

FILED

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF TILLAMOOK COUNTY, OREGON

DEC 6 3 22 PM 1984

JUNE WAGNER
COUNTY CLERK

DEPUTY

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

ORDINANCE NO. 25

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

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 Officer or his duly authorized representative.
4. Employer. Any individual, sole proprietor, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.
5. Food. Any article used, or intended to be used, for food, drink, confection or condiment, whether simple or compound, thereof, and 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 beverage.
7. Food establishment. All establishments that prepare, handle, offer, serve or make available, with or without compensation, food for the general public.
8. Food service worker. A person employed or soon to be employed in a food and/or beverage establishment of the owner, operator or manager thereof who prepares, serves or handles food. This definition shall not include persons engaged in food handling operations or food manufacturing under the jurisdiction of the State Department of Agriculture.

9. Restaurant. Any establishment where food or drink is prepared for consumption by the public or where the public obtains food or drink so prepared in form or quantity consumable then and there, whether or not it is consumed within the confines of the premises where prepared, or any establishment which prepares food or drink in consumable form for service outside the premises where prepared.

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

11. Temporary restaurant. Any establishment which operates temporarily in connection with any fair, carnival, circus or promotion, or any other event where food is prepared or served for consumption by the public and is licensed by the State under Chapter 624 of the Oregon Revised Statutes as a temporary restaurant. This definition does not include an establishment where food is prepared and served, by fraternal, social or religious organization, only to its own members and guests or a food product promotion where only a sample of food or foods are offered to demonstrate the characteristics of the food product.

12. Educational institution. Any school facility, Fraternity, Sorority or Cooperative where food or drink is prepared for consumption by the students or public where the students or public obtain food or drink so prepared in form or quantity consumable then or there, whether or not it is consumed within the confines of the premises where prepared, and also includes establishments which prepare food or drink in consumable form for service outside the premises where prepared.

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 infectious disease and establishing a uniform health standard in Tillamook County for food service workers.

2. Insuring that all food 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 Restaurant. All owners, operators or managers of any restaurant shall inform all food service workers that they must obtain a food 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 five days of their employment.

Section 6. Examination. Persons making application for a food 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 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 Restaurant. 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 five 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

shall collect a fee in advance in the amount established by order of the Board for the following application:

- (a) Food service worker permit.
- (b) Food service worker permit renewal.

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 10. 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 11. 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 within 10 days from the revocation of his findings.

Section 12. Food and Beverage Service Worker's Permits. Food service workers shall furnish and place on file with the person in charge of any food 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.

Such permits shall be returned by the employer to the employees upon termination of employment and shall be valid for three years from date of issuance.

Section 13. 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 14. 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 15. 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 16. Effective Date. The provisions of this ordinance shall be effective January 1, 1985. All permits shall be valid for three years from date of issue.

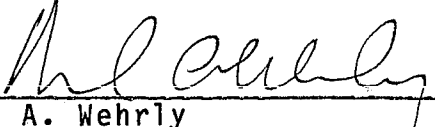
Section 17. Enforcement. It is hereby prohibited for any employer to employ any person who has not obtained a permit pursuant to this ordinance.

DATE OF FIRST READING: November 21, 1984.

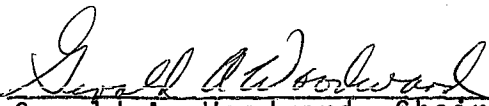
DATE OF SECOND READING AND APPROVAL: *December 5, 1984*

APPROVED AS TO FORM:


BOARD OF COUNTY COMMISSIONERS
OF TILLAMOOK COUNTY, OREGON



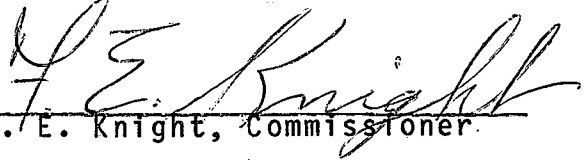
Mark A. Wehrly
County Counsel




Gerald A. Woodward, Chairman



Barbara Legoo
Recording Secretary



F. E. Knight, Commissioner



Carol Williams, Commissioner