk)) Merchandise displays ((are)) shall be subject to ((rules of the Director of  
20 Transportation, the terms and conditions of the permit, and)) the following ((criteria))  
21 requirements, as depicted in Exhibit A for 15.17.150: Merchandise Display Location:  
22

Exhibit A for 15.17.150:  
 Merchandise Display Location



14 ((A.The)) 1. As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian  
 15 Visual Corridor, the proposed merchandise display ((may not obstruct passage on the sidewalk  
 16 nor the use of any crosswalk, wheelchair ramp, bus or taxi loading zone. The display must  
 17 allow)) shall be sited to provide:

- 18 a. An unobstructed corner-curb-radius area; and
- 19 b. If located in the Downtown Urban Center as established in the
- 20 Comprehensive Plan, a pedestrian zone at least ((six feet (6') of clearance for pedestrian passage  
 21 to the nearest street trees; utility pole; traffic control signs, parking payment devices, or fire  
 22 hydrants and may not be fastened to any of the foregoing)) 6 feet wide with a 4-foot-wide  
 23 pedestrian visual corridor; or



1           ~~((B. The display must be flush against the building of the adjoining property, must leave~~  
2           ~~entrances and driveways clear, and may not extend more than three feet (3') into the sidewalk;))~~

3           ~~((C))4. The display ~~((must))~~ shall be removed during those hours that the business~~  
4           ~~is closed~~((. If the display is in place before sunrise or after sunset, the display must be lighted and~~~~  
5           ~~readily visible to passing pedestrians on the sidewalk;))~~;

6           5. The proposed merchandise display activity shall not violate the Americans with  
7           Disabilities Act;

8           ~~((D))6. Sales of goods or merchandise displayed ~~((must))~~ shall occur on the~~  
9           ~~adjoining privately owned property;~~

10           ~~((E))7. The display ~~((may))~~ shall not contain alcoholic beverages, tobacco,~~  
11           ~~firearms or munitions, ~~((or))~~ any article ~~((which))~~ that a minor is prohibited by law from~~  
12           ~~purchasing~~((; nor))~~, or any material restricted by the Fire Code from direct access or handling by~~  
13           ~~the public;~~

14           8. The permittee shall not use amplification or noise-making devices and the  
15           permittee shall comply with Chapter 25.08, Noise Control; and

16           9. The permittee shall not locate electrical lines overhead or on the ground surface  
17           where the public has access to the public place.

18           ~~((F. The display must be removed at any time that the Director of Transportation, the~~  
19           ~~Chief of Police, or the Fire Chief determine that a clear sidewalk is needed for use of travel or~~  
20           ~~transportation, street cleaning or maintenance, street utility work, a crowd control event or~~  
21           ~~parade, or an emergency, and request removal;))~~

1 ((G))B. The City assumes no responsibility for the items on display (~~(, irrespective of)~~)  
2 whether the loss occurs through accident, collision, vandalism, theft, or otherwise(~~(;)~~).

3 ~~((H. The applicant must provide public liability insurance naming the City as an insured~~  
4 ~~on any additional insured in an amount determined by the authorizing official by rule; and~~

5 ~~I. The applicant shall provide the City an indemnity agreement and acknowledgment of~~  
6 ~~the temporary nature of the permission granted comparable to that required of sidewalk cafes~~  
7 ~~under Section 15.16.070.))~~

9 C. The Director of Transportation may require additional information from the applicant  
10 as provided for in Section 15.04.030.

11 D. The Director may, as deemed appropriate, condition the merchandise display Street  
12 Use permit to address the:

- 13 1. Design and placement of merchandise display equipment and umbrellas;  
14 2. Hours of operation and dates of use;  
15 3. Need for repairs or improvements to the public place in order to accommodate  
16 the vending activity or to ensure access to the use complies with the Americans with Disabilities  
17 Act;

18 4. Impacts associated with the merchandise display activity from: lighting, noise,  
19 emissions to the air, the placement of signage, or equipment such as generators; and  
20

- 21 5. Pedestrian circulation, traffic management, or any other public-use purpose.

22 Section 38. A new Section 15.17.152 of the Seattle Municipal Code is added as follows:

23 **15.17.152 Maintaining public place conditions**  
24  
25  
26  
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1 A. The permittee shall maintain the vending site, merchandise display, and adjoining and  
2 abutting public place free of all refuse of any kind generated from the operation of their  
3 businesses. If food is served, the permittee shall supply a refuse container for public use that is  
4 capable of accommodating all refuse generated by the vending activity and that shall be  
5 maintained and emptied regularly.

6 B. All materials and supplies used by the permittee shall be contained in the vending cart,  
7 food vehicle, attended newsstand, or merchandise display; and the permittee shall not store  
8 supplies or other materials in the public place.

9 C. The surface of the public place shall not be altered and permanent fixtures of any kind  
10 shall not be installed in the public place unless authorized by a Street Use permit.

11 D. A vending cart, food vehicle, or merchandise display shall not be secured to any  
12 public amenity unless authorized by a Street Use permit. A vending cart or food vehicle shall not  
13 be unattended in the public place for longer than 30 minutes.

14 E. The permittee shall temporarily clear the public place as the Director of Transportation  
15 deems necessary to temporarily accommodate access to abutting properties or utilities.

16 F. The permittee is responsible for ensuring that customer queues, displays, or vending  
17 activity do not encroach into the roadway; or cause pedestrians to divert from the abutting  
18 pedestrian zone.

19 G. The permittee shall not conduct business in such a way as to: restrict or interfere with  
20 the ingress or egress of the abutting property owner or tenant; create or become a nuisance or  
21 hazard to public health, safety, or welfare; increase traffic congestion or delay; or constitute an  
22 obstruction to adequate access to fire, police, or sanitation vehicles.

1 H. The permittee shall immediately remove the vending activity or merchandise display  
2 when ordered by the Director of Transportation, the Chief of Police, the Fire Chief, or other City  
3 official.

4 I. The permittee shall display a Street Use authorized vending decal on the vending cart  
5 or food vehicle. The decal shall be clearly visible from the abutting sidewalk and shall provide  
6 information to the public on how they can report Street Use violations that may be associated  
7 with the vending activity and other information as determined by rule.  
8

9 Section 39. Section 15.17.200 of the Seattle Municipal Code, last amended by Ordinance  
10 118409, is amended as follows:

11 **15.17.200 (~~Street fairs and vending~~) Vending by nonprofit organizations(-)**

12 The Director of Transportation, the Superintendent of the Parks Department, and the  
13 Director of the Seattle Center are authorized to adopt rules relating to the time, place, and  
14 manner in which a nonprofit organization may vend merchandise in which the organization's  
15 political, religious, sociological, or ideological message is inextricably intertwined ~~((when))~~ if  
16 the sale exercises the permittee's rights guaranteed by the United States or the Washington  
17 Constitution. ~~((Such))~~ These rules may address the issuance and duration of permits, the size and  
18 placement of tables and other equipment used, their siting and location on the ~~((sidewalks))~~  
19 public place or public property, the type of merchandise offered for sale, advertising and posting  
20 of prices, the display of licenses, the exclusion of ineligible merchandise, the documentation to  
21 accompany applications for registration, and the prohibitions against discrimination, among other  
22 subjects.  
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1 An authorizing official may authorize vending in a public place as part of a street fair,  
2 carnival, athletic activity, or other public event authorized by and in accordance with a permit  
3 issued by the Special Events Committee under Chapter 15.52.

4 Section 40. A new Section 15.17.250 of the Seattle Municipal Code is added as follows:

5 **15.17.250 Director's rules**

6 The Director of Transportation may promulgate rules to implement this Chapter 15.17.  
7 The rules may address the subjects identified in this Chapter 15.17 and other subjects the  
8 Director believes may aid in the implementation of this Chapter 15.17.  
9

10 Section 41. Section 15.91.010 of the Seattle Municipal Code, last amended by Ordinance  
11 120822, is amended as follows:

12 **15.91.010 Mitigation hearings((:))**

13 A. Date and Notice. If a person requests a mitigation hearing, the mitigation hearing shall  
14 be held within ~~((thirty(30)))~~ 30 days after written response to the citation requesting ~~((such))~~ a  
15 hearing is received by the Hearing Examiner. Notice of the time, place, and date of the hearing  
16 ~~((will))~~ shall be sent by first class mail to the address provided in the request for hearing not less  
17 than ten ~~((10))~~ days ~~((prior to))~~ before the date of the hearing.  
18

19 B. Procedure at Hearing. The Hearing Examiner shall hold an informal hearing ~~((which))~~  
20 that shall not be governed by the Rules of Evidence. The person cited may present witnesses, but  
21 witnesses may not be compelled to attend. A representative from the Department of  
22 Transportation may also be present and may present additional information, but attendance by a  
23 representative from the Department of Transportation is not required.  
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1 C. Disposition. The Hearing Examiner shall determine whether the person's explanation  
2 justifies reduction of the monetary penalty. Factors that may be considered in whether to reduce  
3 the penalty include whether the violation was caused by the act, neglect, or abuse of another. The  
4 above mitigation factors or other mitigating explanations shall not be considered for violations of  
5 subsections 15.91.002.A.1 and 15.91.002.A.6. The Hearing Examiner may, however, consider  
6 whether the vendor is indigent as a mitigating factor for violations of subsections 15.91.002.A.1  
7 and 15.91.002.A.6. The vendor must present substantial evidence of indigency in order for the  
8 Hearing Examiner to consider indigency as a mitigating factor.

10 D. Entry of Order. After hearing the explanation of the person cited and any other  
11 information presented at the hearing, the Hearing Examiner shall enter an order finding that the  
12 person cited committed the violation and assessing a monetary penalty in an amount determined  
13 pursuant to ~~((this section))~~ Section 15.91.016. The Hearing Examiner's decision is the final  
14 decision of the City on the matter.

16 Section 42. Section 15.91.016 of the Seattle Municipal Code, last amended by Ordinance  
17 123100, is amended as follows:

18 **15.91.016 Penalties(~~(-)~~)**

19 A. First Violation.

21 1. No Street Use permit obtained. The first time a person or entity is found to have  
22 violated ~~((Section))~~ subsection 15.91.002.A.1, except Street Use vending permits identified in  
23 subsection 15.91.016.A.4.a, by not obtaining a Street Use permit ~~((prior to beginning work))~~  
24 before using the public place, the person or entity shall be subject to a penalty of ~~((five hundred~~  
25 dollars ~~(\$500))~~ \$500.

1                    2. Violations of Title 15 or Street Use permit. The first time ((that)) a person or  
2 entity is found to have violated ((Sections)) subsections 15.91.002.A.2 through 15.91.002.A.23,  
3 except Street Use vending permits identified in subsection 15.91.016.A.4.b; or violated a  
4 condition of their Street Use permit; the person or entity shall be subject to a penalty of ((two  
5 ~~hundred fifty dollars (\$250))~~) \$250.

6                    3. Violation warning. The Director may, in an exercise of discretion, issue a  
7 warning to the person or entity responsible for obtaining the Street Use permit if the person or  
8 individual has not been previously warned or cited for violating ((Section)) subsection  
9 15.91.002.A.

10                    4. Street Use vending first violation.

11                    a. No Street Use vending permit. The first time a person or entity is found  
12 to have violated subsection 15.91.002.A.1 for not being in possession of a Street Use vending  
13 permit, identified as subsection 15.91.002.A.6, while using the public place; the person or entity  
14 shall be subject to a penalty of \$300.

15                    b. Insecure or unsafe vending unit. As provided for in 15.04.070, if the  
16 City determines that a permitted food vehicle, vending cart, vending trailer, or other vending-  
17 related device (collectively a “vending unit” for Chapter 15.91) is insecure or unsafe, the vendor  
18 shall immediately cease using the public space and shall be subject to a penalty of \$300.

19                    c. Street Use vending permit condition violation. The first time the  
20 permittee is found to have violated subsection 15.91.002.A.6 by not adhering to the conditions of  
21 their Street Use vending permit, the permittee shall be subject to a penalty of \$150. The Director

1 may, in an exercise of discretion, issue a warning to the vendor if the person or entity has not  
2 been previously warned or cited for violating subsection 15.91.002.A.6.

3 B. Second and Subsequent Violations.

4 1. No Street Use permit obtained. If a person or entity is cited for violating  
5 ~~((Section))~~ subsection 15.91.002.A.1, except Street Use vending permits identified in subsection  
6 15.91.016.B.3.a, for not obtaining a Street Use permit; within a ~~((5-year))~~ five-year period after a  
7 first violation has been determined to exist, the person or entity shall be subject to a penalty of  
8 ~~((one thousand dollars (\$1000)))~~ \$1,000 for each subsequent violation.

10 2. Violations of Title 15 or Street Use permit. Any subsequent time that a person  
11 or entity is found to have violated the provisions in ~~((Sections))~~ subsections 15.91.002.A.2  
12 through 15.91.002.A.23, except Street Use vending permits identified in subsection  
13 15.91.016.B.3.b; or violated a condition of their Street Use permit; within a ~~((5-year))~~ five-year  
14 period after a first violation of subsections 15.91.002.A.2 through 15.91.002.A.23 has been  
15 determined to exist, the person or entity shall be subject to a penalty of ~~((five hundred dollars~~  
16 ~~(\$500)))~~ \$500 for each subsequent violation.

18 3. Street Use vending subsequent violations.

19 a. No Street Use vending permit. The second time a person or entity is  
20 found to have violated subsection 15.91.002.A.1 by not being in possession of a Street Use  
21 vending permit, identified as subsection 15.91.002.A.6, while using the public place within one  
22 year after a first violation of subsection 15.91.002.A.1; the person or entity shall be subject to a  
23 penalty of \$600. The third time a person or entity is found to have violated subsection  
24 15.91.002.A.1 by not being in possession of a valid Street Use vending permit, identified as  
25

1 subsection 15.91.002.A.6, while using the public place within one year after a first violation of  
2 subsection 15.91.002.A.1; the person or entity shall be subject to a penalty of \$1,200 and the  
3 vending unit shall be subject to abatement as provided for in subsection 15.91.025.

4 b. Insecure and unsafe vending unit. As provided for in 15.04.070, if the  
5 City determines that a permitted vending unit is insecure or unsafe a second time within one year  
6 after a first violation for insecure or unsafe conditions has been determined to exist, the vendor  
7 shall immediately cease using the public space and shall be subject to a penalty of \$600. If the  
8 City determines that a permitted vending unit is insecure or unsafe a third time within one year  
9 after a first violation for insecure or unsafe conditions has been determined to exist; the Street  
10 Use permit shall be immediately revoked, the permittee shall be subject to a penalty of \$1,200,  
11 and the vending unit shall be subject to abatement as provided for in subsection 15.91.025.A.1.c.

12 c. Street Use vending condition violation. The second time a permittee is  
13 found to have violated subsection 15.91.002.A.6 by not adhering to the conditions of their Street  
14 Use vending permit within a one-year period after a first violation of subsection 15.91.002.A.6  
15 has been determined to exist, the permittee shall be subject to a penalty of \$300. Each subsequent  
16 violation within the one-year period shall be assessed double the amount of the previous penalty,  
17 but shall not to exceed \$1,200 in a one-year period. A permittee's failure to comply with their  
18 Street Use vending permit conditions after three citations related to violating subsection  
19 15.91.002.A.6 have been upheld by the Hearing Examiner in a one-year period shall be grounds  
20 for permit revocation. If a Street Use vending permit is revoked, the vendor shall not be issued a  
21 Street Use vending permit for the revoked-permit location for one-year from the date the permit  
22 was revoked or most recent violation upheld, whichever is longer.  
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1           C. Deposit of funds. Any funds received by the Hearing Examiner or collection agency  
2 for violations associated with Section 15.91.002 shall be deposited into the Transportation  
3 Operating Fund. Funds from violations of subsection 15.91.002.A.6 may be used by other City  
4 departments for vending enforcement as authorized by the Director of Transportation and shall  
5 be used by the Department of Transportation for the following purposes: administering the  
6 vending program, including notifying property owners abutting a proposed vending site  
7 designated by the Department of Transportation; verifying property boundaries and square  
8 footage of usage; designating pre-approved vending sites by the Department of Transportation;  
9 signing and demarcating designated vending sites and food-vehicle zones; attending meetings or  
10 hearings; preparing documents, legislation, forms, and notices; inspecting and enforcing  
11 permitted or illegal vending activity; or engaging in any other vending-related activity as  
12 directed by the Director of Transportation.  
13

14           Section 43. Section 15.91.020 of the Seattle Municipal Code, last amended by Ordinance  
15 120822, is amended as follows:  
16

17 ~~((15.91.020))~~ 15.91.030 Abatement((-))

18           Any public place on which there continues to be a violation of any of the provisions  
19 referenced in Section 15.91.002 after enforcement action taken ~~((pursuant))~~ according to this  
20 ~~((chapter))~~ Chapter 15.91 is ~~((hereby))~~ declared a nuisance and subject to abatement by the City  
21 in the manner authorized by law. Violations of subsection 15.91.002.A.6 shall be subject to  
22 abatement according to Section 15.91.025.  
23

24           Section 44. Section 15.91.022 of the Seattle Municipal Code, last amended by Ordinance  
25 120822, is amended as follows:  
26

1 **~~((15.91.022))~~ 15.91.035 Collection of penalties(~~(c)~~)**

2 \*\*\*

3 Section 45. Section 15.91.024 of the Seattle Municipal Code, last amended by Ordinance  
4 120822, is amended as follows:

5 **~~((15.91.024))~~ 15.91.040 Each day a separate violation(~~(c)~~)**

6 \*\*\*

7  
8 Section 46. A new Section 15.91.025 of the Seattle Municipal Code is added as follows:

9 **15.91.025 Vending unit abatement**

10 A. Director's authority. The Director of the Department of Transportation, or delegee,  
11 may order the immediate removal of any vending unit that is located in a public place and that  
12 the Director determines is a threat to public health or safety.

13  
14 1. The Director may also order the immediate removal of any vending unit located  
15 in a public place if:

16 a. The Director determines that a violation of Chapter 15.17 exists and the  
17 vendor has not taken immediate corrective action; or

18 b. The vendor has previously received two upheld citations for violating  
19 Chapter 15.17 for not being in possession of a Street Use vending permit as provided for in  
20 subsection 15.91.002.A.1 within a one-year period from the date the Director determines a new  
21 violation exists for not being in possession of a valid Street Use vending permit; or

22 c. The vendor has previously received two upheld citations for operating a  
23 vending unit that the City determines is insecure or unsafe as provided for in 15.04.070 within a  
24  
25

1 one-year period from the date the Director determines that a new violation exists where the  
2 vending unit is insecure or unsafe; or

3 d. A person or entity is found operating a vending unit after a Street Use  
4 vending permit has been revoked as provided for in subsection 15.91.016.B.3.a.

5 2. An abatement warning may be issued to the person or entity that owns or  
6 operates the vending unit for the purpose of implementing subsection 15.91.025.A.1 if there is  
7 not an immediate threat to public health or safety. The warning may be mailed to the owner of  
8 the vending unit by first-class mail if the Director can determine by reasonable investigation the  
9 owner's mailing address. A warning may alternatively be hand-delivered to the operator of the  
10 vending unit; or if the operator is not present, the warning may be posted in a conspicuous  
11 manner on the vending unit. The warning shall include:

- 12
- 13 a. The Seattle Municipal Code provisions violated;
  - 14 b. The date and time of the violation;
  - 15 c. The location of the vending unit; and
  - 16 d. A statement giving 24-hours to remedy the violations and the potential  
17 for future abatement for subsequent violations;
  - 18 e. A statement that if the vending unit is removed for violating Chapter  
19 15.17, any food in the vending unit that may pose a health or safety risk if the food remains in  
20 the unit and the unit is removed from the public place, will be disposed of if the vendor fails to  
21 remove the food from the vending unit and the public place before the vending unit being  
22 removed by the City.
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1 B. Director's review following abatement. The owner of the vending unit may request a  
2 Director's review as provided for in subsection 15.04.112 if a vending unit has been subject to  
3 abatement.

4 C. Payment for costs to remove or store. The owner of the vending unit shall pay to the  
5 City all costs associated with removing and storing the vending unit. The vending unit owner  
6 shall pay all unpaid penalties for violating Chapter 15.17 and all costs incurred by the City to  
7 remove or store the vending unit before the vending unit is released to the owner according to a  
8 Director's order to release the vending unit.

9 D. Street Use permit denial following abatement. If a vending unit owner has had a  
10 vending unit abated, the vendor shall be denied a Street Use vending permit for one-year from  
11 the date of abatement or the date of the most recently-upheld violation, whichever is most recent.

12 Section 47. Section 15.91.026 of the Seattle Municipal Code, last amended by Ordinance  
13 120822, is amended as follows:

14 ~~((15.91.026))~~ **15.91.045 Collection of penalties((-))**

15 \*\*\*

16 Section 48. SDOT Street Use Permits. SDOT's Fee Schedule, Attachment A to  
17 Ordinance No. 123477, as amended by Ordinances 123600, 123611, and 123485 as amended by  
18 Ordinance 123585, is further amended as follows:

19 Attachment A: Street Use Permit Fee Schedule

20 \* \* \*

21

Miscellaneous				
Use Code	Use Description	Base Permit Fee	Occupation Fee (Long Term)	Use Fee (Short Term)

22

57	<u>Nonvending-related impound fee</u>	\$97 per occurrence	N/A	N/A
58	Sign removal	\$78 per sign or poster		
59	Mobility impact surcharge	\$360		

\* \* \*

Activities that occur over more than one year				
Use Code	Use Description	Base Permit Fee	Occupation Fee (Long Term)	Use Fee (Short Term)
***				
((14A))	((Vending carts))	\$146 (first year) \$140 (subsequent years)	None	N/A
((14B))	((Tables and chairs [max 4]))			
16A	Inactive areaways prior to January 1, 1995			
17	Sidewalk elevator doors			
<u>18C</u>	<u>Tables and chairs [max 4]</u>			
<u>19A</u>	<u>Vending activity in an attended newsstand</u>			
***				

\* \* \*

Occupation of Right-of-Way street				
Use Code	Use Description	Base Permit Fee	Occupation Fee (Long Term)	Use Fee (Short Term)
***				

1	<del>((18))18B</del>	Sidewalk cafes	\$146 (first year) \$140 (subsequent years)	\$1.56/sf/yr	N/A
2	18A	merchandise on sidewalks			
3	22B	Shoring unremoved (must be removed to a point 4 ft below finished grade)	\$146	\$1011/pile	
4	27	Awnings, marquees and canopies [plus 27A if stanchions]			\$.51/sf

\*\*\*

Per ordinance or council action				
Use Code	Use Description	Base Permit Fee	Occupation Fee (Long Term)	Use Fee (Short Term)
***				
<del>((14C))</del>	<del>((1<sup>st</sup> Amendment vending))</del>	<del>(((\$40))</del>	<del>(((\$35/mo))</del>	<del>((None))</del>
<del>((14D))</del>	<del>((Stadium vending [April-September]))</del>	<del>((None))</del>	<del>(((\$121.50/mo))</del>	
<del>((14E))</del>	<del>((Stadium vending [October-March]))</del>	<del>((None))</del>	<del>(((\$18/mo))</del>	
16B	Areaways built after January 1, 1995	Fees based upon appraisal		

Use Code	Use Description	Base Permit Fee	Parking/ Occupation Fee (Long Term)	Use Fee (Short Term)	Program Administration Fee
19B	1 <sup>st</sup> Amendment vending	\$40/yr	\$35/mo	None	None
19C	Stadium Event vending [April-September]	\$146	\$170/mo		
19D	Stadium Event vending [October-March]		\$110/mo		
19E	Vending from a public place sidewalk or plaza DAY 6am-8pm		\$1.56/SF		

19F	Vending from a public place sidewalk or plaza NIGHT 8pm-6am			\$688
19G	Food-vehicle zone vending (DAY 6am-8pm)		\$468 (each 4- HR period x each day of the wk)	\$344
19H	Food-vehicle zone vending (NIGHT 8pm-6am)			\$688
19I	Temporary curb space vending		N/A	None
19J	Mobile-food vending			

\* \* \*

**Other Fees and Charges**

Hourly Charge for Street Use service including but not limited to:	\$172
Review, investigation, inspection, drafting, design guidance, document preparation and other activities related to the administration of the permit	
Premium hourly rate (e.g. Overtime Inspections)	\$344
Penalty Fee (No Job Start Call)	\$300
A Deposit may be required	Amount determined based on services requested

The Department of Transportation is directed to use the vending Street Use permit fees credited to the Transportation Operating Fund for the following purposes: administering the vending program, including notifying property owners abutting a proposed vending site designated by the Department of Transportation; verifying property boundaries and square

1 footage of usage; designating pre-approved vending sites by the Department of Transportation;  
2 signing and demarcating designated vending sites and food-vehicle zones; attending meetings or  
3 hearings; preparing documents, legislation, forms, and notices; inspecting and enforcing  
4 permitted or illegal vending activity; or engaging in any other vending-related activity as  
5 directed by the Director of Transportation.

6 \* \* \*

7 Section 49. Section 10.03.110 and Chapter 10.10 of the Seattle Municipal Code, which  
8 section and chapter were last amended by Ordinance 117000 and 117001, respectively, and  
9 which is shown in Attachment A, are repealed.

10 Section 50. The Director of Transportation shall, within six months from the effective  
11 date of this ordinance, develop and adopt by rule vending cart design guidelines that shall apply  
12 to all vending carts located on any public place including public places within special review,  
13 landmark, or historic districts regulated by Titles 23 or 25. Vending carts that have been issued  
14 permits prior to the completion of design guidelines will be required to comply within 30 days of  
15 their adoption. The Director shall consult with the Department of Neighborhoods and other  
16 interested parties when developing the rule. The Director shall be responsible for determining  
17 compliance with the rule.

18 Section 51. Severability. The provisions of this ordinance are declared to be separate and  
19 severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of  
20 this ordinance, or the invalidity of its application to any person or circumstance, shall not affect  
21 the validity of the remainder of this ordinance, or the validity of its application to other persons  
22 or circumstances.

1           Section 52. This ordinance shall take effect and be in force 30 days from and after its  
2 approval by the Mayor, but if not approved and returned by the Mayor within ten days after  
3 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.  
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1 Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2011, and signed by  
2 me in open session in authentication of its passage this  
3 \_\_\_\_\_ day of \_\_\_\_\_, 2011.  
4  
5

6 \_\_\_\_\_  
7 President \_\_\_\_\_ of the City Council

8 Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.  
9

10 \_\_\_\_\_  
11 Michael McGinn, Mayor

12 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.  
13

14 \_\_\_\_\_  
15 City Clerk

16 (Seal)  
17  
18  
19

20 Attachment A: Repealed Section 10.03.110 and Chapter 10.10 of the Seattle Municipal Code  
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**Subchapter XIV Food Protection**

**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,

\_\_\_\_\_ 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,



~~\_\_\_\_\_ 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.~~

~~**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.~~

**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.~~

**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.~~

**10.10.136 Alternative wording.**



- ~~\_\_\_\_\_ 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.~~

**10.10.133 Sulfiting agents.**

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

- ~~\_\_\_\_\_ A. Accept accurate labels placed on packaged foods by the manufacturer;~~
- ~~\_\_\_\_\_ B. Place a label on prepackaged foods stating, "This food contains a sulfiting agent";~~
- ~~\_\_\_\_\_ C. Place a sign or label on the bulk food container or in a conspicuous place nearby stating, "The following food or foods contain a sulfiting agent, \_\_\_\_\_";~~
- ~~\_\_\_\_\_ D. Except these foods may be sold without labeling:~~

- ~~\_\_\_\_\_ 1. Wine by the glass or carafe,~~
- ~~\_\_\_\_\_ 2. Salad bars, and~~
- ~~\_\_\_\_\_ 3. Delicatessens and similar take-out food facilities when food is prepared on-site.~~

~~\_\_\_\_\_ 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.~~

**~~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:~~



~~3. Single service portions or other packaged foods which are shipped to the food service establishment enclosed within a properly labeled master carton.~~

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

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

~~1. The common name of the food;~~

~~2. All ingredients, including food additives, in descending order of predominance;~~

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

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

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

~~1. Accurate;~~

~~2. Easily readable; and~~

~~3. In the English language, except that duplicate labeling in foreign languages is allowed.~~

~~\_\_\_\_\_ 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 ( $\frac{1}{2}$ " ) 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.~~

### **Subchapters 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~~



~~\_\_\_\_\_ 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.~~

**10.10.126 Cheese.**

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

\_\_\_\_\_ E. Maintaining the live holding system to insure:

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

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

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

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

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

**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;



~~\_\_\_\_\_ 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.~~

#### **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~~

~~\_\_\_\_\_ 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.~~

**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:~~

~~\_\_\_\_\_ 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.~~

**10.10.123 Sulfiting agents.**

~~\_\_\_\_\_ The food service establishment owner shall:~~



- ~~\_\_\_\_\_ 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~~

~~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~~



~~\_\_\_\_\_ B. Processed in a processing plant with USDA voluntary inspection;~~

~~\_\_\_\_\_ C. Imported from outside the USA from a country having an approved program of inspection authorized by USDA or FDA, or~~

~~\_\_\_\_\_ D. Approved by the Health Officer for use in the following types of institutions:~~

~~\_\_\_\_\_ 1. Jails and correction facilities, and~~

~~\_\_\_\_\_ 2. Distributing organizations limited to food banks and soup kitchens specified under RCW 69.80.020.~~

## **Subchapters 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,~~

~~\_\_\_\_\_ 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.~~

**~~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.~~

**~~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.~~

**~~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;~~



~~\_\_\_\_\_ 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.~~

**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,~~

## **Subchapters 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.~~

### **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. "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.~~

**Subchapters IV—X (Reserved)**

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

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

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

~~\_\_\_\_\_ 1. Sulfur dioxide;~~

~~\_\_\_\_\_ 2. Sodium sulfite;~~

~~\_\_\_\_\_ 3. Sodium bisulfite;~~

~~\_\_\_\_\_ 4. Potassium bisulfite;~~

~~\_\_\_\_\_ 5. Sodium metabisulfite; and~~

~~\_\_\_\_\_ 6. Potassium metabisulfite.~~

#### **10.10.080 Definitions "T" through "Z."**

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



~~\_\_\_\_\_ 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.~~

~~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.~~

**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.~~



~~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.~~

~~prepared, served, or provided for the public with or without charge. Such units shall be classified according to the following categories:~~

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

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

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

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

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

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

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



~~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.~~

#### **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~~

~~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;~~



**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;~~

~~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).~~



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

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

~~\_\_\_\_\_ O. "Food service establishment" means:~~

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

~~\_\_\_\_\_ a. Restaurants, snack bars, cafeterias, taverns, bars,~~

~~\_\_\_\_\_ b. Retail food stores, supermarkets, retail meat markets, retail fish markets, retail bakeries, delicatessens,~~

~~\_\_\_\_\_ c. Food services in schools and private higher education learning facilities,~~

~~\_\_\_\_\_ d. Institutional operations licensed by DOH, such as hospitals, prisons, state licensed higher education learning facilities, and child care facilities,~~

~~\_\_\_\_\_ e. Central preparation sites, including caterers,~~

~~\_\_\_\_\_ f. Satellite servicing locations,~~

~~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.~~



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

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

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

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

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

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

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

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

~~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.~~

#### **10.10.040 Definitions "E" through "F."**

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



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

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

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

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

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

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

~~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.~~



~~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.~~

### **~~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.~~

#### **~~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.~~

#### **~~10.10.030 Definitions "A" through "D."~~**

## **Subchapter I Title**

### **10.10.001 Citation.**

~~\_\_\_\_\_ This chapter may be cited and referred to, and shall be known as "Seattle Food Code."~~

## **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~~



~~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.))~~

~~((Chapter 10.10 FOOD CODE~~

**Sections:**

~~\_\_\_\_\_~~ 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 plant 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



~~\_\_\_\_\_~~ 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  
form the Blind....One half fee for applicable category above

~~\_\_\_\_\_~~ Plan Review

- \_\_\_\_\_ 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,  
\_\_\_\_\_ 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



**Attachment A- Section 10.03.110 and Chapter 10.10 of the Seattle Municipal Code**

~~((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,~~

~~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.~~

**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.

**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.

**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.~~

**10.10.152 Additional foods.**

~~\_\_\_\_\_ The food service establishment owner shall not perform modified atmosphere packaging on the premises for any foods unless allowed under Section 10.10.151 of this chapter; except the Health Officer may approve additional foods to be modified atmosphere packaged~~



~~only if an approved HACCP-based procedure which controls the growth of bacterial pathogens is in place.~~

~~Acceptable controls include:~~

~~A. Maintaining water activity below 0.93;~~

~~B. Maintaining pH below 4.6;~~

~~C. Using processed meats or meat products, poultry, or poultry products produced in a plant regulated by USDA and received in an intact package before modified atmosphere packaging;~~

~~D. Properly curing the food on site using a standard recipe approved by the Health Officer with an initial sodium nitrite concentration of one hundred twenty (120) ppm and 3.5% salt concentration; or~~

~~E. Properly processing uncured meats or poultry on site by monitoring critical control points established in the HACCP plan specified in Section 10.10.153 E of this subchapter.~~

**~~10.10.153 Additional requirements.~~**

~~Whenever foods are modified atmosphere packaged under Section 10.10.152 of this subchapter, the Health Officer shall require all of the following:~~

~~A. Store the food at thirty-eight degrees Fahrenheit (38° F) or below;~~

~~B. Sell the food within fourteen (14) days of packaging;~~

~~\_\_\_\_\_ C. Prohibit exceeding the original processor's shelf life, if applicable;~~

~~\_\_\_\_\_ D. Establish critical control points during processing, packaging, and storage;~~

~~\_\_\_\_\_ E. Submit a HACCP plan for each food to the Health Officer for review and approval prior to any modified atmosphere packaging;~~

~~\_\_\_\_\_ F. Confirm water activity, pH or nitrite and brine concentrations in a certified lab;~~

~~\_\_\_\_\_ G. Monitor critical control points by any or all of the following:~~

~~\_\_\_\_\_ 1. Routine laboratory testing;~~

~~\_\_\_\_\_ 2. Measuring refrigerated storage temperatures;~~

~~\_\_\_\_\_ 3. Measuring temperatures during smoking or cooking processes;~~

~~\_\_\_\_\_ 4. Providing other information requested by the Health Officer;~~

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

~~\_\_\_\_\_ I. Attach the following labels:~~

~~\_\_\_\_\_ 1. "Keep refrigerated at thirty eight degrees Fahrenheit (38° F) or below and use within seven (7) days of purchase, unless frozen", and~~

~~\_\_\_\_\_ 2. "Sell by month/day/year" with the date established within fourteen (14) days of packaging.~~



**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.~~

**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.~~

**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.~~

**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.~~

**Subchapter XVI Temperature Control**

**10.10.161 Thermometers.**

~~\_\_\_\_\_ The food service establishment owner shall:~~

~~\_\_\_\_\_ A. Provide metal, stem type, numerically sealed 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 sealed 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.~~

**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.~~

**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.~~

**~~10.10.164 Overnight cooking.~~**

~~\_\_\_\_\_ The food service establishment owner shall not cook potentially hazardous food  
overnight without temperature monitoring.~~

**~~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.~~

**10.10.166 Overnight hot holding.**

~~\_\_\_\_\_ The food service establishment owner shall not hot hold potentially hazardous foods overnight without temperature monitoring.~~

**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.~~

**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.

**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.~~

**Subchapters XVII—XX (Reserved)**

**Subchapter XXI Personal Hygiene**

**10.10.211 Generally.**

~~\_\_\_\_\_ The food service establishment owner shall ensure that food service workers:~~

~~\_\_\_\_\_ A. Wear clean outer garments;~~

~~\_\_\_\_\_ B. Maintain a high degree of personal cleanliness; and~~

~~\_\_\_\_\_ C. Restrain hair as necessary.~~

**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.~~

**~~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.~~

**~~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.~~

**~~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.~~

**~~10.10.216 Food and beverage service workers permits.~~**

~~\_\_\_\_\_ A. The service establishment owner shall ensure all food service workers:~~

~~\_\_\_\_\_ 1. Comply with the provisions of Chapter 69.06 RCW and Chapter 246-217~~

~~WAC;~~

~~2. Obtain valid food and beverage service worker permits within thirty (30) days of employment; and~~

~~3. Maintain current food and beverage service worker permits.~~

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

~~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.~~

**10.10.312 Food contact surfaces.**

~~\_\_\_\_\_ The food service establishment owner shall ensure food contact surfaces of equipment and utensils are:~~

~~\_\_\_\_\_ A. Made of food grade material;~~

~~\_\_\_\_\_ B. Smooth;~~

~~\_\_\_\_\_ C. Easily accessible for cleaning;~~

~~\_\_\_\_\_ D. Nontoxic;~~

~~\_\_\_\_\_ E. Corrosion resistant; and~~

~~\_\_\_\_\_ F. Nonabsorbent.~~

**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.~~

**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;~~

**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 of three compartments, a space for soiled utensils ahead of the first compartment, and a drain board for clean utensils when no mechanical dishwasher is available, or when utensils cannot be cleaned and sanitized in the mechanical dishwasher due to size or configuration.~~



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

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

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

**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.~~

**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.~~

**10.10.318 Exemptions.**

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

~~A. A plan review was approved prior to the effective date of this chapter;~~

~~B. The food service establishment was constructed prior to the effective date of this chapter; or~~

~~C. The menu, method of food preparation, and/or volume of food preparation present no health hazard.~~

**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.~~

#### **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;~~

~~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.~~

**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.~~

#### **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.~~

#### **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.~~

**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.~~

**Subchapter XXXIII Poisonous or Toxic Materials**

**10.10.331 When allowed.**

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

~~\_\_\_\_\_ A. When deemed necessary by the Health Officer and intended for the operation and maintenance of the food service establishment;~~

~~\_\_\_\_\_ B. When used to prevent or control pests;~~

~~\_\_\_\_\_ C. When used to clean and sanitize equipment, utensils, and work surfaces; or~~

~~\_\_\_\_\_ D. When offered for sale in a retail food store, grocery, or similar food service establishment, provided these materials are separated from food and single service articles by:~~



~~\_\_\_\_\_ 1. Spacing,~~

~~\_\_\_\_\_ 2. Partitioning,~~

~~\_\_\_\_\_ 3. Dividers, or~~

~~\_\_\_\_\_ 4. Storage below food or single service articles; or~~

~~\_\_\_\_\_ E. When used in the least amount necessary to effectively do the job for which it is intended.~~

#### **~~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.~~

#### **~~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.~~

**10.10.334 Lubricants.**

~~\_\_\_\_\_ The food service establishment owner shall ensure lubricants used on food contact surfaces of equipment are non-toxic.~~

**Subchapters XIV—XL (Reserved)**

**Subchapter XLI Sanitary Facilities and Controls**

**10.10.4105 Water and ice source.**

~~\_\_\_\_\_ The food service establishment owner shall ensure:~~

~~\_\_\_\_\_ A. Their water source is:~~

~~\_\_\_\_\_ 1. Adequate in quantity and quality,~~

~~\_\_\_\_\_ 2. Supplied directly from a source approved under WAC 246-290 (formerly WAC 248-54) through permanent piping and plumbing fixtures,~~

~~\_\_\_\_\_ 3. Provided under pressure at the required temperatures to all fixtures and equipment that use water, and~~

~~\_\_\_\_\_ 4. Monitored according to standards established by the Health Officer;~~

~~\_\_\_\_\_ 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.~~

**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.~~

**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~~

~~3. A similar device.~~

**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.~~

**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.~~

**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.~~

**~~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.~~

**~~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.~~

**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.~~

**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.~~

**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.~~

**~~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.~~

**~~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.~~

**~~10.10.4170 Automatic faucets.~~**

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

## **Subchapter XLII Garbage, Rubbish, and Litter**

### **10.10.421 Generally.**

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

~~\_\_\_\_\_ A. Durable;~~

~~\_\_\_\_\_ B. Easily cleanable;~~

~~\_\_\_\_\_ C. Insect and rodent proof;~~

~~\_\_\_\_\_ D. Nonabsorbent;~~

~~\_\_\_\_\_ E. In sound condition;~~

~~\_\_\_\_\_ F. Watertight; and~~

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

### **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.~~

**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.~~

**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.~~

**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.~~

**10.10.426 ~~Methods to reduce waste.~~**

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

~~\_\_\_\_\_ A. Recycling;~~

~~\_\_\_\_\_ B. Composting;~~

~~\_\_\_\_\_ C. Using worm bins;~~

~~\_\_\_\_\_ D. Using single service articles made of recycled materials;~~

~~\_\_\_\_\_ E. Using reusable utensils; and~~

~~\_\_\_\_\_ F. Using refillable containers.~~

**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.~~

**10.10.512 Pesticides.**

~~The food service establishment owner shall:~~

~~A. Ensure only pesticides labeled for use in food service areas are stored on the premises or used to eliminate or control pests;~~

~~B. Ensure pesticides are stored:~~

~~1. In cabinets,~~

~~2. In a physically separate place used for no other purpose, and/or~~

~~3. Below or separate from food, food equipment, utensils, or single service articles;~~

~~C. Ensure that pesticides are applied:~~

~~1. In accordance with label directions, and~~

~~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.~~

**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.~~

**10.10.514 Automatic dispensing aerosol units.**

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

~~\_\_\_\_\_ A. Prohibited in all areas where food is prepared or served; and~~

~~\_\_\_\_\_ B. Installed and used only in areas at least twenty feet (20') away from any:~~

~~\_\_\_\_\_ 1. Food storage area;~~

~~\_\_\_\_\_ 2. Food preparation or service area;~~

~~\_\_\_\_\_ 3. Unprotected food contact surfaces; and~~



4. Utensil washing or storage area.

### **Subchapter LIII Construction and Maintenance of Physical Facilities**

#### **10.10.531 Floors and floor coverings.**

The food service establishment owner shall:

A. Ensure floors and floor coverings in all areas are:

1. Constructed of easily cleanable materials,

2. Kept clean,

3. In good repair, and

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

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

1. Water impervious construction,

2. Grease resistance,

3. Durability, and

4. Drains provided when water or pressure spray methods of cleaning are used, in any of the following areas:

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

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

- ~~\_\_\_\_\_ 1. Installed in a way that does not obstruct or prevent cleaning of the floor,~~
- ~~\_\_\_\_\_ 2. Are not exposed in all establishments built or extensively remodeled after~~

~~April 1, 1981.~~

**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.~~

#### **10.10.533 Lighting.**

~~The food service establishment owner shall provide:~~

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

~~\_\_\_\_\_ 1. Areas where food is prepared or stored,~~

~~\_\_\_\_\_ 2. Areas where utensils are washed,~~

~~\_\_\_\_\_ 3. Areas where hands are washed,~~

~~\_\_\_\_\_ 4. In bathrooms, and~~

~~\_\_\_\_\_ 5. When cleaning is occurring;~~

~~\_\_\_\_\_ B. Proper shields or guards for lights in the food preparation areas and areas where unwrapped food is stored and displayed.~~

**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.~~

**10.10.535 Maintenance.**

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

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

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

~~1. Except when separated from all food service operations by complete partitions and solid doors, and~~

~~2. Except in bed and breakfasts;~~

~~C. Allowing only food service workers or other persons authorized by the Health Officer in food preparation and storage areas.~~

**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.~~

### **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.~~

#### **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.~~



**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.~~

**~~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.~~

**~~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.~~



**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.~~

**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.~~

**10.10.5440 Wastewater.**

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

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

~~\_\_\_\_\_ B. Wastewater is retained on the mobile food vehicle until disposed into a public sewer system.~~

**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.~~

**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.~~

#### **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.~~

#### **10.10.5460 Commissary.**

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

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

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

- ~~\_\_\_\_\_ 1. Cleaning of the mobile food vehicle and equipment,~~
- ~~\_\_\_\_\_ 2. Refilling of fresh water tanks and wastewater disposal, and~~
- ~~\_\_\_\_\_ 3. Storage of the mobile food vehicle when not in operation.~~

**~~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.~~

**~~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.~~

**~~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;~~
- ~~\_\_\_\_\_ 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.~~

**10.10.5480 Other approvals.**

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

**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~~

~~\_\_\_\_\_ C. Prohibit some menu items.~~

**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.

**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.

**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.~~

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

~~The owner of a mobile food cart shall:~~

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

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

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

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

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



**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.~~

**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.~~

**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.~~

**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;~~

~~\_\_\_\_\_ 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.~~

**~~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.~~

**~~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.~~

**~~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.~~

**~~10.10.5565 Overhead protection.~~**

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

**~~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.~~

**~~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.~~

**~~10.10.5580 Location.~~**

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

**~~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;~~

~~\_\_\_\_\_ 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.~~

**~~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.~~

**~~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.~~



**~~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.~~

**~~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.~~

**~~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.~~

**~~10.10.565 Additional requirements.~~**

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

~~\_\_\_\_\_ A. Limiting food preparation steps;~~

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

~~\_\_\_\_\_ C. Prohibiting some menu items.~~

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

#### ~~10.10.571 Food protection.~~

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

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

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

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

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



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

~~\_\_\_\_\_ c. Correcting improper storage practices;~~

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

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

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

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

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

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

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

~~\_\_\_\_\_ 1. Gravity dispensing devices;~~

~~\_\_\_\_\_ 2. Display devices or storage containers with covers or lids; or~~

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

**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.~~



## **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.

### **10.10.582 Requirements for food preparation.**

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

- \_\_\_\_\_ A. All food service is limited to overnight guests;
- \_\_\_\_\_ B. Potentially hazardous foods items are prepared for immediate service;
- \_\_\_\_\_ C. Cooling and/or reheating of potentially hazardous foods prepared on-site is prohibited;
- \_\_\_\_\_ D. A minimum of a three (3) compartment sink or a sink together with a homestyle dishwasher with one hundred fifty five degrees Fahrenheit (155° F) water provided by a booster or a sanitizing cycle is available and used;

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

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

**~~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.~~

**~~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.~~

**~~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.~~

~~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.~~

#### **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.~~

**10.10.615 Handwashing facilities.**

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

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

~~\_\_\_\_\_ 2. Soap; and~~

~~\_\_\_\_\_ 3. Paper towels.~~

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

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

~~\_\_\_\_\_ 2. Periodic handwashing will not interfere with washing of utensils.~~

**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.~~

**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.~~

**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.~~

**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.~~

**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.~~

**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.~~

**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.~~

**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.~~

**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.~~

**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.~~

**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.

**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.~~

**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.~~

**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.~~

### **Subchapter LXIV Review of Plans and Menu**

#### **10.10.641 When to submit.**

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

~~\_\_\_\_\_ A. A food service establishment is constructed;~~

~~\_\_\_\_\_ B. An existing structure is converted for use as a food service establishment;~~

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

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

~~\_\_\_\_\_ 1. The remodel does not substantially affect the requirements of this chapter,~~

~~or~~

~~\_\_\_\_\_ 2. The Health Officer requires minor modifications of the existing food service establishment to improve compliance with this chapter.~~



**10.10.642 Plan approval.**

~~The Health Officer shall base plan approval on:~~

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

~~1. Type of food to be served;~~

~~2. Method of food preparation and type of cooking;~~

~~3. Seating capacity and anticipated maximum meals per day;~~

~~4. Methods of customer service;~~

~~5. Type of customer utensils; and~~

~~6. Number of employees per shift.~~

~~B. Information on proposed site, including:~~

~~1. Site plan;~~

~~2. Availability of approved public water supply;~~

~~3. Availability of approved sewage disposal; and~~

~~4. Accessibility for delivery traffic, garbage storage, garbage pickup  
frequency, and other auxiliary needs.~~

~~C. Information on proposed facilities, including:~~

- \_\_\_\_\_ 1. Floor plan;
  - \_\_\_\_\_ 2. Finishes used on floors, walls, and ceilings;
  - \_\_\_\_\_ 3. Number, types, and locations of sinks and drain boards;
  - \_\_\_\_\_ 4. Plumbing specifications, such as types and locations of fixtures and drains;
  - \_\_\_\_\_ 5. Restroom design, location and number of fixtures;
  - \_\_\_\_\_ 6. Types and locations of lighting;
  - \_\_\_\_\_ 7. Types and locations of ventilation, including exhaust hoods, screened windows or doors; and
  - \_\_\_\_\_ 8. Designation of smoking and nonsmoking sections.
- \_\_\_\_\_ D. Information on proposed equipment, including:
- \_\_\_\_\_ 1. Material and design of food contact surfaces;
  - \_\_\_\_\_ 2. Refrigeration and shelving design for rapid cooling, prechilling, thawing, and separation of raw meats from other foods;
  - \_\_\_\_\_ 3. Ice making equipment for supplying ice bath cooling, salad bar, or buffet service;
  - \_\_\_\_\_ 4. Cooking, reheating, and hot holding equipment;



- ~~5. Shelving for dry food storage;~~
- ~~6. Mechanical dishwashing machine and associated equipment; and~~
- ~~7. Design and installation of equipment, including self-service and display equipment.~~

**10.10.643 Procedure.**

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

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

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

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

~~1. Submit a food service permit application with the applicable fee set forth in Section 10.03.110 of the Seattle Municipal Code; and~~

~~2. Request a preoperational inspection.~~

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

## **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.~~

**~~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.~~

**~~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.~~

### **Subchapter LXVI Fees**

#### **~~10.10.661 Fee schedule.~~**

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

#### **~~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.~~

#### **~~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.~~

**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.~~

**Subchapter LXVII Inspections and Investigations**

**10.10.671 When required.**

~~\_\_\_\_\_ Inspections or investigations of a food service establishment:~~



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

~~\_\_\_\_\_ B. Shall be required by the Health Officer:~~

~~\_\_\_\_\_ 1. Before issuing a permit to a newly constructed permanent food service establishment, and~~

~~\_\_\_\_\_ 2. Following extensive remodeling of an existing food service establishment;~~

~~\_\_\_\_\_ C. May be required by the Health Officer:~~

~~\_\_\_\_\_ 1. For renewal of a permit,~~

~~\_\_\_\_\_ 2. Before issuing a new permit to an existing food service establishment,~~

~~\_\_\_\_\_ 3. For an existing food service establishment when the management has changed, and~~

~~\_\_\_\_\_ 4. Before issuance of a temporary permit.~~

**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.~~

**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.~~

**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.~~



**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.~~

**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.~~

**10.10.682 Hold orders.**

~~\_\_\_\_\_ A. The Health Officer may, after notice to the person in charge, place a written hold order on any suspect food until a determination on its safety can be made and shall:~~

~~\_\_\_\_\_ 1. Tag;~~

\_\_\_\_\_ 2. Label; or

\_\_\_\_\_ 3. Otherwise identify any food subject to the hold order; and

\_\_\_\_\_ 4. Complete a form approved by the Washington State Department of Health  
for all suspect food.

\_\_\_\_\_ B. The hold order issued by the Health Officer shall include:

\_\_\_\_\_ 1. Instructions for filing a written request for a hearing with the Health  
Officer within ten (10) calendar days; and

\_\_\_\_\_ 2. Notification that if a hearing is not requested in accordance with the  
instructions provided in the hold order, and the Health Officer does not vacate the hold order, the  
food shall be destroyed under the supervision of the Health Officer.

\_\_\_\_\_ C. When foods are subject to a hold order by the Health Officer the food service  
establishment owner is prohibited from:

\_\_\_\_\_ 1. Using;

\_\_\_\_\_ 2. Serving; or

\_\_\_\_\_ 3. Moving them from the food service establishment.

\_\_\_\_\_ D. The Health Officer shall permit storage of food under conditions specified in the  
hold order, unless storage is not possible without risk to the public health, in which case,



~~immediate destruction shall be ordered by the Health Officer and accomplished by the food service establishment owner.~~

~~E. Based upon evidence provided at the hearing, the Health Officer shall either:~~

~~1. Vacate the hold order; or~~

~~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.~~

**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.~~

**~~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.~~

**~~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.~~

**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.~~

#### **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.~~

#### **10.10.703 Revocation.**

~~A. The Health Officer may revoke a food service permit after providing the food service establishment owner an opportunity for a hearing if:~~

\_\_\_\_\_ 1. Serious and repeated violation(s) of any requirements of this chapter have occurred;

\_\_\_\_\_ 2. A permit has been suspended three (3) times within twelve (12) months; or

\_\_\_\_\_ 3. Assault upon, threats toward, or repeated interference with the Health Officer in the performance of his/her duty has occurred.

\_\_\_\_\_ B. Before revocation, the Health Officer shall notify, in writing, the food service establishment owner of the specific reason(s) why the permit is to be revoked. The notice shall state:

\_\_\_\_\_ 1. That the permit will be revoked at the end of the ten (10) days following such notice unless a written request for a hearing is filed with the Health Officer by the food service establishment owner within such ten (10) day period; and

\_\_\_\_\_ 2. If a request for a hearing is not filed by the food service establishment owner within the ten (10) day period, the revocation of the permit becomes final.

\_\_\_\_\_ C. Any food service establishment owner whose permit has been revoked by the Health Officer, after a period of six (6) months may:

\_\_\_\_\_ 1. Make written application for a new permit; and

\_\_\_\_\_ 2. Request a hearing with the Health Officer to determine whether a new permit will be issued.



**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.

**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.

**10.10.712 Filing.**

~~\_\_\_\_\_The Health Officer shall file a copy of the notice in the records of the Health Officer.~~

**Subchapter LXXII Hearings**

**10.10.721 Hearings.**

~~\_\_\_\_\_The hearings provided for in this chapter shall be:~~

~~\_\_\_\_\_A. Conducted by the Health Officer; and~~

~~\_\_\_\_\_B. Conducted at a time and place designated by the Health Officer.~~

**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.~~

**Subchapter LXXIII Variance Clause**

**10.10.731 Generally.**



Angela Steel  
SDOT Vending ORD ATT A  
May 28, 2010  
Version #1

~~\_\_\_\_\_ 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.))~~

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
SDOT	Brian de Place/233-3855	Rebecca Guerra/684-5339

**Legislation Title:** AN ORDINANCE relating to street-food vending, merchandise displays, and sidewalk cafés; amending various sections of and adding sections to Titles 11 and 15 of the Seattle Municipal Code; repealing Chapter 10.10, and Sections 10.03.110, 15.17.010, and 15.17.020; amending the current Seattle Department of Transportation Street Use fee schedule by adding new vending-related Street Use permit use codes and amending vending-related Street Use permit fees.

**Summary of the Legislation:**

**Public Place Sidewalk or Plaza vending—Use Code 19E and 19F**

- Diversify types of food that can be sold from food carts — Currently carts are limited to hot dogs, espresso, popcorn, and flowers. The proposed legislation will defer to Seattle-King County Public Health Department (Health) which food types may be vended. This legislation proposes to repeal the Seattle Food Code Chapter 10.10 consistent with its previous incorporation into the Health Code by Resolution 29615. As a part of this initiative, Health is proposing to change its regulatory approach, creating the possibility for an expanded range of foods to be sold from sidewalk vending carts.
- Vending setback standards — A set of setbacks will maintain sufficient space on the sidewalk or public place to allow for street-food vending while maintaining the necessary room for pedestrian flow, passage for persons with disabilities, and access to businesses and residential buildings. A “pedestrian zone” will set minimum widths for pedestrian mobility. An established “pedestrian visual corridor” within the pedestrian zones will set a minimum width for a continuous and straight corridor that provides pedestrians with a clear visual indication of the location of the path of travel within which obstructions may not be placed. The setbacks are consistent with the Pedestrian Master Plan and sidewalk café guidelines. Prospective vendors will submit a site plan denoting, among other things; dimensions, compliance with required setbacks, and queuing plans.
- Vending Cart Density — SDOT will not issue Street Use permits for more than two street-food vending locations on any block face.
- In addition to vending food from a vending cart from a sidewalk, this legislation also provides the ability for food vending to occur in other public places like pedestrian plazas or pedestrian malls and from other modes like food vehicles. While it remains unlawful to detach and park a trailer or camper in other areas of the roadway, SDOT may permit detached trailers in designated pedestrian plazas or pedestrian malls. Carts and trailers must be removed at the end of business.

**Vending from the curb space or “Food Vehicle Zone Vending”—Use Code 19G and 19H**

- Create Street Use Permit for food vehicles in curbside food vending zones — Food vending is currently prohibited in the curbspace or roadway. The proposal would allow



SDOT to create curbside food vehicle zones and issue Street Use permits for their use by food-vending vehicles.

**Food Vehicle for a Temporary Curb space Vending—Use Code 19I**

- Create Street Use Permit for food vehicles to temporarily reserve a parking spot in association with a special activities occurring on the adjoining property. A particular property would be limited to 4 permits during a 6-month period.

**Mobile vending of pre-packaged food—Use Code 19J**

- Create Street Use Permit for mobile food vendors — A separate Street Use permit will be created to allow vendors of food products that Health has exempted from requiring a Health permit (for example, prepackaged ice cream products) to vend in areas of the City. These vendors can move while vending, but will be limited to stopping only long enough to serve waiting customers. This vending activity will not be allowed in the greater downtown area or on University Avenue NE.

**Stadium Event Vending—Use Code 19C and 19D**

- Clarify the Stadium and Exhibition Center Event vending area regulations — The legislation expands the stadium vending area to include all events that may occur at Qwest Field, Safeco Field and the Exhibition Center. The legislation also clarifies prohibitions related to the “stadium and exhibition center event restricted vending area” surrounding Safeco Field. The legislation clarifies the vending permit procedures and regulations consistent with the other proposed vending regulations.

**Vending permit application procedures**

- Improve noticing requirements to the abutting public and area businesses — The legislation requires public notice of all pending Street Use permit applications for new food-vending locations, by requiring the food-vending applicant notify all adjacent businesses and residences: 1) within a 100-foot radius of the proposed vending location; 2) on the entire block face and opposing block face (if block is greater than 100’); and 3) on the adjacent block face if vending within 10’ of corner curb radius.
- Creates a lottery for vendors at specific locations — The legislation permits SDOT to conduct a lottery in order to provide equal access to new food-vending locations when more than one complete application is received for a site. Vendors that have operated with a good compliance history at a site would not be subject to a lottery when they are renewing their Street Use permit before it expires.

**Street-food vending site locations**

- Setbacks from restaurants and grocery stores — The proposal requires food vendors locate 50 feet from an adjacent food-service business. A food-service business will have the ability to vend food in front of their business with a Street Use permit.
- Setbacks from schools - Mobile food vendors shall not vend within 1,000 feet of any public or private school containing a Kindergarten through 12th-grade class.
- Setbacks from City Parks — The proposal provides that in situations where an application is received by SDOT for a food vending permit within 50 feet of a public park, SDOT will confer with Parks in order to assess potential conflicts with park activation efforts, existing concessionaire contracts, public safety and access issues, prior to issuing a Street Use permit.

**Restrictions on vending operations**

- Public Place Conditions — SDOT will include, but is not limited to, permit conditions for managing litter, line queing, and storage of ancillary vending materials.



- Amplified sound — Street-food vendors will not be permitted to play amplified music or use other noise-making devices at vending locations, with one exception for mobile-food vendors of food products that Health has determined is exempt from obtaining a Health permit (as an example, prepackaged ice cream products). This exception recognizes that amplified music is an essential component of this business model. These mobile food vendors will, however, be prohibited from stopping at a curb space longer than necessary to serve waiting customers and must comply with SMC 25.08, Noise Control.

**Establishing uniform regulations across all vending types**

- The legislation also proposes minor changes to sidewalk café and merchandise display regulations in order to establish consistent regulations for all vending types.

**Background:**

The City has an interest in encouraging street-food vending and the multiple public benefits it provides. Recognizing that current regulations have tended to discourage street-food vending, the Executive is proposing legislation to amend or remove regulatory barriers. The proposal includes changes to Seattle Municipal Code Titles 11 (Traffic) and 15 (Street and Sidewalk use), and proposes to repeal the Seattle Food Code Chapter 10.10 consistent with the code's previous incorporation into the King County Board of Health (Health) Code by Council Resolution 29615.

Nighttime enforcement funding will come from FAS, which received budget for vending enforcement in the Revenue and Consumer Protection: Revenue and Licensing Section:

*Increase the budget by \$40,000 for overtime costs for selected members of the Code Compliance Team (CCT) to enforce regulations related to nighttime mobile food vending, nightlife and amplified sound. The CCT will determine when enforcement outings will occur. Departments that will use the overtime resources are Seattle Department of Transportation, Seattle Fire Department, Seattle Police Department, and the Department of Finance and Administrative Services.*

The Vending legislation allows for nighttime enforcement citation fees and program administration fees to reimburse the FAS CCT enforcement budget.

Finally, Sidewalk Café Ordinance 122824 established the setback and pedestrian clearance standards, which are reflected and refined in this vending legislation.



This legislation does not have any financial implications.

This legislation has financial implications.

**Appropriations:**

Fund Name and Number	Department	Budget Control Level*	2011 Appropriation	2012 Anticipated Appropriation
<b>TOTAL</b>				

\*See budget book to obtain the appropriate Budget Control Level for your department.

Appropriations Notes: N/A

**Anticipated Revenue/Reimbursement: Resulting from this Legislation:**

Fund Name and Number	Department	Revenue Source	2011 Revenue	2012 Revenue
Transportation Operating Fund 10310	Seattle Department of Transportation	Use Code 19E and 19F- Vending from a public place sidewalk or plaza- Base Permit Fee	\$6,862	\$7,446
		Use Code 19G and 19H—Food vehicle zone vending-Base Permit Fee	\$2,920	\$3,504
		19I—Temporary curb space vending Base Permit Fee	\$2,190	\$3,504
		19C—Stadium Event Vending (April-September)-Base Permit Fee	\$2,628	\$2,628
		19D—Stadium Event Vending (October-March)-Base Permit Fee	\$2,628	\$2,628
		19J—Mobile Food Vending-Base Permit Fee	\$2,190	\$2,190
		Program Administration Fee (Daytime)-for Use codes 19E, 19F, 19G, and 19H	\$13,760	\$15,136



		Program Administration Fee (Nighttime) -for Use codes 19E, 19F, 19G, and 19H	\$18,576	\$21,328
		Parking/Occupation Fee- for Use codes 19E, 19F, 19G, 19H, 19C, and 19D	\$61,986	\$67,914
		Review	\$3,216	\$5,504
		Inspection	\$1,290	\$2,064
		Citations	\$36,000	\$50,500
	<b>TOTAL</b>		<b>\$154,246</b>	<b>\$184,346</b>

**Revenue/Reimbursement Notes:**

See Attachment A: Proposed Street Use Vending Fee Examples for assumption on permit volumes.

Permit fees can be used to administer the vending program, including any of the following: designate pre-approved vending sites by the Department of Transportation; designate food vehicle zones, notify property owners abutting a proposed vending site designated by the Department of Transportation; verify property boundaries and square footage of usage; sign and demarcate designated vending sites and food vehicle zones; attend meetings or hearings; prepare documents, legislation, forms, and notices; inspect and enforce permitted or illegal vending activity; or engage in any other vending-related activity as directed by the Director of Transportation.

Stadium Event Vending fees are based at a rate of \$10 per event based on the average number of event days in 2010. This calculates to \$170 per month for April through September and \$110 per month for October through March.

The Program Administration Fee is based on the cost of administering the program; other street use permits have direct inspection dollars associated with each permit. For public place vending and food vehicle zones, the program will be administered not per vending permit, but there will be general enforcement of permitted and unpermitted vendors during both day and nighttime, in addition to the enforcement of terms and conditions on permitted carts. The nighttime program administration fee can be used by other departments for off-hour enforcement, as authorized by SDOT director. The fee pays for cost of enforcement and program administration based on two hours inspection per year per permit:

- DAY (6AM-8PM)= \$344
- NIGHT (8PM-6AM)= \$688

The Occupation fee for public place sidewalk or plaza vending is based on the occupation fees for sidewalk cafes at \$1.56 per square foot of area occupied.



Parking/Occupation Fee is for food vehicles vending in a food vehicle zone. It is based on the current median parking rate. The annual rate is \$468 per each 4-hour period each day of the week the curb space would be used.

Citation volumes are based on 2010 data, with the expectation that second infraction volumes will increase in the second year of implementing this legislation and associated enforcement.

See Attachment A: Proposed Street Use Vending Fee Examples for description of how specific fees apply to each use code.

**Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:**

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2011 Positions	2011 FTE	2012 Positions*	2012 FTE*
N/A							
<b>TOTAL</b>							

\* 2012 positions and FTE are total 2012 position changes resulting from this legislation, not incremental changes. Therefore, under 2012, please be sure to include any continuing positions from 2011.

**Position Notes:** N/A

**Do positions sunset in the future?** No

**Spending/Cash Flow:**

Fund Name & #	Department	Budget Control Level*	2011 Expenditures	2012 Anticipated Expenditures
<b>TOTAL</b>				

\* See budget book to obtain the appropriate Budget Control Level for your department.

**Spending/Cash Flow Notes:** N/A

**What is the financial cost of not implementing the legislation?** None.

**Does this legislation affect any departments besides the originating department?** Yes, this legislation will affect the Department of Planning and Development (DPD), the Department of Finance and Administrative Services (FAS) and the Department of Parks and Recreation (DPR).

**What are the possible alternatives to the legislation that could achieve the same or similar objectives?** None.



**Is the legislation subject to public hearing requirements?**

Yes. SEPA Determination of Non Significance posting 10/4/10-10/25/10, no appeals filed with Hearing Examiner.

The following groups have been contacted regarding this legislation

- Seattle Pedestrian Advisory Board December 9, 2009
- Seattle Pedestrian Advisory Board February 10, 2010
- Capitol Hill Community Council December 17, 2009
- Street Food Vendors Roundtable December 10, 2009
- Seattle Food Vendors Roundtable April 6, 2009
- Street Truck Vendors Forum October 26, 2010
- Seattle Chapter, WA Restaurant Assn. January, 2010
- West Precinct Advisory Committee February 10, 2010
- Downtown District Council February 11, 2010
- Parking Access Review Committee
- Seattle Human Rights Commission
- Seattle Commission for People With Disabilities June 17, 2010
- Seattle Commission for People With Disabilities October 18, 2010
- Belltown Community Council
- Belltown Business Association
- Pioneer Square Preservation Board April 7, 2010
- Chinatown/ID Special Review Board
- Columbia City Business Improvement Area
- Ballard Chamber of Commerce September 8, 2010
- Broadway BIA
- Broadway BIA
- Building Owners and Managers Assn. March 23, 2010
- Denny Triangle Neighborhood Assn.
- Downtown Seattle Association
- Sound Transit June 28, 2010
- Delridge Neighborhood Development Assn. June 29, 2010
- Downtown District Council Forum July 26, 2010
- BIA Executive Directors
- Mobile Chowdown Event October 1, 2010

**Other Issues:** None.

**List attachments to the fiscal note below:**

Attachment A: Proposed Street Use Vending Fee Examples



## Attachment A: Proposed Street Use Vending Permit Fee Examples

### Public Place sidewalk or plaza vending-- Use Code 19E and 19F

2011 Assumption: 30 Daytime  
17 Nighttime

2012 Assumption: 32 Daytime  
19 Nighttime

- **\$146 Issuance fee:**
    - Application review (verify insurance, business license, Health permit, Fire permit, site plan, cart design)
    - Administer lottery for multiple applications
    - Research existing and potential permitted activity conflicts
    - Permit drafting, record keeping, mapping
  - **\$78 Use fee:**
    - \$1.56 per SF (Based on 50 square feet (SF))
    - Occupation of sidewalk or plaza (same as sidewalk cafe occupation fee)
  - **\$344 Program Administration fee (daytime):**
    - 2 hours daytime inspection per permit per year (OR \$688 program administration fee for 2 hours overtime nighttime inspection per permit per year)
    - Inspect permitted vendors for permit compliance
    - Inspect and enforce illegal vendors
    - Attend hearings for vending-related citations
    - Respond to vending-related complaints
- Total: \$568** (existing site/permittee per year –daytime)
- \$912 Total for existing site/permittee per year-nighttime
  - **Add \$344 Review for new sites/ applicants**
    - Assume 4 new site reviews for 2011; 6 for 2012

### Vending from the curb space

- **Food Vehicle zones-Use code 19G and 19H**

2011 Assumption: 10 Daytime  
10 Nighttime

2012 Assumption: 12 Daytime  
12 Nighttime

- **\$146 Issuance fee**
  - **\$1404 Parking/Use fee**
    - Based on current median parking rate model: (\$468 per each 4-hour period) times 3 days a week for the year.
    - Recovery of lost parking revenue based on Car Share model
    - Use of parking space for commercial purposes
  - **\$344 Program Administration fee-daytime (or \$688 nighttime)**
- Total: \$1,894** (existing sites per year –daytime)
- \$2,238 Total for existing site per year-nighttime
  - **Add \$344 Review for new sites**



- Assume 2 new site reviews for 2012
  
- **Food vehicle in curb space-temporary curb space vending --19I**  
2011 Assumption: 15  
2012 Assumption: 24
  - **\$146 Issuance Fee**
  - **\$86 Final Inspection**
    - 1/2 hour inspection per event day
    - Verify right-of-way is clean after event
  - **\$172 Review****Total: \$404 per event**
  
- **Stadium Event Vending (April-September)-- Use Code 19C**  
2011 Assumption: 18  
2012 Assumption: 18
  - **\$146 Issuance Fee**
  - **\$1,166 Parking/Use Fee**
    - 6-month permit; based on the average number of event days in 2010 (approximately 17) at \$10 per event (\$170 month)
    - Use of parking space for commercial purposes**Total: \$1,312 for existing site**
  
- **Stadium Event Vending (October-March) --Use Code 19D**  
2011 Assumption: 18  
2012 Assumption: 18
  - **\$146 Issuance Fee**
  - **\$806 Parking/Use Fee**
    - 6-month permit; based on the average number of event days in 2010 (approximately 11) at \$10 per event (\$110 month)**Total: \$952 for existing site**
  
- **Mobile food vending (ice cream trucks and other pre-packaged foods)-- 19J**  
2011 Assumption: 15  
2012 Assumption: 15
  - **\$146 Issuance fee****Total: 146 per vehicle**



