

## Ordinance 2025-08

AN ORDINANCE OF GRANT COUNTY HEALTH DISTRICT RELATING TO RECURRING TEMPORARY FOOD ESTABLISHMENT PERMITTING. BE IT ORDAINED BY THE BOARD OF HEALTH OF THE GRANT COUNTY HEALTH DISTRICT AS FOLLOWS:

### **Section 1 Purpose**

To establish a system for allowing temporary food permits that last for an entire season of a recurring event.

### **Section 2 Scope**

This policy guiding document is applicable to all eligible temporary food establishments in Grant County.

### **Section 3 Definitions**

**Event Coordinator:** The person in charge of an event where food is served to the public. Duties of the Event Coordinator include, but are not limited to, assuring adequate sanitation facilities to support safe handling and service of food, assuring food vendors are approved by GCHD, and assigning of booth spaces to vendors.

**GCHD:** Grant County Health District.

**Recurring Event:** An event at a fixed location and on a fixed schedule with multiple vendors. A recurring event cannot operate more than 3 days per week. Vendors may include those not selling food.

**Temporary Food Establishment (TFE):** A food establishment operating at a fixed location, with a fixed menu, for not more than twenty-one consecutive days in conjunction with a single event or celebration, such as a fair or festival, or operating not more than three days a week at a fixed location, with a fixed menu, in conjunction with an approved recurring, organized event, such as a farmers market or flea market.



## **Section 4 Recurring Temporary Food Establishment Permits – Eligibility and Requirements**

- (1) A TFE is eligible for a recurring temporary food permit if:
  - a. It is operating in conjunction with an approved recurring event at a fixed location for no more than 3 days per week.
  - b. It has a fixed menu.
  - c. It uses a fixed booth set up.
  - d. All food service workers (as defined by WAC 246-217) have Washington State Food Worker cards.
  - e. The recurring event has an approved Event Coordinator.
  - f. It has had consecutive inspections in the present calendar year at that event as described below:
    - i. If a low risk menu, one consecutive inspection without a red critical violation.
    - ii. If a moderate risk menu, two consecutive inspections without a red critical violation.
    - iii. If a high risk menu, three consecutive inspections without a red critical violation or four consecutive inspections where 3 inspections are without a red critical violation and one inspection has red critical violation totaling less than 25 points.
- (2) The TFE must re-meet the eligibility requirements above each calendar year.
- (3) For a Recurring Event to be eligible for Recurring Temporary Food Establishment Permits, an Event Coordinator must be approved by GCHD. For an Event Coordinator to receive approval and be in good standing it must assure in writing that:
  - a. No TFE will be allowed to operate at the recurring event without GCHD approval and/or permit as appropriate;
  - b. All TFEs operating at the event will have applied for a permit at least one business day before the event;
  - c. Appropriate sanitation equipment (restrooms, potable water, wastewater disposal) is provided to TFEs and patrons as required by GCHD;
  - d. Must demonstrate possession of current Washington State Food Worker Card.
  - e. Must provide the operation schedule of the event (weekly day(s) and hours), including start and end dates for the year.
- (4) All Recurring Temporary Food Establishment Permits will expire after the last operation day of the event in the calendar year, or on December 31; whichever is sooner.

## **Section 5 Recurring Temporary Food Establishment Permits - Procedures**

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- (1) All TFEs operating at approved recurring events must obtain (or be working towards obtaining) a Recurring Temporary Food Permit. A TFE that meets the eligibility requirements in 4.1 must apply for a Recurring Temporary Food Permit by submitting a complete “Recurring TFE Permit application” with all required items and the appropriate fee to GCHD at least 5 days before next event operation day.
  - (2) GCHD staff will review the application for completeness, appropriate risk level, and confirm eligibility. If all requirements are met, the permit will be issued. A hard copy of the approved application, which will contain the approved menu and floor plan, will be give to the permit holder for reference upon permit issuance.
  - (3) Once in operation, recurring TFEs will receive up to three (3) unannounced routine inspections during the calendar year.
    - a. If 25 red critical points or more are noted during the routine inspection, a reinspection will usually occur within 2 weeks. If the same red critical item(s), ten (10) points or greater, are repeated during the reinspection, or 25 red critical points or more are noted during the reinspection, the Recurring Temporary Food Establishment Permit will be revoked.
    - b. If 25 red critical points are noted on two routine inspections, the Recurring Temporary Food Establishment Permit will be revoked. An Establishment with a revoked Recurring Temporary Food Establishment Permit is eligible to apply for another Recurring Temporary Food Permit during the calendar year only once the eligibility requirements have been re-met.
  - (4) Re-inspections (follow ups) are billed to the permit holder at the rate of half the permit fee or per the current fee schedule for retail food establishment reinspections, whichever is lower.
  - (5) If an approved Recurring Event is found to have temporary food establishments operating without appropriate GCHD approval or permits at the event, the following enforcement actions will take place:
    - a. The first instance in a calendar year will result in a warning letter with copies sent to all approved Recurring Temporary Food Establishment Permit holders for that recurring event.
    - b. The second instance in a calendar year will result in a mandatory office hearing with the Event Coordinator
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- c. The third instance in a calendar year will result in the Event Coordinator losing their good standing and all existing approved Recurring Temporary Food Establishment Permits for that recurring event will be revoked.

(6) Recurring TFE permit holders that wish to alter the approved menu or booth setup must submit proposed changes with appropriate plan review fee at least 5 days in advance. If the proposed menu change results in a higher risk level, a regular temporary food establishment permit must be applied for, and a satisfactory inspection of the new menu items must take place before the new menu can be approved.

(7) Recurring TFEs are required to have the permit posted in view of the public, as well as name of the establishment (must match permit name) prominently posted in at least two-inch lettering at the front of the booth.

### **Section 6 Penalty**

(1) Anyone failing to comply with any of the terms of this ordinance will be in violation of this ordinance. The GCHD may proceed to commence a civil action to recover a penalty of \$500.00 for each violation of this ordinance. Each day a continuing violation exists will be considered a separate violation.

(2) In conjunction with, or as an alternative to, civil action allowed in Section 6.1, the GCHD may move to enjoin any violations of this ordinance.

### **Section 7 Appeals**

- 1) Any person requesting appeal of an action by GCHD staff regarding the administration of this ordinance may appeal in writing to the Grant County Health Officer within ten (10) days of a written notice or directive of GCHD staff. If the written appeal does not provide sufficient evidence for the Grant County Health Officer to change the GCHD staff decision:
  - a. First Appeal- Within 30 days after receipt of an appeal, the Grant County Health Officer may conduct an investigation in the disputed matter.
    - i. The investigation may include an administrative hearing. The investigation may include taking evidence orally and written from GCHD staff, the party aggrieved, and witnesses.
    - ii. A decision will be given in writing to the person or party making the appeal.
    - iii. Such investigation and/or hearing may take place sooner than 30 calendar days if the aggrieved party shows extraordinary hardship or duress caused by the GCHD staff decision

- b. Second Appeal- Following a written request to the Grant County Health Officer, within ten (10) days of the Grant County Health Officer’s written decision, any person not satisfied with the Grant County Health Officer’s decision or the results of the investigation will make a written request for a meeting with the Grant County Board of Health.
  - i. The appellant will be provided the opportunity to address the Board of Health at the next regularly scheduled meeting, or sooner if the aggrieved party demonstrates extraordinary hardship or duress caused by the Grant County Health Officer’s decision.
  - ii. The matter under appeal will be decided by a majority vote of the Board of Health.
- 2) Hearings will be conducted as defined in WAC 246-215-08610. Pending hearings or appeals will not stay the orders of the Regulatory Authority.
- 3) Failure to comply with conditions established and agreed to as the result of an appeal will be considered a violation of this ordinance and may be subject to the Penalties provided by Section 7.

### **Section 8 Corrections**

The Board Clerk is authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance number, section/subsection numbers and any thereto.

### **Section 9 Severability**

Should any section of this ordinance be declared unconstitutional or invalid for any reason such declaration will not affect the validity of the remainder.

### **Section 9 Effective Date**

This ordinance will take effect January 1, 2026 upon passage by the Board of Health of the GCHD, notice of consideration having previously been published.

Passed by the Grant County Board of Health and signed by its Chair on December 10, 2025.

ATTEST:

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Rita Morfin, Clerk

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Tom Harris, Board of Health Chair

Approved as to Form:

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Katherine Kennison, GCHD Attorney