

PROPOSED BY: \_\_\_\_\_  
INTRODUCTION DATE: \_\_\_\_\_

**ORDINANCE NO.** 2020-022

**ORDINANCE TO PROVIDE PERMITTING RELIEF  
TO FOOD ESTABLISHMENTS**

**WHEREAS**, the COVID-19 pandemic has required extraordinary measures to protect public health; and

**WHEREAS**, Governor Inslee's order to close all but "essential" businesses has prevented many food establishments permitted by the Whatcom County Health Department from fully operating; and

**WHEREAS**, Governor Inslee's subsequent "Stay Home, Stay Safe" order has further reduced patronage for some businesses permitted by the Whatcom County Health Department; and

**WHEREAS**, affected businesses are important to the economic health of our community; and

**WHEREAS**, affected businesses may be unable to pay for operating permit renewal due to loss of revenue; and

**WHEREAS**, business closures will result in a loss of jobs and a loss in revenue that funds essential County services;

**FINDING OF FACT:**

1. The proposal here is to extend permit expiration dates by six (6) months, thereby extending the deadline for fees by six (6) months.
2. Late fee waivers are also contemplated. The financial impact from waiving late fees for food establishments would be a reduction in 2020 revenue of approximately **\$5000.00**. These waivers shall be implemented by executive order.
3. The financial impact from extension of permit expiration dates would be approximately:
  - A 2020 revenue reduction of approximately **\$327,000.00** if extending permit expiration dates by six (6) months.
4. The proposed timeframe used to determine which businesses will receive this relief is March 1, 2020 – February 28, 2021, because all operators whose permit expiration dates fall within this time frame will be affected during that year by business restrictions ordered by Governor Inslee.

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that Whatcom County Code section 24.03.040 is hereby amended as shown in Exhibit A.

ADOPTED this 5th day of May, 2020.




Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Barry Buchanan, Council Chair

APPROVED as to form:

  
Civil Deputy Prosecutor

Approved    ( ) Denied

  
Satpal Sidhu, County Executive

Date: 5/6/2020

## EXHIBIT A

### **24.03.040 Permits.**

A. Permits issued by the regulatory authority will be required as provided in WAC 246-215-08300. Permits shall expire on the date stated on the permit but in no case shall they be valid for more than one year.

B. Permits for all food establishments except temporary food establishments will be issued to be effective from the time of an initial satisfactory inspection and payment of the permit fee for a period not to exceed one year.

1. Permits with expiration dates between March 1, 2020, and February 28, 2021, shall be extended from 12 months to 18 months for businesses billed under the following: UFS 1546 (taverns); 8461 (simple menu food establishments); 8466 (moderate menu food establishments); 8468 and 8470 (complex menu food establishments); and 8471 (food establishment bars and additional kitchens).

C. Permits for temporary food establishments will expire on the date stated on the permit, but in no case shall they be valid for more than one year.

D. Permits will be suspended and reinstated as provided in WAC 246-215-08600. In addition to those stated in WAC 246-215-08600, any one of the following shall be grounds for suspension of a permit:

1. Refusal or inability to correct immediately any red high-risk factor violation;  
or
2. Finding the same red high-risk factor violation on two inspections within six months; or
3. Finding of 40 red high-risk factor hazard points or 100 total red and blue hazard points twice within a 12-month period; or
4. Finding that continued operation would otherwise constitute an imminent health hazard as a result of conditions defined in Chapter 246-215 WAC, Part 1. These conditions include fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne disease outbreak, gross insanitary occurrence or condition, or other circumstance that might endanger public health.
5. Obstructing a food safety inspector.
6. Violating the terms of permit issuance.
7. Service of unsafe or adulterated food.
8. Failing to provide hot water as required in the WAC 246-215-05210.
9. Failing to adhere to the terms of a compliance agreement.
10. Refusing to correct violations as ordered by a food safety inspector.

E. Permits will be revoked as provided in WAC 246-215-08600. (Ord. 2014-016 Exh. A; Ord. 90-10 Exh. A (part); Ord. 89-24 (part)).