

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. 869

4 An ordinance amending sections of MCC 5.10, relating to food service license fees  
5 and MCC 8.30, relating to food handlers.  
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7 (Language in brackets [ ] is to be deleted; underlined language is new)  
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9 Multnomah County ordains as follows:  
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11 SECTION 1. AMENDMENT.  
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13 MCC 5.10.320 is amended to read as follows:

14 5.10.320 Food Service License Fee. For the services of the department of health  
15 in connection with issuance of food service licenses, the department shall collect a fee  
16 from every applicant, at the time of application.

17 The following fee structure shall apply for full service restaurants, limited service  
18 restaurants, or commissary licenses issued or applied for between January 1, and  
19 September 30:  
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21	Seating Capacity	0 - 15	<del>[\$230]</del>	<u>\$240</u>
22	Seating Capacity	16 - 50	<del>[\$300]</del>	<u>\$325</u>
23	Seating Capacity	51 - 150	<del>[\$360]</del>	<u>\$390</u>
24	Seating Capacity	Over 150	<del>[\$430]</del>	<u>\$465</u>
25	Limited Service Restaurants		<del>[\$230]</del>	<u>\$240</u>
26	Commissaries servicing 1-5			

mobile units and/or 1-50

vending machines                      [\$230]    \$240

Commissaries serving 6 or more

Mobile units and/or

51 or more vending

Machines                                      [\$350]    \$375

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                      [\$115]    \$120

Seating Capacity      16 - 50                      [\$150]    \$162.50

Seating Capacity      51 - 100                      [\$180]    \$195.00

Seating Capacity      Over 150                      [\$215]    \$232.50

Limited Service Restaurants                      [\$115]    \$120.00

Commissaries servicing 1-5

mobile units and/or 1-50

vending machines                      [\$115]    \$120.00

Commissaries serving 6 or more

Mobile units and/or

51 or more vending

Machines                                      [\$175]    \$187.50

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

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

6                   Temporary Restaurants:

7                   1 day	\$ 65
8                   2-4 days	\$110
9                   5 or more days	\$125

10                   Non-Potentially Hazardous Temporary Restaurant:

11                   Selling only non-potentially hazardous food  
12                   as defined in OAR 333-150-000  
13                   for a period of 1-30 days                   \$65.00

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15                   Seasonal Full Service,  
16                   Commissaries or Limited  
17                   Service Restaurants  
18                   Operating Six (6)  
19                   months or less                   [\$115]   \$120.00

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21                   Sundries Shops: Selling  
22                   only pre-wrapped food  
23                   without the use of  
24                   reusable utensils                   [\$120]   \$130.00  
25                   Warehouses                   [\$140]   \$150.00  
26                   Mobile Units                   [\$125]   \$135.00

Vending Machines:

1-	10 units	[\$130]	<u>\$140.00</u>	
11-	20	[\$255]	<u>\$270.00</u>	
21-	30	\$385	<u>\$415.00</u>	
31-	40	\$445	<u>\$480.00</u>	
41-	50	\$510	<u>\$550.00</u>	
51-	75	\$635	<u>\$685.00</u>	
76-	100	\$765	<u>\$825.00</u>	
101-	250	\$1,015	<u>\$1095.00</u>	
251-	500	\$1,900	<u>\$2050.00</u>	
501-	750	\$3,050	<u>\$3295.00</u>	
751-	1,000	\$3,815	<u>\$4120.00</u>	
1,001-	1,500	\$5,090	<u>\$5495.00</u>	
1,501-	2,000	[\$5,090]	<u>\$5495.00</u>	plus \$1 for each unit over 2,000 units

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[s] <u>plan review</u>	[\$105.00]	<u>\$120.00</u>
[Minor remodeling	\$105.00]	
Major remodeling	[\$210.00]	<u>\$355.00</u>



New construction	[\$280.00]
<u>0 - 50 seats</u>	<u>\$355.00</u>
<u>over 50 seats</u>	<u>\$500.00</u>

The definition of mobile unit plan review, major remodeling, and new construction shall be established by [administrative rule] 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 subsection (A), (D) and (K) of this section, there shall be added a penalty of fifty percent of such license or [reinspection] increased frequency inspection fees.

(C) If they 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 thirty 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 (6) or fewer

1 consecutive months, shall be payable within 30 days of the first day of operation for the  
2 current year. If the fee is not paid as provided in this subsection, then subsection (B) of  
3 this section will apply.

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

8 (G) The license fee for a temporary restaurant operating on an intermittent  
9 basis at the same specific location in a grouping of less than six shall be [\$120] \$125.00  
10 per month for the first four (4) months of operation within a calendar year, and \$40 per  
11 month for the remainder of the year.

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

14 (I) Except as provided in Subsection (C) and for benevolent organizations as  
15 defined in ORS 624.015 for any temporary restaurant license not applied and paid for as  
16 required in subsection (H) of this section there shall be added a \$50.00 Late Processing  
17 Fee.

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

20 (K) For the services of the Department of Health in providing an increased  
21 frequency inspection as mandated under ORS 624.085 and OAR 333-157-0027 [more  
22 than two reinspections in a calendar year connected with the operation of a food service  
23 facility], the department shall collect a [reinspection] fee for each additional [re]inspection  
24 in the amount of \$120.00. Reinspections for the sole purpose of checking the number of  
25 food handler cards shall not be subject to this fee.  
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5.10.323 Bed and Breakfast Facilities, Food service license fees: For the services of the Department of Health in connection with the inspection of food service facilities as those terms are defined in ORS 624, the department shall collect a [\$120] \$130 annual license fee from each applicant.

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5.10.345 Tourist and travelers facilities license fees. For the services of the Department of Health in connection with the issuance of licenses the department shall collect from every applicant at the time of application, the following fees:

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1       SECTION 6. AMENDMENT.

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3           MCC 8.30.010 is amended to read as follows:

4           8.30.010.     “Food handler” defined.

5           As used in this chapter, “food handler” means any person [who performs work as  
6 an owner, employee or agent] involved in the preparation or service of food in an  
7 establishment in Multnomah County which is subject to ORS chapter 624. This includes,  
8 but is not limited to, dishwashers, wait staff and bus persons.

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10       SECTION 7. AMENDMENT.

11           MCC 8.30.150 is amended to read as follows:

12           8.30.050. Food handler’s certificate required.

13           (A)   No owner of a public eating place shall [hire an employee] continue to  
14 employ a food handler after thirty (30) days from the date of hire without the [employee]  
15 food handler having a valid food handler’s certificate.

16           (B)   No person shall perform work as a food handler without having [first]  
17 procured a food handler’s certificate within the first thirty (30) days of employment.

18           (C)   All employers shall post all food handler certificates or a photocopy of any  
19 certificate provided they have seen the original certificate, in one central location for  
20 review by the health department.

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22       SECTION 8. AMENDMENT.

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24           MCC 8.30.150 is amended to read as follows:

25           8.30.150 Food handler’s certificate; course of study.

26           (A)   A food handler’s certificate shall be issued by the [division of epidemiology



1 and health sanitation of the department of human services] health department to any  
2 person who has attended and satisfactorily completed a course in food handling  
3 [conducted under rules adopted by the health officer] which has been reviewed and  
4 approved by the health department pursuant to the criteria set forth in subsection (B) of  
5 this section.

6 (B) [The health officer may adopt rules as may be reasonably necessary to  
7 establish the scope and conduct of the food handler's course, the satisfactory completion  
8 of which shall be a condition precedent to the issuance of a food handler's certificate.]  
9 Food handler training shall include, but not be limited to the following:

- 10 (1) Principles of foodborne illnesses and their transmission;  
11 (2) Personal hygiene and handwashing;  
12 (3) Cross contamination;  
13 (4) Safe food sources and wholesomeness of food;  
14 (5) Proper procedures for cooking, cooling, reheating, holding and storing  
15 food;  
16 (6) Dish and utensil washing;  
17 (7) Rodent and insect control; and  
18 (8) Injury and accident prevention.

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20 (C) A restaurant may offer a training program to its food handlers if the  
21 program has been reviewed and approved by the Oregon Health Division or health  
22 department.

1        SECTION 9. AMENDMENT.

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3            MCC 8.30.250 is amended to read as follows:

4            8.30.250 Fees.

5            [A \$7.00 fee shall be paid to Multnomah County for the issuance of an original of  
6 a food handler's certificate and \$2.00 shall be paid for the issuance of a replacement  
7 certificate.]

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

10           (B)    All other food handlers shall pay the health department a \$7.00 fee for the  
11 issuance of an original food handler's certificate.

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

14        SECTION 10. AMENDMENT.

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16           MCC 8.30.350 is amended to read as follows:

17           8.30.350. Compulsory physical examination.

18           (A)    The health officer, or any person duly designated by the health officer, may  
19 require any person who is required to have a food handler's certificate, and who there is  
20 reasonable cause to believe is infected with any pathogen which is medically associated  
21 with foodborne human illness, to obtain a physical examination and to report the result to  
22 the [division of epidemiology and health sanitation] health department.

23           (B)    If an examination is required under subsection (A) of this section, a food  
24 handler's certificate shall not be issued to the applicant unless the examination shows no  
25 evidence of the presence of any pathogens which are medically associated with foodborne  
26 human illness.

1 (C) In the event a physical examination is ordered under subsection (A) of this  
2 section for any person to whom there has been issued a food handler's certificate, the  
3 certificate shall be suspended until the person has furnished the report of the examination  
4 which shows no evidence of the presence of any pathogens which are medically associated  
5 with foodborne human illness.

6 ADOPTED this 24th day of October, 1996, being the date of its  
7 second reading before the Board of County Commissioners of Multnomah County,  
8 Oregon.  
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11 BOARD OF COUNTY COMMISSIONERS  
12 FOR MULTNOMAH COUNTY, OREGON

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14 \_\_\_\_\_  
15 Beverly Stein, County Chair

16 REVIEWED:

17 LAURENCE KRESSEL, COUNTY COUNSEL  
18 FOR MULTNOMAH COUNTY, OREGON

19 By   
20 \_\_\_\_\_  
21 Katie Gaetjens, Assistant Counsel