Environmental Health Code, Chapter 7 Retail Food Regulations

Board of Health Resolution #2024–4826
Adopted February 7, 2024

Tacoma-Pierce County Health Department
Healthy People in Healthy Communities

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Section 1: Title

Environmental Health Code Chapter 7 shall be known as, cited and referred to as Retail Food Regulations.

Section 2: Authority and Purpose

A. Tacoma-Pierce County Board of Health enacts the regulations in this chapter under the authority granted in Article 11, §11 of the Washington Constitution, RCW 70.05.060, and Chapter 246-215 WAC.

B. The purpose of these regulations is to safeguard public health and ensure food provided to consumers is safe, not adulterated, and honestly presented.

Section 3: Administration

A. The Health Officer shall administer and enforce these regulations under the authority of Chapter 70.05 RCW and Chapter 246-215 WAC.

B. Tacoma-Pierce County Board of Health may adopt fees for the administration of these regulations under the authority of RCW 70.05.060(7).

Section 4: State Regulation Adoption

Tacoma-Pierce County Board of Health adopts Chapter 246-215 WAC by reference in their entirety. When or if state and local regulations conflict, the more stringent shall apply.

Section 5: Enforcement

A. A notice of violation and order to correct shall be issued, as provided by Chapter 246-215 WAC, to any person who violates or does not comply with the requirements of this chapter.

B. After a notice of violation and order to correct is duly issued, if the person to whom such notice is directed fails to take the required corrective action within the designated time frame, the Health Officer may pursue any of the Chapter 1 remedies and penalties.

C. The remedies and penalties in this chapter and Chapter 1 shall be in addition to applicable fees and charges in the current fee schedule adopted by the Tacoma-Pierce County Board of Health.

D. All administrative civil penalties recovered shall be paid into the food program general account.

Section 6: Appeals

A. Any person aggrieved by a decision or final order of the Health Officer shall have the right to appeal such decision or order per Chapter 1 appeal procedures. When the Health Officer suspends a food establishment permit the action shall be considered an imminent threat to public health and safety and shall follow Environmental Health Code Section 9 subsection E – Emergency and the food establishment shall remain closed during the appeal process.

Section 7: Waiver and Variance

Request for waiver or variance shall meet requirements of Chapter 246-215 WAC and follow the process outlined in Chapter 1.

Section 8: Severability

If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter.