

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF TILLAMOOK COUNTY, OREGON

In the Matter of an Ordinance)
Establishing a Uniform Health)
Standard in Tillamook County)
for Food Service Workers)

FILED

ORDINANCE NO. 25

(Revised)
FEB 25 9 10 AM '90

JOSEPHINE VELTRI

The Board of County Commissioners of Tillamook County
ordains as follows:

DEPUTY

ARTICLE I. DEFINITIONS. As used in this ordinance,
the following words and phrases shall mean:

1. Communicable disease. Any disease that may cause
food-borne illness or may be transmitted from person to person
under the conditions encountered in a food establishment.

2. Department. Tillamook County Health Department.

3. Director. Tillamook County Health Administrator or a
duly appointed representative.

4. Employer. Any individual, sole proprietor, firm,
partnership, corporation, company, joint stock association,
fraternal, social or religious organization, or other legal
entity, that owns, operates or manages a food service facility,
that utilizes, employes or supervises food handlers.

5. Food. Any raw, cooked or processed edible substance,
beverage or ingredient used or intended for use in whole, or in
part, for human consumption.

6. Food and Beverage Service Worker Permit. A permit
issued by the Department indicating that the holder of the permit
has demonstrated a minimum level of competency in the sanitary
preparation, service, storage and handling of food and beverages.

7. Food and Beverage Service Facility. Any place where
food is prepared and intended for individual portion service, and
includes the site at which individual portions are provided. The
term includes any such place regardless of whether consumption is
on or off the premises and regardless of whether there is a
charge for the food. The term also includes delicatessen-type
operations that prepare food intended for individual portion
service. The term does not include private homes where food is
prepared or served for individual family consumption, retail food
stores, the location of food vending machines, and supply
vehicles.

1. The term includes "restaurants", "temporary
restaurants", "limited service restaurants" and "bed and
breakfast facilities" as those terms are defined in ORS 624.010.

2. Notwithstanding the exclusion stated in ORS 624.010(3)(b), the term also includes school lunch rooms where food is prepared, handled or served for school and/or community activities.

3. The term does not apply to the following:

a. An establishment where food is prepared and served by a fraternal, social or religious organization only to its own members and guests.

b. A food product promotion where only a sample of a food or foods is offered to demonstrate the characteristics of the food product. For the purposes of this paragraph, a sample shall not include a meal, an individual hot dish or a whole sandwich.

c. A private residence, or part thereof, including the grounds, areas and facilities held out for the use of the occupants generally, for which a special retail beer or special retail wine license is issued under ORS 471.290 for a period not exceeding one day.

8. Food and Beverage Service Worker. Any person employed or working in, or applying for employment or work in, a food service facility, and any employer or imminent employer of such person, who prepares, handles or serves food. This definition includes temporary employees, part-time employees and volunteers who work in food service facilities.

9. Rules. Rules adopted by the Board of County Commissioners or Director.

ARTICLE II. ADMINISTRATION

Section 1. Purpose. Pursuant to Chapters 203, 431 and 624 of the Oregon Revised Statutes, this ordinance is adopted for the purpose of:

1. Preventing the spread of communicable disease and establishing a uniform health standard in Tillamook County for food service workers.

2. Insuring that all food and beverage service workers possess an adequate knowledge of the sanitary principles and practices involved in the preparation, storage and service of foods and beverages.

Section 2. Adoption of the State Division of Health Rules, Regulations and Statutes. The rules and regulations of the State Division of Health and State statutes relative to food service workers are adopted as a part of this ordinance and incorporated herein.

Section 3. Conflict with State Law. None of the provisions of this ordinance are intended to establish a standard lower than what is or may hereafter be adopted by the State.

Section 4. Notification by Food and Beverage Service Facility. All owners, operators or managers of any food and beverage service facility shall inform all affected workers that they must obtain a food and beverage service permit from the Department within thirty days of their employment.

Section 5. Time in which to Acquire Permit. All food service workers employed in a restaurant or educational institution shall obtain from the Department a food service worker's permit within thirty days of their employment.

Section 6. Examination. Persons making application for a food and beverage service worker's permit shall demonstrate their knowledge of elementary acceptable sanitary practices in the preparation, service, storage and handling of food and beverages, by attending a class on sanitary food handling practices and satisfactorily passing an oral or written examination conducted by the Department. Any person may take the examination any number of times provided at least 24 hours has lapsed between tests.

Section 7. Notification by Temporary Restaurants. All owners, operators or managers of any temporary restaurant shall inform all food service workers that prior to commencing actual employment, the worker shall have a basic knowledge of the elementary acceptable sanitary practices in the preparation, service, storage and handling of food and beverages.

Section 8. Examination for Temporary Restaurants. The owners, operator, or manager of any temporary restaurant shall obtain a food service worker's permit prior to commencing actual operation in the preparation, handling and serving of food or beverage. It shall be the immediate responsibility of every owner, operator or manager of any temporary restaurant to educate and supervise all temporary food handlers in the elementary acceptable sanitary practices in the preparation, service, storage and handling of food and beverages.

Section 9. Notification by Educational Institution. All operators, managers, or supervisors of any educational institution food service shall inform all regular food service employees that they must obtain a food service permit from the Department within thirty days of their employment. Regular food service workers are those persons who are normally expected to work more than two hours per day or more than 10 hours per week. It shall be the responsibility of every operator, manager, or supervisor of any educational institution food service to obtain a food worker's permit, to educate and supervise employees who are normally expected to work two hours or less per day or 10 or less per week, that prior to commencing actual employment the

employee shall have a basic knowledge of elementary acceptable sanitary practices in the preparation, service, storage and handling of food and beverages.

Section 10. Fees.

1. For the purpose of partially defraying expenses involved in the testing of food service workers, the Department shall collect a fee in advance in the amount established by order of the Board for the following applications:

- (a) Food and beverage service worker permit.
- (b) Food and beverage worker permit (renewal).
- (c) Food and beverage worker permit (duplicate).

2. All fees are nonrefundable.

3. Fees may be waived or deferred by the Department upon its determination that a person is financially indigent at the time of application.

4. The cost of the permit shall be uniform throughout the County and shall be in the amount set by the Board.

Section 11. Revocation of Permit. A Food and Beverage Service Worker's Permit may be revoked by the Department upon reasonable evidence indicating repeated or continuing violations of accepted procedures and practices in the preparation, service, storage or handling of food or beverage offered for public consumption.

Section 12. Review. Any food or beverage service worker whose permit has been revoked by the Department may request that the Director conduct an administrative review. The Director shall conduct a review and notify the affected parties of the findings within 10 days from the date of revocation.

Section 13. Food and Beverage Service Worker's Permits. Food and beverage service workers shall furnish and place on file with the person in charge of the food service establishment, their food and beverage worker's permits, as prescribed by the Department. Such permits shall be kept on file by the employer and open for inspection at all reasonable hours by public health officials. These permits shall be returned to the employees upon termination of employment.

Section 14. Renewal of Permit. A food and beverage service permit shall expire two (2) years from the date of issuance. In order to continue employment or work without interruption, the food and beverage service worker must apply for a renewal of the permit prior to its expiration date. In order to qualify for renewal, the food service worker must attend another class, pass an examination and pay a fee as provided in Section 10 above.

Section 15. Diseased Persons May Not Work Nor Be Hired. No person with a communicable disease shall handle, prepare, serve or sell food, food products, or beverages for public consumption, nor shall any person knowingly employ any food service worker so afflicted.

Section 16. Permit Exclusive and Valid Throughout Tillamook County. The permit provided by the Department shall be valid in the unincorporated areas of the County and all incorporated cities in the County of Tillamook for the period for which it is issued, unless said cities by separate order of their governing body separately elect not to come under the provisions of this ordinance.

Section 17. Administrative Rules. The Board of Commissioners may establish rules necessary to carry out the provisions of this ordinance upon the recommendation of the Department. Such rules shall be published and copies shall be provided upon request of any person.

Section 18. Effective Date. The provisions of this ordinance shall be effective February 21, 1990. All permits shall be valid for two (2) years from date of issue.

Section 19. Enforcement. It is hereby prohibited for any employer to employ any person who has not obtained a permit pursuant to this ordinance.

DATE OF FIRST READING: February 7, 1990

DATE OF SECOND READING AND APPROVAL: February 21-1990

BOARD OF COUNTY COMMISSIONERS
OF TILLAMOOK COUNTY, OREGON

Ida A. Lane, Chairman

Kenneth M. Burdick

Ken Burdick, Commissioner

Robert Miles

Robert Miles, Commissioner

Approved as to form

County Counsel