

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending the)
Columbia County Food Handlers)
Ordinance)
_____)

ORDINANCE NO. 90-18

The Board of County Commissioners for Columbia County, Oregon ordains as follows:

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 90-18. Exhibit "A" which is attached hereto and incorporated herein by this reference may also be cited and referred to as the "Columbia County Food Handlers Ordinance".

SECTION 2. AUTHORITY.

This ordinance is adopted pursuant to ORS 203.035.

SECTION 3. PURPOSE.

The purpose of this ordinance is to amend the Columbia County Food Handlers Ordinance (Ordinance No. 89-3 as amended by Ordinance No. 90-9) to eliminate the need for food handlers classes and to make future amendments of the ordinance more convenient.

SECTION 4. AMENDMENT.

Ordinance No. 89-3 as amended by Ordinance No. 90-9, the "Columbia County Food Handlers Ordinance", is amended to read as shown in Exhibit "A" which is attached hereto and incorporated herein by this reference.

SECTION 5. SEVERABILITY.

If any portion of this ordinance is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion and such holdings shall not affect the validity of the remaining portion thereof.

SECTION 6. EMERGENCY.

This ordinance being immediately necessary to maintain the public health, safety and welfare, an emergency is declared to exist and this ordinance takes effect immediately upon its adoption.

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON THIS 8th DAY OF August, 1990.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: John Kling
Office of County Counsel

Attest:

By: Cherie Maylan
Recording Secretary

By: John R. Peterson
Chairman

By: May W. Dillard
Commissioner

By: Not Present
Commissioner

First Reading: 08-08-90
Second Reading: 08-08-90
Effective Date: 08-08-90

EXHIBIT "A"

COLUMBIA COUNTY

FOOD HANDLERS

ORDINANCE

Legislative History:

Enacted by Ordinance No. 89-3
on February 15, 1989.

Amended by Ordinance No. 90-9
on February 21, 1990.

Amended by Ordinance No. 90-18
on August 8, 1990.

COLUMBIA COUNTY FOOD HANDLERS ORDINANCE

SECTION 1. TITLE.

This ordinance shall be known as the "Columbia County Food Handlers Ordinance".

[En. Ord. 89-3; Am. & Rnbd. Ord. 90-18.]

SECTION 2. AUTHORITY.

[En. Ord. 89-3; Rnbd. & Del. Ordinance 90-18.]

SECTION 3. PURPOSE.

The purpose of this ordinance is to help prevent the spread of communicable diseases in Columbia County by requiring food handlers to have a basic knowledge of sanitary principles and the proper procedures and practices involved in the preparation, handling and service of food.

[En. Ord. 89-3.]

SECTION 4. DEFINITIONS.

As used in this ordinance, the following definitions apply:

- A. Communicable disease: Any disease that may be transferred from person to person or from food to person under the conditions encountered in a food service facility.
- B. Department: The Environmental Health Section of the Columbia County Land Development Services Department.
- C. 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, or that utilizes, employs or supervises food handlers.
- D. Food: Any raw, cooked or processed edible substance, beverage or ingredient used or intended for use in whole, or in part, for human consumption.
- E. Food Handler: 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.
- F. Food Handler's Permit: A permit issued by the Department indicating that the recipient has passed an examination in the safe and sanitary preparation, handling and service of food.
- G. Food 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.

[En. Ord. 89-3; Am. Ord. 90-18.]

SECTION 5. SCOPE OF ORDINANCE.

This ordinance shall apply to all unincorporated areas of Columbia County, but shall not apply inside the limits of any incorporated city in Columbia County unless it has specifically consented to the provisions of this ordinance. References to Columbia County made herein shall not mean areas within the limits of incorporated cities unless they have so consented.

[En. Ord. 89-3.]

SECTION 6. PERMITS REQUIRED.

- A. Except as otherwise specifically permitted by this ordinance, no person shall prepare, handle or serve food in food service facilities within Columbia County without having first applied for and received a food handler's permit under this ordinance. All food handlers must have the permit on their person or on the premises while preparing, handling or serving food in food service facilities in Columbia County.

- B. In order to be eligible for a food handler's permit, a food handler must:
 - 1) Pay the examination fee as provided for by this ordinance; and
 - 2) Pass an examination in the safe and sanitary preparation, handling and service of food.
- C. A food handler's permit is exclusive to the permittee and may not be transferred to another individual. A food handler holding a valid permit may work in any food service facility in Columbia County.
- D. Notwithstanding subsection A above, any valid current food handler's permit obtained from any jurisdiction in the State of Oregon shall be valid in Columbia County until its date of expiration.
- E. Notwithstanding subsection A above, fraternal, religious or social organizations serving the general public may utilize volunteers who do not have a food handler's permit as long as a ratio of one (1) food handler with a permit for every ten (10) food handlers without a permit is present at the time of food service to train and/or supervise such volunteers.

[En. Ord. 89-3; Am. Ord. 90-18.]

SECTION 7. BOOKLET AND EXAMINATION.

- A. The Department shall provide, upon payment of the booklet fee, booklets designed to educate food handlers in the safe and sanitary preparation, handling and service of food. Such booklets shall be offered at various locations in the county to facilitate accessibility.
- B. The Department shall present on a regular basis, or as needed, examinations in which food handlers may demonstrate their knowledge of the safe and sanitary preparation, handling and service of food.

[En. Ord. 89-3; Am. Ord. 90-18.]

SECTION 8. FEES.

Fees for the food handler's booklet and food handler's examination shall be set by order or resolution of the Board of County Commissioners for Columbia County.

[En. Ord. 89-3; Am. Ord. 90-9; Am. Ord. 90-18.]

SECTION 9. TIME TO OBTAIN PERMIT.

- A. All food handlers working or employed on the effective date of this ordinance in a food service facility shall obtain a food handler's permit no more than sixty (60) consecutive calendar days after the effective date of this ordinance.
- B. Food handlers who obtain employment or begin working in a food service facility after the effective date of this ordinance who do not already have a valid food handler's permit shall obtain a permit

no more than sixty (60) consecutive calendar days after the date of first beginning work or employment.

- C. No employer shall employ or allow any person to work as a food handler in a food service facility at any time after sixty (60) consecutive calendar days from the date of first beginning work or employment unless the food handler has obtained a food handler's permit as required by this ordinance.
 - D. Notwithstanding subsections B and C of this section, fraternal, social or religious organizations must meet the ratio requirements of Section 6.E above for any event involving the service of food to the general public which occurs more than sixty (60) consecutive calendar days after the effective date of this ordinance.
- [En. Ord. 89-3.]

SECTION 10. RENEWAL OF PERMIT.

A food handler's permit shall expire two (2) years from the date of issuance. In order to continue employment or work without interruption, the food handler must apply for a renewal of the permit prior to its expiration date. In order to qualify for renewal, the food handler must pass another examination and pay a fee as provided in Sections 6, 7 and 8 above.

[En. Ord. 89-3; Am. Ord. 90-18.]

SECTION 11. COMMUNICABLE DISEASES.

No person with a communicable disease shall prepare, handle or serve food for public consumption nor shall any employer knowingly allow any person so afflicted to prepare, handle or serve food.

[En. Ord. 89-3.]

SECTION 12. REVOCATION OF PERMIT.

A food handler's permit may be revoked by the County after a hearing if substantial evidence exists indicating repeated or continuous violations of accepted practices and procedures of food preparation, handling or service.

[En. Ord. 89-3.]

SECTION 13. ENFORCEMENT.

This ordinance is enforceable under, and violators are subject to the penalties provided in, the Columbia County Enforcement Ordinance.

[En. Ord. 89-3; Am. Ord. 90-18.]

SECTION 14. NONLIABILITY.

Except as provided in Sections 12 and 13 above, there shall be no additional liability imposed or implied by this ordinance against any employer or food handler for violation of this ordinance. No person except Columbia County, its officers, agents and employees shall have standing to assert a violation of this ordinance before any court of law.

[En. Ord. 89-3; Am. Ord. 90-18.]

SECTION 15. SEVERABILITY.
[En. Ord. 89-3; Del. Ord. 90-18.]

SECTION 16. EMERGENCY CLAUSE.
[En. Ord. 89-3; Del. Ord. 90-18.]

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Setting Fees)
for the Food Handler's Booklet)
and Food Handler's Examination)
_____)
ORDER NO. 154-90

WHEREAS, on August 8, 1990, the Board of County Commissioners adopted Ordinance No. 90-18, amending the Columbia County Food Handlers Ordinance, to be effective on August 8, 1990; and

WHEREAS, pursuant to Section 8 of the ordinance, the fees for the food handler's booklet and food handler's examination are to be set by order or resolution of the Board; and

WHEREAS, the Environmental Health Section of the Columbia County Land Development Services Department has recommended that the fee for the food handler's booklet be \$1.00 _____ per booklet; and

WHEREAS, the Environmental Health Section of the Columbia County Land Development Services Department has recommended that the food handler's examination fee be \$2.50 per person for volunteers working as food handlers only for fraternal, social or religious organizations and \$5.00 per person for all other food handlers; and

WHEREAS, the Environmental Health Section of the Columbia County Land Development Services Department has recommended that there be no charge for the food handler's permit for both volunteers working as food handlers only for fraternal, social or religious organizations and for all other food handlers as long as they have taken and passed the food handler's examination; and

WHEREAS, the Environmental Health Section of the Columbia County Land Development Services Department has further recommended that the food handler's permit for volunteer food handlers working only for fraternal, social or religious organizations be designated as such and not be valid for work for or employment by other types of employers;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The fee for the food handler's booklet shall be \$ 1.00 per booklet.
2. The food handler's examination fee for volunteers working as food handlers only for fraternal, social or religious organizations shall be \$2.50 per person.
3. The food handler's examination fee for all other food handlers shall be \$5.00 per person.

4. The food handler's examination fee shall be nonrefundible if the examination is held as scheduled, even if the food handler fails to attend the examination, unless the food handler shows good cause for failure to attend the examination.

5. There shall be no charge for the food handler's permit for those persons who have taken and passed the food handler's examination.

6. The food handler's permit for volunteer food handlers working only for fraternal, social or religious organizations shall be designated as such and shall not be valid for work for or employment by other types of employers.

DATED at St. Helens, Oregon this 8th day of August, 1990.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: *J. L. R. Peterson*
Chairman

By: *Max W. Dill*
Commissioner

By: Not Present
Commissioner

Approved as to form

By: *Don K. Meyer*
Office of County Counsel