

CHAPTER 9.16

FOOD ESTABLISHMENTS

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9.16.010: Regulations Adopted: Subject to the provisions of RCW 35.21.180, WAC 248-84 and WAC 248-86 are hereby adopted by reference except as provided in this chapter or amendments to this chapter. (Ord. 3073 Sec. 1 (part), 1987; Ord. 1262 Sec. 1.01, 1964)

9.16.030: Permit - Required: It is unlawful for any person to operate a food service establishment without having in his possession an unrevoked permit issued by the health officer. It is unlawful for any person to be employed or to employ anyone as a food and beverage service worker unless he has a permit issued by the health officer. (Ord. 3073 Sec. 1 (part), 1987; Ord. 1262 Sec. 1.03, 1964)

9.16.040: Permit - Application: Any person desiring to obtain a permit shall make application therefor to the health officer on forms to be provided by him. The health officer may require applicants to furnish such other information, either as a part of the application or separately, as he may believe is required to carry out the provisions of this chapter. (Ord. 3073 Sec. 1 (part), 1987; Ord. 1262 Sec. 1.04, 1964)

9.16.051: Consent for Health District to Charge Fees for License Issuance or Renewal: The City of Kennewick hereby consents and authorizes the Benton-Franklin Health District to establish, charge, and collect, all fees in connection with the issuance or renewal of a license or permit for the operation of a food establishment within the City of Kennewick. Such consent is conditioned upon the Benton-Franklin Health District allowing the City of Kennewick to take a direct credit of \$18,300.00 against the annual assessment charge to the City of Kennewick, by the Benton-Franklin Health District. (Ord. 3420 Sec. 1, 1992)

9.16.080: Permit - Certificates of Recognition: The local health officer is authorized to award operators of food establishments certificates of recognition for consistent adherence to superior standards of sanitation. Such certificates may be in the form of special markings upon permits. (Ord. 3073 Sec. 1 (part), 1987; Ord. 1262 Sec. 1.08, 1964)

9.16.090: Revocation or Suspension of Permit:

(1) The permit of any person may be summarily suspended by the health officer when he discovers any violation of this chapter that in his opinion cannot be corrected immediately and that constitutes a serious threat to health.

(2) The permit of any person may be revoked by the local health officer (but not any deputy health officer) for serious or repeated violations of this chapter. No permit shall be revoked unless the health officer has held a hearing as described in (3).

(3) After any suspension of a permit and before any revocation of or refusal to reissue, a permit, the health officer shall hold a hearing on the suspension, revocation, or refusal to reissue. He shall give the permit holder at least three days' notice of the time and place of the hearing. Any person whose application for a permit has been refused shall be afforded a hearing with the same notice upon his request. (Ord. 3274 Sec. 9, 1990; Ord. 1262 Sec. 1.09, 1964)

9.16.100: Reinstatement of Suspended Permit: When the permit of any person has been suspended, that person may at any time make application to the local health office for reinstatement of the permit. Such application shall be accompanied by a statement signed by the applicant setting forth the action taken to correct the situation which was the basis for the suspension. Within one week after receipt of such application, the local health officer shall reinspect the premises of such food establishment and may make as many additional inspections as are necessary to assure himself that the applicant is complying with the requirements of this chapter and of the rules and regulations. If he finds that the applicant is so complying then he shall reinstate the permit. (Ord. 1262 Sec. 1.10, 1964)

9.16.110: Appeals: Any person aggrieved by the decision of the health officer may, after the hearing provided for in Section 9.16.090, appeal to the City or district health board. If the district health board has jurisdiction, the board shall hear such appeal in accordance with its own rules and regulations. If the city health board is currently active and has jurisdiction, the appeal shall be heard within twenty days, and three days' notice of such hearing shall be given all persons concerned, by the board. (Ord. 1262 Sec. 1.11, 1964)

9.16.120: Compliance with Licensing Ordinances: No permit shall be issued to any person who is required to have a license by any other ordinance of the City unless he has first obtained such license. (Ord. 3073 Sec. 1 (part), 1987; Ord. 1262 Sec. 1.12, 1964)