

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ORDINANCE NO. 892

An ordinance amending sections of MCC 5.10, relating to food service license and pool/spa license and plan review fees, and MCC 8.30, relating to food handlers.

(Language in brackets [ ] is to be deleted; underlined language is new.)

Multnomah County ordains as follows:

SECTION 1. AMENDMENT.

MCC 5.10.320 is amended to read as follows:

**5.10.320. Food service license fee.**

For the services of the department of health in connection with issuance of food service licenses, the department shall collect a fee from every applicant, at the time of application.

The following fee structure shall apply for full-service restaurants, limited-service restaurants, or commissary licenses issued or applied for between January 1 and September 30:

Seating capacity 0 - 15	\$240.00
Seating capacity 16 - 50	325.00
Seating capacity 51 - 150	390.00
Seating capacity over 150	465.00
Limited-service restaurants	240.00
Commissaries servicing 1-5 mobile units and/or 1-50 vending machines	240.00
Commissaries servicing 6 or more mobile units and/or 51 or more vending machines	375.00

Where there are more than two food service facilities located at the same address and licensed to the same licensee, the license fee shall be the amount listed above for the first two largest facilities and one-half the amount for each additional facility.

The following fee structure shall apply for full-service restaurants, limited-service restaurants, or commissary licenses issued or applied for between October 1 and December 31:

Seating capacity 0 - 15	\$120.00
Seating capacity 16 - 50	162.50
Seating capacity 51 - 150	195.00
Seating capacity over 150	232.50
Limited-service restaurants	120.00
Commissaries servicing 1 - 5 mobile units and/or 1-50 vending machines	120.00
Commissaries servicing 6 or more mobile units and/or 51 or more vending machines	187.50

Where there are more than two food service facilities located at the same address and licensed to the same licensee, the license fee shall be the amount listed above for the first two largest facilities and one-half the amount for each additional facility.

For the following special food service facilities, the following fees shall be charged for licenses issued or applied for:

Temporary restaurants:	
1 day	\$ 65.00
2 - 4 days	110.00
5 or more days	125.00
Non-potentially Hazardous temporary restaurant:	
Selling only non-potentially hazardous food as defined in OAR 333-150-000 for a period of 1 - 30 days	65.00
Seasonal full-service, commissaries or limited-service restaurants operating six months or less	120.00

1	Sundries shops: Selling only pre-	
2	wrapped food without the use	
3	of reusable utensils	130.00
4	Warehouses	150.00
5	Mobile units	
6	<u>as defined by OAR 333-162-0020</u>	
7	<u>Class I, II and III</u>	135.00
8	<u>Class IV</u>	<u>220.00</u>
9	<u>Combined Facilities Sundries:</u>	
10	<u>Selling individually, pre-wrapped</u>	
11	<u>foods and whole fruits with single</u>	
12	<u>service utensils in a facility that</u>	
13	<u>holds a pool/spa or travelers'</u>	
14	<u>accommodations license from</u>	
15	<u>the department of health.</u>	<u>100.00</u>
16	<u>Vending Machines:</u>	
17	1 - 10 units	140.00
18	11 - 20 units	270.00
19	21 - 30 units	415.00
20	31 - 40 units	480.00
21	41 - 50 units	550.00
22	51 - 75 units	685.00
23	76 - 100 units	825.00
24	101 - 250 units	1,095.00
25	251 - 500 units	2,050.00
26	501 - 750 units	3,295.00
27	751 - 1,000 units	4,120.00
28	1,001 - 1,500 units	5,495.00
29	1,501- 2,000 units	5,495.00 plus
30		\$1.00 for each
31		unit over
32		2,000 units

The following fee structure shall apply for sundries shops, combined facilities  
sundries, mobile units, warehouses or vending machines issued or applied for between  
October 1 and December 31:

23	<u>Sundries Shops: Selling only pre-</u>	
24	<u>wrapped food without the use of</u>	
25	<u>reusable utensils</u>	<u>\$ 65.00</u>
26	<u>Warehouses</u>	<u>75.00</u>
27	<u>Mobile Units</u>	
28	<u>as defined by OAR 333-162-0020</u>	



<u>Class I, II and III</u>	<u>67.50</u>
<u>Class IV</u>	<u>110.00</u>
<u>Combined Facilities Sundries:</u>	
<u>Selling individually, pre-wrapped</u>	
<u>foods and whole fruits with single</u>	
<u>service utensils in a facility that</u>	
<u>holds a pool/spa or travelers'</u>	
<u>accommodations license from</u>	
<u>the department of health.</u>	<u>50.00</u>
<u>Vending Machines:</u>	
<u>1 - 10 units</u>	<u>70.00</u>
<u>11 - 20 units</u>	<u>135.00</u>
<u>21 - 30 units</u>	<u>207.50</u>
<u>31 - 40 units</u>	<u>240.00</u>
<u>41 - 50 units</u>	<u>275.00</u>
<u>51 - 75 units</u>	<u>342.50</u>
<u>76 - 100 units</u>	<u>412.50</u>
<u>101 - 250 units</u>	<u>547.50</u>
<u>251 - 500 units</u>	<u>1,025.00</u>
<u>501 - 750 units</u>	<u>1,647.50</u>
<u>751 - 1,000 units</u>	<u>2,060.00</u>
<u>1,001 - 1,500 units</u>	<u>2,747.50</u>
<u>1,501- 2,000 units</u>	<u>2,747.50 plus</u>
	<u>\$.50 for each</u>
	<u>unit over</u>
	<u>2,000 units</u>

## SECTION 2. AMENDMENT.

MCC Chapter 5.10 is amended to read as follows:

### **5.10.321. Food service plan review.**

For the services of the department of health in connection with the review of plans for the construction of food service facilities as those terms are defined in ORS 624, the department shall collect the following fees:

Mobile unit plan review	
<u>Class I, II or III</u>	<u>\$120.00</u>
<u>Class IV</u>	<u>200.00</u>
Major remodeling	355.00
New construction	

0 - 50 seats	355.00
Over 50 seats	500.00

The definition of [these categories] mobile unit plan review, major remodeling and new construction shall be established by department administrative policy.

### SECTION 3. AMENDMENT.

MCC Chapter 5.10.322 is amended to read as follows:

#### **5.10.322. Payment of license fees, reinspection fees and delinquency penalty:**

(A) Licenses issued under this section terminate and are renewable on December 31 of each year. The renewal of license fees imposed by MCC 5.10.320 through 5.10.345 shall be paid or postmarked on or before midnight of January 31 of the current license year, to the department.

(B) Except as provided in subsection (C) of this section, to any license fee not paid as required in subsections (A), (D) and (K) of this section, there shall be added a penalty of 50 percent of such license or increased frequency inspection fees.

(C) If the department determines that the delinquency was due to reasonable cause and without any intent to avoid compliance, the penalty provided by subsections (B) and (I) of this section shall be waived.

(D) When a license fee is due at any other time of the year, other than January 31, the license fee shall be payable to the department within 30 days of application. If the license fee is not paid as provided in this subsection, then subsection (B) of this section shall apply.

(E) The license fee for a seasonal facility, which operates six or fewer consecutive months, shall be payable within 30 days of the first day of operation for the current year. If the fee is not paid as provided in this subsection, then subsection (B) of this section will apply.

1 (F) One-half of the license fee shall be refunded if an establishment closes or  
2 changes ownership within the first two months of the year or within any two-month period  
3 of ownership, and application for a refund is made, in writing, within the same two-month  
4 period.

5 (G) The license fee for a temporary restaurant operating on an intermittent basis  
6 at the same specific location in a grouping of less than six shall be \$125.00 per month for  
7 the first four months of operation within a calendar year, and \$40 per month for the  
8 remainder of the year.

9 (H) The application and license fee for any temporary restaurant shall be  
10 received in the Environmental Health Office by noon two working days before the event  
11 begins.

12 (I) Except as provided in subsection (C) and for benevolent organizations as  
13 defined in ORS 624.015, for any temporary restaurant license not applied and paid for as  
14 required in subsection (H) of this section, there shall be added a \$50.00 late processing  
15 fee.

16 (J) Benevolent Organizations are exempt from any temporary restaurant license  
17 or inspection related fees.

18 (K) For the services of the department of health in providing an increased  
19 frequency inspection as mandated under ORS 624.085 and OAR 333-157-0027, the  
20 department shall collect a fee for each additional inspection in the amount of \$120.00.  
21 Reinspections for the sole purpose of checking the number of food handler cards shall  
22 not be subject to this fee.

23 (L) The department may charge a relocation fee in lieu of a full fee under certain  
24 circumstances such as, but not limited to, no change in business name, ownership, menu  
25 served or type of equipment used. The relocation fee shall be \$50. Plan review fees may  
26 apply.



1 SECTION 4. AMENDMENT.

2 MCC 5.10.340 is amended to read as follows:

3 **5.10.340. Swimming pool license fee.**

4 For the services of the department of health in connection with the inspection of  
5 public swimming pools, public spa pools, and bathhouses as those terms are defined in  
6 ORS 448.005, the department shall collect [a \$177.00] annual license fees from each  
7 applicant based on the number of swimming or spa pools located at the same address,  
8 and operated by the same licensee. Annual license fees shall be as follows:  
9

10 For the first three pools [\$200.00] \$220.00 each.

11 For each additional pool [\$100.00] \$120.00 each.  
12  
13

14 SECTION 5. AMENDMENT.

15 MCC 5.10.341 is amended to read as follows:

16 **5.10.341. Swimming pool spa plan review.**

17 For the services of the department of health in connection with [the review of plans]  
18 plan review, site visits and construction inspections for the construction of public swimming  
19 pools, public spa pools and bathhouses as those terms are defined in ORS 448.005, the  
20 department shall collect a fee from each applicant as follows:  
21

22 For plan review and construction permit: [\$500.00] \$750.00

23 For renewal of a construction permit: \$50.00  
24  
25  
26

1 SECTION 6. AMENDMENT.

2 MCC 8.30.250 is amended to read as follows:

3 **8.30.250. Fees.**

4 (A) All food handlers trained under MCC 8.30.150(C) shall pay the health  
5 department a \$5.00 fee for the issuance of an original food handler's certificate.

6 (B) All other food handlers shall pay the health department a [~~\$7.00~~] \$9.00 fee  
7 for the issuance of an original food handler's certificate.

8 (C) All food handlers shall pay the health department a \$2.00 fee for the  
9 issuance of a replacement certificate.

10  
11 ADOPTED this 25th day of November, 1997, being the date of its second reading  
12 before the Board of County Commissioners of Multnomah County, Oregon.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
\_\_\_\_\_  
Beverly Stein, County Chair

19 REVIEWED:

20 THOMAS SPONSLER, COUNTY COUNSEL  
21 FOR MULTNOMAH COUNTY, OREGON

22  
23 By   
\_\_\_\_\_  
Katie Gaetjens, Assistant County Counsel