

FILED

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

AT _____ O'CLOCK _____ M

ORDINANCE NO. 5-73

AMENDING CHAPTER 9 of LANE CODE 1973

D. M. PENFOLD, Director of the
Dept. of Records and Elections of Lane County

BY *[Signature]*
DEPUTY

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

Chapter 9 of Lane Code is hereby amended by adding new pages 9.600 - 9.600, 9.600 - 9.625, 9.630 - 9.630, 9.650 - 9.680, and 9.685 - 9.690, by removing page 9.990 - 9.995 and substituting therefor page 9.990 - 9.995, and by revising the General and Chapter 9 Table of Contents to conform. Said pages are attached hereto and incorporated herein by reference.

The purpose of this amendment is to protect the health, safety and welfare of Lane County citizens by preventing the spread of infectious disease, establishing a minimum health standard for food service workers and 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.

Enacted this 22 day of July, 1973.

[Signature]
Chairman, Lane County Board of
Commissioners

[Signature]
Recording Secretary for this Meeting of
the Board

APPROVED AS TO FORM
DATE 7-5-73
[Signature]
OFFICE OF COUNTY COUNSEL

9.600

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Chapter 9.

Food and Beverage Service Worker's Permit

9.600

Definitions. As used in this subchapter, the following words and phrases shall mean:

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.

Department. Lane County Department of Health and Sanitation.

Director. Lane County Director of the Department of Health and Sanitation, or his duly authorized representative.

Employer. Any individual, sole proprietor, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

Food. Any article used, or intended to be used, for food, drink, confection or condiment, whether simple or compound, thereof, and for human consumption.

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.

Food establishment. All establishments that prepare, handle, offer, serve or make available, with or without compensation, food for the general public.

Food service worker. A person employed or soon to be employed in a food and/or beverage establishment or 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.

Restaurant. Any establishment licensed by the State under Chapter 624 of the Oregon Revised Statutes as a restaurant 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.

Rules. Rules adopted by the Board of County Commissioners or Director and incorporated in the Lane Manual.

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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 a 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.

Educational institution. Any school facility 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.

9.605 Purpose. Pursuant to Chapters 431 and 624 of the Oregon Revised Statutes and the Home Rule Charter of Lane County, subsections 9.600 to 9.690 are adopted for the purpose of:

- (1) Preventing the spread of infectious disease and establishing a uniform health standard in Lane 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.

9.610 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 chapter and incorporated herein.

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

9.620 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 within five days of their employment from the Department.

9.625 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.

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9.630 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 based on the "Food and Beverage Service Worker's Manual" available from the Department. Any person may take the examination any number of times provided at least 24 hours has lapsed between tests.

9.635 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 as contained in the "Food and Beverage Service Worker's Manual", available from the Department.

9.640 Examination for Temporary Restaurant. The owner, operator, or manager of any temporary restaurant shall obtain a food service worker's permit prior to commencing actual operations 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 as contained in the "Food and Beverage Service Worker's Manual", available from the Department.

9.645 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 hours 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 as contained in the "Food and Beverage Service Worker's Manual", available from the Department.

9.650

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:

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(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.

9.655 Health Record. All persons prior to receiving a permit or a renewal shall complete a health record provided by the Department.

9.660 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.

9.665 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.

9.670 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.

9.675 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.

9.680 Permit Exclusive and Valid Throughout Lane 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 Lane, 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.

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9.685 Administrative Rules. The Board may establish rules necessary to carry out the provisions of this subchapter upon the recommendation of the Department. Such rules shall be published in the Lane Manual.

9.690 Effective Date. The provisions of this subchapter shall be effective September 1, 1973. All food service worker's permits issued prior to August 31, 1973 shall be valid until December 31, 1973. All permits issued after August 31, 1973 shall be valid for three and one-half years.

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Violation & Penalties9.990 Violation.

(1) Violation of Section 9.035 constitutes a county infraction and shall be handled in accordance with Sections 5.005 to 5.065. Any person shall have the authority to sign county infraction complaints for violation of Section 9.035.

(2) At the expiration of the period set by the County for correction of any violation of Sections 9.310 to 9.370, the County shall again inspect the dwelling. If the violation has not been corrected, the violation shall constitute a county infraction. The Director of the County Health and Sanitation Department, or his duly authorized agent, has the authority to sign the county infractions complaint and summons. Each violation of any provision of these minimum standards shall constitute a separate county infraction as defined in Chapter 5 of Lane Code. Continued violation of these minimum standards after the expiration of the period required by this section for correction constitutes a separate infraction for each day the violation continues. Added by 20-72; 10.13.72

(3) Any violation of 9.610, 9.620, 9.625, 9.635, 9.640, 9.645 and 9.675 shall be considered a county infraction and shall be handled in accordance with Sections 5.005 to 5.065. The Department shall have the authority to sign county infractions complaints.

9.995 Penalty.

Violation of Sections 9.020 to 9.030 and Sections 9.040 to 9.115 and any of the rules and regulations promulgated under the authority of Lane Code 9.110 shall be deemed to be a misdemeanor and shall be punishable upon conviction by a fine of not more than \$500.00 or by imprisonment in the county jail for not more than six months, or both. Corrected by 20-72; 10.13.72

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