

**YAVAPAI COUNTY
HEALTH CODE AND ORDINANCE**

TABLE OF CONTENTS

TITLE 1 – LICENSING AND CERTIFICATION

Chapter 1 – General Provisions.....	3
Reg. 1-1-101 Definitions.....	3
Reg. 1-1-201 Application for a License or Permit.....	7
Reg. 1-1-202 License or Permit Types.....	8
Reg. 1-1-203 Renewal of Annual Operating License.....	10
Reg. 1-1-204 Transferability of a License or Permit.....	10
Reg. 1-1-301 Denial of a License or Permit.....	10
Reg. 1-1-302 Suspension of a License or Permit.....	12
Reg. 1-1-303 Revocation of a License or Permit.....	13
Reg. 1-1-304 Hearing Procedure.....	14
Reg. 1-1-305 Decision.....	15
Reg. 1-1-306 Request for Rehearing or Reconsideration.....	15
Reg. 1-1-307 Time.....	16
Reg. 1-1-309 Emergency Action.....	16
Reg. 1-1-310 Posting of Notice(s) of Violation.....	16
Reg. 1-1-311 Service of Notices.....	16
Reg. 1-1-401 Penalties.....	17
Reg. 1-1-501 Embargoed Food.....	18
Reg. 1-1-502 Condemned Equipment.....	19
Reg. 1-1-503 Removal of Label, Tag, Seal, or Sign.....	19
Chapter 2 – Authority to Regulate.....	20
Reg. 1-2-101 Legislative Authority.....	20
Chapter 3 – License or Permit.....	21
Reg. 1-3-101 Regulated Activities and Activities Requiring a License or Permit	21
Chapter 4 – Plan Review.....	22
Reg. 1-4-101 Plan Review – Building Plan.....	22
Reg. 1-4-102 Plan Review – Operation Plan-Food Safety Plan.....	22
Reg. 1-4-103 Approval and Provisional Permits.....	23
Reg. 1-4-104 Non-approval to Construct.....	23
Reg. 1-4-105 Grease Trap and Grease Interceptor	24

Chapter 5 – Food, Food Products, and Food Establishments.....	25
Reg. 1-5-101 Cider, Juice, and Beverage Production – Definitions.....	25
Reg. 1-5-102 Requirements.....	25
Reg. 1-5-103 License or Permit.....	26
Reg. 1-5-201 Mobile Food Establishments – Definitions.....	26
Reg. 1-5-202 Requirements.....	27
Reg. 1-5-203 License or Permit.....	27
Reg. 1-5-204 Food Delivery and Catering.....	28
Reg. 1-5-301 Catering – Definitions.....	28
Reg. 1-5-302 Requirements.....	28
Reg. 1-5-303 License or Permit.....	28
Reg. 1-5-304 Delivery Location Food Preparation.....	29
Reg. 1-5-401 Food Processor – Definitions.....	29
Reg. 1-5-402 Requirements.....	29
Reg. 1-5-403 License or Permit.....	30
Chapter 6 – Food Workers.....	31
Reg. 1-6-101 Definitions.....	31
Reg. 1-6-102 Food Worker Certificate.....	31
Reg. 1-6-103 Manager Certification.....	31
Reg. 1-6-104 Display of Food Worker Certificate and Manager Certification.....	32
Chapter 7 – Public and Semipublic Swimming Pools Safety.....	33
Reg. 1-7-101 Barriers.....	33
Reg. 1-7-102 Lifesaving and Safety Equipment.....	33
Reg. 1-7-103 Timers for Public and Semipublic Spas.....	33
Reg. 1-7-104 Maximum Bathing Load.....	33
Reg. 1-7-105 Prohibition Against Diving; Warning Signs.....	34
Reg. 1-7-106 Lighting.....	34
Reg. 1-7-107 Drain Covers.....	34
Reg. 1-7-108 Closure of Pool for Imminent Safety Hazard.....	35
Reg. 1-7-109 Prohibit Animal.....	35

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 as established pursuant to A.R.S § 36-183.
- D. “Business days” means days when Yavapai County is open for business and does not include weekends or holidays recognized by Yavapai County.
- E. “Commissary” means a fixed and licensed food establishment that acts as a base of operation for another food operation or food vendor.
- F. “Core Item” means an item not designated as a priority item or priority foundation item and includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.
- G. “Days” means calendar days unless otherwise specified.
- H. “Denied” means not approved by the Health Officer.
- I. “Department” means Yavapai County Community Health Services.
- J. “Establishment” means “Premises” and has the same definition of “Premises.”
- K. “Food” means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.
- L. Food Establishment
 - 1. “Food Establishment” means an operation that:
 - a. Stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides food for human consumption such as a restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and

- b. 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 element or aspect of the operation such as 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 and permitted 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 the premises, regardless of whether there is a charge for the food.
- 3. “Food Establishment” does not include the following:
 - a. An establishment that offers only prepackaged food that is not time/temperature control for safety food;
 - 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 time/temperature control for safety food 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 is prepared in accordance with subparagraph (3)(c) of this definition is sold or offered for human consumption;
 - e. A kitchen in a private home such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed six (6), breakfast is the only meal offered, the number of guests served does not exceed eighteen (18), 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 that:
 - a. Only makes available or serves food that is time/temperature control for safety food that is commercially prepackaged in an approved processing facility; or
 - b. Only makes available or serves a limited preparation of food, including food establishments that only serve or make available beverages, that is not time/temperature control for safety food.
- 5. “Risk Type II Food Establishment” means a food establishment that requires time/temperature control for safety food as follows:
 - a. Limited food menu. Most products are prepared/cooked and served immediately;
 - b. Food is prepared from raw ingredients which require only minimal assembly;

- c. Hot or cold preparation of food is restricted to same-day service;
 - d. Food requiring preparation is obtained from an approved processing facility; or
 - e. Limited food processing facility.
- 6. “Risk Type III Food Establishment” means a food establishment that requires time/temperature control for safety food as follows:
 - a. Hot hold or cold hold food prepared more than twelve (12) hours before service;
 - b. Cooking and cooling food is part of the handling process;
 - c. Vacuumed packaging and other forms of reduced oxygen packaging are performed at the retail level;
 - d. A complex food processing is performed; or
 - e. Food is prepared for a highly susceptible population.
- M. “Health Code” or “Yavapai County Health Code” means Yavapai County Health Code and Ordinance Reg. 1-1-101 through Reg. 1-7-109, which incorporates the requirements of the U.S. Food and Drug Administration (FDA) Food Code 2017, including the FDA Food Code Annexes; and Arizona Department of Health Services regulations as set forth in the Arizona Administrative Code (A.A.C.) Title 9, Chapter 8, Articles 1-13.
- N. “Health Inspector” means an Environmental Health Specialist, Sanitarian, Sanitarian Aide, or Sanitarian Trainee, employed by the Department.
- O. “Health Officer” means the Department Director or his/her authorized representative.
- P. “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.
- Q. “Hot Water” means potable water under pressure at a minimum of 110° F at the hot water spigot.
- R. “Interfere” means obstructing or prohibiting the Health Officer or Health Inspector(s) in the performance of his/her duty(ies), giving physical or verbal abuse, using threatening actions or statements, ordering or demanding that the Health Officer or Health Inspector(s) leave the premises, or refusing the Health Officer or Health Inspector(s) access to a premises, for the purpose of performing an inspection, within fifteen (15) minutes of notification of arrival at the premises.
- S. “License” or “Permit” means a written approval issued by the Department that authorizes the operation of an establishment or event.
- T. “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.
- U. “Owner” or “Owner’s Representative” means the person that has the control over the operational aspects of the food establishment, including, but not limited to, the right to sign contracts, hire employees, terminate employees, and control the operations and functions of the food establishment.
- V. “Peddler License” means a food establishment that provides food products that are prepackaged and labeled and are sold at special events, farmers’ markets, or ongoing events, including, but not limited to, swap meets. Vendors that only provide approved source samples may also be licensed under the Peddler License (e.g., soup sampler). This includes food demonstrators who sample and conduct all food preparation onsite.
- W. “Person” means state, municipality, district, political subdivision, cooperative, institution, educational institution, corporation, company, firm, partnership, association or society, legal entity, or individual/natural person and the individual/natural person’s spouse.
- X. “Person in Charge” means the individual present at the food establishment who is responsible for the food operation at the time of an inspection.
- Y. “Premises” means:
1. The physical facility, includes, but is not limited to, place, building, or structure; its contents; and the contiguous land or property where business is conducted or is under the control of the owner or owner’s representative; or
 2. The physical facility, its contents, and the land or property not described in subparagraph (1) of this definition if its facilities and contents are under the control of the owner or owner’s representative and may impact food establishment personnel, facilities, or operations, and a food establishment is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.
- Z. “Priority Item” means a provision in the Health Code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard and includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, and handwashing.
- AA. “Priority Foundation Item” means a provision in the Health Code whose application supports, facilitates or enables one or more priority items and includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, Hazard Analysis and Critical Control Point (HACCP) principle plans, food safety plans, documentation or record keeping, and labeling.

- BB. “Provisional Permit” means a document of written approval from the Department to operate an establishment for ninety (90) consecutive days.
- CC. “Reasonable time” means normal operating hours (including the time when employees are preparing food or cleaning up) at a food establishment or premises.
- DD. “Rejected” means not acceptable to the Health Officer.
- EE. “Special Event food establishment” means a food establishment that operates for a period of not more than fourteen (14) consecutive days in conjunction with a Department-approved or sanctioned single event at one location or a Department-approved or sanctioned single celebration at one location.
- FF. “Summary suspension” means the Department is taking immediate action against a license or permit without a hearing that renders such license or permit invalid for a period of time to ensure the safety and well-being of the public.
- GG. “Time/temperature control for safety food” means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

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

- A. It is the responsibility of the owner or owner’s representative, to obtain a license or permit from the Department to operate an establishment listed in Chapter 3 of the Health Code. A person who is convicted for the failure to obtain or retain a valid license or permit is guilty of 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 and approved by the Department.
1. The application form must be complete.
 2. Information provided on the application form must be complete, accurate, and legible.
- C. The Department will review the application for completeness.
- D. The Department will request missing information, and if the requested missing information is not provided, the Department may reject the application. If the application is rejected, the applicant has failed to obtain or retain a valid license or permit.
- E. If the application is incomplete or if supplementary information is needed or requested, including, but not limited to, a complete floor plan with equipment list, a commissary agreement, or an operating plan, or the application is defective for any reason, the Department may reject the application. If the application is rejected, the applicant has failed

to obtain or retain a valid license or permit.

F. License or Permit Fees

1. All license or permit fees and other applicable fees must be paid in full when submitted with the application.
2. All license or permit fees and other applicable fees may be paid by cash, check, money order, or credit card.
3. All license or permit fees, including late fees, and other applicable fees are non-refundable.

G. Upon payment of a license or permit fee, a license or permit may be issued; however, a license or permit may not be valid for various reasons, including, but not limited to, establishment is closed, or if incurred or applicable fees are unpaid or declined for any reason.

Reg. 1-1-202 License or Permit Types

A. Provisional Permit.

1. A provisional permit may be issued by the Department to any person requesting approval to operate a food establishment regulated by the Department if the person meets the requirements of the Department. Provisional inspections must be performed by a Health Inspector during the term of the provisional permit before an annual operating license will be issued. A Mobile Food Unit, processor, retail only, or limited food handling food establishment owner or owner's representative may request a provisional permit at half of the standard fee where only one provisional inspection is required before the annual operating license is issued. The Department may issue a provisional permit in its sole and absolute discretion. If the required provisional inspection(s) cannot be performed or the establishment has not complied with the Health Code during the term of the provisional permit, the annual operating license may be denied and the owner or owner's representative may apply for an additional provisional permit with all applicable fees paid in full at the time of application, in the Department's sole and absolute discretion.
2. A provisional permit will be issued after an opening inspection; however, the provisional permit is not valid and the establishment is not approved to operate until all regulatory authorities have issued their written approval or respective certificates, permits, or licenses.
3. The provisional permit must be posted in a conspicuous location and be easily observed by consumer(s) and Health Inspector(s).
4. A failed inspection with priority and/or priority foundation item violation(s) thirty (30) days after the expiration of the provisional permit may require the person requesting approval to operate a food establishment regulated by the Department to apply for an additional 90-day provisional permit instead of being able to operate under an annual operating license, and all applicable provisional permit fees are due in full before the additional 90-day provisional permit may be issued. If a non-

refundable annual license fee has been paid, then such non-refundable license fee will be credited to the balance of provisional permit fees and other applicable fees.

5. All fees for a Provisional Permit and other applicable fees are non-refundable.
6. 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, the same person in charge, and remains under the same ownership.
 - b. A food establishment that rebuilds on the same physical site, but keeps the same menu, the same food preparation processes, the same person in charge, and remains under the same ownership.
 - c. A food establishment that is being remodeled, but keeps the same menu, the same food preparation processes, the same person in charge, and remains under the same ownership.
 - d. A temporary food establishment or a mobile food establishment used in conjunction with a special event, where a Special Event License is required and obtained.

B. Annual Operating License

1. Prior to the expiration of the time specified on the provisional permit for a food establishment, the owner or owner's representative 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, reject, or deny the application.
3. The applicant will be notified by the Department of its decision to approve, reject, 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 consumer(s) and Health Inspector(s).
5. All license fees, including late fees, and other applicable fees are non-refundable.

C. Special Event License

1. A special event license application must be approved by the Department and all fees must be paid in full before a person may provide food and/or beverage(s) 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 issued for a period of more than fourteen (14) consecutive days.
3. The application for a special event license must be received by the Department with all fees paid in full at least twenty-one (21) days before the start date of the event or the application may be rejected or denied.
4. If the application is not received twenty-one (21) days prior to the start date of the event, a late fee may be assessed by the Department if the Department accepts the late application. An additional late fee will be assessed if the application is received less than two (2) business days prior to the event starting date and if the Department

- accepts the late application.
5. All fees, including any applicable late fees, for the special event license are non-refundable and must be paid in full 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 or owner's representative to renew the annual operating license on or before the expiration date.
- B. The application for renewal of an annual operating license must be submitted to the Department, which has the authority to either approve, reject, or deny the application.
- C. If the application is incomplete or if supplementary information is needed or requested, including, but not limited to, a complete floor plan with equipment list, a commissary agreement, or an operating plan, or the application is defective for any reason, the application may be rejected or denied. If the application is rejected or denied, then the applicant has failed to obtain or retain a valid license or permit.
- D. The applicant will be notified by the Department of its decision to approve, reject, or deny the application for renewal of an annual operating license.
- E. All license fees, including late fees, and other applicable fees are non-refundable.

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 or permitted establishment must apply for all required licenses or permits within five (5) business days of taking possession of the establishment or within five (5) business days after the close of escrow, whichever first occurs. Plan review and other applicable fees may be required.
- C. A person who changes the format, use, or operation of an existing licensed or permitted food establishment must apply for all required licenses or permits within five (5) business days of the change. Plan review and other applicable fees may be required.

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

- A. The Department may deny the issuance of a license or permit in accordance with the Health Code and 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 U.S. Food and Drug Administration (FDA) Food Code 2017, including the FDA Food Code Annexes;

Arizona Department of Health Services regulations as set forth in the Arizona Administrative Code (A.A.C.) Title 9, Chapter 8, Articles 1-13; or the Yavapai County Health Code.

2. If a facility improvement plan has not been completed within the time frame assigned and a license or permit is due for renewal.
 3. If all applicable fees, including late fees, are unpaid, cancelled, or declined for any reason.
- B. The Department may deny the issuance of a special event license in accordance with the Health Code and under the following circumstances:
1. The applicant has not adequately demonstrated the knowledge or ability to operate in conformance with the requirements of the U.S. Food and Drug Administration (FDA) Food Code 2017, including the FDA Food Code Annexes; Arizona Department of Health Services regulations as set forth in the A.A.C. Title 9, Chapter 8, Articles 1-13; or the Yavapai County Health Code.
 2. If all applicable fees, including late fees, are unpaid, cancelled, or declined for any reason.
- C. A person who has been denied an annual operating license must close the establishment within 24 hours.
- D. Pursuant to A.R.S. § 41-1065, a person who has been denied a provisional permit, an annual operating license, or a special event license shall be entitled to have a hearing on such denial upon filing within fifteen (15) days after receipt of notice of such refusal a written application for such hearing.
- E. The person requesting the hearing and the Department may appear on their own behalf or through legal counsel, may submit evidence in open hearing, and will have the right to confront and cross-examine witnesses. A state, municipality, district, political subdivision, cooperative, institution, educational institution, corporation, company, firm, partnership, association or society, or legal entity may appear only through an appropriate authorized individual/natural person or through legal counsel.
- F. If the person requesting a hearing plans to call witnesses to testify, introduce exhibits as evidence, or request issuance of subpoenas, then the person requesting a hearing should provide the Department and the Hearing Officer with a witness list, copies of exhibits, and requests for subpoenas at least five (5) business days before the hearing. If the person requesting a hearing will be appearing through legal counsel, then the Department and the Hearing Officer should be notified in writing at least five (5) business days before the hearing that the person requesting a hearing will be represented by an attorney.
- G. If the Department plans to call witnesses to testify, introduce exhibits as evidence, or request issuance of subpoenas, then the Department should provide the person requesting a hearing and the Hearing Officer with a witness list, copies of exhibits, and requests for subpoenas at least five (5) business days before the hearing. If the Department will have

legal counsel present or be represented by legal counsel, then the person requesting the hearing and the Hearing Officer should be notified in writing at least five (5) business days before the hearing that the Department will have legal counsel present or be represented by an attorney.

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

Reg. 1-1-302 Suspension of a License or Permit

- A. When a Health Inspector determines that conditions at a licensed or permitted premises or food establishment present an imminent health hazard requiring emergency action, the Department may order a summary suspension of a license or permit, and may order suspension of a license or permit pending the outcome of proceedings for revocation of a license or permit or other legal action. 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) calendar days.
- B. Upon suspension of a license or permit, the premises shall cease operations, and the premises may be posted “closed” by the Health Inspector. A closure sign may be posted by the Department in a conspicuous place at the premises, clearly visible to the public, and will remain in place until removal is authorized by the Department or until the summary suspension expires.
- C. Upon suspension of a license or permit, the owner or owner’s representative may immediately move to vacate the suspension order by making a written request for hearing to the Department. 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) calendar days.
- D. The person requesting the hearing and the Department may appear on their own behalf or through legal counsel, may submit evidence in open hearing, and will have the right to confront and cross-examine witnesses. A state, municipality, district, political subdivision, cooperative, institution, educational institution, corporation, company, firm, partnership, association or society, or legal entity may appear only through an appropriate authorized individual/natural person or through legal counsel.
- E. If the person requesting a hearing plans to call witnesses to testify, introduce exhibits as evidence, or request issuance of subpoenas, then the person requesting a hearing should provide the Department and the Hearing Officer with a witness list, copies of exhibits, and requests for subpoenas at least five (5) business days before the hearing. If the person requesting a hearing will be appearing through legal counsel, then the Department and the Hearing Officer should be notified in writing at least five (5) business days before the

hearing that the person requesting a hearing will be represented by an attorney.

- F. If the Department plans to call witnesses to testify, introduce exhibits as evidence, or request issuance of subpoenas, then the Department should provide the person requesting a hearing and the Hearing Officer with a witness list, copies of exhibits, and requests for subpoenas at least five (5) business days before the hearing. If the Department will have legal counsel present or be represented by legal counsel, then the person requesting the hearing and the Hearing Officer should be notified in writing at least five (5) business days before the hearing that the Department will have legal counsel present or be represented by an attorney.
- G. The Department may vacate the suspension of a license or permit upon a finding that conditions at the licensed or permitted premises or in the food establishment no longer present an imminent health hazard.

Reg. 1-1-303 Revocation of a License of Permit

- A. The Department may, after providing an opportunity for hearing, revoke a license or permit under the following circumstances:
 - 1. Serious, repeated, or numerous violations of any of the requirements of the FDA Food Code 2017, including the FDA Food Code Annexes; Arizona Department of Health Services regulations as set forth in the A.A.C. Title 9, Chapter 8, Articles 1-13; or the Yavapai County Health Code.
 - 2. An owner, owner's representative, operator, manager, employee, or other person interfering with the Health Officer or Health Inspector in the performance of his/her duty(ies). A person who is convicted of a violation of this section is guilty of a Class 3 misdemeanor.
- B. Prior to revocation, the Department will provide written notification to the owner or owner's representative of the licensed or permitted premises or food establishment the specific reason(s) the license or permit is subject to being revoked and that the license or permit will be revoked at the end of fifteen (15) days following service of such notice, unless a written request for a hearing is filed with the Department by the owner or owner's representative within fifteen (15) days after receipt of notice.
- C. If a request for a hearing is timely filed, the Hearing Officer will set a hearing pursuant to A.R.S. § 41-1061, and notice of the hearing shall be given at least twenty (20) days prior to the date set for the hearing.
- D. The person requesting the hearing and the Department may appear on their own behalf or through legal counsel, may submit evidence in open hearing, and will have the right to confront and cross-examine witnesses. A state, municipality, district, political subdivision, cooperative, institution, educational institution, corporation, company, firm, partnership, association or society, or legal entity may appear only through an appropriate authorized individual/natural person or through legal counsel.

- E. If the person requesting a hearing plans to call witnesses to testify, introduce exhibits as evidence, or request issuance of subpoenas, then the person requesting a hearing should provide the Department and the Hearing Officer with a witness list, copies of exhibits, and requests for subpoenas at least five (5) business days before the hearing. If the person requesting a hearing will be appearing through legal counsel, then the Department and the Hearing Officer should be notified in writing at least five (5) business days before the hearing that the person requesting a hearing will be represented by an attorney.
- F. If the Department plans to call witnesses to testify, introduce exhibits as evidence, or request issuance of subpoenas, then the Department should provide the person requesting a hearing and the Hearing Officer with a witness list, copies of exhibits, and requests for subpoenas at least five (5) business days before the hearing. If the Department will have legal counsel present or be represented by legal counsel, then the person requesting the hearing and the Hearing Officer should be notified in writing at least five (5) business days before the hearing that the Department will have legal counsel present or be represented by an attorney.

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 pursuant to A.R.S. § 41-1061.
- D. Hearings will be conducted in accordance with the requirements of A.R.S. Title 41, Chapters 6 and 10, and A.A.C. Title 9, Chapter 8, Articles 1–13.
- E. The person requesting the hearing and the Department may appear on their own behalf or through legal counsel, may submit evidence in open hearing, and will have the right to confront and cross-examine witnesses. A state, municipality, district, political subdivision, cooperative, institution, educational institution, corporation, company, firm, partnership, association or society, or legal entity may appear only through an appropriate authorized individual/natural person or through legal counsel.
- F. If the person requesting a hearing plans to call witnesses to testify, introduce exhibits as evidence, or request issuance of subpoenas, then the person requesting a hearing should provide the Department and the Hearing Officer with a witness list, copies of exhibits, and requests for subpoenas at least five (5) business days before the hearing. If the person requesting a hearing will be appearing through legal counsel, then the Department and the

Hearing Officer should be notified in writing at least five (5) business days before the hearing that the person requesting a hearing will be represented by an attorney.

- G. If the Department plans to call witnesses to testify, introduce exhibits as evidence, or request issuance of subpoenas, then the Department should provide the person requesting a hearing and the Hearing Officer with a witness list, copies of exhibits, and requests for subpoenas at least five (5) business days before the hearing. If the Department will have legal counsel present or be represented by legal counsel, then the person requesting the hearing and the Hearing Officer should be notified in writing at least five (5) business days before the hearing that the Department will have legal counsel present or be represented by an attorney.
- H. The Hearing Officer will conduct the hearing in a manner consistent with due process. Witnesses will be sworn in 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 preponderance of the evidence. The Hearing Officer may issue subpoenas, upon request, pursuant to A.R.S. Title 41, Chapters 6 and 10, and A.A.C. Title 9, Chapter 8, Articles 1-13.

Reg. 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/her findings of facts and conclusions of law that 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 the Health Code. If the decision of the Hearing Officer is to uphold the decision of the Department to deny or revoke a license or permit, the owner or the owner's representative must close the premises within twenty-four (24) hours of notification. A closure sign may be posted by the Department in a conspicuous place at the premises, clearly visible to the public, and will remain in place until removal is authorized by the Department.
- 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 Department pursuant to the Health Code and A.R.S. §§ 36-183.04 and 41-1092.09.

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

- A. A party may file a request for rehearing, review, or reconsideration through the Department with the Board of Health within thirty (30) days after service of the final administrative decision pursuant to A.R.S. § 41-1092.09.

- B. The request for rehearing, review, 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, review, 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 Department. 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 Arizona statutes and 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.

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 described by Arizona law or the Health Code.
- B. In the case of suspension of a license or permit, the Hearing Officer will set a hearing on a motion to vacate the suspension within five (5) business 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 the Health Code.

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

- A. The Department may, for purposes of notification to the public, post a sign at the premises describing the nature of any violations or legal action pending against said premises, including notification of the license or permit suspension or license or permit revocation proceedings.

Reg. 1-1-311 Service of Notices

- A. A notice provided for enforcement and appeals under the Health Code is properly served when it is hand delivered to the owner or owner's representative, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the owner or owner's representative. A copy of the notice will be filed in the records of the Department.

Reg. 1-1-401 Penalties

- A. A person who violates the Health Code; FDA Food Code 2017, including the FDA Food Code Annexes; or A.A.C. Title 9, Chapter 8, Articles 1-13 may have the establishment's license or permit suspended or revoked pursuant to the Health Code.
- B. A person who is convicted of violating Arizona law; the Health Code; the FDA Food Code 2017, including the FDA Food Code Annexes; A.A.C. Title 9, Chapter 8, Articles 1-13; a sanitary ordinance; a regulation or order; or an order issued pursuant to A.R.S. § 36-602 is guilty of a Class 3 misdemeanor if the person holds a valid license or permit, or guilty of a Class 2 misdemeanor if the person does not hold a valid license or permit. [A.R.S. § 36-183.07].
- C. A person who is convicted of interfering with the performance of the duty of the Health Officer or Health Inspector is guilty of a Class 3 misdemeanor. [A.R.S. § 36-183.07].
- D. In addition to a non-refundable license or permit fee, a late fee may be assessed for a license renewed more than thirty (30) days after the expiration of a license.
- E. An annual operating license will be classified as out of business for failure of the owner or owner's representative to renew the annual operating license within sixty (60) days after the license expires, and the owner or owner's representative will be operating without a license or permit. A person who is convicted for failure to obtain or retain a valid license or permit is guilty of a Class 2 misdemeanor.
- F. A provisional permit will be classified out of business for failure of the owner or owner's representative to submit an application with all applicable fees paid in full for an annual license prior to the expiration date of the provisional permit, and the owner or owner's representative will be operating without a valid license or permit. A person who is convicted for failure to obtain or retain a valid license or permit is guilty of a Class 2 misdemeanor.
- G. A person and its principals, officers, directors, partners, or members, if any, and the owner

and owner's representative that has had a license or permit denied or revoked may not apply for a license or permit in any location within Yavapai County for a period of at least three (3) years from the date of a license or permit denial or revocation.

- H. A person and its principals, officers, directors, partners, or members, if any, and the owner and owner's representative that has closed an establishment with fees owed to the Department, including, but not limited to, program compliance, repeat reinspection, or late fees, will not be licensed or permitted and may not open other establishments without Department approval and without all fees owed to the Department being paid in full.
- I. A license or permit may be considered invalid if a person that has been issued a Special Event License has not paid in full all applicable fees, including late fees, or if the Special Event application is incomplete and/or not accurate. A person who is convicted for failure to obtain or retain a valid license or permit is guilty of a Class 2 misdemeanor.
- J. A compliance fee that is set by the Board of Supervisors will be assessed for program compliance, re-inspections, and repeat re-inspections.
- K. An investigation fee that is set by the Board of Supervisors will be assessed if discovery is made of a facility constructing, remodeling, or operating without prior Department approval.
- L. Penalties may be assessed up to and including revocation of a license or permit if payment of all fees have not been paid in full upon submission of an application for a license or permit or within sixty (60) days of invoice for renewal of an annual license, whichever is sooner.
- M. Application for a license or permit that is incomplete and/or not accurate will be rejected. An issued license or permit that is not accurate is invalid. A person who is convicted for the failure to obtain or retain a valid license or permit is guilty of a Class 2 misdemeanor.
- N. A license or permit may be considered invalid if the person has not obtained all approvals from other governmental agencies to operate. A person who is convicted for the failure to obtain or retain a valid license or permit is guilty of a Class 2 misdemeanor. [A.R.S. § 36-183.07].
- O. A variance and/or Hazard Analysis Critical Control Point (HACCP) plan may be revoked due to any violations of the approved plan, which include, but are not limited to: failure to operate according to approved process; complying with all County, State and Federal Codes and requirements; maintaining required record-keeping; or anything that the Department deems unsafe or improper handling of approved food items.

Reg. 1-1-501 Embargoed Food

- A. 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 label

or seal such food as “withheld” or “embargoed.” Such labeled or sealed food must be set apart from other food and not used, sold, given away, or discarded until the Department has had reasonable opportunity to examine the “withheld” or “embargoed” food.

- B. After the Department examines food labeled or sealed as “withheld” or “embargoed,” the Department may:
 - 1. Remove the label or seal
 - 2. Direct the owner, owner’s representative, or person in charge of the food to denature, remove, or destroy such food; or
 - 3. Direct the owner, owner’s representative, or person in charge of the food to bring it into compliance with the requirements of the Health Code.
- C. A person who is convicted of a violation hereunder is guilty of a Class 2 misdemeanor.

Reg. 1-1-502 Condemned Equipment

- A. The Department, having reason to suspect that a food utensil or food equipment is worn, defective, unsanitary, or otherwise detrimental to health, such utensil or equipment may be labeled “condemned” by the Department. Such labeled food utensil or food equipment must be set apart from other food utensils and food equipment, must not be used for food storage, preparation, handling, or serving, and may not be given away or discarded until the Department has had reasonable opportunity to examine the “condemned” food utensil or food equipment.
- B. After the Department examines a food utensil or food equipment that is labeled as “condemned,” the Department may:
 - 1. Direct the owner or owner’s representative to bring a condemned utensil or equipment into compliance with the requirements of the Health Code;
 - 2. Remove it from the food establishment, or
 - 3. Replace it with approved units.
- C. A person who is convicted of a violation hereunder is guilty of a Class 3 misdemeanor.

Reg. 1-1-503 Removal of Label, Tag, Seal, or Sign

- A. A “withheld,” “embargoed,” “condemned,” or “closed” label, tag, seal, or sign issued by the Department having once been affixed by the Department to food, equipment, or establishment may only be removed by the Department, except as otherwise provided by law.
- B. A person who is convicted of a violation hereunder is guilty of a Class 2 misdemeanor.

Chapter 2 – Authority to Regulate

Reg. 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(E), to “...delegate to a local health department...any functions, powers or duties that 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 and 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 – License or Permit

Reg. 1-3-101 Regulated Activities and Activities Requiring a License or Permit

Table 1 lists regulated activities pursuant to Arizona Department of Health Services (ADHS) Delegation Agreement No. AGR2018-034. The delegation agreement with ADHS may change from time-to-time and all changes are automatically incorporated in the Health Code.

Table 1 also lists the activities requiring a license or permit, the minimum inspection frequency required by the Department, A.A.C., and the rules and regulations governing those activities.

The Department does not license, permit, inspect, investigate, regulate, or enforce actions against food establishments at state prisons and establishments that dispense, sell, or serve marijuana; and Pure Food Control investigations and enforcement at and relating to nonprofit medical marijuana dispensaries and establishments that dispense, sell, or serve marijuana.

Delegation Agreement No. AGR2018-034 / Table 1 – List of Regulated Activities

1. County Delegated Responsibilities:

Delegated Functions and Duties	Applicable Rules and Statutes	Frequency of Inspection	License Required
Swimming Pools and Bathing Places	A.R.S. § 36-132(A)(12) A.A.C. Title 9, Chapter 8, Article 8.	Public pools one time each month. Semi-public pools one time every two months.	Yes ^L
Bottled Water	A.R.S. §§ 36-132(A)(13) and 36-132(A)(6), A.A.C. Title 9, Chapter 8, Article 2.	Not less than two times each year.	Yes ^L
Campgrounds	A.R.S. § 36-136(A)(6) A.A.C. Title 9, Chapter 8, Article 6.	Not required.	Not required
Children's Camps	A.R.S. §§ 36-3901 through 36-3915 (formerly 8-551 through 8-568) and 36-136(A)(6) A.A.C. Title 9, Chapter 8, Article 4	Not less than one time each year.	Yes ^L
Food establishments except for state prisons.	A.R.S. §§ 36-136(A)(6) A.A.C. Title 9, Chapter 8, Article 1.	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 ^L
Hotel and Motel Sanitation	A.R.S. §§ 36-136(A)(6) A.A.C. Title 9, Chapter 8, Article 13.	Not less than one time each year	Yes ^L
Public Nuisance Responses	A.R.S. §§ 36-136 (A)(6) and 36-601.	--	--
Public Toilet Facilities	A.R.S. § 36-136(A)(6) A.A.C. Title 9, Chapter 8, Article 3.	No frequency stated	No
Public School Sanitation	A.R.S. § 36-136(A)(6) A.A.C. Title 9, Chapter 8, Article 7.	Grounds not less than 1 time each year.	Yes ^L
Trailer Coach Park Sanitation	A.R.S. §§ 36-136(A)(6) A.A.C. Title 9, Chapter 8, Article 5.	Not required.	No
Pure Food Control Investigations	A.R.S. §§ 36-3901 through 36-916.		
Smoke-Free Arizona	A.R.S. § 36-601.01 A.A.C. Title 9, Chapter 2, Article 1.		

2. **ADHS RETAINS** inspections for food establishments at state prisons not delegate to the County described in Section 1, Records, and Inspections.

3. **ADHS RETAINS** enforcement activist for reporting of violation to the Smoke-Free Arizona Act not delegated to the County in Agreement Section 2, Enforcement Actions

^L Yavapai County Community Health Services license required

Chapter 4 – Plan Review

Reg. 1-4-101 Plan Review – Building Plan

- A. The establishments listed below may require plan review and approval by the Department before construction or remodeling is started. Plan review will be in accordance with the FDA Food Code 2017, including the FDA Food Code Annexes; Arizona Department of Health Services regulations as set forth in the A.A.C. Title 9, Chapter 8, Articles 1-13; and the Yavapai County Health Code.
 - 1. Food Establishments
 - 2. Bottled Water
 - 3. Campgrounds
 - 4. Children’s Camps
 - 5. Hotels and Motels
 - 6. Schools
 - 7. Trailer Coach Parks – service buildings, toilet facilities, community kitchens
- 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 or any other authorized governmental jurisdiction.
- 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. 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 may be approved when the requirements of the Department are satisfied.

Reg. 1-4-102 Plan Review – Operation Plan-Food Safety Plan

- A. All Establishments and Operations are required to have an Operation Plan-Food Safety Plan (FSP).
 - 1. The Health Inspector may require a meeting with the owner or owner’s representative at least thirty (30) days before opening for business to review the establishment’s FSP.
 - 2. The FSP is required for new and existing food establishment and a copy must be

onsite and available to the Health Inspector upon request at all times. The FSP 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, if any.
3. Any additional information requested by the Health Inspector to complete the FSP review must be submitted in writing to the Department.
 4. All written information submitted by the applicant must be legible.
- B. The Health Officer may waive or modify the requirements of Health Code Reg. 1-4-102(A)(2).
- C. A person applying for a license or permit must comply with the Health Code.
- D. The approved FSP must be instituted on or before the day the food establishment opens for business. For change of ownership of a food establishment, this requirement may be extended; however, no extension will be granted past any 90-day provisional permit.
- E. Onsite documentation that the FSP is adhered to on a daily basis must be available for the Health Inspector's review.
- F. Before initiating any changes to the FSP, the proposed changes must be submitted to the Health Inspector, in writing, for review and approval. Fees may apply and must be paid in full before the FSP will be approved.
- G. Failure to prepare and maintain an approved FSP under the Health Code is a priority foundation item violation.

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 the Health Code have been satisfied.

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

- A. The Department may not issue an approval to construct (non-approval to construct) under the following circumstances:
 - 1. Failure of the applicant to submit the plan review fee or pay all required fees in full;
 - 2. Incomplete and/or not accurate information on the plan review application;
 - 3. Supplementary information is needed or requested; or
 - 4. Failure of the applicant to submit information or documentation requested by the Health Inspector.

Reg. 1-4-105 Grease Trap and Grease Interceptor (This section applies to a food establishment that generates grease in the wastewater.)

- 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 must be approved by the Department:
 - 1. 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.
 - 2. Based on the approval of the Health Inspector, a grease trap may be installed in the dishwashing area and should be flush with the floor.
- C. A grease trap or grease interceptor must be located, and installed in accordance with the requirements of all appropriate jurisdictions.

Chapter 5 – Food, Food Products, and 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 Food Code 2017, including the FDA Food Code Annexes; A.A.C. Title 9, Chapter 8, Article 1; and the 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 or below 41° F. Fruit for processing must be stored in such a manner that will prevent contamination from any source, including, but not limited to, flies and 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 as set forth in the FDA Food Code 2017, including the FDA Food Code Annexes.
- 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 the FDA Food Code 2017, including the FDA Food Code Annexes; A.A.C. Title 9, Chapter 8, Article 1; and the Health Code.
- L. Plans must be submitted to the Department for review and approval before starting construction or remodeling pursuant to the Health Code.
- 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 the FDA Food Code 2017, including the FDA Food Code Annexes; A.A.C. Title 9, Chapter 8, Article 1; and the 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 laws, regulations, and requirements pertaining to their food and beverage product.

Reg. 1-5-103 License or Permit

- A. A cider, juice, or beverage food establishment must apply for a license or permit to operate pursuant to the Health Code.
- B. The Department will include any limitations 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 Special Event, including, but not limited to, a fair, a rodeo, an exhibition, or a similar event for not more than fourteen (14) consecutive days at the same location for the same event.

Reg. 1-5-202 Requirements

- A. A mobile food establishment must comply with the FDA Food Code 2017, including the FDA Food Code Annexes; A.R.S. § 11-269.20; A.A.C. Title 9, Chapter 8, Article 1; and the Health Code.
- B. A mobile food establishment must operate from an approved commissary and report to the commissary as often as necessary for food preparation, 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, including, but not limited to, criteria for 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 reports on the premises as to the mobile food establishment’s usage of the commissary, including, but not limited to, dates, arrival times, and departure times. A commissary must present reports to the Department 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.
- C. All mobile food establishments will maintain a location of operation log sheet reflecting routine stops or approximate areas of operation (e.g. cross streets, construction site, etc.). Log sheets must 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. Failure to maintain the operation log sheet or falsification of the required location of the operation log sheet may be grounds for revocation of a license or permit.

Reg. 1-5-203 License or Permit

- A. A mobile food establishment must apply for a license or permit to operate pursuant to the Health Code.
- B. The Department will include any limitations or conditions for operation of the license or

permit.

Reg. 1-5-204 Food Delivery and Catering

- A. A mobile food establishment that transports and solicits sales of prepackaged time/temperature control for safety food to one or more location, sites, or businesses during a working day must be licensed or permitted as a mobile food establishment.
- B. A mobile food establishment that delivers time/temperature control for safety food or prepares food at one or more locations, sites, or businesses must be licensed or permitted as a mobile food establishment.
- C. A mobile food establishment owned and used exclusively by an approved food establishment for catering or at a single location at the customer's request for his/her guests may be covered under the food establishment's license or permit.

Reg. 1-5-301 Catering – Definitions

- A. "Caterer" or "Food caterer" means a person who prepares food at an approved commissary or its licensed or permitted fixed food establishment 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, 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 the FDA Food Code 2017, including the FDA Food Code Annexes; A.A.C. Title 9, Chapter 8, Article 1; and the Health Code.

Reg. 1-5-303 License or Permit

- A. A caterer must apply for a license or permit to operate pursuant to the Health Code.
- B. The Department will include any limitations or conditions for operation of the license or permit.
- C. A licensed or permitted food establishment may submit a written request to add "Catering" to the existing license or permit.
 - 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 or permit limitations and conditions will be added to the license or permit.

Reg. 1-5-304 Delivery Location Food Preparation

- A. Food requiring only limited preparation or cooking such as frankfurters, pre-formed meat patties, cuts of meat, poultry parts, or other food items as specified and approved by the Department that must be prepared for the customer at the delivery location.
- B. Food cooked at the delivery location must be served directly from the master container or grill to the customer. Cooked food must not be maintained or stored at the delivery location for more than four (4) hours.
- C. Food 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 establishment that manufactures, packages, labels, or stores food for human consumption and operation with only limited preparation of food items.
- B. “Complex Food Processing” means a food establishment that manufactures, packages, labels, or stores food for human consumption operation with advanced preparation (including but not limited to Reduce Oxygen Packaging) and who has an extensive list of products they produce.

Reg. 1-5-402 Requirements

- A. A food processor must comply with the FDA Food Code 2017, including the FDA Food Code Annexes; A.A.C. Title 9, Chapter 8, Article 1; and the Health Code.
- B. All food processors must operate out of and conduct all food processing at an approved commissary or its licensed or permitted 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, including, but 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 the FDA Food Code 2017, including the FDA Food Code Annexes; A.A.C. Title 9, Chapter 8, Article 1; and the Health Code.
- E. Food product testing may be required by the Department to ensure the safety and shelf stability of the food products. Food product approval or testing must be through a Department-approved person. 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 laws, regulations, and requirements 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 the Health Code.
- B. The Department will include any limitations or conditions for operation of 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 services. The term does not include persons in food establishments regulated under the 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 has.
- 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 Department-approved or sanctioned single event or Department-approved or sanctioned celebration at one location.

Reg. 1-6-102 Food Worker Certificate

- A. Each person operating or applying for a license or permit to operate a food establishment must require each food worker to obtain a food worker certificate from the Department.
- B. A food worker certificate must be obtained by each food worker at a food establishment within thirty (30) days after the start of employment. The cost of the food worker certificate will be established by the Yavapai County Board of Supervisors and will be listed in the Department’s Environmental Health fee schedule.
- C. The Department will issue a food worker certificate when the applicant has successfully completed a Department-approved food worker certification course, which may include an Accredited Program such as the American National Standards Institute and the Conference for Food Protection.
- D. Failure to obtain or maintain a food worker certificate under the Health Code is a core item violation.

Reg. 1-6-103 Manager Certification

- A. All food establishments that store, prepare, package, serve, vend, or otherwise provide

time/temperature control for safety food or 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 the Health Code by having a written Department-approved food safety plan in place and 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. Manager Certification must be current and valid.
- E. Failure to obtain or maintain a manager certification under the Health Code is a priority foundation item violation.
- F. Food Establishments exempt from manager certification requirements are as follows:
 - 1. Temporary food establishments:
 - 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 per event, 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 at the premises at all times overseeing food preparation and service.

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

- A. 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 seen and inspected by the Health Inspector.

Chapter 7 – Public and Semipublic Swimming Pools Safety

Reg. 1-7-101 Barriers

- A. A public swimming pool or spa and deck shall be entirely enclosed by a fence, wall, or barrier that is at least 6 feet high. A semipublic swimming pool or spa and deck shall be entirely enclosed by a fence, wall, or barrier that is at least 5 feet high. The height of the fence, wall, or barrier shall be measured on the side of the barrier which faces away from the swimming pool or spa.
- B. Fences or walls shall:
 - 1. Be constructed to afford no external handholds or footholds;
 - 2. Be of materials that are impenetrable to small children;
 - 3. Have no openings or spacings of a size that a spherical object 4 inches in diameter can pass through; and
 - 4. Be equipped with a gate that opens outward from the swimming pool or spa. The gate shall be equipped with a self-closing and self-latching closure mechanism or a locking closure located at or near the top of the gate, on the pool side of the gate, and at least 54 inches above the floor.

Reg. 1-7-102 Lifesaving and Safety Equipment

- A. Public and semipublic swimming pools shall have lifesaving and safety equipment that is conspicuously and conveniently located and maintained ready for immediate use at all times.
- B. Each public or semipublic swimming pool shall have one ring buoy or a similar flotation device. Each ring buoy or flotation device shall be attached to 50 feet of 1/4 inch rope.
- C. Each semipublic and public swimming pool shall have at least one shepherd crook that is mounted on a rigid 16-foot pole.

Reg. 1-7-103 Timers for Public and Semipublic Spas

- A. The timer for a public or semipublic spa which controls the hydrotherapy jets shall be located at least 5 feet from the spa and shall have a maximum time limit of 15 minutes.

Reg. 1-7-104 Maximum Bathing Load

- A. The maximum bathing load for a public or semipublic swimming pool or spa shall not be exceeded.
- B. The maximum bathing load for a public or semipublic swimming pool shall be calculated as the sum of the following:

1. The shallow area of the swimming pool in square feet divided by 10 square feet, plus
 2. The deep area of the swimming pool in square feet minus 300 square feet for each diving board divided by 24 square feet.
- C. The maximum bathing load for a public swimming pool shall be limited by the number of users for the toilets, showers, or lavatories that are provided in the bathhouses or dressing rooms prescribed in A.A.C.
- D. The maximum bathing load for a public or semipublic spa shall not exceed the area of the spa in square feet divided by 9 square feet.
- E. The maximum bathing load for a public or semipublic swimming pool or spa shall be posted.

Reg. 1-7-105 Prohibition Against Diving; Warning Signs

- A. Diving equipment is prohibited in a public or semipublic swimming pool that does not meet the minimum diving well dimensions at according to the A.A.C. If a public or semipublic swimming pool does not meet minimum requirements for diving, then the owner shall prominently display at least one sign that cautions users that the swimming pool is not suitable for diving. The warning sign shall state “NO DIVING” in letters that are 4 inches or larger or display the international symbol for no diving.
- B. Diving from the deck of a public or semipublic swimming pool into water that is less than 5 feet deep shall be prohibited. Warning markers indicating in words or symbols that diving is prohibited shall be placed on the deck within 18 inches of the side of the shallow area of the swimming pool. A warning marker shall be positioned so that it can be read by a person standing on the deck facing the water.

Reg. 1-7-106 Lighting

- A. A public or semipublic swimming pool or spa and adjacent deck areas shall be lighted by natural or artificial means when they are in use.
- B. A public or semipublic swimming pool or spa that is intended to be used at night shall be equipped with artificial lighting that is designed and spaced so that all parts of the swimming pool or spa, including the bottom, may be seen without glare.
- C. All electrical in the pool enclosed area and below water level must be in good repair and functioning properly.

Reg. 1-7-107 Drain Covers

- A. Each main drain shall be covered by a grate that is not readily removable by user and must be maintained in good repair. All drains and suction outlets must comply with all Federal,

State, County, and local laws and regulations.

Reg. 1-7-108 Closure of Pool for Imminent Safety Hazard

- A. A public or semipublic pool will be closed for failure to meet water quality standards if it could create an imminent safety hazard.
- B. A public or semipublic pool will be closed for failure of the swimming pool equipment, structure, area or enclosure such as to jeopardize the health or safety of the public or any person using or operating it.
- C. A public or semipublic pool will be closed if there is turbidity where the bottom of the pool cannot be clearly seen.
- D. A public or semipublic pool will be closed if the drain cover on the pool or spa is missing and/or in disrepair.
- E. A public or semipublic pool will be closed for failure to have lifesaving and safety equipment that is conspicuously and conveniently located and maintained ready for immediate use at all times.

Reg. 1-7-109 Prohibit Animals

- A. No animals are allowed in the pool enclosure, except for service animals, as defined in the Americans with Disabilities Act (ADA) and A.R.S. § 11-1024, and law enforcement canines/K-9s for official purposes.