

AMENDMENT TO YAVAPAI COUNTY HEALTH CODE  
 RENUMBERING EXISTING REGULATIONS  
**YAVAPAI COUNTY HEALTH CODE  
 AND ORDINANCE**

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# TITLE 1 – LICENSING AND CERTIFICATION

## Chapter 1 - General Provisions

### Reg. 1-1-101 Definitions

- A. “Annual Operating License” means a document of written approval from the Department to operate an establishment for twelve (12) months from the date of approval.
- B. “Approved” means acceptable to the Health Officer.
- C. “Board of Health” means the Yavapai County Board of Health.
- D. “Commissary” means a fixed and licensed food establishment that acts as a base of operation for another food operation or food vendor.
- E. “Department” means the Yavapai County Community Health Services.
- F. “Establishment” means any place, building, or structure where business is conducted.
- G. “Food” means a raw, cooked, or processed edible substance, ice, beverage, chewing gum, or ingredient used or intended for use or for sale in whole or in part for human consumption.
- H. Food Establishment
  - 1. “Food Establishment” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, including, but not limited to:
    - a. A restaurant; a satellite or catered feeding location; a market; a vending location; an institution; a food bank; or a catering operation that provides food directly to a consumer or to a conveyance used to transport people or food for vending or service, such as a pushcart, a stand, a vehicle, a portable delivery equipment/device; and
    - b. That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.
  - 2. “Food Establishment” includes:
    - a. Any aspect of the operation, including, but not limited to, a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location *unless the vending or feeding location is independently licensed by the regulatory authority*; and
    - b. An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location where consumption is on or off premises, regardless of whether there is a charge for the food.
  - 3. “Food Establishment” does not include:
    - a. An establishment that offers only prepackaged foods that are not potentially hazardous;
    - b. A produce stand that only offers whole, uncut fresh fruits and vegetables;
    - c. A kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function, such as a legally permissible religious or charitable organization’s bake sale and there is a clearly visible placard at the sales and service location advising consumer(s) that the food is prepared in a kitchen that is not subject to

- regulation and inspection by the regulatory authority;
- d. An area where food that is prepared as specified in Subparagraph (3)(c) of this definition is sold or offered for human consumption;
- e. A kitchen in a private home, such as:
  - i. a small family day-care provider; or
  - ii. a bed-and-breakfast operation that prepares and offers food to guests if: 1) the home is owner occupied; 2) the number of available guest bedrooms does not exceed 6; 3) breakfast is the only meal offered; 4) the number of guests served does not exceed 18; and 5) and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the regulatory authority; or
- f. A private home that receives catered or home-delivered food.
- 4. “Risk Type I Food Establishment” means a food establishment where:
  - a. Only prepackaged potentially hazardous foods are available or served; or
  - b. Potentially hazardous foods are commercially prepackaged in an approved processing facility; or
  - c. Only a limited preparation of non-potentially hazardous foods and beverages occurs; or
  - d. Only beverages are served.
- 5. “Risk Type II Food Establishment” means a food service where:
  - a. Foods are prepared from raw ingredients which require only minimal assembly; or
  - b. Hot or cold preparation of food is restricted to same-day service; or
  - c. Foods requiring preparation are obtained from an approved processing facility.
- 6. “Risk Type III Food Establishment” means a food service where the following occurs:
  - a. Preparing hot hold or cold hold foods for more than 12 hours before service; or
  - b. Cooking and cooling foods as part of the handling process; or
  - c. Vacuumed packaging and other forms of reduced oxygen packaging are performed at the retail level; or
  - d. A food service for a highly susceptible population.
- I. “Health Code” or “Yavapai County Health Code” means Reg. 1-1-101 through Reg. 1-6-104.
- J. “Health Inspector” means an Environmental Health Specialist, Sanitarian, Sanitarian Aide, or Sanitarian Trainee, employed by the Department.
- K. “Health Officer” means the Director or his/her authorized representative.
- L. “Hearing Officer” means an individual that has been appointed by the Health Officer and then approved by the Board of Health to conduct an administrative hearing regarding the denial, suspension, or revocation of a license or permit.
- M. “Hot Water” means potable water under pressure at a minimum of 110° F at the hot water spigot.
- N. “Interfere” means obstructing or prohibiting the performance of a duty, giving physical or verbal abuse, using threatening actions or statements, ordering or demanding that the Health Officer leave the premises, or refusing the Health Officer access to the premises.
- O. “License” or “Permit” means a written approval issued by the Department that authorizes the operation of an establishment or event.

- P. “Operation” means performing work either at an establishment or in the field, including 1) equipment needed for the work; 2) activities required in the preparation or commencement of performing the work; and 3) activities in support of closing and clean-up.
- Q. “Peddler License” means a food establishment which provides food products that are prepackaged and labeled and are sold at special events, farmer markets or ongoing events such as swap meets. Vendors that only provide approved source samples may also be licensed under the Peddler License (*i.e.* soup sampler). This includes food demonstrators who sample and conduct all food prep onsite.
- R. “Person” means the state, a municipality, district, or other political subdivision, a cooperative, institution, corporation, company, firm, partnership, individual or other legal entity.
- S. “Person in Charge” means the individual at the food establishment who is responsible for the food operation.
- T. “Provisional Permit” means a document of written approval from the Department to operate an establishment for ninety (90) consecutive days.
- U. “Reasonable time” means normal operating hours (including the time when employees are preparing food or cleaning up) of an establishment.

### **Reg. 1-1-201 Application for a License or Permit**

- A. It is the responsibility of the owner, operator, or other person to obtain a license or permit from the Department to operate an establishment listed in Chapter III of this Health Code. Failure to obtain a license or permit may be subject to a Class 2 misdemeanor.
- B. An application for a license or permit to operate an establishment in Yavapai County, which is under the jurisdiction of the Department, must be submitted on a form provided by the Department.
  - 1. The application form must be complete.
  - 2. Information provided on the application form must be accurate and legible.
- C. The Department will review the application for completeness.
- D. The Department will request missing information and if not supplied, the Department may reject the application and the license or permit may be denied.
- E. License or Permit Fee
  - 1. The license or permit fee must be submitted with the application.
  - 2. The license or permit fee may be paid by cash, check, money order, or credit card.

### **Reg. 1-1-202 License or Permit Types**

- A. Provisional Permit.
  - 1. A provisional permit will be issued by the Department to any person requesting approval to operate a food establishment regulated by the Department and who meets the requirements of the Department.

2. A temporary food establishment or a mobile food establishment used in conjunction with a special event will not be required to obtain a provisional permit.
  3. A provisional permit will be issued after an opening inspection and the establishment is approved.
  4. The provisional permit must be posted in a conspicuous location and be easily observed by the consumer(s) and Health Inspector.
  5. Exceptions to Provisional Permit: A provisional permit is not required under the following circumstances:
    - a. A food establishment that changes location, but keeps the same menu, the same food preparation processes, and the same person in charge or owner/operator.
    - b. A food establishment that rebuilds on the same physical site, but keeps the same menu, the same food preparation processes, and the same person in charge or owner/operator.
    - c. A food establishment that is being remodeled, but keeps the same menu, the same food preparation processes, and the same person in charge or owner/operator.
- B. Annual Operating License
1. Prior to the expiration of the time specified on the provisional permit for a food establishment, the owner, operator, or other person must apply for and obtain an annual operating license.
  2. Application for an annual operating license must be submitted to the Department, which has the authority to either approve or deny the application.
  3. The applicant will be notified by the Department of its decision to approve or deny the application for an annual operating license.
  4. The annual operating license must be posted in a conspicuous location and be easily observed by the consumer(s) and Health Inspectors.
- C. Special Event License
1. A special event license may be issued to a person providing food at an event or celebration.
  2. A special event license is valid for the duration of the event unless it is suspended or revoked. Notwithstanding the foregoing, a special event license may not be for a period of more than fourteen (14) consecutive days.
  3. Application for a special event license must be received by the Department at least thirty (30) days before the event.
  4. A non-refundable fee for the special event license must be paid when the application for a special event license is submitted to the Department.

### **Reg. 1-1-203 Renewal of Annual Operating License**

- A. It is the responsibility of the owner, operator, or person in charge to renew the operating license on or before the expiration date.
- B. The renewal application must be approved before the license will be issued. The application must be complete and the fee must be paid in advance.

## Reg. 1-1-204 Transferability of a License or Permit

- A. An annual operating license, provisional permit, or special event license is not transferable from person to person or place to place.
- B. A person who purchases a licensed establishment must apply for all required licenses or permits within 5 business days of taking possession of the establishment after the close of escrow.
- C. A person who changes the format, use, or operation of an existing licensed food establishment must apply for a new provisional permit within 5 days of the change.

## Reg. 1-1-301 Denial of License or Permit

- A. The Health Officer may deny the issuance of a license or permit under the following circumstances:
  - 1. The applicant has not adequately demonstrated the knowledge or ability to operate the establishment in conformance with the requirements of the FDA 2009 Food Code, Arizona Department of Health Services as set forth in Title 9, Chapter 8, Articles 1–13 of the Arizona Administrative Code, or the Yavapai County Health Code;
  - 2. If the application is incomplete or if supplementary information is needed, such as complete plans, a commissary agreement, an operating plan or a facility improvement plan has not been satisfied and approved;
  - 3. If payment of the license or permit fee is declined for any reason, *i.e.* NSF check; or
  - 4. All applicable fees have not been paid, *i.e.* late fees.
- B. The Health Officer may deny the issuance of a special event license under the following circumstances:
  - 1. If past inspections show a pattern of non-compliance with this Health Code or special event requirements;
  - 2. If an application and related fee(s) are repeatedly received in an untimely manner;
  - 3. If payment for the special event license is declined for any reason, *i.e.* NSF check; or
  - 4. If all applicable fees have not been paid, *i.e.* late fees.
- C. A person who has been denied a provisional permit or special event license may file a written request for a hearing to be submitted to the Department within twenty (20) days of notification thereof as evidenced by the date of such notice.
- D. A person who has been denied an annual license must:
  - 1. Close the establishment within 24 hours and file a written request for a hearing to be submitted to the Department within twenty (20) days of notification thereof as evidenced by the date of such notice; or
  - 2. Within 24 hours, file a written request for a hearing to be submitted to the Department within twenty (20) days of notification thereof as evidenced by the date of such notice **and** immediately submit an application and payment for a provisional permit. The provisional permit will not be issued until all of the non-compliance issues have been corrected and inspected and approved by the Health Officer.

- E. The person requesting the hearing bears the burden of establishing good cause why the provisional permit, an annual operating license or a special event license should be issued by the Department.

### **g. 1-1-302 Suspension of a License or Permit**

- A. When a Health Inspector determines that conditions in a licensed establishment present such a severe and imminent health hazard requiring emergency action, the Health Officer may order a summary suspension of the license or permit. The summary suspension will incorporate the following findings: information supporting the emergency action, the pending proceedings for revocation, or other action as specified therein. Summary suspension of a license or permit will be for a period of not more than twenty-five (25) days.
- B. Upon suspension of the license or permit, the establishment will cease operations and the premises will be posted “closed” by the Health Inspector. The closure sign will be posted in a conspicuous place on the premises, clearly visible to the public, and will remain in place until removal is authorized by the Health Officer or until the twenty-five (25) day summary suspension expires.
- C. Upon suspension of the license or permit, the holder thereof may immediately move to vacate the suspension order by making a written request for hearing to the Health Officer. The Hearing Officer will hear such motion within five (5) business days. In no event may a summary suspension remain in effect for more than twenty-five (25) days.
- D. The Health Officer may vacate the suspension of the license or permit upon a finding that conditions in the establishment no longer present a severe and imminent health hazard.

### **g. 1-1-303 Revocation of a License**

- A. The Health Officer may, after providing an opportunity for hearing, revoke a license for circumstances, such as:
  - 1. Serious, repeated or numerous violations cited of any of the requirements of the FDA 2009 Food Code or Arizona Department of Health Services as set forth in Title 9, Chapter 8, Article 1 – Article 13 of the Arizona Administrative Code.
  - 2. Serious or repeated violations or numerous violations cited of any of the Yavapai County Health Code.
  - 3. An owner, operator, manager, employee, or other person interfering with the Health Officer or Health Inspector in the performance of his or her duty.
- B. Prior to revocation, the Health Officer will notify, in writing, the holder of the license or the person in charge, the specific reason(s) the license is to be revoked and that the license will be revoked at the end of twenty (20) days following service of such notice, unless a written request for a hearing is filed with the Department by the holder of the license within such twenty (20) day period.
- C. If a request for a hearing is timely filed, the Hearing Officer will hold a hearing within twenty (20) days following the Department’s receipt of the request for hearing.

### **Reg. 1-1-304 Hearing Procedure**

- A. Upon receiving an appeal and a request for a hearing regarding the denial, suspension, or revocation

of a license or permit, the Health Officer will appoint a Hearing Officer to hold a hearing on the denial, suspension, or revocation.

- B. The Hearing Officer will be an impartial person who is trained in the law and is knowledgeable in the area of health law. The Hearing Officer may be a Yavapai County employee.
- C. The Hearing Officer will notify the person requesting the hearing and the Department that a hearing will be held at a specified time and place. In the event of a hearing for a license or permit denial or a license or permit revocation, such notice will be given at least five (5) working days after the Department receives the request for hearing. In the case of a hearing for a license or permit suspension, the provisions of Reg. 1-3-309 “Emergency Action” is applicable.
- D. Hearings will be conducted in accordance with the requirements of A.R.S. §41-1061 *et. seq.*
- E. The person requesting the hearing and the Health Officer may appear on their own behalf or through counsel, may submit evidence in open hearing, and will have the right to confront and cross-examine witnesses. A corporation may appear only through corporate officer or counsel.
- F. The Hearing Officer will conduct the hearing in a manner consistent with due process. Witnesses will be sworn and their testimony will be recorded. The Hearing Officer will determine and consider relevant, probative, and material evidence and will disregard all irrelevant, immaterial, or unduly, repetitious evidence. The formal rules of evidence applicable to civil actions in superior court need not be followed. The standard of proof is a preponderance of evidence. The Hearing Officer may issue subpoenas, upon request, pursuant to A.R.S. §12-2212.

### **g. 1-1-305 Decision**

- A. Within five (5) business days of the completion of a hearing for a license or permit denial or a license or permit revocation, the Hearing Officer will issue a written decision containing his or her findings of facts and conclusions of law, which form the basis of the Hearing Officer’s decision.
- B. The decision of the Hearing Officer will become effective immediately upon service of notice as outlined in Reg. 1-1-311. If the decision of the Hearing Officer is to revoke a license, the holder of the license or the person in charge must close the premises within twenty-four (24) hours of notification.
- C. At its next scheduled meeting following the issuance of the Hearing Officer’s decision, the Board of Health will ratify the Hearing Officer’s decision, unless a timely request for rehearing or reconsideration is submitted to the Health Officer pursuant to Reg. 1-1-306 “Request for Rehearing or Reconsideration.”

### **Reg. 1-1-306 Request for Rehearing or Reconsideration**

- A. A party dissatisfied with the decision of the Hearing Officer may file a request for rehearing or reconsideration through the Department with the Board of Health within fifteen (15) days after the personal delivery or post-marked date of that decision.
- B. The request for rehearing or reconsideration may be based on any of the following causes which

materially affected the party's rights:

1. Irregularity in the proceedings or hearing whereby the aggrieved party was deprived of a fair hearing;
  2. Misconduct of a party, the Health Officer or the Hearing Officer;
  3. Newly discovered material evidence which, with reasonable diligence, could not have been discovered and produced at the hearing;
  4. That the decision is the result of prejudice; or
  5. That the decision is not justified by the evidence or is contrary to law.
- C. At its next scheduled meeting following receipt of a request for rehearing or reconsideration, the Board of Health will deny the request, grant a hearing *de novo* or issue a reconsidered decision based on the evidence of record. The Board of Health's denial, decision after a hearing *de novo*, or reconsidered decision will be the final decision of the Yavapai County Community Health Services. Notice of that denial, decision, or reconsidered decision will be personally delivered or mailed by certified mail, to the party(ies).

### **Reg. 1-1-307 Time**

- A. The computation of any time limits concerning the hearing process are calculated as provided for by the Arizona Rules of Civil Procedure.
- B. The time limits in these rules may be enlarged or reduced by agreement of the parties. The Hearing Officer may grant a continuance of a hearing by stipulation of the parties or when the interests of justice so require.

### **g. 1-1-308 Application after Revocation**

Once a revocation of a license or permit is final, the holder of the revoked license or permit may, after complying with the demands of the Hearing Officer, apply for a license or permit pursuant to Reg. 1-1-202. The establishment premises must remain closed until the application is granted.

### **Reg. 1-1-309 Emergency Action**

- A. If an immediate and substantial public health danger exists, the Health Officer's decision will be final, pending the request for hearing by the person whom the action adversely affects. If the request for hearing is filed in such a case, the appointment of a Hearing Officer and the request for hearing must occur within a reasonable time, and no later than the time limits previously described herein.
- B. In the case of suspension of a license, the Hearing Officer will set a hearing on a motion to vacate the suspension within five (5) working days of receiving notice. At the conclusion of the hearing, the Hearing Officer will issue a final decision on behalf of and with the authority of the Board of Health. The Hearing Officer may take the matter under advisement for up to twenty-four (24) hours. A party dissatisfied with the decision of the Hearing Officer may file a request for rehearing or reconsideration with the Board of Health pursuant to Reg. 1-1-306 "Request for Rehearing or Reconsideration."

## **Reg. 1-1-310 Posting of Notice(s) of Violation**

The Health Officer may, for purposes of notification to the public, post a warning sign at any premises or establishment describing the nature of any legal action pending against said premises, including notification of the license suspension or license revocation proceedings.

## **Reg. 1-1-311 Service of Notices**

A notice provided for in Section 3, Enforcement and Appeals Process, is properly served when it is hand delivered to the holder of a license or permit or the person in charge of the establishment, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the license or permit. A copy of the notice will be filed in the records of the Department. The notice must comply with all legal requirements.

## **Reg. 1-1-401 Penalties**

- A. A person who violates a provision of the Yavapai County Health Code, provisions of the FDA 2009 Food Code, or Arizona Administrative Code Title 9, Chapter 8, Articles 1 - 13, may have the establishment's license or permit suspended or revoked pursuant to Chapter I Section III of this Health Code.
- B. A person who violates a provision of Article 4, Chapter 1, Title 36, a sanitary ordinance, regulation adopted or order issued pursuant to Article 4, Chapter 1, Title 36, or an order issued pursuant to A.R.S. § 36-602 is guilty of a Class 3 misdemeanor if the person holds a valid permit or license, or a Class 2 misdemeanor if the person does not hold a valid permit or license. [A.R.S. § 36-183.07].
- C. It is a Class 3 misdemeanor for a person to interfere in the performance of the duty of the Health Officer or Health Inspector. [Reg. 1-1-303(A)(3); A.R.S. § 36-183.07].
- D. A late fee will be assessed in addition to the license or permit fee for a license renewed more than thirty (30) days after the expiration of the license or permit.
- E. An annual license may be revoked for failure of the owner, operator, or other person to renew the annual license within sixty (60) days after the license expires.
- F. A compliance fee, set by the Board of Supervisors, will be assessed for program compliance reinspections and repeat reinspections.
- G. An investigation fee, set by the Board of Supervisors, will be assessed if discovery is made of a facility constructing, remodeling, or operating without prior Department approval.

## **Reg. 1-1-501 Embargoed Food**

The Department, having reason to suspect that any food is from an unapproved source, unwholesome, spoiled or otherwise is unsafe or unfit for human consumption, may forthwith label or seal such food as "withheld" or "embargoed." Such labeled or sealed food must be set apart from other foods and not used, sold, given away or discarded until the Department has had reasonable opportunity to examine the food.

After examination, the Department may remove the label or seal, may direct the owner or person in charge of the food to denature, remove or destroy such food or to bring it into compliance with the requirements of this Health Code.

#### **g. 1-1-502 Condemned Equipment**

If after examination, the Department determines that a food utensil or food equipment is worn, defective, unsanitary or otherwise prejudicial to health, such utensil or equipment may be labeled “condemned” by the Department and the utensil or equipment so labeled may not thereafter be used for food storage, preparation, handling or serving. The Department may direct the owners to bring the condemned utensil or equipment into compliance with the requirements of this Health Code, remove it from the food establishment, or replace it with approved units.

#### **Reg. 1-1-503 Removal of Seal**

A “withheld,” “embargoed” or “condemned” label, tag or seal, having once been affixed by the Department to food or equipment, must be removed only by the Department except as otherwise provided by law.

## **Chapter 2 - Authority to Regulate**

### **g. 1-2-101 Legislative Authority**

#### **A. Board of Supervisors**

1. The Board of Supervisors has authority pursuant to A.R.S. §11-251(17) to “adopt provisions necessary to preserve the health of the county, and provide for the expenses thereof.”
2. The Board of Supervisors is further authorized, pursuant to A.R.S. §11-251(31), to “make and enforce all local, police, sanitary and other regulations not in conflict with general law.”
3. The Board of Supervisors is required to “. . . establish a county department of health or a public health services district,” pursuant to A.R.S. §36-182(A).

#### **B. Board of Health**

1. The Board of Health is charged with making “rules and regulations, not inconsistent with the rules and regulations of the department of health services, for the protection and preservation of public health,” pursuant to A.R.S. §36-184(B)(3).
2. The Board of Health is also charged with “recommending rules and regulations to the respective county Boards of Supervisors for adoption and enforcement in their respective counties,” pursuant to A.R.S. §36-184(B)(5).

#### **C. Director of a County Health Department: the director of a county health department is mandated to “enforce and observe the rules of the director of the department of health services, the director of the department of environmental quality and the local board of health, county rules and regulations concerning health, and laws of the state pertaining to the preservation of public health and protection of the environment,” pursuant to A.R.S. §36-186(5).**

#### **D. Delegation**

1. The director of the Arizona Department of Health Services is authorized, pursuant to A.R.S. §36-136(D), to “. . . delegate to a local health department . . . any functions, powers or duties which the director believes can be competently, efficiently and properly performed by the local health department . . .”
2. The delegation was executed by the director of the Arizona Department of Health Services with the Yavapai County Board of Supervisors.
3. A copy of the delegation agreement is on file at the Department's Prescott Environmental Health Office.

## **Chapter 3 - Licenses**

### **§. 1-3-101 Regulated Activities and Activities Requiring a License**

Table 1 lists regulated activities, activities requiring a license, the minimum inspection frequency required by the Arizona Administrative Code, and the rules and regulations governing those activities.

**Table 1 List of Regulated Activities**

Delegated Functions and Duties	Applicable Rules and Statutes	Frequency of Inspection	License Required
Bathing Place inspections.	A.R.S. §§ 36-132(A)(12) and 36-136(D), A.A.C. Title 9, Chapter 8, Article 8.	Public pools one time each month. Semi-public pools one time every two months.	Yes <sup>L</sup>
Bottled Water manufacturer inspections.	A.R.S. §§ 36-136(A)(6), 36-136(D), and 36-132(A)(13), A.A.C. Title 9, Chapter 8, Article 2. FDA 2009 Food Code	Not less than two times each year.	Yes <sup>L</sup>
Campground inspections.	A.R.S. §§ 36-136(A)(6), 36-136(D), A.A.C. Title 9, Chapter 8, Article 6.	Not required.	Not required
Children's Camp inspections.	A.R.S. §§ 36-136(A)(6), 36-136(D), A.R.S. §§ 8-551 through 8-568.	Not less than one time each year.	Yes
Food establishments including, but not limited to: restaurants, food processors, school kitchens, temporary and mobile food service, retail food stores, warehouses, bakeries, ice manufacturers, meat establishments, hospitals, nursing homes, behavior health, department of economic security residential facilities and community colleges. State prison food establishments, county jail, and county juvenile detention centers food establishments are excluded.	A.R.S. §§ 36-136(A)(6) and 36-136(D), A.A.C. Title 9, Chapter 8, Article 1. FDA 2009 Food Code	Risk Type I and Risk Type II Food Establishment not less than Two times each year. Risk Type III Food Establishment not less than three times each year.	Yes <sup>L</sup>
Hotel and Motel sanitation inspections.	A.R.S. §§ 36-136(A)(6) and 36-136(D); A.A.C. Title 9, Chapter 8, Article 13.	Not less than one time each year	Yes <sup>L</sup>
Nuisance Complaint responses.	A.R.S. §§ 36-136 and 36-601.	--	--
Pure Food Act investigations.	A.R.S. §§ 36-132(A)(14) and 36-136(D); and A.R.S. §§ 36-901 through 36-916.	--	--
Public Restrooms and special events.	A.R.S. §§ 36-136(A)(6) and 36-136(D), A.A.C. Title 9, Chapter 8, Article 3.	No frequency stated	No
Public Schools.	A.R.S. §§ 36-136(A)(6) and 36-136(D), A.A.C. Title 9, Chapter 8, Article 7.	Grounds not less than 1 time each year.	Grounds - Yes
Trailer Coach Parks.	A.R.S. §§ 36-136(A)(6) and 36-136(D), A.A.C. Title 9, Chapter 8, Article 5.	Not required.	No - written approval

<sup>L</sup> Yavapai County Community Health Services license required

## **Chapter 4 - Plan Review**

### **Reg. 1-4-101 Plan Review - Building Plan**

- A. The establishments listed below must have plans reviewed and approved by the Department before construction is started. Plan review will be in accordance with FDA 2009 Food Code or Arizona Department of Health Services as set forth in Title 9, Chapter 8, Articles 1 – 13 of the Arizona Administrative Code, and Yavapai County Health Code.
  - 1. Food Establishments
  - 2. Bottled Water
  - 3. Children’s Camps
  - 4. Trailer Coach Parks – service buildings, toilet facilities, community kitchens
  - 5. Camp Grounds
  - 6. Schools
  - 7. Hotels, Motels and Tourist Courts
- B. The Department may accept the plan review and approval of plans as recommended by the Arizona Department of Environmental Quality or the Arizona Department of Health Services.
- C. The Department is not obligated to accept a plan review and approval of plans issued by any jurisdiction.
- D. Within ten (10) business days of the Department receiving the plans, the Department will send a notice advising the applicant of the status of the plan review.
- E. The Department time frames for completion of regulatory reviews are set forth by the Arizona Department of Health Services. (A.A.C. Title 9, Chapter 8, Article 1, – Table 1). The Department will:
  - 1. Issue a written approval of the plans;
  - 2. Issue a written statement requesting additional information; or
  - 3. Issue a written denial of the submitted plans and reasons for the denial.
- F. Plans must be approved when the minimum requirements of the Department are satisfied.
- G. The applicant will receive a written notice of approval of the plans.

### **Reg. 1-4-102 Plan Review - Operation Plan (Food Safety Plan)**

- A. New Establishments and Operations
  - 1. The operator of an establishment requiring an operating license or permit to operate from the Department must meet with the area Health Inspector at least sixty (60) days before opening for business to review the establishment’s operating plan.
  - 2. The operating plan must be in writing and must describe the following:
    - a. The person or position responsible for the overall operation of the establishment;
    - b. Identified public health hazards and how the hazards will be controlled or managed;
    - c. The person or position responsible for controlling or managing the public health hazard;

- d. What public health hazard test(s) or measurement(s) will be taken, by whom and when;
  - e. Legal requirements concerning the public health hazard; and
  - f. Corrective action that will be taken, by whom and when, if the legal requirements are not satisfied.
- 3. Any additional information requested by the Health Inspector to complete the operational plan review must be submitted, in writing, to the Department.
  - 4. All written information submitted by the license applicant must be legible.
- B. The Health Officer may waive or modify the requirements of Reg. 1-4-102(A)(2).
  - C. A new owner of an existing food establishment must comply with Reg. 1-4-102(A).
  - D. A person applying for a provisional permit or an annual license must comply with Regs. 1-4-102(A)-(B).
  - E. The approved operating plan must be instituted on or before the day the food establishment opens for business.
  - F. Onsite documentation that the operating plan is adhered to on a daily basis must be available for the Health Inspector's review.
  - G. Before initiating any changes to the operating plan, the proposed changes must be submitted to the Health Inspector, in writing, for review and approval.

**Reg. 1-4-103 Approval and Provisional Permits**

- A. Approval to begin construction will be issued when the Department is satisfied that the proposed facility meets the minimum requirements of the Department.
- B. A provisional permit will be issued when the Department is satisfied that the minimum operating requirements of the Department will be met, the establishment meets minimum construction requirements, and the provisions of Reg. 1-6-103 have been satisfied.

**Reg. 1-4-104 Non-approval to Construct**

The Department may refuse to issue an approval to construct under the following circumstances:

- 1. Failure of the applicant to submit the plan review fee;
- 2. Lack of information on the plan review application; or
- 3. Failure of the applicant to submit additional information requested by the Health Inspector.

## **Reg. 1-4-105 Denial of a License or Permit**

The Department may deny an application for a license or provisional permit under the following circumstances:

1. Failure of the applicant to submit the provisional permit fee;
2. Failure of the applicant to complete the application; or
3. Failure of the owner or operator to submit an operating plan or information requested by the Health Inspector.

## **Reg. 1-4-106 Grease Trap and Grease Interceptor**

This subsection applies to a food establishment that generates grease in the wastewater and the wastewater is treated by a septic tank system or other on-site sewage treatment device regulated by Yavapai County Development Services Department.

- A. The size and need of a grease trap or grease interceptor will be determined by the appropriate jurisdiction.
- B. The location of an inside grease trap will be determined by the Yavapai County Community Health Services.
  1. Preferred location is outside of the building.
  2. If a grease trap needs to be installed inside of the food establishment, it must not be located in the food preparation or food service areas.
  3. Based on approval of the Health Inspector, a grease trap may be installed in the dishwashing area and should be flush with the floor.
- C. The authorizing jurisdiction will inspect the installation of a grease trap installed outside of the building.
- D. A grease interceptor must be located and installed as directed by the authorizing jurisdiction. The grease interceptor will be inspected by the authorizing jurisdiction.

## **Chapter 5 - Food, Food Products, Food Establishments**

### **Reg. 1-5-101 Cider, Juice, and Beverage Production - Definitions**

- A. “Product” means juice pressed from vegetables, fruits, or any other items, that can be used for making fermented or unfermented beverages.
- B. “Pomace” means the pulpy refuse remaining after the juice has been pressed from fruit.
- C. “Beverage” means a liquid for drinking, including water.

### **Reg. 1-5-102 Requirements**

- A. Cider, juice, and beverage products must comply with all provisions of the FDA 2009 Food Code, A.A.C. Title 9, Chapter 8, Article 1, and this Health Code.
- B. Fruit must be in sound condition, free from spoilage, filth, or other contamination and must be safe for human consumption. Insect infested, decayed, damaged or rotten fruit must not be used.
- C. All fruit must be thoroughly cleaned and inspected before processing.
- D. Cleaned fruit for processing must be stored in clean, sanitized, food-grade containers and held at 41°F or less. Fruit for processing must be stored in such a manner which will prevent contamination from any source, including flies, other insects, rodents, birds, and other vermin.
- E. Cloths and filters used in processing must be specifically designed for the purpose for which they are used.
- F. Cloths, unless disposable, must be laundered, sanitized and dried after processing and before being reused.
- G. Equipment or machine tubing must be cleaned, sanitized, and air-dried at the end of each processing day.
- H. The following processing records must be kept daily:
  - 1. Number of bottled beverages produced;
  - 2. Amount and type of fruit processed;
  - 3. Origin of fruit and ingredients used; and
  - 4. Production code and date.
- I. Bottled products must only be sold in sanitized new containers with new caps.
- J. The bottled product must be rapidly cooled to 41° F or below and then maintained at or below 41° F.
- K. All labeling requirements must be satisfied according to FDA 2009 Food Code, A.A.C. Title 9, Chapter 8, Article 1, and this Health Code, including, but not limited to:

- 1 Brand name;
  - 2 Product;
  - 3 Ingredients;
  - 4 Manufacturer, packer, distributor;
  - 5 Name;
  - 6 City, state, zip code;
  - 7 Keep refrigerated;
  - 8 Net quantity;
  - 9 Production code or date;
  - 10 Warning label for non-pasteurized juices if applicable; and
  - 11 Other information required by law.
- L. Plans must be submitted to the Department for review and approval before starting construction or remodeling pursuant to Chapter 4, Section I.
- M. Bottling must be done in an enclosed and approved area that has smooth, easily cleanable, light colored walls and ceiling, and a smooth, easily cleanable non-absorbent floor.
- N. Fruit pressing must be done in an enclosed and approved area.
- O. A cider, juice, and beverage producer must submit a written proposal for approval to the Department which includes the following information:
1. A complete list of food product(s) to be made;
  2. A list of the ingredients and all steps that are used to prepare the food product;
  3. A list of all food equipment that will be used;
  4. A list of the types of packaging to be used and how food product will be packaged; and
  5. A sample copy of all labeling to be used. All required labeling must be according to FDA 2009 Food Code, A.A.C. Title 9, Chapter 8, Article 1, and this Health Code.
- P. Food product testing may be required by the Department to ensure the safety and shelf stability of the food products as they are packaged. The food processor will be responsible for arranging all the testing and providing the test results to the Department.
- Q. All processors are required to abide by Federal, State and County requirements and laws pertaining to their food product.

### **Reg. 1-5-103 License**

- A. A cider, juice, or beverage food establishment must apply for a license to operate pursuant to Regs. 1-1-102 through 1-1-204 of this Health Code.
- B. The Department will include any limits or conditions for the operation on the license or permit.

## **Reg. 1-5-201 Mobile Food Establishments - Definitions**

- A. “Mobile Food Establishment” means a food establishment or equipment for a food establishment mounted on a motorized vehicle, a trailer, a platform with wheels, or a cabinet with wheels, regardless of whether the food establishment is pushed or pulled by a motorized vehicle or a person.
- B. “Temporary Mobile Food Unit” means a mobile food establishment that operates in conjunction with a fair, rodeo, exhibition, or similar event for not more than fourteen (14) consecutive days at the same location and same event.

## **Reg. 1-5-202 Requirements**

- A. A mobile food establishment must comply with FDA 2009 Food Code, A.A.C. Title 9, Chapter 8, Article 1, and this Health Code.
- B. A mobile food establishment must operate from an approved commissary and report to the commissary as often as necessary for food prep, required supplies, cleaning and sanitizing of food equipment and all servicing operations that are required to be done at or in the commissary.
  - 1. The commissary will be limited to the number of mobile food establishments it can effectively handle. The Department will set guidelines for setting limitations to the number of mobile food establishments that can report to a commissary, which includes, but is not limited to, criteria such as the menu, the volume of food being prepared or stored, the physical size of the mobile food establishment, or the capacity of the equipment at the commissary and in the mobile food establishment.
  - 2. The commissary must maintain report(s) on the premises as to the mobile food establishment’s usage of the commissary, which includes, but is not limited to, dates, arrival times and departure times. A commissary must present reports to the Department/Inspector upon request. Failure to maintain the required reports or falsification of the required reports will be grounds for revoking permission for the food establishment to act as a commissary.
  - 3. A commissary must provide outside access to potable water for the filling of the fresh water tanks in the mobile food establishment and outside dumping station for the dumping of grey liquid waste water from the mobile food establishment. A safe alternative method may be approved for providing potable water for filling of fresh water tanks or dumping of grey water waste.
- C. All mobile food establishments must be identified on three (3) sides of the unit, specifying with a minimum of 4” lettering, the business name and contact information.
- D. All mobile food establishments will maintain a location of operation log sheet reflecting routine stops or approximate areas of operation (*i.e.* cross streets, construction site). Log sheets should also include approximate times of arrival and departure for each location of operation. A mobile food unit must present the required location of operation log sheet upon request of the Department/Inspector. Failure to maintain or falsification of the required location of operation log sheet may be grounds for revocation of a license or permit.

### **Reg. 1-5-203 License**

- A. A mobile food establishment must apply for a license or permit to operate pursuant to Regs. 1-1-201 through 1-1-204 of this Health Code.
- B. The Department will include any limits or conditions for operation on the license or permit.

### **Reg. 1-5-204 Food Delivery and Catering**

- A. A mobile food establishment that transports and solicits sales of prepackaged, potentially hazardous food to one or more locations, sites, or businesses during a working day must be licensed as a mobile food establishment.
- B. A mobile food establishment that delivers potentially hazardous food to or prepares food at one or more locations, site, or business during a working day must be licensed as a mobile food establishment.
- C. A mobile food establishment owned and used exclusively by an approved food establishment for catering (pursuant to Regs. 1-5-301 through 1-5-304) or at a single location at the customer's request for his/her guests may be covered under the food establishment's annual license.

### **Reg. 1-5-301 Catering - Definitions**

- A. "Caterer" or "Food caterer" means a person who prepares food at an approved commissary for delivery, or services a single location for a predetermined number of people and consists of at least one food item that will be cooked and/or served at the delivery location.
- B. "Delivery Location" means the site to which the caterer transports the food from the commissary for limited preparation, cooking, and service.
- C. "Outdoor" means a delivery location that does not have onsite equipment to maintain the catered food at a proper temperature or does not have onsite approved cooking equipment or does not have a structure to protect the catered food from contamination.

### **Reg. 1-5-302 Requirements**

- A. A caterer or food caterer must comply with FDA 2009 Food Code, A.A.C. Title 9, Chapter 8, Article 1, and this Health Code.

### **Reg. 1-5-303 License or Permit**

- A. A caterer must apply for a license or permit to operate pursuant to Regs. 1-1-201 through 1-1-204 of this Health Code.
- B. The Department will include any limits or conditions for operation on the license or permit.

- C. A licensed food establishment may submit a written request to add “Catering” to the existing license.
  - 1. The written request will be reviewed by the Department;
  - 2. The information requested by the Department must be submitted; and
  - 3. If approved, the license limits and conditions will be added to the license.

**Reg. 1-5-304 Delivery Location Food Preparation**

- A. Foods requiring only limited preparation or cooking must be prepared for the customer at the delivery location. These foods are limited to frankfurters, pre-formed meat patties, cuts of meat, fowl parts, biscuits, or other food items as specified and approved by the Department.
- B. Foods cooked at the delivery location must be served directly from the master container or grill to the customer. Cooked foods must not be maintained or stored at the delivery location for more than four (4) hours.
- C. Foods to be prepared or cooked for consumption at an outdoor delivery location must be prepared, cooked, packaged, and protected as required by the Department.

**Reg. 1-5-401 Food Processor - Definitions**

- A. “Processor or Food Processor” means a food business that produces a simple food product or a limited food product line for the purpose of human consumption.

**g. 1-5-402 Requirements**

- A. A food processor must comply with FDA 2009 Food Code, A.A.C. Title 9, Chapter 8, Article 1, and this Health Code.
- B. All food processors must operate out of and conduct all food processing at an approved commissary or its licensed fixed food establishment.
- C. A food processor operating out of an approved commissary must perform all operations of the food preparation, cleaning and sanitizing of equipment and utensils, packaging of food items, storage of equipment and all supplies, as well as anything that deals with processing of the food item.
  - 1. The commissary will be limited to the number of processors it can effectively handle.
  - 2. The Department will provide guidelines setting limitations for the number of processors that can report to a commissary, which includes, but is not limited to, criteria concerning the menu, the volume of food being prepared or stored, and the capacity of the equipment at the commissary or in the processor’s facility.
- D. A food processor must submit a written proposal to the Department for approval as to:
  - 1. A complete list of food product(s) to be made;
  - 2. A list of the ingredients and all steps that are used to prepare the food product;
  - 3. A list of all food equipment that will be used;
  - 4. A list of the types of packaging to be used and how the food product will be packaged; and

5. A sample copy of all labeling to be used. All required labeling must be in accordance with FDA 2009 Food Code, A.A.C. Title 9, Chapter 8, Article 1, and this Health Code.
- E. Food product testing may be required by the Department to ensure the safety and shelf stability of the food products. The food processor will be responsible for arranging all the testing and providing the test results to the Department.
- F. All processors are required to abide by Federal, State and County requirements and laws pertaining to their food product.

**Reg. 1-5-403 License or Permit**

- A. A food processor must apply for a license or permit to operate pursuant to Regs. 1-1-201 through 1-1-204 of this Health Code.
- B. The Department will include any limits or conditions for operation on the license or permit.

## **Chapter 6 - Food Workers**

### **Reg. 1-6-101 Definitions**

- A. “Certified Manager” means a food establishment employee who has successfully completed a manager’s training course approved by the Conference for Food Protection.
- B. “Food Worker” means any person who handles, prepares, serves, sells or gives away food for consumption or any person who handles utensils and equipment pertaining to food service. The term does not include persons in food establishments regulated under this Health Code who handle food or drink exclusively in closed crates, cartons, packages, bottles or similar containers in which no portion of the food or drink is exposed to contamination through such handling.
- C. “Manager” means a person who directs or supervises others or who carries on business of the food establishment by whatever title he/she is identified.
- D. “Service Organization” means an organization designated as a non-profit by the IRS pursuant to Internal Revenue Code Section 501.
- E. “Temporary Food Establishment” means a food establishment that operates for a period of not more than fourteen (14) consecutive days in conjunction with a single event or celebration.

### **Reg. 1-6-102 Food Worker Certificate**

- A. Each person operating or applying for a license to operate a food establishment must require each food worker to obtain a food worker certificate from the Department.
- B. Such certificate must be obtained within thirty (30) days after beginning employment. The cost of the certificate will be established by the Yavapai County Board of Supervisors and will be listed in the Yavapai County Community Health Services Environmental Health fee schedule.
- C. The Department will issue a certificate when the applicant has successfully completed a Department approved food worker certification course.
- D. Food worker certificates from other jurisdictions may be accepted by the Department.

### **Reg. 1-6-103 Manager Certification**

- A. All food establishments that store, prepare, package, serve, vend, or otherwise provide potentially hazardous food for human consumption must employ at least one (1) certified manager that is present and available during operational hours.
- B. The person in charge on-site must be a certified manager.
- C. A food establishment with fewer than ten (10) employees may satisfy Reg. 1-6-103(A) by having a written Department-approved food safety plan in place, provided that a separate certified manager for

each food establishment is available for a minimum of eight (8) hours each day that the food establishment is in operation or open for business.

- D. Tests and organizations recognized by the Conference for Food Protection are approved by the Department.
- E. Manager Certification must be current and valid.
- F. Exempt Food Establishments:
  - 1. Temporary food establishments include:
    - a. A temporary food establishment operated by a service organization;
    - b. A temporary food establishment whose profits entirely go to a service organization; or
    - c. A temporary food establishment that operates for less than four (4) hours, including time involved to prepare food for cooking or service.
  - 2. Limited food operation establishments that sell only commercially prepackaged food.
  - 3. An exempt food establishment must have at least one person who has a valid Food Worker Certificate on the premises at all times overseeing food preparation and service.

**Reg. 1-6-104 Display of Food Worker Certificate and Manager Certification**

In every food establishment the manager certification and food worker certificate for each person employed therein and engaged in food handling must be prominently posted where it can be inspected by the Health Inspector.

Approved by: Stephen Jullos Date: 4/27/15  
Director, Yavapai County Community Health Services

Approved by: Chris Brown Date: 4-30-15  
Chairman, Yavapai County Board of Supervisors