

# MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

## CHAPTER I GENERAL PROVISIONS

### REGULATION 1. Definitions

The following definitions shall apply throughout this Environmental Health Code, unless a different meaning is clearly indicated by the context or is stated in any of the several chapters.

- a. "Approved" or "approval" means acceptable to the Department and so stated in writing.
  - b. "Board" means the Maricopa County Board of Supervisors.
  - c. "Board of Health" means the Board of Health of Maricopa County.
  - d. "Chairman" means the Chairman of the Maricopa County Board of Supervisors.
  - e. "Clerk" means the Clerk of the Maricopa County Board of Supervisors.
  - f. "Counsel" means an attorney licensed to practice law in the State of Arizona.
  - g. "County" means Maricopa County.
  - h. "Department" means the Maricopa County Environmental Services Department.
  - i. "Environmental Health Code" means all of the rules and regulations which are adopted by the Board of Health and the Board of Supervisors pursuant to A.R.S. 36-167, 36-184, 36-187.C., 11-251 Paragraphs 17 and 31, 11-251.05, 11-251.08, 49-106, and 49-107, and which remain in force.
  - j. "Environmental Health Officer" means the Director of the Maricopa County Environmental Services Department or his/her authorized Agents.
  - k. "Municipality" means an incorporated area within Maricopa County.
  - l. "Notice" means an enforcement notice issued by the Environmental Health Officer.
  - m. "Parties" means the Defendant and the County.
  - n. "Permit" means a written permit to operate, issued by the Maricopa County Environmental Services Department.
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- o. "Person" includes any natural individual, firm, trust, partnership, association, institution, public body, corporation or any other entity and includes the plural as well as the singular, feminine as well as the masculine.
  - p. "Regulation" means the regulations in this Environmental Health Code and the regulations of the Arizona Departments of Health Services and Environmental Quality.

### REGULATION 2. Purpose

The rules and regulations adopted and contained herein, and the enforcement thereof by the Department, are designed and intended to provide minimum standards for the protection of the health of the people of Maricopa County and to prevent the creation or maintenance of unhealthful, insanitary conditions or public health nuisances, and shall be liberally construed to accomplish these purposes.

**REGULATION 3. Responsibilities - Right of Inspection**

- a. The owner, person in charge of control, lessee, tenant, and occupant of every building, establishment, premises, place, potable water supply, sewage works, sewerage, drainage or wastewater reclamation system has the duty to take all necessary, reasonable and usual precautions to keep, place and preserve the same in such condition, and to conduct and maintain the same in such manner, that it shall not be dangerous or deleterious to the public or in violation of the Rules and Regulations in this Environmental Health Code or the regulations of the Arizona Departments of Health Services and Environmental Quality.
- b. No person shall refuse to allow the Department to inspect fully any and all premises or facilities at any reasonable time, and no person shall molest or resist the Department in the discharge of its duties whether in inspections for application approval or for the enforcement of this Environmental Health Code.

**REGULATION 4. Permits, Service, and Other Requirements**

- a. No person shall conduct an operation or an establishment for which a permit is required without holding the necessary and valid permit to do so, or otherwise than in compliance with the Rules and Regulations in this Environmental Health Code.
- b. Permit application shall be made on forms provided by the Department and shall be completed in all pertinent details.

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- c.
  - (1) No application for permit shall receive approval and no permit shall be issued and no facility for which a permit is required shall be placed in operation until the applicant demonstrates to the Department full compliance with the provisions of this Environmental Health Code.
  - (2) The Environmental Health Officer may refuse to issue a permit to any person if the person fails to demonstrate sufficient reliability, expertise, integrity and competence to fulfill the requirements for permit and comply with applicable rules and regulations of this Environmental Health Code.
- d. Any person denied a permit based on Regulation 4.c.(2) of this Chapter may exercise the following options:
  - (1) Request, in writing, that the Environmental Health Officer specify conditions necessary to provide reasonable assurance that full compliance with provisions of this Environmental Health Code will be achieved. The Environmental Health Officer within five (5) working days of the request shall specify said conditions; or
  - (2) Request in writing a hearing before the Environmental Health Officer as specified in Chapter 1, Regulation 6.
- e. In cases where the Department requires the submission of plans and specifications, no person shall commence construction unless the required plans have been approved. It shall be the full responsibility of said person that construction be in conformance with the approved plans and specifications.
- f. The approval of plans and specifications shall lapse and become invalid one year from the date of approval unless a substantial portion of the work described in the plans and specifications has commenced by such anniversary date.

An approval of plans and specifications can be renewed for one year if an application for renewal is submitted within 180 days of expiration. A fee equal to one-half (1/2) of the initial plan review fee is paid. The approval will be effective for one year from the date of expiration.

- g.
  - (1) Permits are valid from the date of issuance until the date of expiration unless suspended or revoked prior thereto.

- (2) Permit renewal fees become due on such date of expiration.
- (3) A permit delinquency fee becomes due for failure to pay the permit fee within one calendar month of the permit renewal fee due date.

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- h. No permit is transferable from person-to-person or place-to-place.
- i. Each permit certificate must be kept at the establishment, premises or vehicle designated, and displayed in a conspicuous place. Where practicable, permits shall be framed and protected against soiling.

#### **REGULATION 5. Fees**

- a. No permit shall be issued, and no permit is valid, until the permit fee is received by the Department, except that the operator of a charitable nonprofit establishment (which operates to provide relief solely for the poor, distressed or under-privileged) may apply to the Board of Health for a waiver of permit fee. A waiver of fee may be granted only to the operator of an establishment, which maintains a current 501(c)(3) tax exempt designation from the Department of the Treasury, Internal Revenue Service, who demonstrates to the Board of Health that payment of said fee will cause financial hardship. Application for a permit fee waiver shall be made using forms provided by the Department.

- b. Investigation Fees:

If any work for which a permit is required has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The fee shall be calculated at a rate of \$70.00 per hour. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the Environmental Health Code or the regulations of the Arizona Department of Health Services or Arizona Department of Environmental Quality or from any penalty prescribed by law.

- c. Plan Review Fees:

Plan review fee shall be determined based on an initial fee plus an hourly rate.

- (1) If the actual cost of processing the application for a plan review is greater than the initial fee, the Department shall send the Applicant a final itemized bill for the difference between the initial fee and the actual cost of processing the application except that the final bill shall not exceed the applicable maximum fee. Such a difference shall be paid in full before issuance of the permit.
- (2) In determining an hourly rate for services, the fee shall not exceed the reasonable cost of providing the services required as established by A.R.S. 36 187.C.2.
- (3) From the effective date of this regulation the hourly rate shall be \$70.00 dollars per hour based on the Department's cost for a full fiscal year. Expedited, design/build and phased plan reviews shall be assessed at two times the hourly rate. The Board of Supervisors may amend the hourly rate annually.

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Fees shall be paid according to the following table:

**FEE SCHEDULE - Effective September 1, 1998**  
**Permits, Inspections, Plans Examination**

| <b>Permit Required</b>                                 | <b>2 Yr. Fee</b>   |
|--|--------------------|
| Bakery   | 420.00             |
| Bottled Water & Beverage Plants                        | 500.00             |
| Chemical Toilets                                       | 3.10 per unit      |
| Eating & Drinking Establishment (0-9 Seating Capacity) | 290.00             |
| Eating & Drinking Establishment (10+)                  | 520.00             |
| Food Catering  | 380.00             |
| Food Jobber  | 310.00             |
| Food Processor   | 370.00             |
| Ice Manufacturing                                      | 540.00             |
| Landfill   | 900.00             |
| Meat Markets   | 390.00             |
| Pet Shops  | 210.00             |
| Public Accommodations                                  | 280.00             |
| Retail Food Establishments                             |                    |
| Grocery  | 300.00             |
| Damaged Foods  | 410.00             |
| Refrigerated Warehouse/Locker                          | 580.00             |
| Hydro Therapy Pool                                     | 150.00             |
| Wading Pool  | 150.00             |
| Swimming Pool  | 200.00             |
| Trailer Parks  | 72.00 + 2.20/space |
| Vending Machines                                       | 190.00             |
| Water Transportation                                   | 80.00              |
|  | <b>1 Yr. Fee</b>   |
| Food Peddler   | 120.00             |
| Mobile Food Unit                                       | 175.00             |
| Senior Citizen Center Food Service                     | 200.00             |
| Food Banks   | 100.00             |
| Day Care Center Food Services                          | 135.00             |
| Push Cart  | 105.00             |
| Garbage Hauler   | 120.00 Per Vehicle |
| Non-Hazardous Liquid Waste Hauler                      | 175.00 per vehicle |
| School Ground  | 75.00              |
| Group Homes  | 320.00             |
| Service Kitchen  | 70.00              |
| School Food Service Permit                             | 260.00             |
| Miscellaneous Food                                     | 70.00              |
| Water System Operating Permit - Community              |                    |
| Greater Than 100,001 Population                        | 5100.00            |
| Plus For Each Well Site                                | 100.00             |
| Plus For Each Treatment Plant                          | 1400.00            |
| 10,001 - 100,000                                       | 2700.00            |
| Plus for each well site                                | 100.00             |
| Plus for each treatment plant                          | 1200.00            |
| 1,001 - 10,000   | 1800.00            |
| Plus for each well site                                | 100.00             |
| Plus for each treatment plant                          | 1000.00            |
| 101 - 1,000  | 450.00             |
| 25 - 100   | 225.00             |
| Non-Community  |                    |
| Greater Than 1001 Population                           | 400.00             |
| 25 - 1000  | 175.00             |
| Waste Treatment Works Operating Permit                 | 2100.00            |
| Reuse Facility Operating Permit                        | 300.00             |

| <b>Plan Review Fee Schedule</b>  | <b>Initial</b>            | <b>Maximum</b> |
|--|---------------------------|----------------|
| Eating & Drinking Establishment (0-9 Seating Cap.)                               | 250.00                    | 750.00         |
| Mobile Food Units  | 65.00                     | 65.00          |
| Food Establishments  | 350.00                    | 750.00         |
| Pet Shops  | 175.00                    | 375.00         |
| Public Accommodations  | 300.00                    | 630.00         |
| Schools Food Service   | 350.00                    | 750.00         |
| School Facilities other than Food (Grounds)                                      | 250.00                    | 750.00         |
| All Other Plans (Minor Remodels)   | 150.00                    | 750.00         |
| Design/Build Plan Submittal (Requires Prior Approval)                            | Two times Plan Review Fee |                |
| Phased Plan Submittal (Requires Prior Approval)                                  | Two times Plan Review Fee |                |
| Expedited Plan Review Fee (Requires Prior Approval)                              | Two times Plan Review Fee |                |
| Individual Sewage Disposal System  |                           |                |
| Less than 1499 gallons   | 225.00                    | 225.00         |
| *1500 - 2000   | 260.00                    | 780.00         |
| Greater than 2000  | 305.00                    | 915.00         |
| Site Inspection  | 100.00                    | 300.00         |
| *Includes up to Two (2) Construction Inspections                                 |                           |                |
| Swimming Pool (Size Sq. Ft.)   |                           |                |
| Less than 1000 gallons   | 200.00                    | 840.00         |
| 1001 - 2000  | 680.00                    | 2040.00        |
| 2001 - 9999  | 795.00                    | 2385.00        |
| Greater than 10,000  | 1050.00                   | 3165.00        |
| Swimming Pool Pump Test  | 125.00                    | 375.00         |
| Trailer Parks Include Constr. Insp.  | 170.00                    | 850.00         |
| Water System Include Constr. Insp.   | 100.00                    | 500.00         |
| Sewer System Include Constr. Insp.   | 100.00                    | 500.00         |
| Water Plant Include Constr. Insp.  |                           |                |
| Treatment Plants >1 Mgd  | 3000.00                   | 12000.00       |
| Treatment Plant .1 Mgd to 1 Mgd  | 1500.00                   | 7500.00        |
| Treatment Plants < 99,999 Gal/Day  | 1000.00                   | 5000.00        |
| Well Site  | 120.00                    | 1000.00        |
| Storage Tank (atmospheric and pressure)  | 120.00                    | 1000.00        |
| Alternative Individual Sewage Disposal System Permit and Construction Inspection | 300.00                    | 1750.00        |
| Waste Treatment Works Include Constr. Insp.                                      |                           |                |
| > 1 Mgd  | 3000.00                   | 12000.00       |
| .1 Mgd to 1 Mgd  | 1500.00                   | 7500.00        |
| <100,000 gal/day   | 1000.00                   | 5000.00        |
| MAG 208 Certification  | 150.00                    | 750.00         |
| Experimental Project Approval Including Four (4) Quarterly Inspections           | 300.00                    | 5000.00        |
| Water System Blending Plans  | 150.00                    | 750.00         |
| Refuse Collection Variance Plan  | 150.00                    | 750.00         |
| Subdivision  | 340.00                    | 1020.00        |
| Investigations (subdivisions, Zoning and Board of Adjustment Cases)              | 150.00                    | 300.00         |
| Waste Water Reuse  | 250.00                    | 1500.00        |
| Ground Water Recharge  | 250.00                    | 4000.00        |
| All Other Plans  | 150.00                    | 750.00         |
| Master Plan Review and Approval  | 150.00                    | 750.00         |
| <b>Miscellaneous Fees</b>  |                           |                |
| Eating and Drinking (Seasonal 120 days)  | 190.00                    |                |
| Food Peddler (90 day)  | 70.00                     |                |
| Observe Percolation Test   | 150.00                    |                |
| Temporary Food Service Establishment   | 60.00                     |                |
| Plan Reproduction  | 6.00/sheet                |                |
| VA, FHA, MHR, etc. Approval  | 30.00                     |                |
| Duplicated Copy  | .50/sheet                 |                |
| Swimming Pool Variance   | 200.00                    |                |
| Delinquency Fees (Permits) to be charged when annual permit fee is delinquent    |                           |                |

|   |               |
|---|---------------|
| Over 30 days  | 30.00         |
| Over 60 days  | 50.00         |
| Food Service Worker License   | 12.00         |
| Food Service Manager License  | 12.00         |
| Food Service Worker/Manager License Renewal   | 12.00         |
| All Others  | 30.00         |
| Dye Tests   | 120.00        |
| Domestic Well Approval  | 65.00         |
| Water System Site Sampling Plan, Emergency Operation Plans, Backflow Prevention Plan or Other Plans |               |
| Community   |               |
| Greater than 100,001 Population   | 300.00/Plan   |
| 10,001 – 100,000  | 250.00/Plan   |
| 1001 – 10,000   | 200.00/Plan   |
| 101 – 1000  | 150.00/Plan   |
| 25 – 100  | 120.00/Plan   |
| Non-Community   |               |
| Greater than 1001 Population  | 150.00/Plan   |
| 25 – 1000   | 120.00/Plan   |
| New Source Approval Water Quality Review and Report   | 250.00/Review |

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**REGULATION 6. Rejection of Application --Right to Hearing**

A person who has been denied a permit may within 15 days of notification thereof request a hearing before the Environmental Health Officer to show cause why a permit should be issued.

**REGULATION 7. Suspension and Revocation of Permits**

- a. Suspension of Permit:
  - (1) When the Environmental Health Officer finds that a permit holder or operator has failed to comply with a notice of violation of this Code or that there exists on the permitted premises such a severe and imminent health hazard as to require emergency action, and incorporates a finding to that effect in its order, summary suspension of the permit may be ordered pending proceedings for revocation or other action.
  - (2) Upon suspension of the permit, the holder of the permit may immediately move to vacate the suspension order and the Environmental Health Officer shall hear such motion within five (5) days. In no event may a summary suspension remain in effect for more than twenty-five (25) days.
  - (3) Upon suspension of the permit, the premises will thereupon be posted closed. 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 Environmental Health Officer.
- b. Revocation of Permit:
  - (1) The Environmental Health Officer may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of this Code or for interference with the regulatory authority in the performance of duty.
  - (2) Prior to revocation, the Environmental Health Officer shall notify, in writing, the holder of the permit, or the person in charge, of the specific reason(s) for which the permit is to be revoked and that the permit shall be revoked at the end of the twenty (20) days following service of such notice unless a written request for hearing is filed with the regulatory authority by the holder of the permit within such twenty (20) day period, revocation of the permit becomes final. If a request for hearing is timely filed, the hearing shall be held within twenty (20) days of receipt of the request.

- (3) Upon delivery of notice of permit revocation, the establishment will thereupon be posted with a warning sign noting that said establishment may not meet minimal health standards. This 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 Environmental Health Officer.

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- (4) Service of Notices.
  - (a) A notice provided for in this Environmental Health Code is properly served when it is delivered to the holder of the permit, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the regulatory authority. The notice shall comply with the provisions of A.R.S. 41-1061.B.
- (5) Hearings.
  - (a) Hearings held pursuant to the provisions of this article shall be conducted in accordance with the requirements of A.R.S. 41-1061 ET SEQ.
- (6) Application after Revocation.
  - (a) Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit.

**REGULATION 8. Notice to Appear**

Peace officers and the Director shall have the authority to issue a notice to appear under the same conditions and procedures as set for in A.R.S. 13-3903 for any violation of this Code (A.R.S. 36-191).

**REGULATION 9. Reserved**

**REGULATION 10. Severability**

Should any section, sentence, clause, phrase or word of this Environmental Health Code be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of said Code shall not be affected thereby.

**REGULATION 11. Violation**

- a. Violations of this Environmental Health Code may be redressed by proceedings pursuant to A.R.S. 36-601.B., 49-142 or 49-143; by injunctive relief in Superior Court; or by any other applicable remedies provided by law. In addition, persons who violate a provision of this Environmental Health Code are guilty of a Class 3 Misdemeanor as provided in A.R.S. 36-167.C and 36-191 and may be punished accordingly.
- b. For purposes of determining the number of days of violation for which a civil penalty may be assessed under this Code, if the Environmental Officer has notified the source of the violation and makes a Prima Facie showing that the conduct or events giving rise to the violation are likely to have continued or recurred past the date of notice, the days of violations shall be presumed to include the date of such notice and each day thereafter until the violator establishes that continuous compliance has been achieved, except to the extent that the violator can prove by a preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature.
- c. Notice under this section is accomplished by the issuance of a Cease and Desist Order or Permit Revocation or by filing a complaint in Superior Court.

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**REGULATION 12.      Posting of Notices of Violation**

The Environmental Health Officer may, for the purpose of notification to the public, post a warning sign at any premises or establishment describing the nature of legal action being taken against said premises or establishment under the provisions of the Environmental Health Code.

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## **REGULATION 13. Nuisance Abatement Assessment and Lien**

- a. After the Department, acting through its employees, contractors or both has completed the actions necessary to abate or remove a nuisance or source of filth under A.R.S. § 36.602 (A), the Director shall issue an Assessment Statement to the owner of the property on which such nuisance or source of filth was located.
- b. The Assessment Statement shall include the following information.
  - (1) A description of the assessed costs, which shall include the actual costs of the removal or abatement, incidental costs, and the costs of any additional inspections;
  - (2) Notification that the property owner must pay the assessed costs within thirty days after receipt of the assessment statement or by such other date as may be specified for payment in the assessment statement unless an appeal is requested under Regulation 13.c. of this Chapter.
  - (3) Notification that the property owner may appeal the assessment to the Maricopa County Board of Health in writing within thirty days after receipt of the Assessment Statement; and
  - (4) Notification that failure to pay the assessed costs may result in a lien being placed on the property on which the nuisance or source of filth was located.
- c. The property owner may appeal the assessment to the Board of Health by filing a written request for a hearing within thirty days after receipt of the Assessment Statement
  - (1) After a hearing, the Board of Health may sustain, modify or revoke the Assessment Statement.
  - (2) If the Board of Health sustains or modifies a cost assessment following an appeal of an Assessment Statement, the assessed costs must be paid within thirty days of the Board of Health's decision or by such other time as may be specifically provided by the Board of Health.
- d. If the property owner does not pay the assessed costs after the time for payment provided in Chapter 1, Regulation 13.b.(2). or 13.c.(2) has expired, the Director may assess the lots or tracts of land on which the nuisance was abated or removed.
  - (1) The assessment, from the date of its recording in the office of the Maricopa County Recorder, is a lien on the lot or tract of land until paid.
  - (2) Any assessment recorded under this Regulation is prior and superior to all other liens, obligations or other encumbrances, except liens for general taxes and prior recorded mortgages.

**CHAPTER II  
SEWAGE AND WASTES**

**SECTION 1  
GENERAL**

**REGULATION 1. Definitions**

- a. "Ashes" means any residue other than salvage from the burning of any combustible material.
  - b. "Certified water quality management plan" means a plan prepared by the designated water quality management planning agency pursuant to Section 208 of the Federal Water Pollution Control Act (P.L. 92-500) as amended by the Clean Water Act of 1977 (P.L. 92-217), adopted by the Water Quality Control Council, and certified by the Governor.
  - c. "Composting" means the biochemical degradation of organic materials to a stable, sanitary, nuisance-free, humus-like material.
  - d. "Designated management agency" means those entities designated in the certified water quality management plans to manage sewerage systems and sewage treatment works in respective areas.
  - e. "Disposal system" or "sewage works" means any system for the disposal of sewage and other wastes, either by surface or underground methods, including, but not limited to, individual sewage disposal systems, waste treatment works, privies, chemical toilets, incinerator toilets or privies, and public or franchised sewerage systems and wastewater reclamation systems.
  - f. "Effluent" means wastewater that has completed its passage through a wastewater treatment plant.
  - g. "Engineer" means the person or firm which designed the sewage works and conceived, developed, executed, or supervised the preparation of the plan documents.
  - h. "Facility plan" means the plans, specifications, and estimates for proposed sewerage systems and sewage treatment works prepared pursuant to Sections 201 and 203 of the Federal Water Pollution Control Act (P.L. 92-500) as amended by the Clean Water Act of 1977 (P.L. 92-217), and submitted to the Department by and for a designated management agency.
  - i. "Garbage" means swill and any accumulation of animal, vegetable and other matter that attends the preparation, handling, consumption, storage or decay of plant and animal matter including meats, fish, fowl, birds, fruit, vegetable or dairy products and the waste wrappers or containers thereof.
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- j. "General plan" means a plan prepared by a responsible government entity.
  - k. "Hazardous waste" means any waste so defined by the provisions of A.A.C. Title 18, Chapter 8, Article 2.
  - l. "Human excreta" means human fecal and urinary discharges and includes any waste containing such material.
  - m. "Industrial waste" means the liquid, gaseous, or solid wastes or combinations produced thereof as a result of any industrial operation.
  - n. "Manure" shall mean animal excreta, including cleanings from barns, stables, corrals, pens, or conveyances used for stabling, transporting, or penning of animals or fowl.
  - o. "Plan documents" means reports, proposals, preliminary plans, survey and basis of design data, general and detail construction plans, profiles, specifications, and all other information pertaining to sewage works planning.

- p. "Pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the County, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the County which will or is likely to create a public nuisance or render such waters harmful, detrimental, or injurious to public health, safety, or welfare, or to domestic, agricultural, commercial, industrial, recreational, or other beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.
- q. "Public sewer" means a sewer, located in a road, street, alley, easement, or right-of-way, used to convey sewage to community treatment and disposal facilities.
- r. "Refuse" shall mean all putrescible and nonputrescible solid and semisolid wastes, including garbage, rubbish, ashes, manure, street cleanings, dead animals, abandoned automobiles, and industrial wastes, but not human excreta or sewage.
- s. "Rubbish" shall mean nonputrescible solid wastes excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, waste metal, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials.
- t. "Service Area" means that geographic region specified for a designated management agency by the applicable certified water quality management plan or by a subsequent facility plan.
- u. "Sewage" means the wastes from toilets, baths, sinks, lavatories, laundries, and other plumbing fixtures in residences, institutions, public and business buildings, mobile homes, watercraft, and other places of human habitation, employment or recreation.

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- v. "Sewerage system" means the pipeline or conduits, pumping stations, force mains, and all other structures, devices, appurtenances, and facilities used for collecting, or conducting wastes to a point of treatment and disposal.
- w. A "dump" shall mean a place where refuse is disposed of on or in the ground in a manner other than that described in these regulations for a sanitary landfill.
- x. "Treatment works" shall mean any treatment plant, disposal system, lagoon, or other works used for the purpose of treating, stabilizing, holding, or disposing of sewage or industrial wastes.
- y. "Wastes" means sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or other substances which may pollute or tend to pollute any waters of the County. The term "wastes" does not include agricultural irrigation and drainage waters, for which water quality standards shall have been established by the state.
- z. "Wastewater" means sewage, and waterborne industrial wastes.
- aa. "Wastewater Reclamation or Reuse System" means the wastewater treatment works and the entire Reuse/Reclamation and Distribution System for the use of reclaimed wastewater.
- bb. "Waters of the County" means all waters within the jurisdiction of this County including all streams, perennial or intermittent, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulation of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the County.

## **REGULATION 2. General Provisions**

- a. All sewage, refuse, human excreta, and other wastes shall be kept, transported, treated, disposed of, or reclaimed by a method or methods which are in compliance with these regulations, and at sites which are approved by the Department.

(1) The owner, agent or occupant responsible for the sanitary condition of any place, premises, business establishment or industry shall handle, store and dispose of all refuse accumulated there by approved methods; and any person handling, storing, transporting or disposing of garbage and rubbish or refuse shall do so in such a manner and by such means that it shall not be prejudicial to life or health for any reason including, but not limited to, the breeding of insects or harboring of rodents or the pollution of water. All hazardous waste shall, where necessary, be rendered harmless prior to collection and disposal.

b. No sewage, reclaimed wastewater, refuse, human excreta or other wastes shall be permitted in or placed or deposited into any of the water, or upon or under any of the lands, of the County, except as approved by the Department.

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c. The owner of each device, method, or system used for the storage, collection, transportation and disposal of any waste material shall be responsible for the proper construction, maintenance, and operation of the facilities.

d. The design and location of any system of wastes storage, collection, transportation, or disposal shall take into consideration proximity to wells or other sources of water supply, topography, water table, soil characteristics, available area, etc., and shall provide for adequate handling, treatment and disposal facilities for the amount and nature of waste material anticipated.

e. No new refuse disposal site shall be established or operated, or any method for the disposal of refuse employed without approval and such approval shall be obtained prior to the start of operation.

f. No new open refuse dump, dumpsite or dumping area shall be started or maintained, nor shall any such refuse disposal operation be reinstated after having once been discontinued.

g. No person shall install, permit to be installed, or maintain a cross connection, submerged inlet or similar connection between any part of a waste disposal or wastewater reclamation system and a potable water supply, in such manner that sewage, waste, or reclaimed wastewater may enter into or otherwise contaminate, the potable water supply.

h. Minimum design guidelines for sewage systems, including septic tank systems, and treatment works are found in the engineering bulletins of the Department, and Arizona Departments of Health Services and Environmental Quality.

i. No privy contents, drainage from a building, or the effluent from any waste treatment device shall be discharged into any well, either abandoned, or constructed for that purpose, that is carried to such a depth as to penetrate water bearing strata.

j. No privy contents, drainage from a building, or the effluent from any waste treatment device shall be discharged into any crevice, sinkhole, or other opening, either natural or artificial, or in a rock formation which will or may permit the pollution or contamination of ground water.

k. No boat, houseboat, or watercraft of any type, shall be equipped with a marine toilet so constructed and operated as to discharge any sewage directly or indirectly into the waters of the County, nor shall any container of sewage be placed, left, discharged, or caused to be placed, left, or discharged in or near any waters of the County by any person at any time.

l. Watercraft with marine toilets so constructed as to permit sewage to be discharged directly into the waters of the County shall be locked and sealed to prevent usage. Chemical or other type marine toilets with approved type storage containers shall be permitted where adequate, dockside disposal facilities are provided.

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m. Dockside Facilities

(1) Every dock servicing watercraft shall have, conveniently located thereto, approved type toilet facilities for men and for women.

- (2) Every dock servicing watercraft equipped with toilets shall provide approved sanitary facilities at dockside for the disposal of sewage from watercraft toilets.
- n. The Health Officer shall be permitted to make and he shall make such inspections of any place, premises, container, process, equipment or vehicle used for the collection, storage, transportation, treatment, disposal or reclamation of sewage, industrial wastes or refuse as are necessary to insure compliance with these regulations.
- o. Discontinued facilities.
- (1) Every cesspool, septic tank and seepage pit and waste treatment facility which has been abandoned or has been discontinued otherwise from further use or to which no waste or soil pipe from a plumbing fixture is connected, shall have the sewage removed therefrom and be completely filled with the earth, sand, gravel, concrete or other approved material.
- (2) The top cover or arch over the cesspool, septic tank, seepage pit or waste treatment facility shall be removed before filling and the cesspool, septic tank or seepage pit shall be filled to the level of the top of the ground.
- (3) No person owning or controlling any cesspool, septic tank, or seepage pit on the premises of such person or in that portion of any public street, alley or other public property abutting such premises, shall fail, refuse or neglect to comply with the provisions of this Section or upon receipt of notice so to comply from the department having jurisdiction.
- (4) Where disposal facilities are abandoned consequent to connecting any premises with the public sewer, the permittee making the connection shall fill all abandoned facilities as required by the administrative authority within thirty (30) days from the time of connecting to the public sewer.
- (5) Earth Pit Privies. Whenever any earthpit privy is discontinued, the pit shall be filled in and covered as outlined in Engineering Bulletin Number 2.
- (6) Other facilities. Whenever any other type of privy, chemical toilet, method or system for storage or disposal of human excreta is discontinued, all excreta remaining shall be collected and disposed of in accordance with this article. All boxes, cans, and other receptacles from any discontinued privy, chemical toilet, method or system shall be disposed of in a manner that does not endanger the public health or create a nuisance.

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### **REGULATION 3. Enforcement**

Any person who violates any provision of this chapter is subject to the penalties provided by law.

### **REGULATION 4. Permit Required**

No waste treatment works or wastewater reclamation system shall be operated or maintained in Maricopa County without a permit in force by the Department.

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**SECTION 2**  
**SEWERAGE AND WASTE TREATMENT WORKS**

**REGULATION 1.        Approval to Construct**

- a. No person shall begin construction of any sewage system, including septic tank systems, treatment works, reclamation systems, or extensions of works or systems, or make any change which affects capacity, quality, flow, location or operational performance of a system, and no person shall install any process, device or equipment, either in whole or in part, prior to receiving an "Approval to Construct" from the Department. Application for an "Approval to Construct" shall be submitted to the Department at least 30 days prior to the date upon which Department approval is desired. For septic tank systems, the application shall be submitted at least five working days prior to the date upon which Department approval is desired.
  - b. All applicable fees must accompany the application.
  - c. All applications except those for septic tank systems shall be accompanied by the following plan documents in duplicate:
    - (1) Prints or drawings of the work to be done. Sufficient detail shall be shown on the drawings to make clear to the Department the scope of the work.
    - (2) Complete specifications to supplement the drawings.
    - (3) Additional data as may be required by the Department.
  - d. The plan documents shall be accompanied by an engineering report, prepared by the design or consulting engineer which presents a description of the project together with all pertinent data upon which the design is based and other information necessary to permit a clear and full understanding of the work proposed to be undertaken.
  - e. All plan documents submitted to the Department, except septic systems less than 2,000 gallons per day, must have been prepared by, or under the supervision of a currently registered Arizona professional engineer. The engineer shall affix his signature and Arizona seal of registration to all plans submitted for approval and shall certify in writing that the plan documents comply with these regulations and in principle with the criteria contained in the Engineering Bulletins. A non-registrant may design a wastewater treatment plant, or extensions, additions, modifications or revisions, or extensions to collection systems, if the total cost value of such construction does not exceed two thousand five hundred dollars, as cost estimate for material and labor shall be submitted with plan documents.
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- f. Plans and specifications submitted to the Department will be reviewed and, if found satisfactory, the Department will issue an "Approval to Construct". If construction has not substantially started within one year after the date of issuance of the "Approval to Construct", or if there is a halt in construction of more than one year, the "Approval to Construct" will be void, unless an extension of time has been granted in writing by the Department.
  - g. All work shall conform to the approved plans and specifications. Should it be necessary or desirable to make any change in the design which will affect capacity or sanitary features of the proposed work, revised plans and specifications, together with a written statement of the reasons for such change, shall be submitted to the Department for review, and approval shall be obtained in writing before the work affected by the change is undertaken. Structural changes or minor revisions not affecting capacity, quality, flow, location, or operation will be permitted during construction without further approval. A set of "as-built" drawings showing all changes made during construction shall be filed with the Department upon completion of the project.
  - h. A sewage system owner shall notify the Department of the date when construction will begin on the sewage system, or of any change made which will affect capacity, quality, flow or operational performance of a sewage system, authorized by an "Approval to Construct", and of the date when

installation of any process, device, or equipment authorized by an "Approval to Construct" will begin. Notification of completion of construction shall be given to the Department at least ten working days prior to the expected completion date to permit the scheduling of a final inspection. For a septic tank system, the notification shall be given at least five working days prior to the expected completion date.

- i. The Department shall not issue approval for any sewerage system or waste and/or sewage treatment works which is not in conformance with the certified water quality management plan and facility plan that prescribes a particular sewerage system and waste and/or sewage treatment work configuration for sewage management by a designated management agency within a service area. If no facility plan is applicable, the certified water quality management plan shall be utilized by the Department to determine conformance.
- j. The Department may issue an approval for a sewerage system or waste and/or sewage treatment works which is consistent with general plans prepared for an area when no sewerage system and waste and/or sewage treatment works configuration is prescribed in the certified water quality management plan. The Department shall confer with both the designated water quality planning agency for the area and the responsible and impacted governmental units to determine consistency with the general plans.

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## **REGULATION 2. Final Approval of Construction**

- a. The following requirements must be satisfactorily met before an approval of construction will be issued by the Department on a newly constructed, altered, or expanded sewerage system or waste and/or sewage treatment works including wastewater reclamation systems, but excluding septic tank systems.
  - (1) A final inspection has been completed:
    - (a) By the Department; or
    - (b) With the approval of the Department, by a Registered Engineer.
  - (2) An Operator, Certified by the State of Arizona pursuant to Rule R18-4-107, is employed to operate the system.
  - (3) An Operation and Maintenance manual is submitted to and approved by the Department for new sewage treatment systems or substantial modifications thereto.
  - (4) Construction conforms to plans and specifications approved by the Department.
- b. Approval of septic tank systems is regulated under Section 8 of this Chapter.

## **REGULATION 3. General Considerations**

- a. All sewerage and disposal systems and waste treatment works shall conform to the applicable general provisions relating to sewerage and waste disposal, listed in Section 1 of this Chapter, and to the specific provisions of this section.
- b. Design, operation and maintenance of sewerage systems shall be in general conformance with criteria contained in Engineering Bulletin No. 11.
- c. Preliminary plans. Design or consulting engineers should confer with the Department before proceeding with detailed designs of major waste treatment works. It is advisable to submit, for preliminary consideration, tentative plans containing a general description of the existing or proposed plant, works, or systems, or proposed changes therein.
- d. Tests and records. The owner or operator of each waste treatment works shall have equipment for and make such tests and keep such records as are necessary to assure efficient operation of the treatment works. Records of plant operation shall be transmitted to the Department monthly on forms approved by the Department and as it may specify.

- e. Operation. All sewage and industrial waste treatment works shall be operated at their highest practical efficiency at all times. If, after investigation by the Department it is determined that any treatment or disposal works is causing unsatisfactory conditions in the waters or stream course or on or under any land into which the effluent is discharged, or is otherwise interfering with the legitimate uses of such waters or lands or is creating a nuisance or a menace to public health, the owner shall make such changes in the plant or its operation as are necessary to produce satisfactory results. These changes shall be made within such time limits as are set by the Department.

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- f. Inspection. Inspections of sewage and industrial waste treatment works and wastewater reclamation systems shall be made by personnel of the Department. Appropriate person or persons shall be notified of any unsatisfactory conditions with recommendations for corrections.
- g. Approval required. No sewage or industrial waste treatment effluents shall be reclaimed without written approval from the Department. The reclamation of sewage or industrial waste treatment effluents for irrigation of crops used for human consumption, watering of cattle, full body contact, or drinking purposes is prohibited. A.A.C. Title 18, Chapter 9, Sections 701 through 707 govern reuse of waste treatment effluent.
- h. Bypassing of untreated sewage from sewage treatment systems is prohibited.

#### **REGULATION 4. Separation of Water, Reclaimed Wastewater, and Sewer Lines**

- a. In order to protect potable water systems from possible contamination, a sewer or reclaimed wastewater line shall not:
  - (1) Be installed within six feet of either side of a water line and shall not be above, at the same level as, or less than two feet below the bottom of the water line, unless extra protection is provided. Extra protection shall consist of constructing the sewer line with mechanical joint ductile iron pipe or with slip-joint ductile iron pipe if joint restraint is provided or shall consist of encasing both the water and sewer lines in at least six inches of concrete.
  - (2) Under any circumstances, infringe upon an area which is within two feet of either side of or two feet above the water line.
- b. When unusual conditions such as, but not limited to, highway or bridge crossings prevent the water and sewer line separations required by subsection a. above from being met, the Department will review and may approve, requests for authorization to use alternate construction techniques, materials and joints on a case-by-case basis.
- c. No water line shall pass through, or come into contact with any part of a sewer manhole. The minimum horizontal separation between water lines and sewer manholes shall be six feet, measured from the center of the manhole.
- d. The minimum separation between force mains or pressure sewers and water lines shall be two feet vertically and six feet horizontally under all conditions. Where a sewer force main crosses above, or less than six feet below, a water line, the sewer line shall be encased in at least six inches of concrete for 10 feet on either side of the water line.

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- e. Sewer lines (gravity, pressure, force) shall be kept a minimum of 50 feet from drinking water wells, unless the following conditions are met:
  - (1) Gravity sewers, pressure tested in place to 50 psi without excessive leakage, may be used at distances greater than 20 feet from drinking water wells.
  - (2) Sewage force mains and pressure sewers, pressure tested in place to 150 psi without excessive leakage, may be used at distances greater than 20 feet from drinking water wells.
- f. No septic tank/disposal field system shall be constructed within 100 feet of a drinking water well.



- g. All distances are measured horizontally from the outside of the pipelines.
- h. Pipelines conveying a higher quality of water shall be located above pipelines conveying a lower quality of water. That is, potable water lines shall be installed above reclaimed wastewater lines and reclaimed wastewater lines shall be installed above sewer lines.
- i. For the purpose of establishing separation when reclaimed wastewater lines are installed adjacent to potable water lines, the reclaimed wastewater system shall be considered a sewer.
- j. For the purpose of establishing separation when reclaimed wastewater lines are installed adjacent to sewer lines, the reclaimed wastewater system shall be considered potable water.
- k. Horizontal and vertical separations between potable water, sewer, and reclaimed wastewater lines shall be in strict accordance with Engineering Bulletin No. 10 and this Regulation.
- l. These separation requirements do not apply to building plumbing or individual house service connections. These shall conform to the current Uniform Plumbing Code and/or Maricopa Association of Governments (MAG) Standards.

**REGULATION 5. Minimum Requirements For Sewage Systems**

- a. Sewage Systems serving condominiums, mobile home parks, travel trailer parks, shopping centers and recreational vehicle parks may be designed using the requirements of the current Uniform Plumbing Code - excluding the water and sewer main separation requirements. Water and sewer main separations shall conform to this Code.
- b. For systems that treat, or which are designed to treat greater than 10,000 gallons/day, a standby power source shall be provided at all sewage treatment systems and/or pump stations where a temporary power failure may allow a discharge of raw or partially treated sewage. Standby power may be via a standby generator, separate feeders from separate substations, a loop feeder on separate transformers from a common substation, or a high-level alarm with portable generators. Standby power also shall be provided to any sewage treatment systems and/or pump stations, regardless of size, if a temporary power failure may allow a discharge into surface waters classified as "Unique Waters", by the Arizona Department of Environmental Quality.

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- c. The structures and electrical and mechanical equipment of sewage treatment systems and pump stations, shall be protected from physical damage from a 100-year flood if the plans for such were submitted for approval after the effective date of this Regulation. Flood protection shall be designed such that treatment works and pump stations will remain fully operational during a 25-year flood. Walls or berms of adequate size may be constructed where necessary to provide protection. Flood protection approval must be obtained from the appropriate Flood Control District before an approval to construct will be issued.
- d. All treatment works with greater than 100,000 gallons/day capacity shall be provided with the necessary equipment to indicate, record and totalize the volume of wastewater being treated. Treatment plants with less than 100,000 gallons/day capacity are required to indicate flow.

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**SECTION 3**  
**REFUSE STORAGE**

(NOTE: For manure and droppings, see Chapter XI)

**REGULATION 1. Storage of Refuse - General**

Refuse shall be kept and stored so that it may not be readily scattered or become windblown, and where practicable, in durable containers. The owner, agent or occupant of every dwelling, business establishment, or other premise where refuse accumulates shall provide a sufficient number of suitable and approved containers for receiving and storing refuse and shall keep all refuse therein except as otherwise provided by this chapter.

**REGULATION 2. Garbage Storage**

a. Garbage and other putrescible material shall be stored:

- (1) In rigid or semirigid, durable, liquid-tight containers constructed of metal or other easily cleaned material, provided with fly-tight covers which shall be removed only at times of filling, emptying, or cleaning. Soggy or wet garbage shall be wrapped or otherwise deposited in a condition which facilitates complete emptying of containers and prevents leakage of liquids. Containers shall be equipped with handles or bails which assist in lifting by the collecting agency for the purpose of removal and disposal of contents. Each container used at residences shall not exceed thirty gallon capacity excepting that where collection is made with mechanical lifters, appropriately larger containers may be permitted; or
- (2) In containers of durable, pliable plastic, treated paper or similar materials of waterproof construction, approved by the Health Officer and kept closed by means which render the container liquid and fly-tight.

**REGULATION 3. Condition of Containers**

Containers shall be kept upon a well-drained base, and elevated from the ground where required. Containers intended for reuse shall be cleaned and freed of adhering materials after being emptied; and when in the opinion of the Health Officer are no longer fit for use, shall be replaced by the owner.

**SECTION 4  
REFUSE DISPOSAL**

**REGULATION 1.       General Considerations**

- a. No garbage, rubbish, refuse or objectionable wastes shall be placed or deposited on any alley, street, road, roadside, in any ditch, river, stream, lake, pond, canal, or on the banks thereof; or in any gulch, ravine, excavation or other place where it may be or become a public health nuisance. This regulation shall not be construed to interfere with the approved placement of garbage, rubbish or refuse for collection purposes.
- b. The disposal of large dead animals shall be by burial, cremation or rendering in an approved manner, or by other approved method.
- c. Hog Feeding: The disposal of garbage by hog feeding is prohibited unless all refuse, rubbish and garbage attendant on the use of this method is stored, collected, transported and disposed of in compliance with the regulations in this Code and Article 3 Arizona Revised Statutes, Sections 24-941 through 24-949. All remaining refuse including nonedible garbage is collected and disposed of separately by methods approved by the Department.
- d. Garbage Grinding: This method, involving the separate collection and disposal of garbage into a community sewerage system through commercial-type grinders, or mandatory community-wide installation of individual household grinders, will be acceptable to the Department provided that suitable means shall be provided for the disposal of all remaining refuse.
- e. All pesticide containers shall be disposed of in compliance with the provisions of A.A.C. Title 18, Chapter 8, Section 513.
- f. All refuse shall be disposed of by method or methods included in this Code, and shall include rodent, insect and nuisance control at the place or places of disposal. Approval must be obtained from the Arizona Department of Environmental Quality for all new disposal sites and changes in method of disposal prior to use.

**REGULATION 2.       Incineration**

- a. No person shall dispose of refuse by incineration excepting in compliance with the rules and regulations of this Health Code applicable state law and the Maricopa County Air Pollution Control Regulations.

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- b. Incineration: Where incineration is to be employed, the plans and specifications, along with any other information necessary to evaluate the project, shall be submitted to the Arizona Department of Environmental Quality and approval received prior to construction. In addition, an approved method for the disposal of noncombustible refuse is required. Where incineration is proposed, the following items shall be provided:
  - (1) The capacity of the incinerator shall be sufficient for the maximum production of refuse expected.
  - (2) Non-combustible refuse shall be disposed by methods approved by the Department.
  - (3) Skilled personnel to assure the proper operation and maintenance of the facilities in a nuisance-free manner.

**REGULATION 3.       Reclamation**

No person shall operate an establishment for the purpose of composting, processing or reclaiming refuse without a valid permit therefor.

- a. Plans, specifications, and other information pertinent to the project shall be submitted to the Arizona Department of Environmental Quality for review and approval prior to the start of the project and no construction work shall commence until such approval has been obtained.
- b. That provisions are made for the proper disposal of all refuse not considered usable for composting.
- c. Skilled personnel shall be provided to assure the proper disposal of all refuse not considered usable for composting.

**REGULATION 4. Sanitary Landfill**

- a. Disposal of refuse on the ground shall be by the sanitary landfill method.
- b. No person shall conduct, operate or maintain a sanitary landfill without a permit therefore or otherwise than in compliance with the regulations of this Code and of the Arizona Department of Environmental Quality.
- c. Permit applications shall be made on forms supplied by the Arizona Department of Environmental Quality and shall be accompanied by plans showing the location, proposed extent and the type of landfill planned, local topography and land use, proposed final elevations and contours, access roads, depth to groundwater, proximity to surface water and drainage courses, and any additional information required by the Arizona Department of Environmental Quality to make clear the nature and scope of the work contemplated. The permittee shall:
  - (1) Provide for a sure and adequate access road to the site.
  - (2) Provide a semi-permanent, all-weather road on the site marked with appropriate directional signs, and where required, a vehicle turnaround to facilitate the orderly movement of vehicles and disposal of refuse.
  - (3) Take all necessary measures, including the erection of physical barriers, to prevent refuse from being windblown.
  - (4) As needed, clear trees, prevent intrusion by surface waters, and provide an adequate supply of cover material.
  - (5) Take all reasonable measures necessary to:
    - (a) Prevent or eliminate the breeding or harborage of flies, mosquitoes, other insects, rodents or vermin, of public health importance;
    - (b) Prevent and control fires or pollution of the air by dust, smoke, fumes, odor or from other causes;
    - (c) Prevent the pollution of surface or groundwaters;
    - (d) Prevent or eliminate any public health nuisance on the premises;
    - (e) Provide and maintain effective supervision of the landfill and its operation. Such supervision shall extend over the physical limits of the project, including access roads.
- d. The working face of the fill shall be kept as narrow as is consistent with proper containment of refuse, the operation of vehicles and equipment and to minimize the area of unprocessed, exposed waste material.
- e. Waste materials may be ground and shall be mechanically compacted after depositing and before covering.
- f. The exposed working surface shall be covered with clean earth as promptly as necessary for nuisance and fire control. At the close of each day's operations, both the surface and side slopes of the fill shall be completely covered to a depth of at least 6 inches.

- g. Bulky materials, such as building rubble and tree stumps shall not be used for final surfaces or side slopes.
- h. The final cover for surface and side slopes shall be maintained at a minimum depth of 24 inches.
- i. Sufficient standby equipment shall be provided to prevent delay in compacting and covering due to emergencies, peak loads, or for other reasons.
- j. Where a finished fill has a boundary side slope, the toe of the slope shall terminate in a filled ditch or other structure, designed to prevent raveling of the toe and slope.
- k. Except for cases in which permission of the Bureau of Air Pollution Control is granted, all burning is prohibited.
- l. After the active period of filling operations is completed, a maintenance program shall be continued so as to insure prompt repair of cracks, depressions, surface and side slope erosion until the fill has become stabilized.

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- m. The operator of the landfill shall be responsible for compliance with these regulations by scavengers and for their supervision.
- n. The disposal of human excreta from septic tanks, cesspools, job toilets, and similar sources, and of dangerous or objectionable wastes, such as solvents, pesticides or other poisons and their container shall be conducted only with the special approval of the Department and only in an approved manner.
- o. A variance from the daily compaction and covering requirements may be granted for sites serving less than 2,000 people by the Department of Environmental Quality upon submission of an acceptable plan approved by the Maricopa County Health Department demonstrating that no public health hazards or nuisance will exist. The variance will allow for compaction and cover every two weeks at sites serving less than 500 people, weekly compaction and cover for sites serving from 500 to 1,000 people; and twice weekly compaction and cover for sites serving from 1,000 to 2,000 people. The variance may be revoked whenever the Department of Environmental Quality determines that the circumstances warranting the variance no longer exists.

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**SECTION 5**  
**REFUSE COLLECTION AND DISPOSAL SERVICES**

**REGULATION 1.       Permits**

No person shall collect, haul, remove or dispose of refuse for hire, fee or other consideration without a valid permit to do so, or otherwise than in compliance with the regulations in this Health Code.

**REGULATION 2.       Vehicles**

- a.   Vehicles used for the collection and transportation of refuse shall have securely covered watertight metal bodies of easily cleanable construction, shall be cleaned frequently enough to prevent their becoming a public health nuisance, and shall be maintained in good repair. Refuse storage compartments therein shall not be open or exposed excepting during filling, emptying and cleaning.
- b.   Vehicles shall be loaded and moved in such a manner that the contents are not exposed and do not fall, leak, spill or escape; and where spillage does occur, it shall be picked up immediately by the permittee and removed in a sanitary manner.
- c.   Each vehicle operated under permit shall have the permit number clearly inscribed on the side door panels and rear face thereof in 3-inch letters or numerals or both.

**REGULATION 3.       Refuse Containers**

All refuse storage containers made available by a permittee under this section for public use other than those provided by a municipality shall be plainly and durably marked with the permittee's name and telephone number. Containers shall be of sufficient size and number to accommodate the service area, shall be emptied completely during the collection operation and where required, treated to prevent insect harborage or odor nuisance.

**REGULATION 4.       Frequency of Collection**

- a.   The frequency of collection shall be in accordance with regulation of the collection agency but not less than that shown in the following schedules:
  - (1)   Garbage only - twice weekly
  - (2)   Refuse with garbage - twice weekly
  - (3)   Rubbish and ashes - as often as necessary to prevent nuisances and fly breeding.

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- b.   Any proposal for a variance from the required frequency of collection must first be approved by the Department. The proposal will include a plan that demonstrates that no public health hazard or nuisance will exist and that fly breeding will be controlled by either biological, chemical or mechanical means. After a plan is found acceptable by the Department, it must also receive approval from the Arizona Department of Environmental Quality who will then grant the variance prior to implementation of the plan.

**REGULATION 5.       Place of Collection**

- a.   All refuse shall be properly placed on the premises for convenient collection as designated by the collection agency.
- b.   Where alleys are provided, collection shall be made on the alley side of the premises wherever feasible.

**REGULATION 6.       Collection Required**

- a.   Where refuse collection service is available, the following refuse shall be required to be collected: garbage, ashes, rubbish, and small dead animals which do not exceed 75 pounds in weight.

- b. The following refuse is not considered acceptable for collection but may be collected at the discretion of the collection agency where special facilities or equipment required for the collection and disposal of such wastes are provided:
- (1) Dangerous materials or hazardous substances, such as poisons, acids, caustics, infected materials, radioactive materials, and explosive.
  - (2) Materials resulting from the repair, excavation, or construction of buildings and structures.
  - (3) Solid wastes resulting from industrial processes.
  - (4) Large animals exceeding 75 pounds in weight condemned animals, animals from a slaughterhouse, or other animals normally considered industrial waste.
  - (5) Manure.

**REGULATION 7. Notices**

- a. All collection agencies shall provide each householder, or business establishment served, with a copy of the requirements governing the storage and collection of refuse, which shall cover at least the following items:
- (1) Definitions.
  - (2) Places to be served.
  - (3) Places not to be served.
  - (4) Scheduled day or days of collection.
  - (5) Materials acceptable for collection.
  - (6) Materials not acceptable for collection.
  - (7) Preparation of refuse for collection.
  - (8) Types and sizes of containers permitted.
  - (9) Points from which collections will be made.
  - (10) Necessary safeguards for collectors.
- b. All such notices governing storage and collection shall conform to these regulations.

**REGULATION 8. Disposal**

The permittee shall dispose of all refuse by an approved method and at an approved site. Such approval must be obtained in advance of the commencement of operations and prior to any change of method or site.

**SECTION 6  
PRIVIES, JOB TOILETS**

**REGULATION 1. Definitions**

- a. "Chemical toilet" means a privy having a watertight, impervious pail or tank containing a chemical solution placed immediately beneath the seat or urinal and a pipe or conduit connecting the riser with the tank.
- b. "Earth-pit privy" means a structure used to receive and dispose of human excreta in a pit in the earth.
- c. "Incinerator toilet or privy" means a toilet or privy designed to permit destruction of excreta by incineration using LP gas, natural gas, or other source of heat to effect destruction of the body wastes.
- d. "Pail or can privy" means a privy having a watertight container directly under the seat for receiving human excreta, and ready access for the removal of the receptacle for emptying and cleaning.
- e. "Vault privy" means a privy for disposal of human excreta into a vault which is lined with impervious material and which provides access for the removal of the excreta.

**REGULATION 2. General Provisions**

- a. Storage and disposal: General -- The storage and disposal of human excreta shall be accomplished by one of the methods listed below which are arranged in the order or priority in which they will be considered by the Department.
  - (1) A water closet connected to a public sewer.
  - (2) A water closet connected to an individual septic tank disposal system.
  - (3) Earth-pit privy.
  - (4) Other--Such as chemical toilets, vault privies, pail or can privies, etc., when approved by the Department.
- b. The construction, operation, and maintenance of all privies shall comply with the general regulations concerning sewage and waste disposal and with the specific provisions of this section. An application to construct or reconstruct an earth-pit privy, or any other method of disposal of human excreta shall be submitted to the Department for approval prior to construction.
  - (1) Every privy shall be of approved construction and maintained in a sound, clean and sanitary condition, free of insects, vermin, over flowing, leakage and other unhealthful conditions. Suitable means shall be taken to effectively control black widow spiders and other poisonous insects.
  - (2) A privy may be installed only;
    - (a) Where connection to an approved sewage disposal system is impractical or impossible;
    - (b) Where water under pressure is not available;
    - (c) where the installation of an individual sewage disposal system or other approved method of sewage or waste disposal is impractical or impossible;
    - (d) Where its contents will not pollute, or tend to pollute, any water supply, potential water supply, swimming pool or other bathing area;
    - (e) Where it would not create a public health hazard or nuisance;
    - (f) And if it complies with all the provisions of this code.
  - (3) No new privy will be permitted for any premises having a domestic water supply under pressure. Where an existing privy fails or requires major repair or replacement, it shall be replaced by an individual sewage disposal system or other approved system.



- (4) In general, privies shall be in accordance with the guidelines contained in Arizona Department of Health Services Engineering Bulletin Number 2.

**REGULATION 3. Earthpit Privy**

- a. Location
- (1) No earthpit privy shall be installed closer than ten (10) feet to any property line or closer than twenty-five (25) feet to any building or structure used for human habitation.
  - (2) No privy shall be installed closer than one hundred (100) feet to any well or other source of water supply or closer than fifty (50) feet to any pond, lake or stream.
  - (3) In areas underlaid by fissured rock formations and whenever groundwater is encountered in the construction of the earthpit, approval of the location, based on special investigation or conditions, must be obtained from the Department.
- b. The earthpit shall have a minimum capacity of fifty (50) feet per seat and shall be not less than four (4) feet deep measured from the original ground level.
- c. The pit cribbing shall extend at least four (4) inches above the original ground level and to the full depth of the pit, except that if the pit extends into rock or other rigid formations, the lower section of the cribbing may, with the approval of the Department, be omitted. The cribbing, when inserted, shall make firm, uniform contact with the earth wall on all sides. Cribbing shall not be used as support for the privy building or sills.

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- d. In concrete slab privies, concrete sills shall be placed around and outside the top of the pit cribbing. These sills shall be at least five (5) inches wide and extend down at least four (4) inches to firm earth. For wood floor privies when concrete sills are not used, there shall be provided a mud sill or durable 4" x 6" wood pieces.
- e. Pit mounds shall be of well-tamped earth and shall extend outward on the level for a distance of not less than eighteen (18) inches in all directions from the sills and then continue outward to the original ground surface with a slope not greater than one (1) vertical to three (3) horizontal.
- f. The floor of the building shall be at least six (6) inches above the natural ground level. The floor and seat riser shall be built of impervious material or tongue and grooved lumber, and in a manner to exclude insects and other vermin. The bench or seat riser shall have an inside clearance of not less than twenty one (21) inches between the front and rear walls, and not less than twelve (12) between the side walls. The seat riser shall be so constructed and bonded to the floor as to prevent seepage through the riser upon the floor. The top of the seat shall not be less than twelve (12) inches or more than sixteen (16) inches from the floor.
- g. The seat opening shall be covered with a lid, hinged so as to provide a clearance of not less than three and one-half (3 1/2) inches horizontally between the back of the seat opening and the lid when raised. The lid shall be so constructed and installed as to exclude insects and other vermin.
- h. Unless adequate ventilation is provided by screened openings in the sides of the privy structure, the pit shall be vented from the riser to a point outside the building by a flue or vent pipe having a cross-sectional area not less than twelve (12) square inches. All joints shall be tight and the opening or openings screened with 16 mesh wire screen.
- i. The privy building shall have a self-closing door, be rigidly and soundly constructed, adequately ventilated, and shall provide privacy and protection from the elements.
- j. An earth-pit privy shall not be allowed to fill to a point higher than twenty-four (24) inches below the undersurfaces of the floor of the privy building. When the pit is filled, the mound around the pit shall be leveled and the pit contents covered with at least twelve (12) inches of earth.

**REGULATION 4. Vault Privy**

- a. The pit of a vault privy shall be lined with concrete or other impervious material, shall be watertight, and constructed so that the receptacle can be easily emptied and cleaned.
- b. A readily accessible cleanout shall be provided and shall be constructed so as to prevent the entrance of insects, animals and surface water.
- c. A portion of the impervious vault cover shall make up the floor of the privy.
- d. The superstructure, seat, riser and vent shall be the same as that required for earth-pit privies.
- e. Receptacles shall be emptied often enough to prevent overflowing, creation of an insanitary condition, a health hazard or a nuisance, and shall be maintained in good repair so as to prevent leakage of the contents to the surrounding ground or onto the floor or other portions of the privy structure.

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**REGULATION 5. Pail or Can Privy**

- a. A watertight container shall be provided directly beneath the seat and shall be easily removable for emptying and cleaning.
- b. The door provided for servicing the receptacle must be readily accessible and constructed so as to prevent the entrance of insects and other vermin.
- c. The floor, riser, seat, and superstructure shall be the same as that required for earth-pit privies.
- d. Receptacles shall be emptied often enough to prevent overflowing, creation of an insanitary condition, a health hazard or a nuisance, and shall be maintained in good repair so as to prevent leakage of the contents to the surrounding ground or onto the floor or other portions of the privy structure.

**REGULATION 6. Job Toilets, Chemical Toilets**

- a. No person shall initiate or proceed with construction, erection, alteration, repair, or razing project without first having provided an adequate number of suitable sanitary job toilet facilities for the use of workers on the project in a ratio of 1 toilet per 1-30 workers. Such toilet facilities shall be of the water-flushed or chemical type, and located on or within two hundred (200) feet of each work area within the project site and of a type approved by the Department.
- b. At any public gathering for any commercial, religious or public event where adequate permanent toilet facilities are not provided on the immediate premises as required by State law, suitable approved sanitary toilet facilities of the water-flushed or chemical type adequate for the estimated attendance, shall be located within two hundred (200) feet of such gathering, with the minimum of 1 per 100 attendance or as required by the Health Officer.
  - (1) The use of permanent off-site toilet facilities may be approved providing written permission has been secured for such use from the owner of the toilets and providing further that the public is permitted free and reasonable use of the facilities during working hours or for the duration of the gathering.
- c. All job toilet installations shall comply with the general regulations concerning sewage and waste disposal and with the specific provisions of this section.

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- (1) Job toilets shall be of sanitary construction and maintained in a clean and sanitary manner. Toilet paper shall be available at all times.
- (2) No job toilet shall be installed within twenty (20) feet of an occupied premise nor within ten (10) feet of any public thoroughfare or sidewalk, unless authorized by the Department.

- (3) The floors of water-flushed type toilets may be of earth, but the floors of chemical toilets shall be of smooth finished, nonabsorbent material. Seats, walls and ceilings shall be of smooth, easily cleanable, light colored finish.
- (4) Toilet facilities shall include a urinal for males, installed at least 20" from the toilet seat opening. The urinal shall be made of corrosion-resistant, impervious material finished with a smooth surface and sloped to facilitate cleaning and draining. A splash board of similar material at least 9" higher than the overflow rim shall be provided.
- (5) In chemical toilets, seats shall be so installed as to insure that wastes drop unimpeded into a receiving tank. The receiving tank shall be of impervious, corrosion-resistant material with an easily accessible opening for cleaning. The tank shall be built of a material and thickness acceptable to and approved by the Department. The tank and bowl shall be ventilated by means of a screened pipe at least 4" in diameter which shall extend at least 6" above the roof line. Vent pipes in chemical toilets, when installed in the vertical tube forming the toilet bowl, shall be inserted at an angle not over 30° from the vertical to minimize clogging and corrosion.
- (6) A solution of sodium hydroxide or other approved chemical shall be maintained in the tank or receiving element at a level that prevents septicity and the creation of objectionable odors.
- (7) The contents of toilets shall be disposed of in an approved manner and location.

**REGULATION 7. Permit Required**

- a. No person shall provide, for rent or hire portable, nonpermanent job toilet facilities required under Regulation 6 unless he holds a valid permit to do so.
- b. Every job toilet structure shall have thereon in clear, easily readable letters the name and telephone number of the permittee.

**SECTION 7**  
**COLLECTION, TRANSPORTATION, AND DISPOSAL OF HUMAN EXCRETA**

**REGULATION 1.       Permit Required**

- a. No person shall remove, store, transport, or dispose of any wastes from a septic tank, privy, chemical toilet, or other sewage disposal system without applying for and receiving a permit to do so.
  - (1) The design, construction and operation of vehicles used in the transportation of these wastes shall comply with the requirements of these regulations and no vehicle shall be so used without the approval of the Department.
  - (2) Each approved vehicle shall have the number assigned by the Department plainly and durably inscribed in contrasting colors on the side door panels of the cab and the rear face of the tank. Such numbers shall be legible at all times, and not less than 3 inches high.

**REGULATION 2.       Sanitation**

- a. The collection, storage, transportation, and disposal of wastes from any septic tank, privy, chemical toilet, or other sewage disposal system shall be carried out in an approved sanitary manner, minimizing exposure to flies and other insects, spillage, odor, and without other hazard or danger to the public health.
- b. No unclean vehicle or auxiliary equipment used for carrying, transporting, or handling the contents of septic tanks, cesspools, chemical toilets, sewage seepage pits, or privies shall be allowed to stand or remain near any occupied premises without necessity therefor; nor shall the loading and unloading of such vehicles and the transportation thereof through any street, place or premises consume an unreasonable period of time.
- c. Each vehicle and all auxiliary equipment used for the transportation or handling of such wastes shall be liquid tight, gas tight, and sound so that no offensive material may spill or escape therefrom. Any wastes dropped or spilled shall be carefully cleaned up immediately and the are properly disinfected.

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- d. Material taken from a septic tank, cesspool, chemical toilet, sewage seepage pit or privy shall be disposed of only in a manner and place approved by the Department. This approval shall be obtained at the time of issuance of the permit and no change shall be made without prior approval of the Department.

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- e. Tanks on such vehicles shall have a minimum capacity of 750 gallons, with the exception of tanks used exclusively for servicing chemical toilets which may be permitted by the Department to have a smaller capacity.
- f. All vehicles, tools, and equipment shall be maintained in good repair at all times. At the end of each day's operation all containers, suction pumps, hose, and other tools and equipment shall be thoroughly cleaned and sanitized.
- g. All portable containers, pumps, hose, tools, and other implements, when not in use, shall be stored within a covered and fly-tight enclosure.
- h. No vehicle, tank, or equipment used in these operations shall be used to contain or transport water for potable purposes.

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**SECTION 8  
INDIVIDUAL DISPOSAL SYSTEMS**

**REGULATION 1. Definitions**

- a. Individual sewage disposal system shall mean a device or system for the treatment and disposal of sewage from a single housing, manufacturing or commercial unit.
- b. Cesspool shall mean a securely covered pit with sturdy open-jointed lining into which raw sewage is discharged for final disposal by digestion or leaching into the surrounding porous soil.

**REGULATION 2. Permit to Install Required**

- a. No person shall install, materially alter or add to any individual disposal system without first applying for and obtaining written permission to construct from the Department.
- b. Every application for permission to construct shall be accompanied by a legal description, two plot plans to scale showing proposed relationship of individual disposal system with respect to lot lines, structures and water systems or other facilities as the Department may require. In special cases involving repairs or alterations the Department may accept as-built plans. Applications shall be processed by the department within five (5) working days of receipt of the submittal.
- c. The permit shall expire at the end of one year unless the approved project is substantially under construction by that time.

**REGULATION 3. Approval to Operate Required**

- a. Work shall conform to plans and be in compliance with this Code and the Regulations of the State Department of Environmental Quality.
- b. The Health Officer shall make necessary inspections of installations and when satisfied that an installation complies with this Code, and regulations of the State Department of Environmental Quality, shall issue written approval to the permittee.
- c. Operation and use of an individual sewage disposal system shall not commence before final inspection has been made, all permit fees are paid, and written approval has been issued by the Department.

**REGULATION 4. General**

All individual sewage disposal systems must conform to the applicable general provisions relating to sewage and waste disposal, and with the specific provisions of this section.

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- a. Individual sewage disposal systems are prohibited:
  1. When connection may reasonably and practicably be made to an approved municipal, community, or similar sewerage system. Where installation of a municipal, community, or similar sewerage system or extension, to which connection may be made, is imminent, the Department may waive the full application of these regulations and permit the installation of temporary sewage disposal facilities for premises or subdivisions. In such cases, the Department shall stipulate the conditions and limitations it deems necessary to protect the public health, and to insure speedy connection to the sewerage system, and the owner and operator of such temporary facilities shall be bound to these stipulations and conditions;
  2. When soil conditions, topography, or other conditions are such that an individual disposal system cannot be expected to function satisfactorily, or where ground water or soil conditions are such that an individual disposal system may cause pollution of ground water;
  3. When such installation may create an unsanitary condition or public health nuisance.

- b. Where a sewage disposal system is required and an individual disposal system is prohibited, an alternative on-site disposal system shall be provided.
- c. The use of cesspools is prohibited excepting that a cesspool may be permitted for temporary use only, subject to such stipulations as the Department sets.
- d. The installation of individual disposal systems in new subdivisions, establishments, or premises, is prohibited where such subdivisions, establishments, or premises are contiguous to an approved sewerage system to which connection may reasonably and practically be made.
- e. In special cases where a system or part thereof as prescribed in this regulation cannot be expected to function satisfactorily, an alternative on-site design which meets the conditions of this Code in principle may be approved. The installation of any part of an individual disposal system in a manner otherwise than in compliance with the provisions of this regulation, without first having obtained written permission from the Health Officer, is prohibited.
- f. The use of an individual disposal system by more than one (1) property, dwelling, commercial unit or other premises is prohibited unless it can be shown to the satisfaction of the Health Officer that such properties, dwellings, commercial units or premises are constructed, designed and located in such a manner that it is impossible to construct separate individual disposal systems for them.

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- g. In areas served by a municipal or other approved sewage disposal system, when an individual disposal system fails, and in the opinion of the Department, a public health nuisance arises as a result of such failure, (1) the plumbing system of the premises shall be disconnected from the defective individual disposal system and forthwith connected to the approved sewage disposal system, (2) the individual disposal system shall thereupon be emptied of sewage and filled with clean earth as soon as the required connection has been made.
- h. The effluent from individual disposal systems may not discharge onto the surface of the ground, into any water course, abandoned well, pit, mine or similar excavation, or anywhere it may pollute, tend to pollute or create a hazard to any potential or actual water supply or water supply system. Industrial wastes shall not be discharged into any individual disposal system without the written approval of the Department.
- i. All backfilling shall be done with clean earth, free of large stones, broken masonry, stumps, waste construction material, etc., and accomplished in such a manner as to minimize settling and to avoid placing undue strain on the system.

**REGULATION 5. Minimum Requirements for the Design, Installation, and Operation of Individual Disposal Systems.**

All individual disposal systems shall be designed, installed, and operated in accordance with the provisions of Arizona Department of Environmental Engineering Bulletin Number 12, dated June, 1989, and all addenda thereto, with the following exclusions:

- PART I: B4c
- PART II: A; C 3k; C 5; E par.2
- PART III: Alg.
- PART IV: B. 2p "Disposal pipe shall have a minimum crushing strength of 2000 PSI"; C 2b 4; E 1a(1)
- PART V: Ald; A 2b; A 2c; A 3 a2; A 3 a3; A 4 d3; A Table 9 (5); C; D; H
- Attachments: 1; 7

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**SECTION 9**  
**CLASSIFICATION OF WASTEWATER TREATMENT PLANTS AND**  
**REQUIREMENTS FOR CERTIFIED OPERATORS**

**REGULATION 1. Definitions**

- a. "Certified Operator" means an operator who holds a current certificate issued by the Arizona Department of Environmental Quality in the field of wastewater treatment, wastewater collection, or effluent distribution.
  - b. "Collection system" means pipelines, conduits, pumping stations, force mains, and all other devices, appurtenances and facilities used for collecting and conducting wastewater to a central point for treatment and disposal.
  - c. "Director" means the Director of the Maricopa County Department of Health Services or his authorized agent.
  - d. "Direct Responsible Charge" means day-to-day decision making responsibility for a wastewater treatment plant, collection system, or effluent distribution system, or a major portion of such a facility.
  - e. "Effluent Distribution System" means the pipelines, appurtenances, devices and facilities of a reclaimed wastewater system which conduct effluent from a wastewater treatment plant to a point of final reuse.
  - f. "Facility" means a wastewater treatment plant, effluent distribution system, or collection system.
  - g. "On-site Operator" means an operator who visits a facility at least daily, for the purpose of ensuring that it is operating properly.
  - h. "Operator" means a person who is responsible for the actual day-to-day operation of a facility or a portion thereof. This includes the operator of a remote control system in which the operator is in direct control of the entire system or a portion thereof from a central location. It also includes the chief operator who supervises the operation of the facility. The term operator includes both on-site and remote operators as defined in this section.
  - i. "Population Equivalent" means the population which would contribute an equal amount of biochemical oxygen demand (BOD) computed on the basis of 0.17 pounds of five-day, 20-degree centigrade BOD per capita per day.
  - j. "Remote operator" means an operator who is not an on-site operator.
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- k. "Wastewater Treatment Plant" means processes, devices and structures used for the purpose of treating or stabilizing wastewater or industrial waste and disposing of the effluent.

**REGULATION 2. Exemptions**

Owners of the following facilities are exempt from the requirements of this section:

- a. "Non-Community" septic tanks and collection system discharging to "Non-Community" septic tanks.
- b. Any collection system serving a population of fewer than 2,500 persons which discharges into a facility which is operated by a certified operator.
- c. Any collection system serving a nonresident population and discharging into a collection system operated by a certified operator.
- d. Agricultural or industrial wastewater facilities used to treat, recycle, or impound industrial or agricultural wastes within the boundaries of the industrial or agricultural property.

- e. Industrial waste pretreatment facilities in which treated wastewater is released to a collection system or wastewater treatment plant which is regulated by these regulations.
- f. Facilities for treating industrial wastes which are not treatable by biological means.
- g. Wastewater treatment devices serving an individual home.

**REGULATION 3. General Requirements**

- a. The owner or the purveyor of services shall utilize the services of a certified operator of the required classification for each facility for the purpose of assuring that the facility is operating properly. The certified operator shall have direct responsible charge of the operation of the wastewater treatment plant, or the collection or effluent distribution system. Any owner or purveyor who meets the requirements for certification may become certified as operator of the facility for which he has direct responsible charge. The Chief Operator or Superintendent in direct responsible charge shall be certified at the grade of the facility. Shift foremen or other operators in charge of the facility in the absence of the Chief Operator or Superintendent shall be certified at a grade no lower than one grade below the grade of the facility.
- b. It is the facility owner's responsibility to ensure that the name of the required certified operator is on file at all times with the Department. If the owner of a facility replaces the designated operator with another operator, the new operator shall be properly certified at the time he begins operation of the facility. The owner shall notify the Department in writing within ten days of the date of the replacement. The certified operator shall notify the Department in writing within ten days of the date he ceases operation of a facility and within ten days after he commences operation of any facility.

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- c. There are three types of facilities:
  - (1) Wastewater Treatment Plants,
  - (2) Collection Systems, and
  - (3) Effluent Distribution Systems.

All facilities shall be classified according to type of facility, population or population equivalent served, flow, and complexity of treatment as described in these regulations.

- d. There are four grades of classification, with grade-4 being the highest. The Department may change the classification of a particular facility by reason of the incorporation in the facility of special features of design or characteristics more difficult to operate than usual, or by reason of wastewater unusually difficult to treat, or by reason of effluent reuse or other potential health factors. In multi-facility systems, each facility shall be classified according to complexity and the total population or population equivalent served or flow rate.
- e. A person holding certification in any particular type and grade is permitted to operate all facilities in that particular type and grade and any lower grade.
- f. Each facility requires the services of an on-site operator certified at the grade of the facility. An operator may operate one or more facilities as a remote operator under the following conditions:
  - (1) The remote operator is certified at the grade of the facility.
  - (2) Each facility, except a grade-1 facility, has an on-site operator certified at a level no lower than one grade below the grade of the facility. A grade-1 facility requires an on-site representative, who is not required to be certified.
  - (3) The remote operator personally instructs the on-site operator or representative in proper operation and maintenance of each facility, provides him with written instructions, and assures that adequate records are kept.
  - (4) The remote operator provides the on-site operator or representative with a telephone number or numbers at which he can be reached at all times.



- (5) The remote operator resides no more than three hours travel time from any facility which he serves as remote operator.
- (6) The facility operated by the remote operator is operating in compliance with all applicable regulations.
- (7) The remote operator personally inspects a facility as often as necessary to assure proper operation and maintenance, but in no case less than the following:
  - (a) Grade-1 wastewater treatment plants - monthly.
  - (b) Collection systems serving fewer than 2,500 people - bimonthly.
  - (c) Grade-2 wastewater treatment plants serving less than 1,000 people - weekly.
  - (d) Grade-2 wastewater treatment plants serving greater than 1,000 people, and all grade-3 and grade-4 wastewater treatment plants - daily.
- g. The owner or the purveyor of services for any facility is in violation of this section if the facility is operated in a manner which violates County or State Rules and Regulations for the protection of water quality and the environment.

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**REGULATION 4. Classification of Wastewater Treatment Plants, Collection Systems, and Effluent Distribution Systems**

- a. Treatment plants shall be classified according to population equivalent served, flow, degree of hazard to public health, type of facility and degree of treatment, as specified in this section.
  - (1) Grade-1 includes:
    - (a) Stabilization ponds serving fewer than 2,000 persons and treating a flow of 200,000 gallons per day or less.
    - (b) Any wastewater treatment facility not designated as grade-2-3, or 4.
  - (2) Grade-2 includes:
    - (a) Stabilization ponds serving more than 2,000 persons or treating a flow of 200,000 gallons per day, and
    - (b) All aerated lagoons, and
    - (c) All facilities employing biological treatment based upon the activated sludge principle, or trickling filters, designed to serve a population equivalent of fewer than 5,000 persons and treating a flow of 500,000 gallons per day or less, except as provided in Paragraph a(3)(c) of this regulation.
  - (3) Grade-3 includes:
    - (a) All facilities employing biological treatment based upon the activated sludge principle designed to serve a population equivalent of 5,000 to 20,000 persons or treating a flow between 500,000 and 2,000,000 gallons per day, and
    - (b) All facilities employing trickling filtration designed to serve a population equivalent of 5,000 to 25,000 persons, or treating a flow between 500,000 and 2,500,000 gallons per day, and
    - (c) Variations of activated sludge requiring specialized knowledge including, but not limited to, contact stabilization and sequencing batch reactors serving any population equivalent of up to 20,000 persons and treating a flow rate of up to 2,000,000 gallons per day.
  - (4) Grade-4 includes:
    - (a) All facilities employing biological treatment based upon the activated sludge principle designed to serve a population equivalent greater than 20,000 persons, or treating a flow greater than 2,000,000 gallons per day, and

- (b) All facilities employing trickling filtration designed to serve a population equivalent greater than 25,000 persons, or treating a flow greater than 2,500,000 gallons per day.
  - (c) Variations of activated sludge requiring specialized knowledge including, but not limited to, contact stabilization and sequencing batch reactors serving any population equivalent greater than 20,000 persons or treating a flow rate greater than 2,000,000 gallons per day.
- (5) Facilities requiring tertiary treatment or nutrient removal shall be graded one level higher than the minimum grade based upon population equivalent or flow.
- b. Until July 1, 1991, the following classification of collection and effluent distribution systems shall apply. Ordinarily, collection and effluent distribution systems are considered as a part of the treatment facility; however, where such a conveyance facility is separated from treatment, either in jurisdiction or in responsibility, the collection and/or effluent distribution system is classified as grade 1.
  - c. Classification of wastewater collection and effluent distribution systems. Beginning on July 1, 1991, collection and effluent distribution systems shall be classified by population served, as follows:

| GRADE | POPULATION       |
|-------|------------------|
| 1     | 0 - 2,500        |
| 2     | 2,501 - 10,000   |
| 3     | 10,001 - 25,000  |
| 4     | More than 25,000 |

- d. By July 1, 1991, each owner or a purveyor of services for a collection or effluent distribution system shall have the services of an operator certified at the grade of the system as reclassified under these regulations.

**CHAPTER III  
RODENTS, INSECTS AND VERMIN**

**REGULATION 1.           Infestation -- Harborage**

The infestation by or harborage of rodents, lice, bedbugs, roaches, flies or other arthropods of public health significance, in or about any premises is hereby declared to be dangerous to public health. No person shall cause, maintain, or within his control, permit such infestation or harborage. The owner, occupant, or person in control of any place or premises shall take all reasonable measures to prevent such infestation or harborage and, upon notification from the Department to do so, shall take all necessary and proper steps to eliminate the infestation or harborage and to prevent its recurrence.

**REGULATION 2.           Mosquitoes**

No person shall cause, maintain or, within his control, permit any accumulation of water in which mosquitoes breed or are likely to breed. The owner, occupant, or person in control of any place where mosquitoes are breeding, or which constitutes a breeding place for mosquitoes shall take all necessary and proper steps to eliminate the mosquito breeding and to prevent its recurrence through the elimination of or the institution of necessary control measures at mosquito breeding sites.

**REGULATION 3.           Permit Suspended or Revoked When Premises Infested**

No person may, for fee or other consideration, offer any premises for use as a human habitation or a sleeping accommodation, or use any premises as a place where food or food products are stored, manufactured, processed, served or offered for sale while those premises harbor rodents, lice, bedbugs, roaches, flies, or other arthropods of public health significance as defined by the United States Public Health Service and the Arizona Department of Health Services. The Health Officer shall have sufficient cause to suspend a permit issued for such use when the permittee fails to abate and eliminate such infestation after having been notified to do so by the Department.

**CHAPTER IV  
LAND SUBDIVISIONS**

**SECTION 1  
GENERAL**

**REGULATION 1. Definitions**

- a. "Approved" or "Approval" means approved in writing by the Department.
- b. "Common usage pipelines" means all those water and wastewater drain lines where the ownership and maintenance are vested as an undivided interest.
- c. "Condominium" means a subdivision established as a horizontal property regime pursuant to A.R.S. Title 33, Chapter 9, Section 1201 et Seq.
- d. "Department" means the Maricopa County Health Department or its designated representative.
- e. "Garbage" means putrescible animal and vegetable wastes from the handling, preparation, cooking and consumption of food.
- f. "Refuse" means all putrescible and nonputrescible solid waste (except body wastes), including garbage, rubbish, ashes, street cleaning, dead animals, abandoned automobiles, and solid market and industrial wastes.
- g. "Subdivision" or "Subdivided Lands" means improved land or lands divided or proposed to be divided for the purpose of sale, lease, or for cemetery purposes whether immediate or future, into four or more lots, parcels or fractional interests. This paragraph shall not apply to the division or proposed division of land located in Maricopa County into lots or parcels each or which is, or will be, thirty-six acres or more in area including to the centerline of dedicated roads or easements, if any, contiguous to the lot or parcel.

**REGULATION 2. Plan Approval Required**

- a. A preliminary plat of any proposed subdivision must be submitted to the Department, either directly or through the planning department having jurisdiction, for review and comments. The plat must indicate the proposed source of domestic water and the proposed method of sewage disposal. In addition, the distance to the closest public water and sewer line must be shown.
- b. No subdivision or portion thereof shall be sold, offered for sale, leased or rented by any person and no permanent building shall be erected thereon until plans, specifications and a recorded plat or a final approved plat by the Board of Supervisors of Maricopa County or the appropriate city council of such subdivision and related data have been filed with and approved by the Department and the required fees paid. The plans and specifications shall include provision for an adequate and safe water supply, and approved sewage disposal facility for every lot in the subdivision, garbage disposal facilities and other pertinent matters, including the results of soil and percolation tests as may be required by the Department. The installation of required facilities shall be in accordance with the approved plans or any approved revision thereof.
- c. The plans of proposed water supply and sewage disposal systems shall be submitted in duplicate.
- d. In reviewing subdivision plans and plats for approval, the Department shall take notice of the proximity of existing community or municipal sewers and sewage disposal systems and the feasibility and reasonableness of connecting the subdivision thereto. Where the Department

determines that such connections may practically, reasonably and properly be made this shall be shown on the plans before any approval is granted.

- e. In cases where connection of a subdivision to a community water well system or a community sewage disposal system is permitted, the owner of the system shall hold a Certificate of Approval to Operate from the Arizona Department of Environmental Quality and a Certificate of Convenience and Necessity from the Arizona Corporation Commission or the system shall be otherwise controlled so as to insure the quality, continuity and duration of operation and maintenance required by the Department and Arizona Department of Environmental Quality.
- f. The distance of the subdivision to the nearest public water supply main and sewer main of a municipal or community system shall be shown on the plans.

### **REGULATION 3            Size of Lots**

In the case of lots upon which the installation of individual wells and/or individual sewage disposal systems will be necessary, lot sizes shall be sufficient to meet the following requirements:

- a. Where both the water supply and individual sewage disposal system must be developed on the same lot, the minimum lot size shall be one acre, excluding streets, alleys and other rights-of-way.
  - b. Where water from a central system is provided, the lot size shall be sufficient to accommodate the individual sewage disposal system and provide for at least 100 percent expansion of this system based on a four bedroom house built within the bounds of the property.
  - c. Where lots are zoned for commercial uses the lot shall be sufficient to accommodate the sewage disposal system and provide for at least 100 percent expansion of the system within the bounds of the property allowing a minimum of six feet distance to the property lines or easement lines.
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- d. All cases shall comply with Chapter II, Sewage and Wastes, Section 8, Individual Sewage Disposal Systems, Regulation 6, Individual Sewage Disposal System Location. With the application for approval of the subdivision, the subdivider shall submit written proof acceptable to the Department that the operators of the water system and/or public sewerage system will provide these sanitary facilities to each individual lot in the subdivision prior to human occupancy.

### **REGULATION 4.            Violations**

Any person, firm, company or corporation who offers for sale or rent any tract of land contrary to these regulations shall be prosecuted as provided by law.

## **SECTION 2 WATER SUPPLY**

### **REGULATION 1.        Design Standards**

Proposed water supply and distribution systems shall comply with Chapter V, Water Supply, of the Maricopa County Health Code and the applicable rules and regulations of the Arizona Department of Environmental Quality and shall conform in general with the design standards contained in the applicable Engineering Bulletins of the Arizona Department of Environmental Quality.

### **REGULATION 2.        Details**

Where water from an approved public water supply is proposed for use in a subdivision, complete plans for all proposed water mains necessary to serve each and every lot together with the size of the existing water main and the location of the closest connection shall be shown on the plan. Construction specifications shall be submitted with the plans. Recorded reference to intended compliance with approved specifications on file with the Department may be accepted.

### **REGULATION 3.        Proposed System**

Where the owner of a subdivision, or other interested person, firm, company or corporation proposes to develop a source or sources of supply and to construct a distribution system to furnish water to the subdivision, either free or for charge, complete details of the proposed water system including plans and specifications shall be furnished. Department approval of the supply and proposed system must first be obtained before an approval to the State Real Estate Department for the sale of lots will be granted. The installation of such facilities shall be in accordance with the plans, and any revisions thereof, approved by the Department.

## **SECTION 3 SEWAGE DISPOSAL**

### **REGULATION 1.        Design Standards**

Sewage disposal facilities shall comply with Chapter II, Sewage and Wastes, of the Maricopa County Health Code and applicable rules and regulations of the Arizona Department of Environmental Quality and shall conform in general with the design standards contained in the applicable engineering bulletins of the Arizona Department of Environmental Quality. Complete plans for all new or additions to existing treatment facilities and sewers shall be submitted for approval. Plans for new sewers shall show length and location, inside diameter, type of pipe, location of manholes and clean outs necessary to serve each and every lot and location and size of closest existing sewers and closest manhole. Construction specifications shall be submitted with the plans. Recorded reference to intended compliance with approved specifications on file with the Department may be accepted.

### **REGULATION 2.        Individual Sewage Disposal Systems**

- a. Individual sewage disposal systems are prohibited where:
  - (1) Soil conditions and terrain features or other conditions are such that these systems cannot be expected to function satisfactorily; or
  - (2) Groundwater or soil conditions are such that these systems may cause pollution of groundwater; or
  - (3) Such installations may create an unsanitary condition or public health nuisance; or
  - (4) Connection to a public sewer system is reasonable and practical.
  
- b. Where individual sewage disposal systems are proposed, the following conditions shall be satisfied:

A geological feasibility report shall be made by an engineer, geologist or other qualified person which shall include results from percolation test and boring logs obtained at sites in the proposed subdivision designated by the Department. At least one percolation test and boring log per acre, or one percolation test and boring log per lot where lots are larger than one acre shall be made, except when other reliable data are submitted showing that individual disposal systems could reasonably be expected to function properly on each lot in the proposed subdivision. In no case will less than a minimum of one percolation test and soil boring hole log be required for each 5 acres unless the lots are over 5 acres in size and then one for each lot is required in the vicinity of the proposed system. All pertinent test data shall be submitted to the Department for review. Alternative on-site systems shall not be approved for wastewater disposal as the basis for subdivision approval. Disposal of sewage to a public sewer system is not considered an alternative on-site system for the purposes of complying with this regulation. The Department may require additional tests when it deems necessary. The approval of a subdivision based upon such reports shall become void if the plat is further subdivided or lot lines are substantially relocated.

**SECTION 4  
REFUSE DISPOSAL**

**REGULATION 1.           General**

The storage, collection and disposal of refuse shall comply with the appropriate sections of Chapter II of the Maricopa County Health Code.

**REGULATION 2.           Available Facilities**

When a subdivision is proposed for an area served by an approved community or private refuse collection service, the subdivider shall submit acceptable proof to the department that such collection service will be available to the subdivision.

**REGULATION 3.           Notification**

- a.       Where refuse collections service is not available, the subdivider shall notify the purchaser or tenant of each lot in writing that the storage and disposal of all refuse in a manner pursuant to law is the purchaser's or tenant's responsibility.
  
- b.       Where a collection service or an existing approved disposal area is not conveniently available to the subdivision, a plan approval will not be granted unless an approved separate disposal area is provided by the subdivider or arrangements are made to utilize a new, conveniently located approved disposal area. Such arrangements shall include, but not be limited to, the written permission of the person responsible for the operation of the new site.



## **SECTION 5 CONDOMINIUMS**

### **REGULATION 1.       General**

The regulation applies to condominium water and wastewater drainage systems not under public utility ownership and control, but use in common.

### **REGULATION 2.       Design Standards**

- a.     The water piping and wastewater drainage systems serving condominiums shall be constructed in accordance with the current requirements of the Maricopa County Building Safety Department or local building inspection authority.
- b.     Plans shall be submitted and shall include the size and location of meters, inside diameter, type, length and location of all proposed and existing common usage water lines and inside diameter, type, length, slope and location of all proposed and existing common usage wastewater drainage piping including manholes and/or cleanouts necessary to serve each and every unit. Plans and specifications shall be in sufficient detail to show compliance with subsection a. above.
- c.     Documents submitted for approval shall include covenants adequate to insure that acceptable provisions have been made for the maintenance of water and wastewater drainage piping serving areas in common.
- d.     Where existing housing is proposed to be converted to condominium status, proof shall be submitted that the water and wastewater drainage systems are approved by the local building inspection authority or certified to be adequate by a registered professional engineer who shall affix his signature and seal of registration in the State of Arizona to as-built plans submitted for approval.

**CHAPTER V  
WATER SUPPLY**

**SECTION 1**

**REGULATION 1. Water Supply**

- a. The following provisions of the Arizona Administrative Code ("A.A.C."), including all revisions, technical corrections, and supplements published as of March 31, 1999, Incorporation by Reference:

Title 18, Chapter 4, Sections 101 through 124  
(R18-4-101 through R-18-4 124);

Title 18, Chapter 4, Sections 201 through 226  
(R18-4-201 through R18-4-226);

Title 18, Chapter 4, Sections 301 through 317  
(R18-4-301 through R18-4-317);

Title 18, Chapter 4, Sections 401 through 405  
(R18-4-401 through R18-4-405);

Title 18, Chapter 4, Sections 501 through 509 (including Appendices A and B)  
(R18-4-501 through R18-4-509);

Title 12, Chapter 16, Sections 811, 816 and 822  
(R12-15-811, R12-15-816 and R12-15-822);

Copies of the above-described Regulations adopted by Reference herein are attached as Appendix 1 to this Chapter.

- b. The A.A.C. Regulations adopted by Reference in subsection a. include no future additions or amendments.
- c. Copies of the above-described Regulations adopted by Reference herein are attached as Appendix 1 to this Chapter.

**REGULATION 2. Plans Submitted**

- a. No person shall install any public water supply system or make additions, modifications or alterations thereto which involve a change in the plant, works, system, or sources of supply, until design criteria and complete plans and specifications for the work, together with the plans review fee, have been submitted to and have received the approval of the Department.
- b. Minimum well construction requirements are set forth in R-12-15-811, as incorporated by Reference and attached as Appendix 1 to this Chapter.

**REGULATION 3. Permit Required**

No water system covered by those regulations shall be operated or maintained in Maricopa County without a permit in force, issued by the Department.

**REGULATION 4. Special Conditions - Emergencies**

- a. Unsafe Supplies - The Department, upon determination that a water supply or source used or held out for use as a public water supply for domestic or culinary use does not comply with this code and may post about the water supply system such warning signs or labels as it deems necessary to protect the public; and, no person shall

remove such sign or label excepting with the express written permission of the Department.

- b. The owner or operator of a public water system shall not construct or add to its system a well that is not in compliance with this chapter.
- c. Notification of Department (unsafe condition) - The owner or operator of a public water supply system shall notify the Department immediately upon learning that the water therein is contaminated or may be contaminated as required by this chapter.
- d. Emergencies - No new or emergency source of water shall be introduced into an approved water supply system and no approved treatment process or protection provision shall be altered or discontinued unless the owner of the system has an approved emergency operation plan on file with the department that is in compliance with R18-4-116 to provide safe drinking water during an emergency-
  - 1) Emergency Intake - No intakes, where water of doubtful quality may be admitted to the distribution system, shall be established or maintained in connection with a public water supply system.
  - 2) Bypasses - No bypass shall be established or maintained whereby water may be diverted around any feature of a purification process for a public water supply system unless specific approval is first obtained from the Department.
- e. Continuity of supply - No public water supply system shall be constructed or maintained which depends on hauled or transported water for continuity of the supply; excepting that in case of a controlling emergency, so declared by the Department, where such continuity is disrupted, hauled water may be introduced into the system in compliance with procedures and for such duration as is approved by the Department.

#### **REGULATION 5.       Pollution of Groundwater Prohibited**

- a. No contaminated or polluted material shall be discharged directly into any water well or other well, whether constructed for that purpose or abandoned or anywhere else on or in the ground where it may or will penetrate the underlying water bearing strata or pollute or contaminate ground water.
  - 1) The prohibitions set forth in this regulation do not apply to discharges of a pollutant or pollutants into the ground that have been approved in an aquifer protection permit issued by the Director of the Arizona Department of Environmental Quality pursuant to A.R.S. Title 49, Chapter 2, Article 3.
- b. Any well no longer used shall be properly sealed against the entry of pollution, contamination, or other foreign matter.

#### **REGULATION 6.       Abandoned Wells**

Wells which are no longer used as a source of water supply shall be properly abandoned or capped as required by this Chapter.

**SECTION 2**  
**TRANSPORTATION OF WATER IN BULK FOR DOMESTIC USE**

**REGULATION 1            Hauled Water**

- a.     The following provisions of the Arizona Administrative Code ("A.A.C.") including all revisions, technical corrections, and supplements published as of March 31, 1999, are incorporated by reference:  
  
          Title 18, Chapter 4 Section 125 (R18-4-125);
- b.     The A.A.C. Regulations adopted by reference in subsection a. include no further additions or amendments.
- c.     Copies of the above-described regulation adopted by reference herein are attached as Appendix 1 to this chapter.
- d.     Thoroughly cleaned and disinfected food products tankers may be used to haul water when approved. Tanks or reservoirs that were previously used for transportation of products other than those stated above are specifically prohibited.
- e.     Tanks and reservoirs shall be constructed of non-toxic corrosion-resistant material and the contents protected from pollution arising from leaks, drainage, dust or for any other reason. A.A.C. Title 18, Chapter 4, Section 119.b. has been incorporated by reference in Chapter V, Section 1, Regulation 1 and are attached as Appendix 1 to Chapter V.
- f.     Filler-lines or hoses shall be flushed to remove all forms of contamination before being used to fill tanks or reservoirs.
- g.     No part of the filler-line or hose shall be permitted to come in contact with water or any surface area within the tank.
- h.     The operator of trucks engaged in hauling or transporting public domestic water shall have available approved test kits for the determination of chlorine and other disinfectants levels and shall perform such tests.

**REGULATION 2.            Permit Required**

- a.     No person shall engage in hauling or transporting water intended for public potable use without a valid permit to do so from the Department.
- b.     Each vehicle use pursuant to this regulation shall have the permit number clearly displayed on the side door panels and the rear face. Such number shall be legible at all times, and not less than 3 inches high.

**APPENDIX 1**

**TITLE 18 ENVIRONMENTAL QUALITY**

**CHAPTER 4 DEPARTMENT OF ENVIRONMENTAL QUALITY**

**SAFE DRINKING WATER**

*Text included in final submittal.*

**TITLE 12 - NATURAL RESOURCES**

**CHAPTER 15 - DEPARTMENT OF WATER RESOURCES**

**ARTICLE 8 - WELL CONSTRUCTION AND LICENSING OF WELL DRILLERS**

*Text included in final submittal.*

**CHAPTER VI**  
**BATHING PLACES - PUBLIC AND SEMIPUBLIC SWIMMING POOLS**

**SECTION 1**  
**GENERAL PROVISIONS**

**REGULATION 1. Definitions**

- a. "Artificial bathing lake" means a manmade lake, lagoon or basin, lined or unlined, with an area equal to or greater than 2 acres (87,120 square feet), constructed and used or intended to be used for water contact recreation. This includes all recreational activities where there is a high probability of water ingestion and where related activities create a significant public health and safety risk. Such activities include, but are not limited to, wading, swimming, bathing, wind surfing, water skiing and jet skiing.
- b. The term "Bathing place" as used in these regulations includes all bodies of water used by persons for swimming, wading, hydrotherapy, recreation, bathing or special uses together with the shores, bathhouses, sanitary facilities, bathing attire, equipment and all other appurtenances to such bodies of water, except that these regulations do not apply to facilities constructed or maintained on any medical facility intended exclusively for therapeutic treatment and facilities constructed and operated by the State of Arizona.

A bathing place for consideration of design, permits, and fees shall be considered separate and distinct if:

- (1) Bodies of water are physically separate; or
- (2) Bodies of water are at different elevations; or
- (3) Bodies of water are separated by a fence, wall or visual barrier which prevents or impedes direct physical or visual access to any portion of the body of water; or
- (4) Bodies of water are separated by a channel, less than ten (10) feet wide.

- c. "Construct" means, and includes, building or installing a new bathing place or enlarging or altering existing facilities.
- d. "Cross connection" means any physical connection between two piping systems, one of which contains potable water and the other sewage or water of unknown or questionable quality, through which water may flow from either system to the other.
- e. "Fill and draw pool" means a swimming pool where the principal means of cleaning is the complete removal of the used water and the replacement thereof with potable water.

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- f. "Flow through pool" means a swimming pool where potable water constantly enters the pool and an equal quantity of used water constantly flows out of the pool.
- g. "Freeboard" means that section of the pool wall measured vertically between the water surface and the walkway or deck surface.
- h. "Hydrotherapy pool" means any pool providing a vapor environment, roiling water, injected air or similar effect.
- i. "Natural bathing place" means unmodified natural outdoor lakes, ponds, rivers, etc.
- j. "Operate" means to conduct, maintain or otherwise provide facilities and appurtenances at bathing places.
- k. "Overflow system" means and includes gutters and other rim type overflows, surface skimmers and collection systems of various designs and manufacture.

- l. "Private pool" means a pool operated by an individual for his own or his family's use or for guests of his household, or by an owner, to serve a housing group consisting of no more than three living units. Private pools are exempted from these regulations.
  - m. "Public pool" means a swimming pool, admission to which may be gained by the general public with or without payment of a fee.
  - n. "Recirculating pool" means a swimming pool where a portion of the pool water is constantly being removed, filtered and disinfected, then returned to the pool.
  - o. "Return line" means that portion of the recirculating system piping which carries clean water from the filter back to the swimming pool.
  - p. A "Secchi Disk" is a 200-mm circular plate which has opposite quarters painted gloss white and black.
  - q. "Secchi Disk visibility" is the depth at which the disk can be seen when raised and lowered in the water.
  - r. "Semiartificial bathing place" means outdoor bathing places which are partly artificial and partly natural.
  - s. "Semi-Public" pool means a swimming pool on the premises of, or part of, but not limited to, a hotel, motel, trailer court, apartment house, country club, camp, health club, condominium, homeowners association or similar establishment where the primary business of the establishment is not the operation of swimming facilities and where the admission to the use of the pool is included in the fee, or consideration paid or given for the primary use of the premises.
  - t. "Special Use Pool" means a pool designed and used for special purposes such as diving, aquatic training, swimming instruction or similar use as recognized by the Department.
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- u. "Spray pond" means an artificially constructed special use pool into which water is sprayed but not allowed to accumulate.
  - v. "Swimming pool" and/or "Pool" shall mean an artificial basin, chamber, or tank, constructed and used, or intended to be used for swimming, diving or bathing. A bathing place less than two (2) acres (87,120 square feet) shall meet the criteria for swimming pools.
  - w. "Wading pool" means a shallow pool intended primarily for use by children.
  - x. "Water level". The water level referred to in these standards shall be established in one of the following ways:
    - (1) The water level shall be deemed to fall in the midpoint of the operating range of the skimmers.
    - (2) On pools with overflow systems, the level shall be deemed to be that established by the height of the overflow rim.

**REGULATION 2. Approval of Plans and Construction Required**

- a. No bathing place shall be constructed, nor shall any bathing place now or hereafter existing be materially altered or enlarged before complete plans and specifications, together with such further information as the Department may require, shall have been submitted to and received the written approval of the Department.
- b. An Application for Approval of any proposed bathing place shall be made to the Department by the owner on forms furnished by the Department. Such application for approval shall

accompany the plans and specifications at the time of submission to the Department for review.

- c. The operator/owner of a previously approved swimming pool as defined in these regulations, wishing to change the nature of his classification from public to semipublic, or from semipublic to public must demonstrate, to the satisfaction of the Department that the facility meets all requirements of these regulations as related to the desired classification. If any additional construction or modification of the facility shall be required, plans and specifications of the proposed facility shall be submitted for approval as required in Regulation 2.b.
- d. Plans and specifications shall be submitted to the Department at least 15 days prior to the date upon which action is desired. Plan documents submitted for approval shall include a general plot plan, plans and specifications showing the pool shape, dimensions, water treatment and pumping facilities, piping arrangement and sizes, source of water supply, method of disposal of wastes, together with all pertinent data upon which the design is based, including capacities of the various units, safety equipment, architectural drawings for fencing, and other information necessary to permit a clear and full understanding of the proposed project. Where required, detailed plans of bathhouses, dressing rooms, toilets, recreational and other pool appurtenances shall be included.

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- e. All plans and specifications submitted to the department for approval must have been prepared by, or under the supervision of, a currently registered Arizona professional engineer or architect, or a swimming pool contractor with an A-9, A-19, B-5 or B-6 license who is licensed to practice in the State of Arizona, who shall certify that the plans comply with these regulations and criteria contained in the swimming pool design policy.
- f. All work shall conform to approved plans and specifications. Should it be necessary or desirable to make any changes in the approved plans and specifications of the proposed work, revised plans and specifications, together with a written statement of the reasons for such change, shall be submitted to the Department for review. Approval must be obtained in writing before the work affected by the change is undertaken.
- g. The department will, upon receipt from the applicant of reasonable advance notice of readiness therefor and of the required inspection fees, make necessary inspections to determine that the pool piping system, and thereafter the complete pool circulation, purification, and waste systems are in compliance with these regulations. The piping system shall be left open and exposed until the Department has examined and approved it in writing; and the complete pool including circulation, purification and waste systems shall be deemed acceptable only after examination and issuance of written approval by the Department. A separate fee shall be paid for each reinspection according to the fee schedule in Chapter I.
- h. The design, operation and maintenance of bathing places shall be in conformance with these regulations and criteria contained in the Maricopa County Department of Health Services swimming pool design policy.
- i. Before initial approval shall be given for the operation of a bathing place, the swimming pool contractor, or a currently registered engineer or architect shall certify that the completed bathing place is constructed in accordance with the approved plans and specifications.

### **REGULATION 3. Permit Required**

No public or semipublic bathing place shall be maintained or operated in Maricopa County without a permit in force issued by the Department. The permit shall be displayed in a conspicuous place on the premises where it may be readily observed by the public.



**REGULATION 4. Instructions**

All persons shall be instructed before entering the pool, by means of suitable, clearly lettered signs properly located, to use the toilet, take a cleansing shower and observe all safety regulations.

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**REGULATION 5. Attire and Towels, etc.**

- a. Bathing attire, towels, linens, and similar articles shall be clean, dry and sanitary when provided to patrons.
- b. The provision of towels, drinking cup, combs, hair brushes, soap and other similar items for use in common by the public is prohibited.

**REGULATION 6. Excluded**

Persons with sore or inflamed eyes, colds, nasal or ear discharges, boils or other acute or obvious skin or body infections, or cuts shall be excluded from the pool. No person in or at a swimming pool shall commit, or be permitted to commit, any act prejudicial to the life or health of any other person using the pool. Animals shall be excluded from the pool.

**REGULATION 7. Drinking Water**

An adequate supply of potable drinking water shall be provided by means of sanitary drinking fountains which shall be placed in approved locations.

**REGULATION 8. Concessions**

No drinks, candy, tobacco, popcorn, gum, or food of any kind shall be permitted adjacent to the pool or within the pool enclosure.

- a. No food or drink of any kind shall be allowed within the required walkways of the bathing place.
- b. Food and drink will be allowed within the pool enclosure but outside the area noted in "a" above provided that only paper or plastic service is used. No glassware is permitted within the enclosure.
- c. On pools constructed prior to November 1981, where the pool was not required to be separate from the remainder of the complex, the enclosure requiring plastic/paper service only, shall be considered to be 50 feet from the water's edge and outside the area stated in "a" above.

**REGULATION 9. Operation**

All bathing place facilities shall at all times be operated and maintained in a clean and sanitary condition. The owner of a bathing place shall close that facility if any of the following conditions exist:

- a. Absence of an approved disinfectant;
- b. Violation of the physical standards of Section 2, Regulation 5;
- c. Filtration system is inoperative;
- d. Mechanical disinfectant feeder is inoperative or malfunctioning;
- e. Any other condition which may cause injury or a danger to the public health.

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**REGULATION 10.      Violations**

Any person, firm, corporation who builds, offers for sale, or operates a bathing place contrary to these regulations shall be subject to prosecution as provided by law.

**REGULATION 11.      Retroactive Provisions**

Pools constructed prior to the effective date of these regulations shall meet the operational requirements of these regulations.

**REGULATION 12.      Variance**

**a.      Purpose**

The purpose of this regulation is to allow the Health Officer to consider granting a variance from those parts of Chapter VI which are more restrictive than ACRR-9-8. This would be possible when there exists an unusual or unreasonable hardship resulting from a literal interpretation of this Code, provided that the alternative method or work offered conforms to the general intent of this Code. The application for variance and the decision of the Health Officer shall be in writing and shall be officially recorded with the records of the Department.

**b.      Conditions for Variance**

- (1) Any person may request a variance to Chapter VI of this Code when it is claimed that:
  - (a) The true intent of the codes or ordinances described in this Code has been incorrectly interpreted.
  - (b) A decision is unreasonable or arbitrary as it applied to alternate or new materials;
  
- (2) The Swimming Pool Advisory Committee may recommend that the Health Officer issue a variance only after the Committee has determined that:
  - (a) Special circumstances or conditions apply to this permit application; and
  - (b) Authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights; and
  - (c) Authorizing of the minor variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public safety an welfare in general; and
  - (d) Granting of the minor variance will be in harmony with the purposes sought to be attained by the codes or ordinances.
  
- (3) If the applicant for the variance is dissatisfied with the decision of the Health Officer, the Applicant may appeal to the Board of Health whose decision shall be final.
  
- (4) Such appeals shall be presented to the Secretary of the Board of Health in writing within 30 days after the filing of the decision of the Health Officer.

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**c.      Swimming Pools Advisory Committee (SPAC)**

**(1)      Structure**

- (a) There shall be and is hereby created, a Swimming Pool Advisory Committee, hereinafter called "Committee", consisting of five members, who are residents of Maricopa County and citizens of the United States, and composed of and consisting of a representative of the industries, trades, and professions, as follows:
  - 1      Swimming Pool Building Contractor
  - 1      Swimming Pool Service & Repair Contractor or

- Swimming Pool Industry Member
- 1 Certified Safety Professional
- 1 Professional Engineer
- 1 Health Professional

- (b) The members of the Committee shall be appointed by the Chairperson of the Board of Health for a term of three years. The initial terms of office shall be as follows:  
One member shall be appointed for a term of three years;  
Two members for a term of two years;  
Two members for a term of one year.
- (c) Upon expiration of the initial term of office of a member of the Committee, their successors shall then be appointed for a term of three years.
- (d) Continued absence of any member from three consecutive regular meetings of the Committee shall render any such member liable for immediate removal from office. Removal shall be at the discretion of the Board of Health.
- (e) Vacancies for an unexpired term shall be filled by the Chairperson of the Board of Health.
- (f) The members of the Committee shall serve without salary or compensation.
- (g) The Health Officer or his designate shall attend all meetings and furnish secretarial services for the Committee.

(2) Duties and Responsibilities

- (a) It shall be the duty of the Committee to hear appeals from the decision of the Bureau of Public Health Engineering and to submit findings to the Health Officer.
- (b) The duties and powers of this Committee shall be in an advisory capacity only.

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(3) Procedures

- (a) The Committee shall annually elect one of its member to serve as Chairperson.
- (b) The Health Officer shall designate a clerk from the Department to serve as Recording Secretary to the Committee, who shall keep a detailed record of all proceedings on file in the Department and perform other secretarial duties as required by the Board.
- (c) Special Committee meetings may be called by the Health Officer or at the request of the Chairperson or any three members of the Committee.
- (d) Three voting members of the Committee shall constitute a quorum.
- (e) Public Hearings
  - (1) Any person dissatisfied with a decision of the Bureau of Public Health Engineering may request a hearing before the Committee. The Health Officer shall call a special meeting to hear this matter. Such meeting will be held within thirty days of the date the appeal is filed.

- (2) All hearings shall be open and public and any person whose interest may be affected by a recommendation of the Committee shall be given an opportunity to be heard.
- (3) The Committee shall render all recommendations in writing to the Health Officer. The Health Officer shall render a final decision within 10 days of receiving the Committee recommendations.
- (4) The applicant may waive a hearing by the Committee and appeal directly to the Health Officer. The Health Officer will in such cases render this decision within ten days of the date the appeal is filed.
- (5) The applicant shall include with this written appeal to the Committee a fee as shown in the Fee Schedule in Chapter I.

(f) Any person aggrieved by a decision of the Board of Health may at any time, within 30 days after the filing of the Board of Health's decision, file an appeal with the Superior Court of Maricopa County by following the various methods of appeal or review procedures in Arizona as set forth in the applicable statutes of the State of Arizona.

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(g) Conflict of Interest.

No member of the Committee shall vote on any question concerning a job or project in which he is engaged as contractor or material dealer, or in the preparation of plans or specifications, or on any job or project in which he has any direct or indirect personal or financial interest. In these instances, he shall also make full disclosure of his interest to the Committee.

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## **SECTION 2 WATER QUALITY STANDARDS**

### **REGULATION 1.       Quality of Water**

Swimming pool water shall be treated and maintained so that, whenever the swimming pool is open for use, the bacterial, chemical and physical quality of the water meets the standards set forth in these regulations.

### **REGULATION 2.       Water Source**

Only water from approved sources shall be used in swimming pools and other bathing places. Wastewater and reclaimed wastewater are not approved sources.

### **REGULATION 3.       Bacterial Standards**

Not more than 15 percent of the water samples collected from a pool shall:

1.       Contain more than 200 bacteria per milliliter, as determined by the standard (35) agar plate count, or
2.       Show a confirmed positive test for coliform organisms in any of the five-10 milliliter portions of a sample, or more than one coliform organism per 50 milliliters when the membrane filter test is used. All samples shall be collected, dechlorinated, or similarly neutralized when another disinfectant is used, and examined in accordance with the procedures outlined in the latest edition of "Standard Methods for the Examination of Water and Wastewater". The Department may collect, or require the owner to collect and submit, water samples for bacteriological examination on a routine basis while it is in active use.

### **REGULATION 4.       Chemical Standards**

Pool shall be continuously disinfected by an approved means which will maintain an adequate readily measurable residual of disinfectant in the water. Whenever chlorine, or a chlorine compound, is employed for pool disinfection, the amount of free chlorine residual in the water shall not be less than 1.0 ppm or more than 2.0 ppm for public and semipublic swimming pools, and shall not be less than 1.0 ppm or more than 3.0 ppm for a hydrotherapy pool, at a pH of 7.0 to 8.0. Whenever chlorinated isocyanurate or isocyanuric acid are applied to the water for stabilization, a level of 100 ppm or less shall be maintained. The procedure for determination of free chlorine residual shall be by the DPD method or any of the other procedures outlined in the latest edition of "Standard Methods for Examination of Water or Wastewater".

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### **REGULATION 5.       Physical Standards**

The surface of the pool water shall be kept free of scum and floating debris. The bottom and sides shall be maintained free of sediment, dirt, slime and algae. Water shall be maintained free of turbidity and shall be sufficiently clear so that the main drain outlet is clearly visible to an adult standing on the pool deck, or that a Secchi Disk 200 mm in diameter when placed at the bottom of the pool at the deepest point is clearly visible to an adult standing on the pool deck.

### **REGULATION 6.       Tests**

All pools shall be equipped with approved test equipment to determine pH and disinfectant residual. The pool operator shall perform the tests required by this regulation, and shall record the results of the tests in the daily operating records. Such records shall be made available to the Department upon request.

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**SECTION 3**  
**GENERAL DESIGN STANDARDS AND SPECIFICATIONS**

**REGULATION 1.        Materials**

Material and construction of a swimming pool shall be sound, durable and, where required, waterproof. The pool shall be rigid, smooth, free from cracks, easily cleanable and finished in either white or light color. Corners shall be rounded. Pool linings, specifically plastic and similar linings, and finishes not totally bonded to the pool sides and bottom are prohibited.

**REGULATION 2.        Fill and Draw Pools**

The construction and operation of fill and draw pools is prohibited.

**REGULATION 3.        Water Recirculation and Filtering System**

General - The water recirculation system, consisting primarily of piping, pumps, filters, water conditioning and disinfecting equipment, together with other standard accessory equipment, shall be adequate to clarify and disinfect the entire contents of the pool within 8 hours or less. Water withdrawn shall not be returned to the pool unless it has been filtered and otherwise treated in an approved manner. The water recirculation system shall operate on a continuous basis.

- a.        The water recirculation system shall consist primarily of piping, pumps, filters, water conditioning and disinfecting equipment, together with other standard accessory equipment.
  - (1)       Each bathing place shall be provided with a separate and distinct recirculation system.
  - (2)       A common chlorine gas disinfection system may be utilized if separate metering and feeding devices are provided for each bathing place.
  
- b.        The water recirculation system shall be adequate to clarify and disinfect the entire contents of the pool within eight (8) hours or less. Water withdrawn by the circulation system shall not be returned to the pool unless it has been filtered and otherwise treated in a manner as approved by the Department. Bypassing chemical feeders or other similar devices may be exempted from this requirement with the approval of the Department.
  
- c.        The water recirculation system shall operate continuously.
  
- d.        Seasonal closing of the pool shall be allowed if:
  - (1)       A sign is posted that the pool/spa is closed;
  - (2)       The gates are locked shut;
  - (3)       The Department is notified in writing of any such closure.

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**REGULATION 4.        Piping**

Piping systems shall be:

- a.        Designed to carry the required quantity of water at a velocity of not more than 10-feet per second when located on the discharge side of a pump and not more than 6-feet per second when located on the suction side of a pump.
  
- b.        Of sufficient strength to withstand operating pressures.
  
- c.        Made of non-toxic materials.
  
- d.        Reasonably resistant to corrosion under conditions of operation.
  
- e.        Installed so that pipe and fittings which pass through the pool structure shall not project in a manner which is hazardous to users of the facility.

- f. Comply with the sizes and flow rates shown in the following table unless accompanied by an approved hydraulic design:

| <b>MAXIMUM FLOW RATES (C=140)</b> |               |               |           |               |           |           |           |
|-----------------------------------|---------------|---------------|-----------|---------------|-----------|-----------|-----------|
| <b>PIPE</b>                       | <b>1 1/4"</b> | <b>1 1/2"</b> | <b>2"</b> | <b>2 1/2"</b> | <b>3"</b> | <b>4"</b> | <b>6"</b> |
| <b>GPM PRESSURE SIDE</b>          | 25            | 60            | 90        | 120           | 220       | 350       | 800       |
| <b>GPM SUCTION SIDE</b>           | 15            | 35            | 50        | 80            | 120       | 220       | 450       |

- g. Meet or exceed National Sanitation Foundation Standards.

**REGULATION 5. Identification**

Piping systems shall be identified by name tags, or appropriate colors painted or located at conspicuous points.

**REGULATION 6. Hair Strainer**

The recirculation system shall include a removable strainer to prevent hair, lint, etc. from reaching the pump and filters. Strainers shall be of corrosion-resistant material, with openings having a total area equal to 4 times the area of the recirculation pump suction pipe.

**REGULATION 7. Pool Water Cleaning System**

A pool vacuum cleaning system shall be provided for public and semipublic swimming pools with the exception of hydrotherapy pools.

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The cleaning system provided shall not create a hazard or interfere with the operation or use of the pool. In integral systems, connection shall be provided in sufficient number and located in the pool walls at least 10 inches below the water line. In addition, automatic or self-cleaning systems may be installed as approved by the Department.

**REGULATION 8. Inlets**

Adjustable pool wall inlets shall be provided on all pools. Inlets shall be of sufficient number, properly designed, sized and installed to produce uniform circulation throughout the pool. There shall be a minimum of six inlets, spaced not more than fifteen (15) feet as measured along the pool periphery. At least one inlet shall be located within five (5) feet of each corner and in each step alcove. Inlets shall be on a closed loop piping system. Where the width of the pool exceeds thirty (30) feet, bottom returns will also be required. Bottom returns shall be flush with the pool bottom or of such design as to prevent injury to bathers. Bottom return will be considered to have an area of influence described by a radius of fifteen (15) feet.

**REGULATION 9. Drains**

Pools shall be equipped with at least one main drain located in the deepest portion. Drains shall be covered by gratings, which are not readily removable by bathers and which have safe openings at least 4 times the area of the drain pipe. Drains shall be spaced at intervals of not greater than one each 20 feet of pool width in the deepest portion.

**REGULATION 10. Water Treatment**

Chemical feeders, mixing tanks and other equipment may be required where the continuous addition of certain chemicals is deemed by the Department to be necessary for the treatment and filtration process.

**REGULATION 11. Flow Meter**

When deemed necessary by the Department, an accurate rate-of-flow indicator shall be installed and located so that the rate of recirculation and rate of backwash will be indicated. Indicators shall be accurate to 5% under all conditions of flow. The indicator shall have a range of at least 150% of the normal flow rate.

**REGULATION 12. Sight Glass**

Pressure filter systems shall be equipped with a sight glass installed on the waste discharge pipe.

**REGULATION 13. Air Relief Valves**

Each pressure filter shall be equipped with an air relief piping system connected at an accessible point near the crown. Automatic air relief systems may be used in lieu of manual systems.

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**REGULATION 14. Access to Equipment**

Filters shall be designed, located and constructed to permit removal of filter manhole covers or heads for inspection purposes and replacement or repair of the filter elements or media. No filter or filtration system shall be installed beneath the surface of the ground or within any enclosure without adequate provision of access for inspection and maintenance.

**REGULATION 15. Filtration Rate - Sand**

The rate of filtration in high-rate sand filters shall not exceed an equivalent of 20 gallons per-minute per-square foot. Sufficient surface area of filter media shall be provided to achieve this rate.

**REGULATION 16. Filtration Rate - Diatomaceous Earth**

The rate of filtration of diatomaceous earth filters shall not exceed 2 gallons per-minute per-square foot of effective surface area.

**REGULATION 17. Filtration Rate - Cartridge Type**

The rate of filtration of cartridge filters shall not exceed 0.375 gallons per-minute per-square foot.

**REGULATION 18. Acceptable Filters**

Only those filter types which meet the standards set forth by the National Sanitation Foundation will be acceptable.

**REGULATION 19. Gauges**

Pressure gauges shall be installed on the inlet side of the pump, and the inlet and outlet manifold of filters. Such gauges shall read at one (1) pound pressure intervals or in inches of vacuum.

**REGULATION 20. Cross Connection Control**

Cross connections between potable water piping and the recirculation system or water reservoir of any pool are prohibited. Potable water for make up water purposes may only be introduced into the reservoir across an air gap of at least twice the diameter of the pipe, not less than 6-inches above the overflow level, 3-inches above the overflow rim of a float controlled make up water feed tank, or by a submerged inlet which is properly protected against back siphonage by a backflow prevention device meeting American Water Works Association standards.

**REGULATION 21. Signs**

Swimming pools not meeting the minimum dimensions specified in Appendix A for diving board equipped pools shall prominently display at least one sign which cautions bathers that the pool is shallow and not suitable for diving. This warning shall be in letters 3" or larger.

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**REGULATION 22. Roof Drain Water**

Rain water draining from any structure must be diverted away from the swimming pool and pool deck to a suitable point of disposal.





## **SECTION 4 DISINFECTION**

### **REGULATION 1. Disinfecting Agents**

Effective water disinfection shall be provided and maintained in all pools. This shall be accomplished by chlorination or other approved methods which will effectively maintain in the pool water an adequate, readily measurable residual amount of the disinfectant introduced into the water. The use of chlorinated cyanurate for disinfection and stabilization is permitted but chlorine-ammonia disinfection is not permitted. The addition of undissolved or gaseous disinfectant directly into the pool is prohibited.

### **REGULATION 2. Gaseous Disinfectants**

When gaseous chlorine is used, the following additional features shall be provided:

- a. The chlorine and chlorinating equipment shall be located in a separate well-ventilated enclosure on or above ground. The enclosure shall be reasonably gas-tight, noncombustible and corrosion-resistant. The door of the chlorine enclosure shall open to the outside and shall not open directly toward the pool. If chlorination equipment is placed in a room, an exhaust fan or gravity ventilation system shall be provided. Mechanical exhausters shall take suction 6 inches or less above the floor and discharge through corrosion-resistant louvers to a safe outside location. Gravity ventilation shall be constructed so as to discharge to the outside from floor level. Fresh air intakes shall be located no closer than three feet above the ventilation discharge. In all cases, the chlorine room exhausts shall be directed away from the pool to an area which is normally unoccupied. Chlorine room fans must run continuously and be capable of completely changing the air in the room at least one time in a minute. One electrical switch to control artificial lighting shall be located on the outside of the enclosure and adjacent to the door.
- b. Chlorine cylinders shall be kept in an upright position and securely anchored to prevent their falling. Cylinders may be stored indoors or out. If the cylinders are stored outside, they must not be stored in direct sunlight. Keys shall be maintained on the chlorine cylinder so supply can be shut off quickly in the case of an emergency.
- c. A sign must be placed on the outside of the door which cautions persons of the danger of chlorine gas within the enclosure. The warning shall be in letters 3" high or larger.
- d. The device shall be solution-feed type, capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere.
- e. The chlorinators shall be designed to prevent the backflow of water into the chlorine solution container.

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### **REGULATION 3. Liquid Disinfectants**

Hypochlorite solutions shall be fed by an acceptable type of hypochlorinator.

### **REGULATION 4. Dry Disinfectants**

Granular, tablet, stick and other forms of dry disinfectant shall be fed by an adjustable automatic feeding device.

### **REGULATION 5. Disinfection Equipment**

Disinfectant equipment which meet the standards set forth by the National Sanitation Foundation or the Chlorine Institute shall be accepted.

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**SECTION 5  
BATHHOUSE AND DRESSING ROOM FACILITIES**

**REGULATION 1. For All Swimming Pools**

- a. The general layout of bathhouses shall be such that bathers leaving the dressing room pass the toilets and showers, in sequence before entering the pool.
- b. Separate dressing rooms shall be provided for each sex and equipped with baskets or other checking facilities adequate for the maximum number of people to be accommodated.
- c. All entrances to, and exits from, the dressing rooms shall be effectively screened to interrupt the line of sight of persons outside the dressing rooms.
- d. Walls and partitions of dressing rooms, lockers rooms, toilets and showers shall be light colored, smooth, nonabsorbent, and easily cleanable. Concrete or pumice blocks used for interior wall construction in these locations shall be finished and sealed to provide an easily cleanable surface.
- e. Floors shall be of nonslip construction, free of open cracks and sloped to adequate drains so that the surface will be free of standing water and puddles.
- f. All furniture shall be of simple character and easily cleanable. Locker compartments, partitions, furniture and other appurtenances to dressing rooms shall be so installed or raised above the floor to permit thorough cleaning and flushing down the dressing rooms and bathhouse interior.
- g. Hose bibs shall be provided for flushing down the dressing rooms and bathhouse interior.
- h. Dressing rooms, toilets and showers shall be provided with adequate lighting and ventilation.
- i. Toilet facilities shall be provided for each sex in accordance with the table below.

**MEN**

- 1 toilet for each 100 bathers or fraction thereof.
- 1 urinal for each 100 bathers or fraction thereof.

**WOMEN**

- 1 toilet for each 50 bathers, or fraction thereof, but in no case shall less than 2 toilets be provided.

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- j. Shower and handwashing facilities with hot and cold water and soap shall be provided for each sex in accordance with the table below. Tempered water only shall be provided at all shower heads. The water heater and thermostatic mixing valve shall be inaccessible to bathers and shall be capable of providing 2 gpm of 90 F. water to each shower head.

**MEN OR WOMEN**

- 1 shower for each 50 bathers or fraction thereof.
- 1 lavatory with mirror for each 100 bathers or fraction thereof.

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## SECTION 6 PUBLIC SWIMMING POOLS

In addition to complying with the regulations in Section 1 through 5 of the Chapter, public swimming pools shall comply with the following regulations.

### **REGULATION 1. Design Standards and Specifications**

- a. Public pools shall be constructed of concrete, or other material impervious to water which is equivalent in strength and durability, with a smooth surface and designed and built to withstand anticipated stresses. All corners must be rounded. A white or light colored waterproof interior finish, which will withstand repeated brushing, scrubbing and cleaning shall completely line the pool to the coping. Pool linings not totally bonded to the pool sides and bottom, such as plastic films and similar linings and finishes, are prohibited.
- b. No projections from the pool wall and floor surfaces shall be allowed except for ladders, or seats and steps which may be constructed only in the shallow end of the pool. The seat, bench and step edges shall be outlined with a sharply contrasting colored tile or other suitable material which is clearly visible from the edge of the pool adjacent to the steps.
- c. Water depth shall be conspicuously and permanently marked on the walls of the pool and shall be visible in or out of the water. Markings are required at 1-foot depth intervals to a depth of 5-feet, and at the deepest point. Where the design of the overflow system makes it impractical to place these markings on the pool wall, they may as an alternate be placed on the horizontal deck surface. Thereafter markings shall be located in accordance with the design of the pool for maximum protection of bathers. Depth markers shall be in numerals of 4 inch minimum height and of a uniform color on a background of contrasting uniform color. In pools utilized for competitive swimming and training, approach warning markings must be installed under the water level on opposite walls at the end of each swimming lane in the pool. Warning markings must be of uniform color and size on a background of contrasting uniform color. In addition, they must be clearly visible in or out of the water at all times from a distance of not less than 10 feet.
- d. Floor Slope. No change of slope shall occur in depths less than 5-feet, and the slope shall not exceed 1 foot in 10 feet.
- e. For the purposes of these Regulations, that portion of a swimming pool 5-feet or less in depth shall be designated as the "non-swimmer" area. That part of the pool deeper than 5-feet shall be designated as the "swimming" area. In designing pools and computing bathing load, pool areas shall be proportioned as follows:

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1. 10 square feet of pool surface per bather shall be provided in the "non-swimmer" area.
2. 24 square feet of pool area shall be provided for each swimmer in the "swimming" area.
3. 300 square feet of pool area shall be reserved around each diving board or diving platform. This reserved area shall not be included in determining the "swimming" area.

### **REGULATION 2. Overflow Collection Systems**

An overflow collection system shall be installed in all public pools.

- a. The overflow system shall be designed and constructed so that the level of the pool is maintained at the mid-point of the operating range of the skimmers.
- b. Rim type overflow systems where used shall be installed on at least two opposite sides and have a total length of at least 50 percent of the perimeter of the pool. The system shall be capable of carrying 50 percent of the design capacity of the recirculating system. The surge

tank shall be equipped with float controls regulating the main drain, fill line and overflow. It shall have a capacity in gallons equal to the surface area of the pool measured in square feet.

- c. Overflow gutters, where used, shall be installed continuously around pools with the lip of the gutter level throughout its perimeter. They shall be provided with sufficient opening at the top and width at the bottom to permit easy cleaning. The gutter bottom shall be pitched one-quarter inch per foot to drainage outlets located not more than 10 feet apart. Outlet piping shall be sized to circulate at least 50 percent of the capacity of the circulating system and be properly covered by a drain grate. The surge tank shall be equipped with float controls regulating the main drain, fill line and overflow. It shall have a capacity in gallons equal to the surface area of the pool measured in square feet.
- d. Skimming devices, where used, shall be recessed into the pool wall and shall be installed to achieve effective skimming action throughout the pool. Skimmers shall be provided on a basis of at least one skimmer for each 400 square feet of surface area. The overflow slot shall be set level and shall not be less than 8 inches in width at the narrowest section. The rate of flow through the skimmers shall be a minimum of 75 percent of the recirculation system capacity. Skimmers shall be designed to carry at least 30 GPM per lineal foot of weir throat. A minimum of two skimmers are required in swimming pools. Where three or more skimmers are used, they must be on a closed loop piping system. Main drain piping shall be designed to carry a minimum of 50% of the design flow.

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- e. Mixed inlet types, such as, skimmers and gutters are prohibited on the same body of water.

### **REGULATION 3. Ladders and Steps**

At least one ladder shall be provided in the deeper section of swimming pools. Where the deep section is greater than 20 feet in width, two ladders, located on opposite sides of the deep section are required. A minimum of two means of egress will be required in all pools. There shall be at least one ladder or stair for each 75 feet of perimeter. Preformed step holes and suitable handrails may be substituted for ladders. At least one set of steps shall be provided in the shallow end of each swimming pool. Steps must be permanently marked so as to be clearly visible from above or below the pool surface and shall not project into the pool in a manner which will create a hazard. Handrails shall be provided at one side or in the center of all stairways.

### **REGULATION 4. Lighting**

It is the responsibility of the owner to insure that the pool and deck areas shall be lighted by natural or artificial means when in use.

### **REGULATION 5. Hose Bibbs**

Hose bibbs shall be provided along the perimeter of the deck so that all parts of the deck may be reached with a 50-foot hose. Hose bibbs shall be protected against back siphonage.

### **REGULATION 6. Diving Facilities**

- a. Diving facilities shall be rigidly constructed and properly anchored with sufficient bracing to insure stability. Handrails shall be provided at all steps and ladders leading to diving boards one meter or more above the water. Diving facilities shall be finished with a durable non-slip material maintained free of tears, splinters, or cracks. Dimensions for diving facilities shall conform to those shown in Appendix A.
- b. Pools constructed prior to the effective date of these regulations which meet the provisions of the 1967 Maricopa County Health Code may continue to operate a diving facility where the diving board's height is less than 30" above the water surface, measured at the board plummet.

- c. Diving may be permitted from boards greater than 30" above the water surface on swimming pools which meet standards set forth in the Maricopa County Health Code which became effective on January 1, 1967, under the following conditions:

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1. The height of the diving board above the water surface shall be limited to a maximum of 10 feet (3 meters).
2. The pool must meet the minimum standards for a 3'3" diving board specified in Chapter VI, Bathing Places - Public and Semi-Public Swimming Pools (Effective January 1, 1967). The owner shall submit evidence to the Department that the pool meets these standards.
3. Diving must be under the direct supervision of a lifeguard or other responsible party.
4. The pool was approved for construction prior to February 11, 1981.
5. The pool owners shall provide and maintain on file with Maricopa County a current certificate of public liability insurance evidencing minimum limits of \$1,000,000 combined single limit for bodily injury and property damage liability. The certificate must further clearly indicate that Maricopa County is an additional insured and that no changes or modifications shall be effective in the coverage without 30 days prior notice to the offices of the Maricopa County Health Department, Division of Environmental Services.

#### **REGULATION 7. Lifeguards**

At all public pools at least one Lifeguard shall be on duty for each 2,000 square feet of pool surface area or 150 bathers or as approved by the Department.

Lifeguards shall be in constant attendance during bathing hours and no bathers shall be permitted in a pool area unless lifeguards are present.

#### **REGULATION 8. Lifeguard Chairs**

Each public pool shall have at least one elevated lifeguard chair for each 2,000 square feet of pool surface area or 150 bathers. The chairs must be located close to the deeper portion of the pool and provide a clear, unobstructed view of the pool bottom.

#### **REGULATION 9. Safety Equipment**

Safety equipment consisting of at least 2 ring buoys, each with 50 feet of 1/4 inch rope attached, and one shepherd's crook mounted on a rigid 16 foot pole shall be provided at each public pool. Safety equipment shall be located and maintained ready for immediate use at all times.

#### **REGULATION 10. Drinking Water Supply**

Drinking water from an approved source and dispensed through one or more approved sanitary drinking fountains shall be located on the deck of public pools.

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#### **REGULATION 11. Fencing**

All public pools and walkways adjacent to such pools shall be enclosed by a durable fence or wall at least six (6) feet high to provide bather control while the pool is in operation, exclude animals, and to prohibit any person from using the pool except when a lifeguard is on duty. Fences, walls or artificial barriers shall:

1. Be constructed so as to afford no external handholds or footholds;
2. Be of materials which are impenetrable by small children, dogs livestock, etc.;
3. Be a minimum of six (6) foot high above the highest practical foothold, curb, or (in the case of a combination fence) the base wall;

4. Have openings or spacings of such size that a spherical object four (4) inches in diameter cannot pass through;
5. Be equipped with a self-closing and positive self-latching closure mechanism or a locking closure located at or near the top of the gate.

In addition, the mechanical filtering, disinfection and recirculating equipment must be protected from tampering by a suitable enclosure or fence.

**REGULATION 12. Lifeline**

A lifeline shall be installed across each public swimming pool at the point where the floor slope begins to exceed 1 foot in 10 feet whenever the pool is open for use by the general public. The lifeline shall be 3/4 inch minimum diameter and supported by floats.

**REGULATION 13. Waste Water Disposal**

All sewage from plumbing fixtures, including urinals, toilets, lavatories, showers, drinking fountains, floor drains and other sanitary facilities shall be disposed of in a sanitary manner. The backwash from filters and wasted pool water may be disposed of, in whole or in part, by other approved means. There shall be no direct physical connection between the sewer system and any drain from the pool or recirculation system.

**REGULATION 14. Miscellaneous**

- a. Walkways shall be provided adjacent to the pool and shall:
  1. Be at least 10 feet wide, except that where diving boards and platforms are installed the walkway shall extend at least 5 feet to each side and behind the board or platform but not less than 15 feet from the pool wall.
  2. Slope away from the pool with a pitch of at least 1/4 inch per foot to properly located deck drains or other approved points of disposal.
  3. Walkways shall be constructed of concrete or other inorganic material, with a non-slip finish, free of sharp or jagged edges or surfaces.
- b. Freeboard may not exceed 8 inches.

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## **SECTION 7 SEMIPUBLIC SWIMMING POOLS**

In addition to complying with the Regulations in Section 1 through 5 of this Chapter, semipublic swimming pools shall comply with the following Regulations and Section 6, Regulation 1, 2, 3, 4, 5, and 6.

### **REGULATION 1. Safety Equipment**

Safety equipment consisting of at least one ring buoy with 50 feet of 1/4 inch rope attached, and one shepherd's crook mounted on a rigid 16 foot pole shall be located and maintained ready for immediate use at each pool.

### **REGULATION 2. Fencing**

- a. All swimming pools shall be protected by a fence, wall or other approved barrier from all parts of the premises not directly related to the swimming pool. Fences, walls or artificial barriers shall:
  1. Be constructed so as to afford no external handholds or footholds.
  2. Be of materials which are impenetrable by small children, dogs, livestock, etc.
  3. Be of four (4) foot minimum height.
  4. Be equipped with a self-closing and positive self-latching closure mechanism located at or near the top of the gate.
  5. Have openings or spacings of such size that a spherical object four (4) inches in diameter cannot pass through.
- b. In addition, the mechanical filtering, disinfection and recirculation equipment must be protected from tampering by an enclosure or fence as described in paragraph a. A locked closure can be provided in lieu of a self-closing and positive self-latching closure.

### **REGULATION 3. Walkways**

- a. Walkways shall be provided immediately adjacent to semipublic pools and shall be at least 4 feet wide, except that where diving boards and platforms are installed the walkway shall extend at least 4 feet to each side and behind the board or platform.
- b. Slope away from the pool with a pitch of at least 1/4 inch per foot to properly located deck drains or other approved points of disposal.
- c. Walkways shall be constructed of concrete or other inorganic material, with a non-slip finish, free of sharp or jagged edges or surfaces.
- d. Design of walkways shall conform to the dimensions shown in Appendix A, as applicable.

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### **REGULATION 4. Floor Slope**

In water less than five feet in depth the slope shall not exceed 1 foot in 10 feet.

### **REGULATION 5. Bathhouses and Dressing Room Facilities**

Establishments operating semi-public pools which provide clean and sanitary private rooms, including toilet, body washing and drinking water for all bathers, shall be deemed to have complied with Section 5, Regulation 1.



**REGULATION 6. Depth**

The depth in the shallow portion of the pool shall not be greater than 3' - 0".

**REGULATION 7. Freeboard**

Freeboard may not exceed 8 inches, except, freeboard may be increased in those cases where it is desired to provide walls, terraces, etc., provided that the following are complied with:

1. Guard rails or other similar devices must be provided to prevent the raised areas use as a diving platform.
2. The vertical surface of these sections must be constructed of sound durable inorganic material, rigid, smooth, and easily cleanable.
3. The horizontal surfaces must comply with the provisions for walkways.
4. The vertical surface area of these sections will be included as surface area of the pool for determining the type, size, location and numbers of equipment and piping.
5. The length and height of the section where freeboard is increased shall be limited. The Department will pass on each case as unique, and consideration will be given to factors of safety, exit distance, alternative exits, location, water.

## **SECTION 8 WADING POOLS**

In addition to complying with the regulations in Section 1 through 7 of the Chapter, wading pools shall comply with the following regulations.

### **REGULATION 1.       Public**

In public bathing places, wading pools shall be separated from swimming pools by a minimum 4 foot high fence or partition with self-closing, self-latching gate to prevent the direct entrance of waders into the swimming pool area.

### **REGULATION 2.       Semipublic**

Wading pools shall be separated from semi-public swimming pools by a minimum of four feet of walkway.

### **REGULATION 3.       Depth**

Wading pools shall have a maximum depth of 20 inches, the slope of the bottom shall not exceed one foot in 12 feet, and a non-slip surface shall be provided.

### **REGULATION 4.       Circulation**

Wading pools shall have a maximum turnover cycle of one hour. All wading pools must have separate equipment for water recirculation and disinfection and there shall be no cross-connection between a wading pool and any other pool. A main drain waste outlet shall be provided at the deepest point in a wading pool. Skimmers shall be provided on the basis of at least one skimmer for each 200 square feet of wading pool surface area. Skimmer flow rates shall be the same as required for swimming pools. Where only one skimmer is provided, the main drain may be connected through the skimmer. Inlets shall be provided on a basis of at least one for each 15 feet of periphery. Where three or more inlets are required, they shall be on a closed loop piping system. Gaseous chlorine shall not be used for disinfection of wading pool water.

### **REGULATION 5.       Drinking Fountains**

A sanitary drinking fountain at a height convenient to small children shall be provided at one side or end of the area. Alternately, a fountain with a raised step, to enable small children to drink without assistance, may be provided.

## **SECTION 9 HYDROTHERAPY POOLS**

In addition to complying with the Regulations in Section 1 through 7, with the exception of Section 6, Regulation 9, of this Chapter, hydrotherapy swimming pools shall comply with the following Regulations.

### **REGULATION 1.       Depth**

Hydrotherapy pools shall have a maximum depth of 42 inches. The bottom shall have a maximum slope of one foot in 10 feet and be finished with a non-slip surface. A set of entrance steps and handrails shall be installed. All steps, benches, or other projections from the walls shall be outlined on the top surface edges by a continuous line of dark contrasting colored tile or other suitable material, that is clearly visible from the edge of the pool.

### **REGULATION 2.       Circulation**

Hydrotherapy pools shall have a maximum turnover cycle of one hour. A separate water recirculation and disinfection system shall be installed for hydrotherapy pools. Therapy heads or other devices which create roiling water or other similar effects may not be connected to the recirculation system, but must be operated through a separate system. A waste outlet main drain shall be provided. Skimmers shall be provided at the rate of one (1) skimmer for each 200 square feet of pool surface. Skimmer flow rates shall be the same as required for swimming pools. Where only one skimmer is provided, the main drain may be connected through the skimmer. Inlets shall be provided on a basis of at least one for each 15 feet of pool periphery. Where three or more inlets are required they shall be on a closed loop piping system.

### **REGULATION 3.       Walkways**

A minimum of four (4) feet of deck shall be provided on at least two (2) contiguous sides of the pool and 50 percent of the periphery. When applicable, the remaining deck shall not be more than eight (8) inches in width and shall be designed to preclude its use as a walkway.

### **REGULATION 4.       Drains**

All drains and outlets of hydrotherapy pools must have plumbing provisions so as to relieve any possibility of entrapping suction. The total velocity through grate openings shall not exceed 2 feet per second.

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### **REGULATION 5.       Disinfection**

Gaseous chlorine shall not be used for the disinfection of hydrotherapy pools.

### **REGULATION 6.       Separation Walls**

Where a hydrotherapy pool is located contiguous with a swimming pool, the separating wall shall be designed to preclude its use as a walkway unless the minimum required walkway widths can be maintained.

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**SECTION 10  
SPECIAL USE POOLS**

**REGULATION 1. Supplemental Standards and Requirements**

Persons intending to construct a special use pool shall notify the Department and provide plans, specifications, and a description of the intended use. The Department will determine which of the Regulations in this Chapter apply to the proposed special use pool. The Department may, at its discretion, establish additional standards or requirements for special use pools, taking into consideration the intended use of the pool, the conditions under which it will be operated and any special circumstances.

**REGULATION 2. Alternate Design**

Where an alternate design for a bathing place or any part thereof is proposed, which complies in principle with the provisions of this Sanitary Code, such design may be approved by the Department.

**REGULATION 3. Exercise or Training Bars**

- a. A swimming pool designed with exercise or training bars in the pool shall be restricted to special use when the bars are located in the pool.
- b. Bars shall be constructed of durable material and be reasonably resistant to corrosion under conditions of operations.
- c. Bars shall be sealed, welded shut or capped at both ends to prevent retention of water within the bars.
- d. Bars may be removable. The bars then shall be wedge anchored in place with a cover plate provided. Watertight anchor plugs (95% efficiency) shall be provided when the bars have been removed.
- e. Bars shall extend not more than four (4) inches from the side of the pool into the water. The minimum clear opening from the inside of the bar to the side of the pool shall not be less than two (2) inches.

**REGULATION 4. Ramps**

Where a ramp is to be installed in a swimming pool, the ramp shall be constructed:

- a. Of non-slip material.
- b. With a slope not to exceed one (1) foot in ten (10) feet.
- c. With a width of at least three (3) feet.
- d. With a level platform at the top and bottom of the ramp.
- e. With at least a three and one-half (3 1/2) foot high guardrail installed on the deck and extending the length of the ramp.
- f. With return(s) to be located on the pool and ramp walls along the length of the ramp.

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**SECTION 11**  
**NATURAL AND SEMIARTIFICIAL BATHING PLACES**

**REGULATION 1.      Water Quality**

- a.      Approval of natural and semiartificial bathing places will be based upon the results of a sanitary survey of the drainage area and the results of examination of bacteriological, chemical and physical quality of the water in the proposed bathing area.
- b.      The water shall be considered acceptable for bathing purposes, from a bacterial standpoint, when the average MPN of coliform organisms of a representative number of samples is not greater than 1,000 per 100 ml.
- c.      A bathing place shall be located so that it will not be adversely affected by the discharge of sewage, reclaimed wastewater or objectionable industrial wastes; nor shall it be so located that by its use it will affect the source of supply of a public supply system.

**REGULATION 2.      Bathhouse**

The provisions of Regulation 1, Section 5, shall apply to all natural and semiartificial bathing places, except that hot water for all showers and lavatories may not be required.

## SECTION 12 ARTIFICIAL BATHING LAKE

In addition to complying with the Regulations in Sections 1 and 5 of this Chapter, artificial bathing lakes shall comply with the following regulations.

### **REGULATION 1.       General Health and Safety Requirements**

The design, construction, operation and maintenance of artificial bathing lakes shall be such as to reduce to a minimum the risks of drowning, injury and transmission of disease.

- a.       The facilities operation shall be under the close supervision of the owner or his designated representative.
- b.       The operator(s) shall perform tests or have tests performed by a certified laboratory to show the degree of compliance with these regulations and shall record the results of the tests in the daily operation record. Such records shall be maintained on the premises and made available to the Department upon request. They shall include as a minimum:
  - (1)       pH - once daily
  - (2)       Bacteriological results - weekly
  - (3)       Turbidity, as measured by secchi disk - once daily
  - (4)       Temperature - once daily
- c.       Persons with sore or inflamed eyes, colds, nasal or ear discharges, boils or other acute or obvious skin or body infections, or cuts shall be excluded from the artificial bathing lake. No person in or at an artificial bathing lake shall commit, or be permitted to commit, any act prejudicial to the life or health of any other person using the artificial bathing lake. Domestic animals shall be excluded from the bathing area(s).

### **REGULATION 2.       Water Quality - Hazard Control**

The waters and environs of all bathing area(s) shall be kept free of slime, algae, aquatic growths, organic sediments, debris and other offensive materials. The breeding of mosquitos, midges, water snails, and other aquatic pests shall be properly controlled.

- a.       The water shall, at all times, be such that there is no irritation to the eyes or the skin of the bathers, nor other objectionable physiological effects to the bathers. Water in the artificial bathing lake shall have a pH of not less than six point eight (6.8) or more than eight point four (8.4).

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- b.       The water shall be considered acceptable for bathing purposes, from a bacterial standpoint, when the average MPN of coliform organisms is not greater than 1,000 per 100 ml. Operators shall collect one sample per acre in the bathing area and one sample per 10 acres of overall lake surfaces.

All samples shall be collected and examined in accordance with the procedures outlined in the latest edition of "Standard Methods for the Examination of Water and Wastewater". The owner shall collect and submit weekly water samples for bacteriological examination on a routine basis while the bathing area is in active use.

- c.       An artificial bathing lake shall be located so that it will not be adversely affected by the discharge of sewage or objectionable industrial wastes; nor shall it be so located that by its use it will affect the source of supply of a public supply system.
- d.       Water used in an artificial bathing lake must be obtained from a certified public water supply or an approved source.

Treated sewage effluent is not an approved source.

- e. Water clarity shall be maintained free of turbidity and shall be sufficiently clear such that a secchi disk is visible at a depth of five (5) feet from the side of a boat in the designated swimming area.
- f. When the bacteriological, pH or water clarity standards are not met, water contact recreation shall be halted and shall not commence until written approval is obtained from the Department.

**REGULATION 3. Approval of Plans and Construction Required**

- a. No artificial bathing lake shall be constructed, nor shall any bathing lake now or hereafter existing be materially altered or enlarged before complete plans and specifications, together with such further information as the Department may require, has been submitted to and received the written approval of the Department.
- b. Approval of artificial bathing lakes will be based upon the results of a sanitary survey of the drainage area and results of examination of bacteriological, chemical and physical quality of the water in the proposed bathing area.

General construction plans submitted to this Department shall include, but are not limited to the following:

1. A sanitary survey of the area's watershed.
2. The water circulation and dilution patterns.
3. A description of the proposed activities.
4. Grading and drainage plans.

Every proposed operation shall be adequately considered by a detailed study to anticipate all potential hazards of a mechanical, chemical, microbiological and other relevant danger.

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- c. An application or approval of any proposed artificial bathing lake shall be made to the Department by the owner on forms furnished by the Department. Such application for approval shall accompany the plans and specifications at the time of submission to the Department for review.
- d. If any additional construction or modification of the facility shall be required, plans and specifications of the proposed facility shall be submitted for approval as required in Regulation 3.b.
- e. Plans and specifications shall be submitted to the Department at least 15 days prior to the date upon which action is desired. Plan documents submitted for approval shall include a general plot plan, plans and specifications showing the shape, dimensions, water treatment and pumping facilities, piping arrangement and sizes, source of water supply, method of disposal of wastes, together with all pertinent data upon which the design is based, including capacities of the various units, safety equipment, and other information necessary to permit a clear and full understanding of the proposed project. Detailed plans of bathhouses, dressing rooms, toilets, recreational and other bathing appurtenances shall be included.
- f. All plans specifications submitted to the Department for approval must have been prepared by, or under the supervision of, a currently Registered Arizona Professional Engineer who is licensed to practice in the State of Arizona, who shall certify that the plans comply with these Regulations.
- g. All work shall conform to approved plans and specifications. Should it be necessary or desirable to make any changes in the approved plans and specifications of the proposed work, revised plans and specifications, together with a written statement of the reasons for such change, shall be submitted to the Department for review. Approval must be obtained in writing before the work affected by the change is undertaken.

- h. The Department will, upon receipt from the applicant of reasonable advance notice of readiness therefore and of the required inspection fees, make necessary inspections to determine that the artificial bathing lake is in compliance with these Regulations. It shall be deemed acceptable only after examination and issuance of written approval by the Department.
- i. Before initial approval shall be given for the operation of an artificial bathing lake, the currently registered engineer shall certify that the completed bathing lake is constructed in accordance with the approved plans and specifications.

#### **REGULATION 4. Permit Required**

No artificial bathing lake shall be maintained or operated in Maricopa County without a permit in force issued by the Department. The permit shall be displayed in a conspicuous place on the premises where it may be readily observable by the public.

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#### **REGULATION 5. Standards and Construction**

- a. Shape: The bathing shorelines shall be formed and maintained in wide curves, shall avoid sharp angles or narrow confined inlets and shall otherwise avoid any design likely to impede circulation, obstruct visibility, or create any public health or safety hazard. A supplemental means of circulation (inflow and outflow of water) shall be provided. Such supplemental circulation methods require approval by the Department.
- b. No natural or artificial projections may adjoin a bathing area which would increase the freeboard to more than eight inches (8 inches).
- c. All swimming/wading and similar water contact activities shall be restricted to specified areas which shall be conspicuously marked by bright orange colored buoys delineating the outer perimeter of said areas. Such buoys shall be placed at proper intervals not greater than 100 feet, be of such size to be visible at a distance of 100 feet, and be marked with large contrasting colored numerals or signs sufficient to inform users of the water depth at such buoys, and shall otherwise be sufficient to warn users and boaters of the water swimming area limits. The bottom slope of the swimming/wading areas from the shoreline to the five (5) foot depth shall be not more than one (1) foot vertical in each twelve (12) feet horizontal.

Access to swimming, bathing and wading areas shall be controlled.

- d. Bottom composition: The bottom of the swimming and wading area from the shoreline to the five (5) foot depth shall be covered with river-run rounded sand particles light in color or other approved light-colored material, and sufficiently thick to prevent abrasion of feet by rocks and to contrast a submerged bather's body against a light-colored background.
- e. Deep swimming area: Where the depth of the artificial bathing lake exceeds five (5) feet a deep swimming area may be provided. This area shall have a relatively smooth bottom and should be free from projections.

Diving may be permitted in the deep swimming area provided that:

1. Depth of water is a minimum of twelve (12) feet.
2. This depth must extend a minimum of twenty (20) feet in front of the end of the board or diving platform.
3. The diving board or diving platform must be secured to a rigid structure.
4. A lifeguard must be stationed in the immediate vicinity of the diving area.
5. The diving board or diving platform height shall not exceed one (1) meter.

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6. The area shall be conspicuously marked by bright orange colored buoys located at the outer perimeter of said areas. Such buoys shall be placed at proper intervals of not greater than 25 feet and be of such size as to be visible from a distance of 100 feet and marked with large contrasting numerals or signs sufficient to inform users



- of water depth at such buoys and shall otherwise be sufficient to warn other users and boaters of the diving area limits.
7. The others shall provide and maintain on file with Maricopa County a current certificate of public liability insurance evidencing minimum limits of \$1,000,000 combined single limit for bodily injury and property damage liability. The Certificate must further clearly indicate that Maricopa County is an additional insured and that no changes or modifications shall be effective in the coverage without 30 days prior notice to the offices of the Maricopa County Health Department, Division of Environmental Services.
  8. Slides and other similar water recreation devices must comply with the standards for diving.
- f. Artificial bathing lakes which allow power boats, jet skis, or any other vehicle or device with an internal combustion engine shall prohibit wading, swimming and bathing.
  - g. Water levels in artificial bathing lakes shall be continuously maintained at the design level of plus or minus six inches (6"±).
  - h. Surface drainage: Except for natural springs and streams, all surrounding surface drainage, such as from streets, gutters, and every other significant source of polluted water from the land surrounding the body of water, shall be properly diverted away from the artificial bathing lake and disposed of in such a manner so as to not create a public nuisance.

#### **REGULATION 6. Lifeguards**

At least one (1) lifeguard and one (1) elevated lifeguard chair shall be provided for each 2,000 square feet of designated bathing area or 150 bathers as approved by the Department.

A lifeguard safety plan shall be submitted which includes stationing and areas of responsibility. The plan shall include and consideration be given to depth, line of sight, bather loads, training procedures, emergency procedures, lifeguard rotation, and other special conditions which might affect the safety of the bathers. The plan must ensure the safety of bathers and be on file with the Department.

Lifeguards shall be in constant attendance during bathing hours and no bathers shall be permitted in the designated swimming area unless lifeguards are provided.

#### **REGULATION 7. Safety Equipment**

Safety equipment shall be provided and maintained and will include, but is not limited to two (2) ring buoys, each with fifty (50) feet of 1/4 inch rope attached and a rescue boat. (Said boat shall be made available to the Department for physical standard measurements).

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#### **REGULATION 8. Signs**

No person or entity shall allow use of any artificial bathing lake without posting prominent signs indicating, in conspicuous letters at least four (4) inches high (or as directed by the Department), the depth of the water in the bathing area and differentiating the swimming area from other recreational area uses.

Signs shall be posted conspicuously on all access points in conspicuous letters at least four (4) inches high, "WARNING, NO SWIMMING ALLOWED WITHOUT A LIFEGUARD ON DUTY" and "SWIM ONLY" in the designated bathing area(s).

Signs shall be so located or constructed as to be protected from the elements.

#### **REGULATION 9. Bathhouse**

The provisions of Section 5, Regulation 1 shall apply to all artificial bathing lakes, except that hot water for showers and lavatories will not be required.

**REGULATION 10.      Lighting**

It is the responsibility of the owner to insure that all areas used for water contact recreation are adequately lighted during hours of use.

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**CHAPTER VII  
FOOD SERVICE WORKERS**

**REGULATION 1.       Definitions**

- a.       “Food Service Worker” means any person who handles, prepares, serves, sells or gives away food for consumption by persons other than his or her immediate family, or who handles utensils and equipment appurtenant thereto. The term does not include persons in establishments regulated under this 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.
- b.       “Food Service Manager” means any person who supervises/trains a food service worker(s) to follow all food safety regulations (Chapter VII and Chapter VIII). The manager shall be a full time employee of the individually permitted food establishment where employed.
- c.       “License” means a document issued by the Environmental Services Department certifying that an individual has fulfilled the requirements to work as a Food Service Manager or worker.
- d.       Pre-Packaged.
  - (1)       “Pre-Packaged” means bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a food establishment or a food processing plant.
  - (2)       “Pre-Packaged” does not include a wrapper, carry-out box, or other nondurable container used to contain food for the purpose of facilitating food protection during service and receipt of the food by the consumer.
- e.       Potentially hazardous food.
  - (1)       “Potentially Hazardous Food” means a food that is natural or synthetic and is in a form capable of supporting:
    - (i)       The rapid and progressive growth of infectious or toxicogenic microorganisms;
    - (ii)       The growth and toxin production of *Clostridium botulinum*; or
    - (iii)       In shell eggs, the growth of *Salmonella enteritidis*.
  - (2)       “Potentially Hazardous Food” includes a food of animal origin that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; and garlic and oil mixtures.
  - (3)       “Potentially Hazardous Food” does not include:
    - (i)       Air-cooled hard-boiled egg(s) with shell intact;
    - (ii)       A food with a water activity ( $a_w$ ) value of 0.85 or less;
    - (iii)       A food with a hydrogen ion concentration (ph) level of 4.6 or below when measured at 24°C (75°F.);
    - (iv)       A food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of non refrigerated storage and distribution; and
    - (v)       A food for which a variance granted by a duly authorized regulatory authority is based upon laboratory evidence demonstrating that rapid and progressive growth of infectious and toxicogenic micro-organisms or the slower growth of *C. botulinum* cannot occur.

**REGULATION 2.       Food Service Worker’s Training**

- a.       Within 30 days of hire date, all food service workers must obtain a Food Service Workers license by completing a food service worker’s sanitation course or test given by the

Department, or show evidence of having completed such a substantially similar course or test. A substantially similar course or test must be one sponsored or accredited by the Department and must result in the issuance of a license from the Department. All licenses, certification, diplomas, or other similar credential issued or granted under this subparagraph shall expire three years from date of issue. The Food Service Worker expiration date will begin upon passage of this Code with all existing licenses requiring renewal on January 1, 2001.

- b. Food Service Worker license must be renewed before the date of expiration. A fee established in Chapter I of the Maricopa County Environmental Health Code for initial issue and renewal shall be paid.

### **REGULATION 3. Display of Health Licenses**

Each food establishment shall maintain a separate file containing the licenses for each food service worker and food service manager. This file shall be accessible to the Environmental Health Specialist for review upon request.

### **REGULATION 4. Food Service Manager Training**

- a. All Food Service Managers must obtain a Food Service Manager's License by completing a Food Service Manager's Sanitation Course or test given by the Department, or show evidence of having completed such a substantially similar course or test. A substantially similar course or test must be one sponsored or accredited by the Department and must result in the issuance of a license from the Department. All licenses, certificates, diplomas, or other similar credential issued or granted under this subparagraph shall expire three years from date of issue. Full compliance with this requirement shall be met by January 1st, 2000.
- b. Each Food Service Manager must renew their license before the date of expiration. A fee established in Chapter I of the Maricopa County Environmental Health Code for initial issue and renewal, shall be paid. The Food Service Manager expiration date will begin on January 1, 2003, three (3) years from implementation of the program requirement. An expiration notice will be sent to the Licensee last known employer.

### **REGULATION 5. Food Service Manager's Duty**

- a. All food establishment locations shall have one certified food service manager on staff, who is either physically present or available by electronic or telephonic means, whenever the food establishment is in operation. A 90 day time period will be allowed to replace a food service manager who is no longer employed at an individual location.
- b. Whenever a food establishment is in violation of the provisions of the Maricopa County Environmental Health Code - Chapter VIII or the Arizona Administrative Code - R9-8-140, the Maricopa County Environmental Services Department may require, after notice to the establishment and opportunity for hearing, that a licensed Food Service Manager be physically present within the establishment whenever the establishment is in operation.

### **REGULATION 6. Communicable Disease**

- a. Notwithstanding any other provision in this Code, should the Environmental Health Officer reasonably believe that a Food Service Worker or Food Service Manager may be a carrier of or infected with a communicable disease which can be transmitted to the public, through food, the Environmental Health Officer shall immediately notify the Director of the Maricopa County Department of Public Health, (MCDPH) who may: (1) Examine or cause the examination of the Food Service Worker, and (2) secure from the Food Service Worker or Food Service Manager appropriate specimens or fluids of body discharge and cause them to be examined at a laboratory approved by the Director of MCDPH or by the Arizona Department Of Health Services. The Environmental Health Officer may exclude from any food service work any Food Service Worker or Food

Service Manager who has or demonstrates any illness or symptoms of a communicable disease that may be transmitted through food from food service work. A person so excluded shall not thereafter engage in food service work until approved by the Director of MCDPH.

- b. If required by the Director of MCDPH, a Food Service Worker or Food Service Manager shall furnish such information, submit to physical examination, and submit such specimen for laboratory examination, as the MCDPH Director may require for the purpose of determining freedom from communicable disease. The failure of a Food Service Worker or Food Service Manager to do so to the satisfaction of the Director of MCDPH, shall be sufficient basis for excluding the Food Service Worker or Food Service Manager from such occupation.
- c. A person excluded from food service work by the Director of MCDPH shall be entitled to a hearing on written request made to the Director of MCDPH within ten (10) days of exclusion. If a request for hearing is received, a hearing shall be held by the MCDPH Director or their designee within five (5) working days.

#### **REGULATION 7. Exemptions**

Convenience stores and other similar operations serving pre-packaged and non-potentially hazardous foods are exempt from Regulation 4 & 5 requirements.

**CHAPTER VIII  
FOOD, FOOD PRODUCTS, FOOD HANDLING ESTABLISHMENTS**

**SECTION 1  
GENERAL PROVISIONS**

**REGULATION 1. Definitions**

- a. "Adulterated"--A food is adulterated if one or more of the following conditions exists:
- (1) It bears or contains any poisonous or deleterious substance which may render it injurious to health, but if the substance is not an added substance such food shall not be considered adulterated under this paragraph if the quantity of such substance in such food does not ordinarily render it injurious to health.
  - (2) It is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of Subsection A of § § 36-905.
  - (3) It is, or it bears or contains, any food additive which is unsafe within the meaning of § § 36-905, provided that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or tolerance prescribed under § § 36-905 and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating or milling, the residue of such pesticide chemical remaining in or on such processed food shall, notwithstanding the provisions of § § 36-905, not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of such residue in the processed food when ready-to-eat is not greater than the tolerance prescribed for the raw agricultural commodity.
  - (4) It consists in whole or in part of a diseased, contaminated, filthy, putrid or decomposed substance, or it is otherwise unfit for food.
  - (5) It has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health.
  - (6) It is the product of a diseased animal or an animal which has died other than by slaughter, or which has been fed uncooked garbage, except bakery and creamery products, commercial vegetables and all fruits, or offal from a slaughterhouse, with the exception of paunch wastes.
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- (7) Its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.
  - (8) Any required constituent has been omitted or abstracted in whole or in part.
  - (9) Any substance has been substituted in whole or in part for a substance normally found in the food or required to be present in the food by regulations adopted under § § 36-903.
  - (10) Damage or inferiority has been concealed in any manner.
  - (11) Any substance has been added to the food or mixed or packed with the food so as to increase its bulk or weight or reduce its quality or strength to make it appear better or of greater value than it is.
  - (12) It is confectionery and it bears or contains any alcohol or non-nutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of one percent, harmless natural wax not in excess of four-tenths of one percent, harmless natural gum, and pectin. This paragraph shall not apply to any confectionery by

reason of its containing less than one-half of one percent by volume of alcohol derived solely from the use of flavoring extracts or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances.

(13) It is or bears or contains any color additive which is unsafe within the meaning of Subsection A of § § 36-905.

(14) It does not meet the requirements of the regulations and definitions for Standard, Fill and Quality of the Federal Food and Drug Administration.

- b. "Commissary" means a catering establishment, restaurant or any other place in which food, food containers, or food supplies are kept, handled, prepared, packaged or stored.
- c. "Corrosion-Resistant Material" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions of use environment.
- d. "Easily Cleanable" means readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.
- e. "Employee" means the permit holder, individuals having supervisory or management duties and any other person working in a food establishment.
- f. "Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a food establishment.

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- g. "Food" means any substance, raw or cooked, used or intended to be used for human consumption, including but not limited to fish, fowl, vegetables, beverage, bread and cake, drink, confections and condiments, whether simple, mixed or compounded; and meat and meat products sold at retail; and any of the foregoing to which has been added milk and milk products as a minor ingredient consisting of less than 50 percent of the total weight of a representative sample. A pasteurized mix converted into a frozen dessert at the retail level, to be sold on the premises shall be considered a food and under the Department's jurisdiction.
- h. "Food Catering" means any establishment in which is carried on the process of preparing food products or food on one premises and served for immediate consumption on another premises.
- i. "Food-contact Surface" means any surface of equipment or utensils with which food normally comes in contact, and any surface from which food may drain, drip, or splash back onto surfaces normally in contact with food.
- j. "Food Establishment" means any place where food or any of the constituents thereof is produced, stored, manufactured, processed, handled, sold or offered for sale or given away. *Exception:* A private home where food is prepared for family consumption.
- k. "Food Jobber" means any wholesale establishment in which food, not manufactured on the premises, is offered for sale for ultimate human consumption.
- l. "Food Processing Establishment" means any wholesale or retail establishment in which is carried on the processing, compounding or manufacturing of any food or confectionery products and includes commissaries supplying mobile or off-site food establishments.
- m. "Food Readily Perishable" means any food or ingredient capable of supporting rapid and progressive growth of spoilage microorganisms.
- n. "Food Service Establishment" means any fixed or mobile eating and drinking establishment or restaurant in which food or drink is prepared for sale or for service on the premises or elsewhere,

and any other eating and drinking establishment where food is served or provided for the public with or without charge.

- o. "Hermetically Sealed Container" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its content after processing.
- p. "Insanitary" means unclean or unhealthy and the term shall apply to food in the process of production, preparation, manufacture, packing, storing, sale, distribution, or transportation which is not adequately protected from insects, flies, rodents, dust, and dirt and by all reasonable means from all other foreign or injurious contamination; or to refuse, dirt, or waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, distribution, or transportation of food which are not removed daily; or to machinery, equipment, and utensils used in food processing, preparation, manufacture, packing, storing, sale, distribution or transportation which are not maintained in a clean condition; or to clothing of persons engaged in food handling which is unclean; or to any other condition determined by the Department to constitute a health hazard.

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- q. "Kitchenware" means all multi-use utensils other than tableware.
- r. "Manufacturing" or "Processing" means treating, compounding, blending, cooking, baking, packaging, pasteurizing, bottling, or any other method of preparing food for consumption.
- s. "Mislabeled" or "Misbranded" means wrongly labeled or branded and the term shall apply to any food if:
  - (1) It is an imitation of or offered for sale under the distinctive name of another food or liquid; or
  - (2) It is labeled, branded, or colored so as to deceive or mislead, or tend to deceive or mislead a purchaser; or
  - (3) It is falsely labeled in any respect or falsely purports to be a foreign product; or
  - (4) The original contents of the package have been wholly or partially removed and other contents placed in the package; or
  - (5) It is contained in a package with the contents stated in terms of weight and measure, and such weight and measure are not plainly and correctly stated on the outside of the package; or
  - (6) The package or the label thereof bears a statement, design, or device regarding the ingredients or the substance contained therein which is false or misleading in any particular; or
  - (7) A package bears the name of the manufacturers, jobbers, or sellers, or the grade or class of the product contained therein, and such name, grade, or class is not the name of the real manufacturer, jobber, or seller, or the real grade or class, or is not expressed clear and distinct English words in legible type; or
  - (8) It has no label and is an imitation or adulteration or is sold or offered for sale under a name, description or representation which is false or misleading in any particular; or
  - (9) It does not conform to the Federal Food and Drug Administration requirements for labeling.
- t. "Mobile Food Unit" means a vehicle-mounted food service establishment designed to be readily movable.
- u. "Packaged" means bottled, canned, cartoned, or securely wrapped.
- v. "Person in Charge" means the individual present in a food service establishment who is the supervisor of the food service establishment at a time of inspection, or his designee. If no individual is the apparent supervisor, then any employee present is the person in charge.

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- w. "Potentially Hazardous Food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious, or toxigenic microorganisms. The term does not include clean, whole, uncracked odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (aw) value of 0.85 or less.



- x. "Pushcart" means a non-self-propelled vehicle limited to serving non-potentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.
  - y. "Reconstituted" means dehydrated food products recombined with water or other liquids.
  - z. "Retail Food Establishments" means any retail establishment, stationary or mobile, other than a restaurant, engaged in the business of selling food at retail for human consumption. This definition shall apply whether all or part of the goods sold in the establishment constitute foodstuffs.
  - aa. "Safe Materials" means articles manufactured from or composed of materials that may not reasonably be expected to adversely affect, directly or indirectly, the characteristics of any food. If materials used are food additives or color additives as defined in Section 201(S) or (T) of the Federal Food, Drug, and Cosmetic Act they are "safe" only if they are used in conformity with regulations established pursuant to Section 409 or Section 706 of the Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in Section 201(S) or (T) of the Federal Food, Drug, and Cosmetic Act and are used in conformity with all applicable regulations of the Food and Drug Administration.
  - bb. "Sanitary" means clean, healthy and not deleterious to health and the term shall apply to food in the process of production, preparation, manufacture, packing, storing, sale, distribution, or transportation which is adequately protected from flies and other insects, rodents, dust and dirt and by all reasonable means from all other foreign or injurious contamination; and shall apply to the absence of refuse, dirt, or waste products subject to decomposition.
  - cc. "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count including pathogens to a safe level on utensils and equipment.
  - dd. "Sealed" means free of cracks or other openings that permit the entry or passage of moisture.
  - ee. "Shellfish" means fresh or frozen oysters, clams and mussels.
  - ff. "Single-service Article" means any utensil, container, implement, or wrapper intended for use only once in the preparation, storage, display, service or consumption of food or beverage.
  - gg. "Tableware" means multi-use eating and drinking utensils.
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- hh. "Temporary Food Service Establishment" means a food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.
  - ii. "Uniform Mechanical Code" means the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials.
  - jj. "Uniform Plumbing Code" means the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials.
  - kk. "Utensil" means any implement used in the storage, preparation, transportation or service of food.
  - ll. "Wholesome" means clean, free from spoilage, and safe for human consumption.

## **REGULATION 2. Approval of Plans Required**

- a. No food establishment shall be constructed, nor shall any major alteration or addition be made thereto, until detailed plans and specifications for the premises have been submitted to and approved by the Department; nor shall any construction, alteration, or addition be made except in accordance with approved plans and specifications. The owner, operator, or his authorized agent shall certify in writing that the plan documents comply with these regulations.

- b. The approval shall expire at the end of one year unless the project contemplated in the approved plans is substantially under construction by that time.
- c. Should it be necessary or desirable to make any material change in the approved plans and specifications, revised plans and specifications shall be submitted to the Department for review, and approval shall be obtained before the work affected by the change is undertaken. Structural changes or minor revisions not affecting health and sanitation will be permitted during construction without further approval.

**REGULATION 3. Permit Required**

No person shall operate a food establishment, food service establishment, retail food establishment, food processing establishment or a food catering establishment without a valid permit to do so from the Department or otherwise than in compliance with the applicable regulations in the Health Code. The permit shall be posted in a conspicuous place on the premises of the food establishment.

**REGULATION 4. Access to Premises**

The owner or operator shall admit a representative of the Department at any reasonable time upon request, to any part of a food establishment for the purpose of inspection, and shall permit the copying of any or all records of food purchased or disposed of.

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**REGULATION 5. Embargoed Food**

The Department, having reason to suspect that any food is unwholesome, spoiled or otherwise unsafe or unfit for human consumption, may forthwith label or seal such food as "withheld" or "embargoed." Such labeled or sealed food shall then be set apart from other foods by its owner and not used, sold or given away until the Department has had reasonable opportunity to cause a proper examination of the food to be made. After examination, the Department may remove the label or seal, or 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 code, which he shall do.

**REGULATION 6. Condemned Equipment**

If after examination, the Department determines that a food utensil or food equipment is worn, defective, insanitary 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 owner to bring the condemned utensil or equipment into compliance with the requirements of this code or to remove it from the food establishment, or replace it with approved units, which he shall do.

**REGULATION 7. Removal of Seal**

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

**REGULATION 8. General Sanitation**

The following shall be complied with in all food establishments:

- a. All parts, equipment, and facilities of every food establishment, and all vehicles used in transporting food, shall be kept in a clean, healthful and sanitary condition, and in compliance with the pertinent provisions of this Health Code.
- b. (1) All food shall be from approved, or if originating from a source beyond the Department's jurisdiction, approvable sources and shall be clean, wholesome, free from spoilage, adulterations, mislabeling and misbranding, and safe for human consumption.

(2) Food once served to a customer shall not be served again to another customer except that packaged food, other than potentially hazardous food, still packaged and in sound condition, may be re-served.

c. All food while being stored, handled, prepared, processed, displayed, served, sold or given away at a food establishment, or during transportation, shall be adequately protected from all forms of contamination, spoilage, adulteration, mislabeling, misbranding, and shall be safe for human consumption. Suitable means shall be employed to reduce manual contact with food to a minimum.

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(1) Wet storage of packaged products is prohibited.

(2) Ice intended for human consumption or in direct contact with food shall be kept and handled as required for food and shall be dispensed by employees only using scoops, tongs, or other ice dispensing utensils or through automatic ice-dispensing equipment. Dispensing utensils shall be stored on a clean surface or in the ice with the handle extended out of the ice. Between uses, ice transfer equipment shall be protected from contamination. Ice storage bins shall be drained across an air gap. Cooling tubes or coils conveying beverages through ice to dispenser heads are acceptable.

(3) Bulk food such as cooking oil, syrup, salt, sugar or flour shall be stored in containers identifying the food by common name.

(4) Suitable dispensing utensils shall be used or provided to consumers who serve themselves. Multi-use dispensing utensils shall be stored in the food with the dispensing utensil handle extended out of the food; or stored clean and dry; or stored in running water.

(5) Condiments, seasonings, dressings and sauces shall be provided in individually sealed packages, excepting that multi-use dispenser or containers of such foods which are protected in an approved manner from all forms of contamination or spoilage may also be used.

(6) Excepting for beverage cups and glasses, reuse of soiled tableware by self-service consumers returning to the service area for additional food is prohibited.

d. Food readily perishable--potentially hazardous.

(1) Food readily perishable shall be maintained at a temperature not lower than 140°F. (60°C.), or at a temperature not higher than 0 Degrees F. (-18°C.) for frozen food, or 45°F. (7°C.) whichever is applicable, except during actual processing. Subsequent to processing, the food shall be returned to the temperature necessary for the preservation of its sanitary quality and wholesomeness in the minimum time consistent with good processing technique for the particular food.

(2) Prior to service or use, potentially hazardous foods requiring cooking shall be cooked sufficiently to heat all parts of the food to a temperature of at least 140°F. (60°C.) except that:

(a) Poultry, poultry stuffings, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165°F. (74°C.) with no interruption of the cooking process.

(b) Pork and any food containing pork shall be cooked to heat all parts of the food to at least 150°F. (66°C.).

(c) Roast beef shall be cooked to an internal temperature of at least 130°F. (54°C.) and beef steak shall be cooked to a temperature of 130°F. (54°C.) unless otherwise ordered by the immediate consumer.

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(3) Liquid frozen, dry eggs and egg products shall be used only for cooking and baking purposes. The use of cracked or checked eggs is prohibited.

- (4) Potentially hazardous foods that have been cooked and then refrigerated, shall be reheated rapidly to 165°F. (74°C.) or higher throughout before being used or served.
- (5) Potentially hazardous foods shall be thawed:
  - (a) In refrigerated units at a temperature not to exceed 45°F. (7°C.); or
  - (b) Under potable running water of a temperature of 70°F. (21°C.) or below, with sufficient water velocity to agitate and float off loose food particles; or
  - (c) In a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or
  - (d) As part of the conventional cooking process.
- (6) Metal stem-type numerically scaled indicating thermometers, accurate to  $\pm 2^\circ\text{F}$ . (1°C.) shall be provided and used to assure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods.
- (7) Nondairy creaming or whitening agents shall be held in an individual service container, protected four-type pitcher, or drawn from a refrigerated dispenser designed for such service.
- (8) Nondairy creaming, whitening, or whipping agents reconstituted on the premises shall be stored in sanitized, covered containers not exceeding one gallon in capacity and cooled to 45°F. (7°C.) or below within 4 hours after preparation.
- (9) No oysters, clams, or mussels shall be stored, handled, processed, packed or repacked, held for sale, sold or given away unless:
  - (a) They have been grown, harvested, processed and transported in accordance with requirements of the United States Public Health Service Shellfish Certification Program; and unless:
  - (b) All interstate shipments held are accompanied by the tag, label, or other approved mark showing that the shipper has been duly certified by the State, Province, or Country of origin, and the name and certificate number of the shipper is included on the current United States Public Health Service Shellfish Certification list.
- (10) Shellfish shall be so stored, handled, processed, packed or repacked, held for sale, sold or given away that its true origin may be traced with facility. Specifically:

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- (a) All vendors or purveyors of shellfish at retail, including food establishments, shall sell or furnish shellfish in or from the original container as received and identified from the interstate source; or if furnished in any other way, shall retain for a period of one month after disposition of any consignment of shellfish the invoices or other documents which identify the source or origin of the shellfish.
  - (b) All shellfish vendors or purveyors not described in subparagraph (a) above shall hold shellfish in their original shipping containers marked as required, or if the distributor or wholesaler repacks or processes the shellfish, the containers or packages thereof shall be identified with the certificate number showing the origin of the shellfish and the wholesaler's or distributor's name and address.
- e. Construction - Buildings shall be of sound and tight construction. Studs, joists and rafters shall not be exposed in walk-in refrigeration units, food preparation areas, equipment and utensil washing areas or toilet rooms. Exposed utility service lines, ducts and pipes shall be so installed as to facilitate cleaning.
- f. Floors
- (1) Floors shall be of impervious construction where they are subject to flooding, spillage, or other conditions of hard use, such as in food preparation and storage areas and utensil washing areas, and shall be easily cleanable, non-slip and where necessary graded to drain.

The juncture of floors and walls shall be coved. The use of loose wood shavings, peanut hulls or similar materials on floors is prohibited.

- (2) Carpeting, where permitted, shall be of closely woven construction, easily cleanable and maintained clean and in good repair. Carpeting is prohibited in food preparation, food service and equipment washing areas and in toilet room areas where urinals or toilet fixtures are located.

g. Walls and Ceilings - Walls and ceilings of areas in which food is processed, prepared or stored and all utensil washing areas shall be finished in a light color and shall have smooth, easily cleanable surfaces. Wall surfaces from the lower edge of kitchen exhaust hoods to the floor surface including the floor/wall junctures shall be finished with metal, ceramic tile or similar durable, easily cleanable materials.

h. Ventilation

- (1) All rooms in which food is stored, prepared, or served, or in which utensils are washed, or in which noxious odors, vapors or fumes are generated shall be properly ventilated to the exterior air.
- (2) Approved venting hoods and devices shall be provided for stoves, grills, and similar equipment. Such hoods shall be adequate to prevent grease and condensate from collecting on walls and ceilings and from dripping into food or onto food-contact surfaces. Filters or other grease-extracting equipment not designed to be cleaned in place shall be readily removable for servicing.

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i. Lighting

- (1) All areas of a food establishment shall be adequately lighted. At least 20 foot-candles of light shall be provided on all working surfaces, on all other surfaces and equipment, in food processing, utensil washing, and lavatory and toilet areas. At least 10 foot-candles shall be provided in all other areas, including storage areas.
- (2) Shielding to protect against broken glass falling onto food shall be provided for all artificial lighting fixtures located over, by, or within food storage, preparation, service, and display facilities, and facilities where utensils and equipment are cleaned and stored.
- (3) Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

j. Toilet Facilities

- (1) Adequate and convenient toilet facilities, approved by the Department, shall be provided for employees. All toilet rooms shall have self-closing doors, smooth and easily cleanable walls and ceilings, adequate ventilation to the outside air, and shall be posted with approved hand washing signs. Vestibules shall be provided when deemed necessary by the Department.
- (2) Separate and adequate toilet and lavatory facilities shall be provided for patrons of both sexes in all food service establishments serving alcoholic beverages for on-premises consumption.
- (3) The use of toilet rooms or vestibules for the storage of food, drink, or utensils is prohibited.

k. Lavatory Facilities

Adequate and convenient hand washing facilities shall be provided including, hot and cold running water, or tempered water, soap, and approved individual sanitary towels. Lavatories in addition to those provided in toilet rooms, shall be easily accessible to all employees. Mixing faucets are required in all new construction or when an existing lavatory is remodeled.

I. Water Supply

- (1) An adequate supply of pure and wholesome water under pressure and from an approved source shall be provided and used. Hot and cold running water shall be provided in all rooms or areas where food is processed or prepared, or where utensils are washed.
- (2) Where bottled or packaged water is also provided, it shall be from an approved source, handled in compliance with this code and dispensed from the original container.
- (3) Steam used in contact with food or food-contact surfaces shall meet the standards for potable water.

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m. Sewage Disposal

All sewage shall be handled and disposed of in a manner and by means which comply with the relevant provisions of this Health Code.

n. Insect and Vermin Control

Approved and effective methods of insect and vermin control shall be used at all times. To prevent the entrance of insects and vermin, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other approved means are provided to control insects and vermin.

o. Plumbing

- (1) All plumbing shall be sound, tight, durable and properly located, installed and maintained in good order and repair, and shall not constitute a source of contamination to food, equipment, or utensils, or create an insanitary condition or nuisance. No plumbing fixture, pipe or device which provides, or which may provide a connection between a potable water supply and a drainage, soil, waste or other sewer pipe so as to make possible the backflow of sewage or wastewater into the water supply system shall be installed or permitted to remain installed.
- (2) Drain lines from equipment shall not discharge wastewater in such a manner as to permit the flooding of floors or the flowing of water across working or walking areas, or in difficult-to-clean areas, or otherwise create an insanitary condition or nuisance.
- (3) Water which has been used for cooling, or for any other purpose shall not be reused except as approved by the Department.

p. Utensils and Equipment

- (1) Utensils and equipment, such as but not limited to vats, piping, counters, shelves, sinks, preparation tools, refrigerators, etc., shall be of approved materials and construction, easily cleanable and maintained in a sanitary condition.
  - (a) The minimum number of sink compartments acceptable for manual washing, rinsing and sanitizing utensils and equipment shall be 3 compartment sinks excepting that where utensils are limited in type to tongs, scoops and similar articles, the Department may approve a single compartment sink.
- (2) Utensils, equipment, or tableware which are cadmium plated, or contain cadmium, lead or other toxic material are prohibited.
- (3) All multi-use tableware shall be properly cleaned and sanitized before being dispensed for use and shall be stored, handled, set out and dispensed in a sanitary manner. Single-service articles shall be used only once.

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- (4) Where wood is used for cutting blocks, cutting boards, salad bowls, bakers' tables and similar surfaces, it shall be a hard nonabsorbent variety. Wood may be used for single-service articles such as chopsticks, stirrers or ice cream spoons.
- (5) All materials used in utensils, equipment, tableware and other food-contact surfaces shall be nontoxic, corrosion resistant, not deleterious to the wholesomeness of the food contacted and resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping, pitting and distortion and of sufficient weight, thickness and design to permit cleaning and sanitizing by normal washing methods.
- (6) Mollusk and crustacean shells may be used only once as a serving container. Further reuse of such shells for food service is prohibited.
- (7) Equipment and food-contact surfaces which are nontoxic, installed prior to the effective date of these regulations, which do not fully meet design and fabrication requirements shall be deemed acceptable provided they are maintained in good repair and in a sanitary condition.

q. Cleaning and Bactericidal Treatment of Utensils and Equipment:

- (1) All utensils and equipment used in the processing, preparing, or serving of food, or used as containers for food, or used in processing food (grinders, mixers, etc.) shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage, or at least at the close of each business day, and stored and kept in a sanitary condition until reuse.
- (2) Utility Sink--Every new or extensively remodeled establishment shall have at least one utility sink or a 4-inch curbed facility three feet square with a floor drain for cleaning mops or similar wet floor cleaning tools and for the disposal of mop water or other liquid wastes. The use of lavatories, utensil washing or equipment washing or food preparation sinks for this purpose is prohibited.
- (3) Cloths used for wiping any food-contact surfaces shall be clean, sanitized and used for no other purpose. Cloths or sponges used for cleaning non-food-contact surfaces of equipment such as counters, dining tabletops and shelves shall be clean.

r. Manual Cleaning and Sanitizing

- (1) Sink compartments shall be large enough to permit the accommodation of equipment parts and utensils used in the establishment, and each compartment of the sink shall be supplied with hot and cold potable running water.
- (2) Drain boards or easily movable dish tables of adequate size shall be provided and located for proper handling of soiled and cleaned utensils.
- (3) Manual washing, rinsing and sanitizing in three compartment systems shall be conducted in the following sequence:
  - (a) Sinks shall be cleaned prior to use.
  - (b) Food residues shall be flushed, scraped or soaked from equipment and utensils.
  - (c) Equipment and utensils shall be thoroughly washed in the first compartment with a hot, clean detergent solution;
  - (d) Rinsed free of detergent and abrasives with clean water in the second compartment;
  - (e) Sanitized in the third compartment by:
    - (1.1) Immersion for at least one-half (1/2) minute in clean, hot water at a continuing temperature of at least 170°F. (77°C.); or
    - (1.2) Immersion for at least one (1) minute in a clean solution continuously containing at least 50 parts per million of available chlorine as a hypochlorite and at a temperature of at least 75°F. (24°C.); or

- (1.3) Immersion for at least one (1) minute in a clean solution continuously containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0, at a temperature of at least 75°F. (24°C.); or by any other equally effective approved means.
- (4) When hot water is used for sanitizing, the following facilities shall be provided and used:
  - (a) An integral heating device or fixture installed at the sanitizing compartment of the sink, capable of maintaining the water at a temperature of at least 170°F. (77°C.); and
  - (b) A numerically scaled indicating thermometer, accurate to  $\pm 2^\circ\text{F}$ . (1°C.) located at the sink for checking water temperature; and
  - (c) Baskets of a size and design permitting complete immersion of the tableware, kitchenware, and equipment in the hot water.
- (5) Where chemicals are used for sanitization, the operator shall use a test kit or other device to measure the concentration of sanitizer applied.

s. Mechanical Cleaning and Sanitizing

- (1) Spray-type, immersion or other types of dishwashing machines which thoroughly clean and sanitize equipment and utensils may be used. Such machines and devices shall be properly installed, operated and maintained in good repair. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors, if any, shall be properly installed, maintained, and used.
  - (2) Final rinse water pressure in spray-type dishwashing machines shall be from 15 to 25 pounds per square inch measured in the water line immediately adjacent to the final rinse control valve. A 1/4-inch IPS fitting shall be located immediately upstream from the final rinse control valve to permit checking the flow pressure of the final rinse water.
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- (3) A machine - or water pipe-mounted numerically scaled indicating thermometer, accurate to  $\pm 2^\circ\text{F}$ . (1°C.), shall be provided to indicate the water temperature in each tank of the machine and the temperature of the final rinse water as it enters the manifold.
  - (4) Rinse water tanks shall be protected using baffles, curtains, or other effective means to minimize the entry of wash water into the rinse water. Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles.
  - (5) Drain boards shall be provided and be adequate size for the proper handling of soiled utensils prior to washing and of cleaned utensils following sanitization and shall be so located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitization.
  - (6) Gross food residues shall be flushed, scraped or soaked from equipment and utensils prior to washing in a dishwashing machine. Equipment and utensils shall be placed in racks, trays, or baskets, or on conveyors, so that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse waters, and free draining is permitted.
  - (7) Machines (single-tank, stationary-rack, door-type machines and spray-type glass washers) using chemicals for sanitization may be used: provided that,
    - (a) The temperature of the wash water shall not be less than 120°F. (49°C.).
    - (b) The wash water shall be kept clean.
    - (c) Chemicals added for sanitization purposes are automatically dispensed.
    - (d) Utensils and equipment are effectively exposed to the final chemical sanitizing rinse.
    - (e) The continuous chemical sanitizing rinse water temperature shall not be less than 75°F. (24°C.).



- (f) The operator shall use a test kit which accurately measures the concentration of the solution applied.
- (8) In machines using hot water for sanitizing, the wash water and pumped rinse water shall be kept clean and be maintained at not less than the temperatures tabulated below. In all machines using hot water for sanitizing, the wash water must be at least 140°F. The final rinse surface temperature must be at least 170°F. Surface temperature shall be measured using an accurate holding thermometer or other approved methods.
- (a) Single-tank, stationary-rack, dual-temperature machine:
- |                         |                |
|-------------------------|----------------|
| Wash temperature        | 150°F. (66°C.) |
| Final rinse temperature | 180°F. (82°C.) |
- (b) Single-tank, stationary-rack, single-temperature machine:
- |                         |                |
|-------------------------|----------------|
| Wash temperature        | 165°F. (74°C.) |
| Final rinse temperature | 165°F. (74°C.) |
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- (c) Single-tank, conveyor machine:
- |                         |                |
|-------------------------|----------------|
| Wash temperature        | 160°F. (71°C.) |
| Final rinse temperature | 180°F. (82°C.) |
- (d) Multi-tank, conveyor machine:
- |                          |                |
|--------------------------|----------------|
| Wash temperature         | 150°F. (66°C.) |
| Pumped rinse temperature | 160°F. (71°C.) |
| Final rinse temperature  | 180°F. (82°C.) |
- (e) Single-tank, pot, pan and utensil washer (either stationary or moving rack):
- |                         |                |
|-------------------------|----------------|
| Wash temperature        | 140°F. (60°C.) |
| Final rinse temperature | 180°F. (82°C.) |
- (9) All dishwashing machines shall be thoroughly cleaned at least once a day or more often when necessary, and maintained free of any condition which interferes with their effective operation.

t. Drying

After sanitization, all equipment and utensils shall be air or heat dried.

u. Storage and Handling of Utensils and Equipment

- (1) Clean utensils and equipment shall be properly stored in a clean dry place protected from insects and vermin, dust or other contamination.
- (2) Containers and packaging materials shall be purchased in clean containers, stored in a clean dry area, and in such a manner as to preclude contamination.

v. Storage and Display of Food

- (1) All food and drink shall be protected from dust, insects, vermin, depredation and pollution by rodents, handling, droplet infection, overhead leakage, and other contamination.
- (2) Raw or prepared food removed from the container or package in which it was obtained, shall be stored in a clean covered container except during necessary periods of use in preparation or service. Container covers shall be impervious and nonabsorbent, except that clean linens or napkins may be used for lining or covering bread or roll containers.
- (3) Containers of food shall be stored in a minimum of 6 inches above the floor in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area, except that:

- (a) Metal pressurized beverage containers, and cased food packaged in cans, glass or other durable waterproof containers need not be elevated when the food container is not exposed to floor moisture; and
- (b) Containers may be stored on dollies, racks or pallets, provided such equipment is easily movable.

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- (4) Refrigerated storage -- enough properly refrigerated or effectively insulated facilities shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Each such mechanically refrigerated facility shall be provided with a numerically scaled indicating thermometer, accurate to  $\pm 2^{\circ}\text{F}$ . ( $1^{\circ}\text{C}$ .), located to measure the air temperature in the warmest part of the facility and located to be easily readable. Recording thermometers, accurate to  $\pm 2^{\circ}\text{F}$ . ( $1^{\circ}\text{C}$ .), may be used in lieu of indicating thermometers.
- (5) Hot storage -- enough properly heated food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage. Each such hot food facility shall have a numerically scaled indicating thermometer, accurate to  $\pm 2^{\circ}\text{F}$ . ( $1^{\circ}\text{C}$ .), located to measure the air temperature in the coolest part of the facility and located to be easily readable. Recording thermometers, accurate to  $\pm 2^{\circ}\text{F}$ . ( $1^{\circ}\text{C}$ .), may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as bainmaries, steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a product thermometer must be available and used to check internal food temperature.
- (6) No hermetically sealed, no acid and low acid food which has been processed in place other than a commercial food processing establishment shall be used.

w. Personal Health and Cleanliness

- (1) No person, while infected with a disease in a communicable form transmissible by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, infected wound, or acute respiratory infection, shall work in a food establishment in any capacity where he may contaminate food or food-contact surfaces with pathogenic organisms or transmit disease to other persons.
- (2) All food handlers shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to approved hygienic practices while engaging in handling, processing, preparing or serving food.
- (3) Food handlers, while engaged in preparing or handling food, shall not use tobacco in any form.
- (4) Food handlers shall use hair restraints which prevent any possibility of hair entering into food or contaminating food contact surfaces.
- (5) Food handlers shall wash their hands and the exposed portions of their arms thoroughly with soap and warm water before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking or using the toilet. Employees shall keep their fingernails clean and trimmed.

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x. Poisonous and Toxic Materials

- (l) Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitization purposes may be used or stored in food service establishments. Poisonous and toxic materials shall be clearly identified, and shall be used in such manner and under such conditions as will not contaminate food, constitute a hazard or be deleterious to the health of employees or customers. Automatic devices for pest and vermin control may be used only if approved by the Department.

- (2) Personal medications shall not be stored in food storage, preparation or service areas.
  - (3) No article, polish, or other substance containing a poisonous material shall be used for the cleaning or polishing of utensils.
  - (4) Equipment using toxic lubricants shall be designed, constructed and operated so that the lubricant cannot and does not leak, drip or be forced into food or onto food-contact surfaces.
- y. Refuse--All refuse shall be stored and disposed of in accordance with the provisions of this code governing the storage, collection transportation, and disposal of refuse and other objectionable wastes.
- z. Vehicles Transporting Food -- All vehicles carrying food and food products shall be constructed, equipped, and maintained as to protect the purity and wholesomeness of the transported products and shall conform to the applicable general regulations found in this code.
- aa. Miscellaneous:
- (1) Cleaning -- Cleaning of floors, walls and equipment shall be performed by means that minimize airborne dust and under conditions when the quantity of exposed food is minimum.
  - (2) Cleaning and maintenance equipment such as brooms, mops, vacuum cleaners shall be stored in such manner as to prevent contamination of food.
  - (3) Only persons necessary in the preparation and processing of food, or in the management, maintenance or housekeeping of the establishment shall be allowed in food processing and serving areas.
  - (4) None of the operations connected with a food establishment shall be conducted in any room used for domestic purposes.
  - (5) Adequate dressing room facilities in areas which shall not be used for food preparation or utensil cleansing purposes, shall be provided for employees.

**REGULATION 9.           Animals and Birds Prohibited**

Live animals or birds are prohibited in any area in a food establishment where food is stored, processed, offered for sale or served; except that guide dogs accompanying a blind person may be allowed in the sales or serving area.

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**REGULATION 10.**

No person shall sell, offer for sale, or give away any food which is unclean, unwholesome, contaminated, unfit or otherwise dangerous or deleterious to health. The use of food from hermetically sealed containers which was not processed in an approved food processing establishment is prohibited.

**REGULATION 11.           Compliance**

Representatives of the Department shall make such inspections of food establishments as necessary to assure compliance with these regulations. A copy of the report of the inspection shall be furnished the owner, or operator, of the food establishment indicating the degree of compliance or noncompliance with the provisions of these regulations. Failure to correct any violation noted within the time limit specified shall be cause for denial, revocation, or suspension of the permit to operate.

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**SECTION 2**  
**FOOD SERVICE ESTABLISHMENTS**

**REGULATION 1. Food Service Sanitation Ordinance**

The provisions of A.C.R.R. Title 9, Chapter 8, Section 113 through 140, excluding Section 138, paragraph 2a Restricted Operation, shall be met.

**REGULATION 2. Sanitation**

Every food service establishment shall be operated and maintained in a clean and sanitary condition and in compliance with the appropriate parts of Chapter VIII, Section 1, the general regulations of this Code with the specific provisions of this section.

**R9-8-113. Prohibition**

The floors, walls, ceilings, receptacles, implements, machinery, and equipment of every food establishment, and all vehicles used in the transportation of food, shall not be kept or permitted to remain in an unclean, unhealthful, or insanitary condition.

**R9-8-114. Minimum Standards**

When minimum standards of design and construction for a particular type of equipment have been formulated and published by the Department or the National Sanitation Foundation, only that equipment which is designed and constructed in accordance with the applicable standard may be installed as new or replacement equipment.

**R9-8-115. Right of Entry**

No person shall refuse to admit the Health Officer, at any reasonable time, upon his request to any part of the establishment for the purpose of inspection, and shall permit the copying of any or all records of foods purchased or disposed of.

**R9-8-116. Examination and Condemnation**

Samples of food or drink may be taken and examined by the Health Officer as often as he deems necessary for the detection of unwholesomeness or adulteration. The Health Officer shall, at his discretion, condemn and forbid the sale, or cause to be removed or destroyed, food or drink which he deems unwholesome or adulterated.

**R9-8-117. Refuse**

All refuse shall be stored and disposed of in accordance with Article 4 of this Chapter of these Regulations.

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**R9-8-118. Plans**

Plans for the construction, alteration, or remodeling of any food establishment shall be reviewed, by the Health Officer, for compliance with these Regulations. No construction, alteration, or remodeling shall be undertaken until such plans have been approved.

**R9-8-119. Permits**

- a. No person shall operate a food establishment without first procuring a permit to do so from the Health Officer. The permit shall be posted in a conspicuous place on the premises of the food establishment.
- b. The permit shall be issued in the name of the owner, manager, or operator for a specific location and shall be issued nontransferable.

- c. A permit issued by the Health Officer is good until suspended or revoked, which action may be taken if the establishment is found to be operating contrary to these regulations.
- d. The operation of such an establishment without a permit, or the continued operation after a permit has been suspended or revoked, shall constitute a violation of this regulation.
- e. Application for a permit shall be on a form prescribed by the Health Officer and shall contain the name and address of the applicant and whatever other information the Health Officer shall require to ascertain whether the applicant has the facilities and capabilities to operate in such a manner as to conform to this regulation.
- f. Prior to the issuance of any permit, an inspection of the premises and the premises and equipment conform to the requirements of these Regulations. Inspection shall be made as frequently as necessary for compliance with these regulations but in no instance at intervals of longer than six months.

**R9-8-120. Reserved**

**R9-8-121. Non-specific Places or Operations; Scope**

R9-8-122 through 127 are applicable to any business, place or operation in which food is processed, prepared, stored, handled, transported, sold or given away and for which specific regulations have not been adopted elsewhere in this Article.

**R9-8-122. Non-specific Places or Operations; General**

- a. Approved and effective methods of insect and vermin control shall be used at all times.
- b. All persons engaged in these occupations shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils, or equipment. Persons, while engaged in preparing or handling food, shall not use tobacco in any form. Hairnets are required for female personnel; caps shall be worn by males where required.

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- c. The premises of all food establishments shall be kept clean and free of litter or rubbish. None of the operations connected with a food handling establishment shall be conducted in any room used for domestic purposes. Adequate lockers and dressing rooms shall be provided for employee's clothing, and shall be kept clean. Soiled linens, coats and aprons shall be kept in covered containers provided for this purpose.

**R9-8-123. Non-specific Places or Operations; Physical Plant**

- a. The building shall be of sound, tight construction and dust proof.
- b. The floors shall be constructed of impervious material where they are subject to flooding, spillage, or other conditions of hard use. All floors shall be easily cleanable, smooth, and, where necessary, graded to drain. They shall be kept clean and in good repair. The juncture of floors and walls shall be coved for easier cleaning.
- c. Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food is stored or prepared shall be finished in a light color. The walls and ceilings of all rooms in which food is prepared, or utensils washed, shall have a smooth, washable surface.
- d. All openings into the outer air shall be effectively screened and doors shall be self-closing, unless other approved means are provided to control insects and vermin.
- e. All rooms in which food is stored, prepared, or in which equipment is washed, shall be kept well lighted. Inspection points shall be lighted to the degree necessary to meet product inspectional requirements.

- f. All rooms in which food is stored, prepared, or served, or in which utensils are washed, shall be properly ventilated at all times.

**R9-8-124. Non-specific Places or Operations; Water Supply**

- a. All water shall be obtained from a safe, sanitary supply, and from an approved source. Hot and cold running water shall be provided in all rooms in which products are processed or prepared or utensils are washed.
- b. Any connection or condition, including overhead leakage, that may permit an interchange of water between a public water supply and a private, industrial, or other source of water supply is prohibited unless both supplies and the method of cross-connection or condition have been approved in writing by the Department.
- c. No plumbing fixture or other device which provides, or may provide, a connection between a drinking water supply and a drainage, soil waste, or other sewer pipe so as to make possible the backflow of sewage or waste water into the water supply system shall be installed or permitted to remain installed. Water which has been used for cooling, or for any other purpose, shall not be returned to the system unless the entire installation and operation thereof has been approved in writing by the Department. All plumbing shall be installed in accordance with any local ordinance or code and with the standards adopted by reference in R9-1-412.d.

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**R9-8-125. Non-specific Places or Operations; Toilets and Lavatories**

- a. Adequate and convenient toilet facilities shall be provided for employees. They shall conform to the requirements of the Department. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept clean, in good repair, well lighted, and ventilated to the outside air. Hand-washing signs shall be posted in each toilet room used by employees.
- b. Adequate and convenient hand-washing facilities shall be provided, including hot and cold running water, soap, and approved individual sanitary towels. Lavatories, in addition to those provided in toilet rooms, shall be provided and shall be easily accessible to all employees. Mixing faucets are required in new construction or when the existing plant is remodeled. No employee shall resume work after using the toilet room without washing his hands. Lavatories and wash rooms shall be kept clean and sanitary.

**R9-8-126. Non-Specific Places or Operations; Utensils and Equipment**

- a. All piping, vats, utensils, and all counters, shelves, refrigerating equipment, sinks, and any other equipment or utensils, used in connection with the operation of any business covered by this Regulation, shall be so constructed as to be easily cleaned and shall be kept in good repair. Only approved piping shall be used. Enamelware and graniteware are prohibited. Utensils or equipment which are cadmium lead or other toxic material as a part of the metal are prohibited. The equipment shall be so located and installed as to facilitate the cleaning of both the equipment and the area in which it is installed.
- b. All equipment, including but not limited to, windows, counters, shelves, vats, tables, refrigerators, and sinks shall be kept clean and free from dust, dirt, insects, and all contaminating material. All multi-use equipment and utensils used in the preparation or processing of food or food products shall be thoroughly cleaned immediately following the day's operation and shall be subjected to an approved bactericidal treatment immediately prior to reuse. An approved bactericidal treatment shall consist of one of the following methods:
  - (1) Steam - large equipment and pipe lines may be sanitized by being sprayed with live, dry (15 No. relative pressure with pipe vented until live steam reaches end) steam or may be circulated through a pipe.

- (2) Utensils or the product zone of equipment or pipe system may be sanitized by means of being dipped into, swabbed, sprayed, or recirculated by a chlorine solution. Minimum strength of chlorine solution shall be 100 ppm free chlorine.
- (3) Such other methods or chemicals, as approved by the Health Officer in writing, may be used.

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- c. After cleaning, utensils and equipment shall be properly stored in a clean dry place, protected from insects and vermin, dust, and other types of contamination. Containers and packaging materials shall be purchased in clean containers, stored in a clean, dry area, and in such a manner as to preclude contamination.

**R9-8-127. Non-specific Places or Operations; Wholesomeness and Storage of Food and Drink**

- a. All food and drink shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption. Perishable food or products shall be refrigerated so that the food temperature does not exceed 45°F. at any time except during actual processing. Subsequent to processing, the food shall be returned to refrigeration in the minimum amount of time consistent with the preservation of the quality of the food and food processing techniques. Ice shall be from approved sources, stored, and handled in a sanitary manner.
- b. All food and drink shall be stored, displayed, and served so as to be protected from dust, insects, vermin, depredation and pollution by rodents, handling, droplet infection, overhead leakage, and other contamination. No live animals or birds shall be kept or allowed in any room in which food or drink is prepared, stored, or served.

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Sections R9-8-131 is repealed and new sections R9-8-131 through R9-8-140 are adopted to read as follows:

**R9-8-131. Food Service Establishments**

The provisions of R9-8-131 through R9-8-140 apply only to food service establishments, including mobile food service and temporary food service establishments. Said provisions are derived from the Food Service Sanitation Manual (1976) of the United States Department of Health, Education, and Welfare (DHEW Publication No. (FDA) 78-2081) and shall to the extent practicable be construed consistently with the provisions and comments set forth in the Manual.

**R9-8-132. Food Care**

A. Food Supplies

1. General

- a. Food shall be in sound condition, free from spoilage, filth, or other contamination and shall be safe for human consumption. Food shall be obtained from sources that comply with all laws relating to food and food labeling. The use of food in hermetically sealed containers that was not prepared in a food processing establishment is prohibited.

2. Special requirements

- a. Fresh and shucked shellfish (oysters, clams, or mussels) shall be packed in nonreturnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the interstate certification number issued according to the U.S. Public Health Service Certification Program. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used. Each container of unshucked shell stock (oysters, clams, or mussels) shall be identified by an attached tag that states the name and address of the original shell stock processor, the kind and quality of shell stock, and an interstate certification number issued by the State or foreign shellfish control agency.

- b. Only clean, whole eggs, with shell intact and without cracks or checks, or pasteurized liquid, frozen or dry eggs or pasteurized dry egg products shall be used, except that hard-boiled, peeled eggs, commercially prepared and packaged, may be used.

B. Food protection

1. General

- a. At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs, sneezes, flooding, drainage, and overhead leakage or overhead drippage from condensation. The temperature of potentially hazardous food shall be 45°F. or below or 140°F. or above at all times, except as otherwise provided in this Article.

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2. Emergency occurrences

- a. In the event of a fire, flood, power outage, or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the regulatory authority. Upon receiving notice of this occurrence, the regulatory authority shall take whatever action that it deems necessary to protect the public health.

C. Food storage

1. General

- a. Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored in a clean covered container except during necessary periods of preparation or service. Container covers shall be impervious and nonabsorbent, except that linens or napkins may be used for lining or covering bread or roll containers. Solid cuts of meat shall be protected by being covered in storage, except that quarters or sides of meat may be hung uncovered on clean sanitized hooks if no food product is stored beneath the meat.
- b. Containers of food shall be stored a minimum of 6 inches above the floor in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area, except that:
  - i. Metal pressurized beverage containers, and cased food packaged in cans, glass or other waterproof containers need not be elevated when the food container is not exposed to floor moisture; and
  - ii. Containers may be stored on dollies, racks or pallets, provided such equipment is easily movable.
- c. Food and containers of food shall not be stored under exposed or unprotected sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law. The storage of food in toilet rooms or vestibules is prohibited.
- d. Food not subject to further washing or cooking before serving shall be stored in a way that protects it from cross-contamination from food requiring washing or cooking.
- e. Packaged food shall not be stored in contact with water or undrained ice. Wrapped sandwiches shall not be stored in direct contact with ice.



- f. Unless its identity is unmistakable, bulk food such as cooking oil, syrup, salt, sugar, or flour not stored in the product container or package in which it was obtained shall be stored in a container identifying the food by common name.

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## 2. Refrigerated storage

- a. Enough conveniently located refrigeration facilities or effectively insulated facilities shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Each mechanically refrigerated facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to  $\pm 3^{\circ}\text{F.}$ , located to measure the air temperature in the warmest part of the facility and located to be easily readable. Recording thermometers, accurate to  $\pm 3^{\circ}\text{F.}$ , may be used in lieu of indicating thermometers.
- b. Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to an internal temperature of  $45^{\circ}\text{F.}$  or below. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled, utilizing such methods as shallow pans, agitation, quick chilling, or water circulation external to the food container so that the cooling period shall not exceed 4 hours. Potentially hazardous food to be transported shall be prechilled and held at a temperature of  $45^{\circ}\text{F.}$  or below unless maintained in accordance with R9-8-132.C.3.
- c. Frozen food shall be kept frozen and should be stored at a temperature of  $0^{\circ}\text{F.}$  or below.
- d. Ice intended for human consumption shall not be used as a medium for cooling stored food, food containers or food utensils, except that such ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head. Ice used for cooling stored food and food containers shall not be used for human consumption.

## 3. Hot storage

- a. Enough conveniently located hot food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage. Each hot food facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to  $\pm 3^{\circ}\text{F.}$ , located to measure the air temperature in the coolest part of the facility and located to be easily readable. Recording thermometers, accurate to  $\pm 3^{\circ}\text{F.}$ , may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as bainmaries, steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a product thermometer must be available and used to check internal food temperature.
- b. The internal temperature of potentially hazardous foods requiring hot storage shall be  $140^{\circ}\text{F.}$  or above except during necessary periods of preparation. Potentially hazardous food to be transported shall be held at a temperature of  $140^{\circ}\text{F.}$  or above unless maintained in accordance with paragraph (b) of R9-8-132.C.2.

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## D. Food preparation.

### 1. General.

- a. Food shall be prepared with the least possible manual contact, with suitable utensils, and on surfaces that prior to use have been cleaned, rinsed and sanitized to prevent cross-contamination.

2. Raw fruits and raw vegetables.
  - a. Raw fruits and raw vegetables shall be thoroughly washed with potable water before being cooked or served.
3. Cooking potentially hazardous foods.
  - a. Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 140°F., except that:
    - i. Poultry, poultry stuffing, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165°F. with no interruption of the cooking process.
    - ii. Pork and any food containing pork shall be cooked to heat all parts of the food to at least 150°F.
    - iii. Rare roast beef shall be cooked to an internal temperature of at least 130°F., and rare beef steak shall be cooked to a temperature of 130°F. unless otherwise ordered by the immediate consumer.
4. Liquid, frozen, dry eggs and egg products.
  - a. Liquid, frozen, dry eggs and egg products shall be used only for cooking and baking purposes.
5. Reheating.
  - a. Potentially hazardous foods that have been cooked and then refrigerated, shall be reheated rapidly to 165°F. or higher throughout before being served or before being placed in a hot food storage facility. Steam tables, bainmaries, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.
6. Nondairy products.
  - a. Nondairy creaming, whitening, or whipped agents may be reconstituted on the premises only when they will be stored in sanitized, covered containers not exceeding one gallon capacity and cooled to 45°F., or below within 4 hours after preparation.
7. Product thermometers.
  - a. Metal stem-type numerically scaled indicating thermometers, accurate to  $\pm 2^{\circ}\text{F.}$ , shall be provided and used to assure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperature of all potentially hazardous foods.
8. Thawing potentially hazardous foods.

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- a. Potentially hazardous foods shall be thawed:
  - i. In refrigerated units at a temperature not to exceed 45°F., or
  - ii. Under potable running water of a temperature of 70°F. or below, with sufficient water velocity to agitate and float off loose food particles into the overflow; or
  - iii. In a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire uninterrupted cooking process takes place in the microwave oven; or
  - iv. As part of the conventional cooking process.

E. Food display and service.

1. Potentially hazardous food.
    - a. Potentially hazardous food shall be kept at an internal temperature of 45°F. or below or at an internal temperature of 140°F. or above during display and service, except that rare roast beef shall be held for service at a temperature of at least 130°F.
  2. Milk and cream dispensing.
    - a. Milk and milk products for drinking purposes shall be provided to the consumer in an unopened, commercially filled package not exceeding 1 pint in capacity, or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser. Where a bulk dispenser for milk and milk products is not available and portions of less than 1/2 pint are required for mixed drinks, cereal, or dessert service, milk and milk products may be poured from a commercially filled container of not more than 1/2 gallon capacity.
    - b. Cream or half and half shall be provided in an individual service container, protected pour-type pitcher or drawn from a refrigerated dispenser designed for such service.
  3. Nondairy product dispensing.
    - a. Nondairy creaming or whitening agents shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.
  4. Condiment dispensing.
    - a. Condiments, seasonings and dressings for self-service use shall be provided in individual packages, from dispensers, or from containers protected in accordance with R9-8-132.E.8.
    - b. Condiments provided for table or counter service shall be individually portioned, except that catsup and other sauces may be served in the original container or pour-type dispenser. Sugar for consumer use shall be provided in individual packages or in pour-type dispensers.
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5. Ice dispensing.
    - a. Ice for consumer use shall be dispensed only by employees with scoops, tongs, or other ice-dispensing utensils or through automatic self-service, ice-dispensing equipment. Ice-dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles shall be stored in a way that protects them from contamination. Ice storage bins shall be drained through an air gap.
  6. Dispensing utensils.
    - a. To avoid unnecessary manual contact with food, suitable dispensing utensils shall be used by employees or provided to consumers who serve themselves. Between uses during service, dispensing utensils shall be:
      - i. Stored in the food with the dispensing utensil handle extended out of the food; or
      - ii. Stored clean and dry; or
      - iii. Stored in running water; or
      - iv. Dispensing utensils and malt collars used in preparing frozen desserts may be stored either in a running water dipper well or clean and dry.

7. Re-service.
  - a. Once served to a consumer, portions of leftover food shall not be served again except that packaged food, other than potentially hazardous food, that is still packaged and is still in sound condition, may be re-served.
8. Display equipment.
  - a. Food on display shall be protected from consumer contamination by the use of packaging or by the use of easily cleanable counter, serving line or salad bar protector devices, display cases, or by other effective means. Enough hot or cold food facilities shall be available to maintain the required temperature of potentially hazardous food on display.
9. Re-use of tableware.
  - a. Re-use of soiled tableware by self-service consumers returning to the service area for additional food is prohibited. Beverage cups and glasses are exempt from this requirement.

F. Food transportation.

1. General.
  - a. During transportation, food and food utensils shall be kept in covered containers or completely wrapped or packaged so as to be protected from contamination. Foods in original individual packages do not need to be overwrapped or covered if the original package has not been torn or broken. During transportation, including transportation to another location for service or catering operations, the requirements of this Article relating to food protection and food storage shall be followed.

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**R9-8-133. Personnel.**

- A. Employee health.
  1. General.
    - a. No person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, an infected wound, or an acute respiratory infection, shall work in a food service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons.
- B. Personal cleanliness.
  1. General.
    - a. Employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean, and after smoking, eating, drinking, or using the toilet. Employees shall keep their fingernails clean and trimmed.
- C. Clothing.
  1. General.
    - a. The outer clothing of all employees shall be clean.

- b. Employees shall use hair restraints which prevent any possibility of hair entering into food or contaminating food-contact surfaces.

D. Employee practices.

1. General.

- a. Employees shall consume food only in designated dining areas. An area shall not be designated as an employee dining area if consuming food there may result in contamination of other food, equipment, utensils, or other items needing protection.
- b. Employees shall not use tobacco in any form while engaged in food preparation or service, nor while in areas used for equipment or utensil washing or for food preparation. Employees shall use tobacco only in designated areas. An area shall not be designated as an employee tobacco-use area if the use of tobacco there may result in contamination of food, equipment, utensils, or other items needing protection.
- c. Employees shall handle soiled tableware in a way that minimizes contamination of their hands.
- d. Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods in the food service establishment.

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**R9-8-134. Equipment and utensils.**

A. Materials.

1. General.

- a. Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials; shall be corrosion resistant and nonabsorbent; and shall be smooth, easily cleanable, and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, safe materials. Equipment, utensils, and single-service articles shall not impart odors, color, or taste, nor contribute to the contamination of food.

2. Solder.

- a. If solder is used, it shall be composed of safe materials and be corrosion resistant.

3. Wood.

- a. Hard maple or equivalently nonabsorbent material that meets the general requirements set forth in R9-8-134.A.1 may be used for cutting blocks, cutting boards, salad bowls, and baker's tables. Wood may be used for single-service articles, such as chopsticks, stirrers, or ice cream spoons. The use of wood as a food-contact surface under other circumstances is prohibited.

4. Plastics.

- a. Safe plastic or safe rubber or safe rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping and distortion, that are of sufficient weight and thickness to permit cleaning and sanitizing by normal dishwashing methods, and which meet the general requirements set forth in R9-8-134.A.1 are permitted for repeated use.

5. Mollusk and crustacea shells.
  - a. Mollusk and crustacea shells may be used only once as a serving container. Further re-use of such shells for food service is prohibited.
6. Single service.
  - a. Re-use of single service articles is prohibited.

B. Design and fabrication.

1. General.

- a. All equipment and utensils, including plasticware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, chipping, and crazing.

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- i. Food-contact surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, and free of difficult-to-clean internal corners and crevices. Cast iron may be used as a food-contact surface only if the surface is heated, such as in grills, griddle tops, and skillets. Threads shall be designed to facilitate cleaning; ordinary "V" type threads are prohibited in food-contact surfaces, except that in equipment such as icemakers or hot oil cooking equipment and hot oil filtering systems, such threads shall be minimized.
- ii. Equipment containing bearings and gears requiring unsafe lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact surfaces. Only safe lubricants shall be used on equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces.
- iii. Tubing conveying beverages or beverage ingredients to dispensing heads may be in contact with stored ice; Provided, that such tubing is fabricated from safe materials, is grommeted at entry and exit points to preclude moisture (condensation) from entering the ice machine or the ice storage bin, and is kept clean. Drainage or draining tubes from dispensing units shall not pass through the ice machine or the ice storage bin.
- iv. Sinks and drain boards shall be self-draining.

2. Accessibility.

- a. Unless designed for in-place cleaning, food-contact surfaces shall be accessible for cleaning and inspection:
  - i. Without being disassembled; or
  - ii. By disassembling without the use of tools; or
  - iii. By easy disassembling with the use of only simple tools such as a mallet, a screwdriver, or an open-end wrench kept available near the equipment.

3. In-place cleaning.

- a. Equipment intended for in-place cleaning shall be so designed and fabricated that:
  - i. Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen; and
  - ii. Cleaning and sanitizing solutions will contact all interior food-contact surfaces; and
  - iii. The system is self-draining or capable of being completely evacuated.

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4. Pressure spray cleaning.
    - a. Fixed equipment designed and fabricated to be cleaned and sanitized by pressure spray methods shall have sealed electrical wiring, switches, and connections.
  5. Thermometers.
    - a. Indicating thermometers required for immersion into food or cooking media shall be of metal stem type construction, numerically scaled, and accurate to  $\pm 2^{\circ}\text{F}$ .
  6. Non-food contact surfaces.
    - a. Surfaces of equipment not intended for contact with food, but which are exposed to splash or food debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and shall be of such material and in such repair as to be easily maintained in a clean and sanitary condition.
  7. Ventilation hoods.
    - a. Ventilation hoods and devices shall be designed to prevent grease or condensation from collecting on walls and ceilings, and from dripping into food or onto food-contact surfaces. Filters or other grease extracting equipment shall be readily removable for cleaning and replacement if not designed to be cleaned in place.
  8. Existing equipment.
    - a. Equipment that was installed in a food service establishment prior to the effective date of this section, and that does not fully meet all of the design and fabrication requirements of this section, shall be deemed acceptable in that establishment if it is in good repair, capable of being maintained in a sanitary condition, and the food-contact surfaces are nontoxic. Replacement equipment and new equipment acquired after the effective date of this section shall meet the requirements of this Article.
- C. Equipment installation and location.
1. General.
    - a. Equipment, including ice makers and ice storage equipment, shall not be located under exposed or unprotected sewer lines or water lines, open stairwells, or other sources of contamination. This requirement does not apply to automatic fire protection sprinkler heads that may be required by law.
  2. Table mounted equipment.
    - a. Equipment that is placed on tables or counters, unless portable, shall be sealed to the table or counter or elevated on legs to provide at least a 4 inch clearance between the table or counter and equipment and shall be installed to facilitate the cleaning of the equipment and adjacent areas.
    - b. Equipment is portable within the meaning of R9-8-134 C.2.a if:
      - i. It is small and light enough to be moved easily by one person; and
      - ii. It has no utility connection, or has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning.

3. Floor-mounted equipment.
  - a. Floor-mounted equipment, unless readily movable shall be:
    - i. Sealed to the floor; or
    - ii. Installed on a raised platform of concrete or other smooth masonry in a way that meets all the requirements for sealing or floor clearance; or
    - iii. Elevated on legs to provide at least a 6 inch clearance between the floor and equipment, except that vertically mounted floor mixers may be elevated to provide at least a 4-inch clearance between the floor and equipment if no part of the floor under the mixer is more than 6-inches from cleaning access.
  - b. Equipment is easily movable if:
    - i. It is mounted on wheels or casters; and
    - ii. It has no utility connection or has a utility connection that disconnects quickly, or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.
  - c. Unless sufficient space is provided for easy cleaning between, behind and above each unit of fixed equipment, the space between it and adjoining equipment units and adjacent walls or ceilings shall be not more than 1/32 inch; or if exposed to seepage, the equipment shall be sealed to the adjoining equipment or adjacent walls or ceilings.
4. Aisles and working spaces.
  - a. Aisles and working spaces between units of equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. All easily movable storage equipment such as pallets, racks, and dollies shall be positioned to provide accessibility to working areas.

**R9-8-135. Cleaning, sanitization and storage of equipment and utensils.**

**A. Equipment and utensil cleaning and sanitization.**

**1. Cleaning frequency.**

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- a. Tableware shall be washed, rinsed, and sanitized after each use.
- b. To prevent cross-contamination, kitchenware and food-contact surfaces of equipment shall be washed, rinsed, and sanitized after each use and following any interruption of operations during which time contamination may have occurred.
- c. Where equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production-line basis, utensils and the food-contact surfaces of equipment shall be washed, rinsed, and sanitized at intervals throughout the day on a schedule based on food temperature, type of food, and amount of food particle accumulation.
- d. The food-contact surface of grills, griddles, and similar cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once a day; except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment shall be free of encrusted grease deposits and other accumulated soil.
- e. Non-food contact surfaces of equipment shall be cleaned as often as it is necessary to keep the equipment free of accumulation of dust, dirt, food particles and other debris.



2. Wiping cloths.
  - a. Cloths used for wiping food spills on tableware, such as plates, or bowls being served to the consumer, shall be clean, dry and used for no other purpose.
  - b. Moist cloths or sponges used for wiping food spills on kitchenware and food-contact surfaces of equipment shall be clean and rinsed frequently in one of the sanitizing solutions permitted in R9-8-135 A.3 and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.
  - c. Moist cloths or sponges used for cleaning non-food contact surfaces of equipment such as counters, dining table tops and shelves shall be clean and rinsed as specified in R9-8-135 A.2.b and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

3. Manual cleaning and sanitization.

- a. For manual washing, rinsing and sanitizing of utensils and equipment, a sink with not fewer than three compartments shall be provided and used. Sink compartments shall be large enough to permit the accommodation of the equipment and utensils, and each compartment of the sink shall be supplied with hot and cold potable running water. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments shall be washed manually or cleaned through pressure spray methods.
- b. Drain boards or easily movable dish tables of adequate size shall be provided for proper handling of soiled utensils prior to washing and for cleaned utensils following sanitizing and shall be located so as not to interfere with the proper use of the dishwashing facilities.
- c. Equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.
- d. Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing, and sanitizing shall be conducted in the following sequence:
  - i. Sinks shall be cleaned prior to use.
  - ii. Equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution that is kept clean.
  - iii. Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment.
  - iv. Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in R9-8-135 A.3.e, i. through iv.
- e. The food-contact surfaces of all equipment and utensils shall be sanitized by:
  - i. Immersion for at least one-half (1/2) minute in clean, hot water at a temperature of at least 170°F.; or
  - ii. Immersion for at least one minute in a clean solution containing at least 50 parts per million of available chlorine as a hypochlorite and at a temperature of at least 75°F.; or
  - iii. Immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0 and at a temperature of at least 75°F.; or
  - iv. Immersion in a clean solution containing any other chemical sanitizing agent allowed under 21 Code of Federal Regulations §178.1010 that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75°F. for one minute; or

- v. Treatment with steam free from materials or additives other than those specified in 21 Code of Federal Regulations §173.310 in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or
- vi. Rinsing, spraying, or swabbing with a chemical solution of at least twice the strength required for that particular sanitizing solution under R9-8-135 A.3.e.iv. in the case of equipment too large to sanitize by immersion.

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- f. When hot water is used for sanitizing, the following facilities shall be provided and used:
  - i. An integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170°F.; and
  - ii. A numerically scaled indicating thermometer, accurate to  $\pm 3^{\circ}\text{F.}$ , convenient to the sink for frequent checks of water temperature; and
  - iii. Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.
- g. When chemicals are used for sanitization, they shall not have concentration higher than the maximum permitted under 21 Code of Federal Regulations §178.1010 and a test kit or other device that accurately measures the parts per million concentration of the solution shall be provided and used.

#### 4. Mechanical cleaning and sanitizing.

- a. Cleaning and sanitizing may be done by spray-type or immersion dishwashing machine or by any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes equipment and utensils. These machines and devices shall be properly installed and maintained in good repair. Machines and devices shall be operated in accordance with manufacturers' instructions, and utensils and equipment placed in the machine shall be exposed to all cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors, if any, shall be properly installed and maintained.
- b. The pressure of final rinse water supplied to spray-type dishwashing machines shall not be less than 15 nor more than 25 pounds per square inch measured in the water line immediately adjacent to the final rinse control valve. A 1/4 inch IPS valve shall be provided immediately upstream from the final rinse control valve to permit checking the flow pressure of the final rinse water.
- c. Machine or water line mounted numerically scaled indicating thermometers, accurate to  $\pm 3^{\circ}\text{F.}$ , shall be provided to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.
- d. Rinse water tanks shall be protected by baffles, curtains, or other effective means to minimize the entry of wash water into the rinse water. Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles in accordance with manufacturers' specifications attached to the machine.
- e. Drain boards shall be provided and be of adequate size for the proper handling of soiled utensils prior to washing and of cleaned utensils following sanitization and shall be so located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitization.

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- f. Equipment and utensils shall be flushed or scraped and, when necessary, soaked to remove gross food particles and soil prior to being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Equipment and utensils shall be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse waters and that permits free draining.
- g. Machines (single-tank, stationary-rack, door-type machines and spray-type glass washers) using chemicals for sanitization may be used: Provided that,
  - i. The temperature of the wash water shall not be less than 120°F.
  - ii. The wash water shall be kept clean.
  - iii. Chemicals added for sanitization purposes shall be automatically dispensed.
  - iv. Utensils and equipment shall be exposed to the final chemical sanitizing rinse in accordance with the manufacturers' specifications for time and concentration.
  - v. The chemical sanitizing rinse water temperature shall be not less than 75°F. nor less than the temperature specified by the machine's manufacturer.
  - vi. Chemical sanitizers used shall meet the requirements of 21 Code of Federal Regulations §178.1010.
  - vii. A test kit or other device that accurately measures the parts per million concentration of the solution shall be available and used.
- h. Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water shall be kept clean and water shall be maintained at not less than the temperature stated in R9-8-135 A.4.h.i. through v.
  - i. Single-tank, stationary-rack, dual-temperature machine:  
Wash temperature .....150°F.  
Final rinse temperature .....180°F.
  - ii. Single-tank stationary-rack, single temperature machine:  
Wash temperature .....165°F.  
Final rinse temperature .....165°F.
  - iii. Single-tank, conveyor machine:  
Wash temperature .....160°F.  
Final rinse temperature .....180°F.
  - iv. Multitank, conveyor machine:  
Wash temperature .....150°F.  
Pumped rinse temperature .....160°F.  
Final rinse temperature .....180°F.
  - v. Single-tank, pot, pan and utensil washer (either stationary or moving rack):  
Wash temperature .....140°F.  
Final rinse temperature.....180°F.
- i. All dishwashing machines shall be thoroughly cleaned at least once a day or more often when necessary to maintain them in a satisfactory operating condition.

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5. Drying.

- a. After sanitization, all equipment and utensils shall be air dried.

B. Equipment and utensil storage.

1. Handling.

- a. Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination. Spoons, knives, and forks shall be touched only

by their handles. Cups, glasses, bowls, plates and similar items shall be handled without contact with inside surfaces or surfaces that contact the user's mouth.

2. Storage.

- a. Cleaned and sanitized utensils and equipment shall be stored at least 6 inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. The food-contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under exposed sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law.
- b. Utensils shall be air dried before being stored or shall be stored in a self-draining position.
- c. Glasses and cups shall be stored inverted. Other stored utensils shall be covered or inverted, wherever practical. Facilities for the storage of knives, forks, and spoons shall be designed and used to present the handle to the employee or consumer. Unless tableware is prewrapped, holders for knives, forks, and spoons at self-service locations shall protect these articles from contamination and present the handle of the utensil to the consumer.

3. Single-service articles.

- a. Single-service articles shall be stored at least 6 inches above the floor in closed cartons or containers which protect them from contamination and shall not be placed under exposed sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law.

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- b. Single-service articles shall be handled and dispensed in a manner that prevents contamination of surfaces which may come in contact with food or with the mouth of the user.
- c. Single-service knives, forks and spoons packaged in bulk shall be inserted into holders or be wrapped by an employee who has washed his hands immediately prior to sorting or wrapping the utensils. Unless single-service knives, forks, and spoons are prewrapped or prepackaged, holders shall be provided to protect these items from contamination and present the handle of the utensil to the consumer.

4. Prohibited storage area.

- a. The storage of food equipment, utensils, or single-service articles in toilet rooms or vestibules is prohibited.

**R9-8-136. Sanitary facilities and controls.**

A. Water supply.

1. General.

- a. Enough potable water for the needs of the food service establishment shall be provided from a source constructed and operated pursuant to A.C.R.R., Title 9, Chapter 8, Article 2.

2. Transportation.

- a. All potable water not provided directly by pipe to the food service establishment from the source shall be transported in a bulk water transport system and shall be delivered to a closed water system. Both of these systems shall be constructed and

operated in a manner approved by the Department under A.C.R.R., Title 9, Chapter 8, Article 2.

3. Bottled water.
  - a. Bottled and packaged potable water shall be obtained from a source that complies with R9-8-191 and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container.
4. Water under pressure.
  - a. Water under pressure at the required temperature shall be provided to all fixtures and equipment that use water.
5. Steam.
  - a. Steam used in contact with food or food-contact surfaces shall be free from any materials or additives other than those specified in 21 Code of Federal Regulations §173.310.

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**B. Sewage.**

1. General.
  - a. All sewage, including liquid waste, shall be disposed of by a public sewerage or by a sewage disposal system constructed and operated according to A.C.R.R., Title 9, Chapter 8, Article 3. Non-water-carried sewage disposal facilities are prohibited, except as permitted by R9-8-139 A.1 through R9-8-139 A.8 of this Article (pertaining to temporary food service establishments) or as permitted by the regulatory authority in remote areas or because of special situations.

**C. Plumbing.**

1. General
  - a. Plumbing shall be sized, installed, and maintained in accordance with the Uniform Plumbing Code. There shall be no cross-connection between the potable water supply and any nonpotable or questionable water supply nor any source of pollution through which the potable water supply might become contaminated.
2. Nonpotable water system.
  - a. A nonpotable water system is permitted only for purposes such as air-conditioning and fire protection and only if the system is installed in accordance with the Uniform Plumbing Code and the nonpotable water does not contact directly or indirectly, food, or utensils. The piping of any nonpotable water system shall be durably identified so that it is readily distinguishable from piping that carries potable water.
3. Backflow.
  - a. The potable water system shall be installed to preclude the possibility of backflow. Devices shall be installed to protect against backflow and back siphonage at all fixtures and equipment where an air gap at least twice the diameter of the water supply inlet is not provided between the water supply inlet and the fixture's flood level rim. A hose shall not be attached to a faucet unless a backflow prevention device is installed.

4. Grease traps.
  - a. If used, grease traps shall be located to be easily accessible for cleaning.
5. Garbage grinders.
  - a. If used, garbage grinders shall be installed and maintained in accordance with the Uniform Plumbing Code.
6. Drains.
  - a. Except for properly trapped open sinks, there shall be no direct connection between the sewerage system and any drain originating from equipment in which food, portable equipment, or utensils are placed. When a dishwashing machine is located within 5 feet of a trapped floor drain, the dishwasher waste outlet may be connected directly on the inlet side of a properly vented floor drain trap if permitted under the Uniform Plumbing Code.

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D. Toilet facilities.

1. Toilet installation.
  - a. Toilet facilities shall be installed in the number and manner required by the Uniform Plumbing Code and shall be conveniently located, and shall be accessible to employees at all times.
2. Toilet design.
  - a. Toilets and urinals shall be designed to be easily cleanable.
3. Toilet rooms.
  - a. Toilet rooms shall be completely enclosed and shall have tight-fitting, self-closing, solid doors, which shall be closed except during cleaning or maintenance, except as approved by the Department.
4. Toilet fixtures.
  - a. Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials. Toilet rooms used by women shall have at least one covered waste receptacle.

E. Lavatory facilities.

1. Lavatory installation.
  - a. Lavatories shall be installed in the number and manner required by the Uniform Plumbing Code and shall be located to permit convenient use by all employees in food preparation areas and utensil washing areas.
  - b. Lavatories shall be accessible to employees at all times.
  - c. Lavatories shall also be located in or immediately adjacent to toilet rooms or vestibules. Sinks used for food preparation or for washing equipment or utensils shall not be used for handwashing.

2. Lavatory faucets.
  - a. Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam mixing valves are prohibited.

3. Lavatory supplies.
  - a. A supply of hand-cleansing soap or detergent shall be available at each lavatory. A supply of sanitary towels or a hand-drying device providing heated air shall be conveniently located near each lavatory. Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the hand washing facilities.

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4. Lavatory maintenance.
  - a. Lavatories, soap dispensers, hand-drying devices and all related fixtures shall be kept clean and in good repair.

F. Garbage and refuse.

1. Containers.
  - a. Garbage and refuse shall be kept in durable, easily cleanable, insect-proof and rodent-proof containers that do not leak and do not absorb liquids. Plastic bags and wet-strength paper bags may be used to line these containers, and they may be used for storage inside the food service establishment.
  - b. Containers used in food preparation and utensil washing areas shall be kept covered after they are filled.
  - c. Containers stored outside the establishment, and dumpsters, compactors and compactor systems shall be easily cleanable, shall be provided with tight-fitting lids, doors or covers, and shall be kept covered when not in actual use. In containers designed with drains, drain plugs shall be in place at all times, except during cleaning.
  - d. There shall be a sufficient number of containers to hold all the garbage and refuse that accumulates.
  - e. Soiled containers shall be cleaned at a frequency to prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas. Suitable facilities, including hot water and detergent or steam, shall be provided and used for washing containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage.
2. Storage.
  - a. Garbage and refuse on the premises shall be stored in a manner to make them inaccessible to insects and rodents. Outside storage of unprotected plastic bags or wet-strength paper bags or baled units containing garbage or refuse is prohibited. Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers.
  - b. Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent, washable materials, shall be kept clean, shall be insect-proof and

rodent-proof and shall be large enough to store the garbage and refuse containers that accumulate.

- c. Outside storage areas or enclosures shall be large enough to store the garbage and refuse containers that accumulate and shall be kept clean. Garbage and refuse containers, dumpsters and compactor systems located outside shall be stored on or above a smooth surface of nonabsorbent material such as concrete or machine-laid asphalt that is kept clean and maintained in good repair.

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3. Disposal.

- a. Garbage and refuse shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents.
- b. Where garbage or refuse is burned on the premises it shall be done by controlled incineration that prevents the escape of particulate matter in accordance with plans and specifications approved by the Department. Areas around incineration facilities shall be clean and orderly.

G. Insect and rodent control.

1. General.

- a. Effective measures intended to minimize the presence of rodents, flies, cockroaches, and other insects on the premises, shall be utilized. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.

2. Openings.

- a. Openings to the outside shall be effectively protected against the entrance of rodents. Outside openings shall be protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screen doors shall be self-closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight-fitting and free of breaks. Screening material shall not be less than 16 mesh to the inch.

**R9-8-137. Construction and maintenance of physical facilities.**

A. Floors.

1. Floor construction.

- a. Floors and floor coverings of all food preparation, food storage, and utensil-washing areas, and the floors of all walk-in refrigerating units, dressing rooms, locker rooms, toilet rooms and vestibules shall be constructed of smooth durable material such as sealed concrete, terrazzo, ceramic tiles, durable grades of linoleum or plastic, or tight wood impregnated with plastic, and shall be maintained in good repair. Nothing in this section shall prohibit the use of antislip floor covering in areas where necessary for safety reasons.

2. Floor carpeting.

- a. Carpeting, if used as a floor covering, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Carpeting is prohibited in food preparation, equipment-washing and utensil-washing areas where it would be exposed to large amounts of grease and water, in food storage areas, and toilet room areas where urinals or toilet fixtures are located.



3. Prohibited floor covering.
  - a. The use of sawdust, wood shavings, peanut hulls, or similar material as a floor covering is prohibited.
4. Floor drains.
  - a. Properly installed, trapped floor drains shall be provided in floors that are water-flushed for cleaning or that receive discharges of water or other fluid waste from equipment, or in areas where pressure spray methods for cleaning equipment are used. Such floors shall be constructed only of sealed concrete, terrazzo, ceramic tile or similar materials, and shall be graded to drain.
5. Mats and duckboards.
  - a. Mats and duckboards shall be of nonabsorbent, grease resistant materials and of such size, design, and construction as to facilitate their being easily cleaned. Duckboards shall not be used as storage racks.
6. Floor junctures.
  - a. In all new or extensively remodeled establishments utilizing concrete, terrazzo, ceramic tile or similar floor materials, and where water-flush cleaning methods are used, the junctures between walls and floors shall be coved and sealed. In all other cases, the juncture between walls and floors shall not present an open seam of more than 1/32 inch.
7. Utility line installation.
  - a. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor. In all new or extensively remodeled establishments, installation of exposed horizontal utility lines and pipes on the floor is prohibited.

B. Walls and ceilings.

1. Maintenance.
  - a. Walls and ceilings, including doors, windows, skylights, and similar closures, shall be maintained in good repair.
2. Construction.
  - a. The walls, including nonsupporting partitions, wall coverings, and ceilings of walk-in refrigerating units, food preparation areas, toilet rooms and vestibules shall be light colored, smooth, nonabsorbent, and easily cleanable. Concrete or pumice blocks used for interior wall construction in these locations shall be finished and sealed to provide an easily cleanable surface.
3. Exposed construction.

- a. Studs, joists, and rafters shall not be exposed in walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms and vestibules. If exposed in other rooms or areas, they shall be finished to provide an easily cleanable surface.

4. Utility line installation.
    - a. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings. Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in walk-in refrigerating units, food preparation areas, equipment washing and utensil-washing areas, toilet rooms and vestibules.
  5. Attachments.
    - a. Light fixtures, vent covers, wall-mounted fans, decorative materials, and similar equipment attached to walls and ceilings shall be easily cleanable and shall be maintained in good repair.
  6. Covering material installation.
    - a. Wall and ceiling covering materials shall be attached and sealed so as to be easily cleanable.
- C. Cleaning physical facilities.
1. General.
    - a. Cleaning of floors and walls, except emergency cleaning of floors, shall be done during periods when the least amount of food is exposed, such as after closing or between meals. Floors, mats, duckboards, walls, ceilings, and attached equipment and decorative materials shall be kept clean. Only dustless methods of cleaning floors and walls shall be used, such as vacuum cleaning, wet cleaning, or the use of dust-arresting sweeping compounds with brooms.
  2. Utility facility.
    - a. In new or extensively remodeled establishments at least one utility sink or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mopwater or similar liquid wastes. The use of lavatories, utensil-washing or equipment-washing, or food preparation sinks for this purpose is prohibited.
- D. Lighting.
1. General.
    - a. Permanently fixed artificial light sources shall be installed to provide at least 20 foot candles of light on all food preparation surfaces and at equipment or utensil-washing work levels.
    - b. Permanently fixed artificial light sources shall be installed to provide, at a distance of 30 inches from the floor:
      - i. At least 20 foot candles of light in utensil and equipment storage areas and in lavatory and toilet areas; and
      - ii. At least 10 foot candles of light in walk-in refrigerating units, dry food storage areas, and in all other areas. This shall also include dining areas during cleaning operations.
  2. Protective shielding.
    - a. Shielding to protect against broken glass falling onto food shall be provided for all artificial lighting fixtures located over, by, or within food storage, preparation,

service, and display facilities, and facilities where utensils and equipment are cleaned and stored.

- b. Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

E. Ventilation.

1. General.

- a. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes. Ventilation systems shall be installed and operated in accordance with the Uniform Mechanical Code and, when vented to the outside, shall not create an unsightly, harmful, or unlawful discharge.

2. Special ventilation.

- a. Intake and exhaust air ducts shall be maintained to prevent the entrance of dust, dirt, and other contaminating materials.
- b. In new or extensively remodeled establishments, all rooms from which obnoxious odors, vapors, or fumes originate shall be mechanically vented to the outside.

F. Dressing rooms and locker areas.

1. Dressing rooms and areas.

- a. If employees routinely change clothes within the establishment, rooms or areas shall be designated and used for that purpose. These designated rooms or areas shall not be used for food preparation, storage or service, or for utensil washing or storage.

2. Locker areas.

- a. Enough lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other belongings. Lockers or other suitable facilities may be located only in the designated dressing rooms or in food storage rooms or areas containing only completely packaged food or packaged single-service articles.

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G. Poisonous or toxic materials.

1. Materials permitted.

- a. There shall be present in food service establishments only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents.

2. Labeling of materials.

- a. Containers of poisonous or toxic materials shall be prominently and distinctly labeled and kept in their original containers with their original labels attached for easy identification of contents.

3. Storage of materials.

- a. Poisonous or toxic materials consist of the following categories:

- i. Insecticides and rodenticides;
    - ii. Detergents, sanitizers, and related cleaning or drying agents;
    - iii. Caustics, acids, polishes, and other chemicals.
  - b. Each of the three categories set forth in R9-8-137.G.3.a shall be stored and physically located separate from each other. All poisonous or toxic materials shall be stored in cabinets or in a similar physically located separate place used for no other purpose. To preclude contamination, poisonous or toxic materials shall not be stored above food, food equipment, utensils or single-service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or dishwashing stations.
4. Use of materials.
- a. Bactericides, cleaning compounds or other compounds intended for use on food-contact surfaces shall not be used in a way that leaves a toxic residue on such surfaces or that constitutes a hazard to employees or other persons.
  - b. Poisonous or toxic materials shall not be used in a way that contaminates food, equipment, or utensils, nor in a way that constitutes a hazard to employees or other persons, nor in a way other than in full compliance with the manufacturer's labeling.
5. Personal medications.
- a. Personal medications shall not be stored in food storage, preparation or service areas.
6. First-aid supplies.
- a. First-aid supplies shall be stored in a way that prevents them from contaminating food and food-contact surfaces.

#### H. Premises.

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1. General.
- a. Food service establishments and all parts of property used in connection with their operations shall be kept free of litter.
  - b. The walking and driving surfaces of all exterior areas of food service establishments shall be surfaced with concrete or asphalt, or with gravel or similar material effectively treated to facilitate maintenance and minimize dust. These surfaces shall be graded to prevent pooling and shall be kept free of litter.
  - c. Only articles necessary for the operation and maintenance of the food service establishment shall be stored on the premises.
  - d. Persons whose presence is unnecessary for proper operation of food preparation and utensil-washing areas shall not be permitted in those areas.
2. Living areas.
- a. No operation of a food service establishment shall be conducted in any room used as living or sleeping quarters. Food service operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

3. Laundry facilities.
  - a. Laundry facilities in a food service establishment shall be restricted to the washing and drying of linens, clothes, uniforms and aprons necessary to the operation. If such items are laundered on the premises, an electric or gas dryer shall be provided and used.
  - b. Separate rooms shall be provided for laundry facilities except that such operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.
4. Linens and clothes storage.
  - a. Clean clothes and linens shall be stored in a clean place and protected from contamination until used.
  - b. Soiled clothes and linens shall be stored in non-absorbent containers or washable laundry bags until removed for laundering.
5. Cleaning equipment storage.
  - a. Maintenance and cleaning tools such as brooms, mops, vacuum cleaners and similar equipment shall be maintained and stored in a way that does not contaminate food, utensils, equipment, or linens and shall be stored in an orderly manner for the cleaning of that storage location.
6. Animals.
  - a. Live animals, including birds, and turtles, shall be excluded from within the food service operational premises and from adjacent areas under the control of the permit holder. This exclusion does not apply to edible fish, crustacea, shellfish, or to fish in aquariums. Patrol dogs accompanying security or police officers, or guide dogs accompanying blind persons, shall be permitted in dining areas.

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**R9-8-138. Mobile food units or pushcarts.**

- A. Mobile food service.
  1. General.
    - a. Mobile food units or pushcarts shall comply with the requirements of this Article applicable to food service establishments, except as otherwise provided in this section. The regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the food service establishments as a mobile operation, may prohibit the sale of some or all potentially hazardous food, and when no health hazard will result, may waive or modify requirements of this Article relating to physical facilities, except those requirements of R9-8-138.A.4, A.5, B.1, C.1, and C.2.
  2. Restricted operation.
    - a. Mobile food units or pushcarts serving only food prepared, packaged in individual servings, transported and stored under conditions meeting the requirements of this Article, or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with the requirements of this Article pertaining to the necessity of water and sewage systems nor to those requirements pertaining to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at the commissary. However, frankfurters may be prepared and served from these units or pushcarts.

3. Single-service articles.
  - a. Mobile food units or pushcarts shall provide only single service articles for use by the consumer.
4. Water system.
  - a. A mobile food unit requiring a water system shall have a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing, in accordance with the requirements of this Article. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be kept capped unless being filled. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of this Article.
5. Waste retention.
  - a. If liquid waste results from operation of a mobile food unit, the waste shall be stored in a permanently installed retention tank that is of at least 15 percent larger capacity than the water supply tank. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

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B. Commissary.

1. Base of operations.
  - a. Mobile food units or pushcarts shall operate from a commissary or other fixed food service establishment and shall report at least daily to such location for all supplies and for all cleaning and service operations.
  - b. The commissary or other fixed food service establishment used as a base of operation for mobile food units or pushcarts shall be constructed and operated in compliance with the requirements of this Article.

C. Servicing area and operation.

1. Servicing area.
  - a. A mobile food unit servicing area shall be provided and shall include at least overhead protection for any supplying, cleaning, or servicing operation. Within this servicing area, there shall be a location provided for the flushing and drainage of liquid wastes separate from the location provided for water servicing and for the loading and unloading of food and related supplies. This servicing area will not be required where only packaged food is placed on the mobile food unit or pushcart or where mobile food units do not contain waste retention tanks.
  - b. The surface of the servicing area shall be constructed of a smooth nonabsorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair, kept clean, and be graded to drain.
  - c. The construction of the walls and ceilings of the servicing area is exempted from the provisions of R9-8-137 B.1 through R9-8-137 B.6.

2. Servicing operations.

a. Potable water servicing equipment shall be installed according to A.C.R.R., Title 9, Chapter 8, Article 2 and shall be stored and handled in a way that protects the water and equipment from contamination.

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b. The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewage disposal system in accordance with R9-8-136 B.1.

**R9-8-139. Temporary food service.**

A. Temporary food service establishments.

1. General.

a. A temporary food service establishment shall comply with all requirements in this Article applicable to food service establishments, except as otherwise provided in this section. The regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the temporary food service establishment, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of this section.

2. Restricted operations.

a. The provisions of R9-8-139.A.2.b are applicable whenever a temporary food service establishment is permitted, under the provisions of R9-8-139.A.1, to operate without complying with all the requirements of this Article applicable to food service establishments.

b. Only those potentially hazardous foods requiring limited preparations, such as hamburgers and frankfurters that only require seasoning and cooking, shall be prepared or served. The preparation or service of other potentially hazardous foods, including pastries filled with cream or synthetic cream, custards, and similar products, and salads or sandwiches containing meat, poultry, eggs or fish is prohibited. This prohibition does not apply to any potentially hazardous food that has been prepared and packaged under conditions meeting the requirements of this Article, is obtained in individual servings, is stored at a temperature of 45°F. or below or at a temperature of 140°F. or above in facilities meeting the requirements of this Article, and is served directly in the unopened container in which it was packaged.

3. Ice.

a. Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of this Article. The ice shall be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice shall be held in these bags until it is dispensed in a way that protects it from contamination.

4. Equipment.

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a. Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the establishment.

b. Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided, as necessary, to prevent contamination.

5. Single-service articles.
  - a. All temporary food service establishments without effective facilities for cleaning and sanitizing tableware shall provide only single-service articles for use by the consumer.
6. Water.
  - a. Enough potable water shall be available in the establishment for food preparation, for cleaning and sanitizing utensils and equipment, and for handwashing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.
7. Wet storage.
  - a. Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches shall not be stored in direct contact with ice.
8. Waste.
  - a. All sewage, including liquid waste, shall be disposed of according to A.C.R.R., Title 9, Chapter 8, Article 3.
9. Handwashing.
  - a. A convenient handwashing facility shall be available for employee handwashing. This facility shall consist of, at least, warm running water, soap, and individual paper towels.
10. Floors.
  - a. Floors shall be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair. Dirt or gravel, when graded to drain, may be used as subflooring when covered with clean, removable platforms or duckboards, or covered with wood chips, shavings, or other suitable materials effectively treated to control dust.
11. Walls and ceilings of food preparation areas.
  - a. Ceilings shall be made of wood, canvass or other material that protects the interior of the establishment from the weather. Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects. Doors to food preparation areas shall be self-closing. Screening material used for walls, doors, or windows shall be at least 16 mesh to the inch.
  - b. Counter-service openings shall not be larger than necessary for the particular operation conducted. These openings shall be provided with tight-fitting solid or screened doors or windows or shall be provided with fans installed and operated to restrict the entrance of flying insects. Counter-service openings shall be kept closed, except when in actual use.

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**R9-8-140. Compliance procedures.**

- A. Permits, licenses, or certificates.
  1. General.



- a. No person shall operate a food service establishment who does not have a valid permit, license, or certificate issued to him by the regulatory authority. Only a person who complies with the requirements of this Article shall be entitled to receive or retain such a permit, license, or certificate. Permits, licenses, or certificates are not transferable. A valid permit, license, or certificate shall be posted in every food service establishment.
2. Issuance of permit, license, or certificate.
    - a. Any person desiring to operate a food service establishment shall make written application for a permit, license, or certificate on forms provided by the regulatory authority. Such application shall include the name and address of each applicant, the location and type of the proposed food service establishment, and the signature of each applicant.
    - b. Prior to approval of an application for a permit, license, or certificate, the regulatory authority shall inspect the proposed food service establishment to determine compliance with the requirements of this Article.
    - c. The regulatory authority shall issue a permit, license, or certificate to the applicant if its inspection reveals that the proposed food service establishment complies with the requirements of this Article.
    - d. When an application for a permit, license, or certificate is denied by the regulatory authority, the applicant shall be entitled to a hearing before the regulatory authority in accordance with A.R.S. § 41-1013.
  3. Suspension of permit, license, or certificate.
    - a. If the regulatory authority finds that conditions in a food service establishment present such a severe and imminent health hazard as to require emergency action, and incorporates a finding to that effect in its order, summary suspension of the establishment's permit, license or certificate may be ordered pending proceedings for a revocation or other action. Upon suspension pursuant to this subsection, the holder of the permit, license, or certificate may immediately move to vacate the suspension order and the regulatory authority shall hear such motion within five (5) days. In no event may a summary suspension remain in effect for more than twenty-five (25) days.
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4. Revocation of permit, license, or certificate.
    - a. The regulatory authority may, after providing opportunity for hearing, revoke a permit, license, or certificate for serious or repeated violations of any of the requirements of this Article or for interference with the regulatory authority in the performance of duty.
    - b. Prior to revocation, the regulatory authority shall notify, in writing, the holder of the permit, license, or certificate, or the person in charge, of the specific reason(s) for which the permit, license, or certificate is to be revoked and that the permit, license, or certificate shall be revoked at the end of the twenty (20) days following service of such notice unless a written request for hearing is filed with the regulatory authority by the holder of the permit, license, or certificate within such twenty (20) day period. If no request for hearing is filed within the twenty (20) day period, the revocation of the permit, license, or certificate becomes final. If a request for a hearing is timely filed, the hearing shall be held within twenty (20) days of receipt of the request.

5. Service of notices.
  - a. A notice provided for in these Regulations is properly served when it is delivered to the holder of the permit, license, or certificate, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit, license, or certificate. A copy of the notice shall be filed in the records of the regulatory authority. The notice shall comply with the provisions of A.R.S. § 41-1009.B.
6. Hearings.
  - a. Hearings held pursuant to the provisions of this Article shall be conducted in accordance with the requirements of A.R.S. § § 41-1009 through 1013.
7. Application after revocation.
  - a. Whenever a revocation of a permit, license, or certificate has become final, the holder of the revoked permit, license, or certificate may make written application for a new permit, license, or certificate.

B. Inspections.

1. Inspection frequency.
    - a. An inspection of a food service establishment shall be performed at least once every 6 months. Additional inspections of the food service establishment shall be performed as often as necessary for the enforcement of the provisions of this Article.
  2. Access.
    - a. Representatives of the regulatory authority, after proper identification, shall be permitted to enter any food service establishment at any reasonable time for the purpose of making inspections to determine compliance with this Article. The representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used.
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3. Report of inspections.
    - a. Whenever an inspection of a food service establishment or commissary is made, the findings shall be recorded on Form FD 2420 of the Federal Food and Drug Administration. The inspection report form shall summarize the requirements of this Article and shall set forth a weighted point value for each requirement. Inspectional remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. The rating score of the establishment shall be one total of the weighted point values for all violations, subtracted from 100. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it pursuant to A.R.S. Title 39. The Director may require that completed inspection reports, or summaries thereof, be submitted to the Department on a periodic basis.
  4. Correction of violations.
    - a. The completed inspection report form shall specify a reasonable period of time for the correction of the violations found; and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:

- i. If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the regulatory authority.
- ii. All violations of 4- or 5- point weighted items shall be corrected as soon as possible, but in any event, within 10 days following inspection. Within 15 days after the inspection, the holder of the permit, license, or certificate shall submit a written report to the regulatory authority stating that the 4- or 5- point weighted violations may have been corrected. A followup inspection shall be conducted to confirm correction.
- iii. All 1- or 2- point weighted items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection.
- iv. When the rating score of the establishment is less than 60, the establishment shall initiate corrective action on all identified violations within 48 hours. One or more reinspections will be conducted at reasonable time intervals to assure correction.
- v. In the case of temporary food service establishments, all violations shall be corrected within 24 hours. If violations are not corrected within 24 hours, the establishment shall immediately cease food service operations until authorized to resume by the regulatory authority.

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- b. The inspection report shall state that failure to comply with any time limits for corrections may result in cessation of food service operations. An opportunity for hearing on the inspection findings or the time limitations or both will be provided if a written request is filed with the regulatory authority within twenty (20) days following the date of inspection. If a request for hearing is received, a hearing shall be held within twenty (20) days of receipt of the request, except that where the inspection report requires cessation of operations, the hearing shall be held within five (5) days of receipt of the request.
- c. Whenever a food service establishment is required under the provisions of R9-8-140.B.4 to cease operations, it shall not resume operations until the regulatory authority determines on reinspection that conditions responsible for the order to cease operations no longer exist. Such reinspection shall be conducted within three (3) days, exclusive of weekends and holidays, receipt of written notice from the holder of the permit, license, or certificate that the conditions responsible for the cessation order have been corrected.

C. Examination and condemnation of food.

1. General.

- a. Food may be examined or sampled by the regulatory authority as often as necessary for enforcement of this Article. The regulatory authority may seize, condemn, or destroy any food which is in violation of this Article or is adulterated or misbranded as defined under A.R.S. § § 36-904 to 907. For any seizure, condemnation, or destruction of food pursuant to this section, the regulatory authority shall follow the same procedures that the Director must follow under A.R.S. § 36-910.

D. Review of plans.

1. Submission of plans.

- a. Whenever a food service establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for such construction, re-modeling, or conversion shall be submitted to the regulatory authority for review and approval before construction, remodeling or conversion is begun. The plans

and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The regulatory authority shall approve the plans and specifications if they meet the requirements of this Article. No food service establishment shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the regulatory authority.

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2. Pre-operational inspection.

- a. Whenever plans and specifications are required by R9-8-140.D.I to be submitted to the regulatory authority, the regulatory authority shall inspect the food service establishment prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of this Article.

E. Procedure when infection is suspected.

1. General.

- a. When the regulatory authority has a reasonable cause to suspect possible disease transmission by an employee of a food service establishment, it may secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take appropriate action. The regulatory authority may require any or all of the following measures:
  - i. The immediate exclusion of the employee from employment in food service establishments;
  - ii. The immediate closing of the food service establishment concerned until, in the opinion of the regulatory authority, no further danger of disease outbreak exists;
  - iii. Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease;
  - iv. Adequate medical and laboratory examination of the employee and of other employees and of his and their body discharges.
- b. When the holder of a permit is ordered to take any of the measures specified in R9-8-140.E.I.a., he shall be entitled to a hearing before the regulatory authority in the same manner as provided in R9-8-140.B.4.b. for hearings on inspection report findings. Where the order requires closure of the food service establishment, reopening shall be governed by the same procedures as specified in R9-8-140.B.4.c.

DATED this 9th day of July, 1979

TED WILLIAMS  
Deputy Director  
Arizona Department of Health Services

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**SECTION 3  
MOBILE FOOD ESTABLISHMENTS**

**REGULATION 1. Definition**

"Mobile food service" means selling, offering for sale or dispensing food for human consumption from any vehicle or other temporary or itinerant station.

**REGULATION 2.**

a. For the purposes of this Health Code, mobile food establishments are classified as follows:

- (1) "Mobile Food Unit" means and refers to a mobile eating and drinking vehicle-mounted food service establishment designed to be readily movable at which food is composed, compounded, processed or prepared and from which the food is vended, sold or given away, and which may in addition similarly dispense any other food.
- (2) "Pushcart" means and refers to a non-self-propelled vehicle limited to the serving of non-potentially hazardous foods or commissary-wrapped foods maintained at proper temperatures, or limited to the preparation and serving of frankfurters. Unpackaged non-potentially hazardous food items approved for sale from a pushcart shall be limited to popcorn, nuts, produce, pretzels and similar bakery products, and snow cones.
- (3) "Food Peddler" means and refers to a Retail Food Establishment from which prepackaged, frozen or canned prepared food which is wrapped, packaged, portioned, kept in ready-to-eat units or raw fruits and vegetables are vended, sold, or given away but in which establishment the food is not composed, compounded, processed or prepared. Mobile Retail Food Establishments may dispense soda fountain drinks, hot drinks, and assemble snow cones from approved and properly installed equipment.
- (4) "Temporary Food Service Establishment" means and refers to a Food Service Establishment that operates in conjunction with a fair, rodeo, exhibition or similar event for not more than seventeen (17) consecutive days within any permit year provided it is the same permittee, at the same location and the same event. At the termination of the event the Food Service Establishment shall be removed from the premises.

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**REGULATION 3. Compliance**

Every mobile food establishment shall be operated and maintained in a clean and sanitary condition in compliance with the appropriate parts of Chapter VIII, Section 1, the general regulations of this code for food establishments, Section 2, Food Service Establishments Regulations, and with the specific provisions of this section.

**REGULATION 4. Permits Required**

No person shall operate or maintain a mobile food establishment without a valid permit to do so from the Department. A separate permit is required for each establishment.

**REGULATION 5. Approval of Plans Required**

No Mobile Food Unit or Pushcart shall be constructed, nor shall any major alteration or addition be made thereto, unless detailed plans and specifications for the unit have been to and approved by the Department; nor shall any construction, alteration, or addition be made excepting in accordance with approved plans.

**REGULATION 6. General Requirements**

- a. The name and vehicle number of the establishment shall be plainly indicated on each side of the exterior of the vehicle in letters of contrasting colors at least three inches high with a minimum 3/8 inch wide for all Mobile Food Units, Pushcarts, and Food Peddlers.
- b. The cab or driving portion of the vehicle for Mobile Food Units and Temporary Food Service establishments shall be separated from the preparation and serving area of the vehicle by a solid partition.
- c. Doors to food preparation areas shall be effectively self-closing and kept closed for Mobile Food Units and Temporary Food Service establishments.
- d. Compressors, auxiliary engines, generators and similar mechanical units that are not an integral part of food preparation or storage equipment shall be installed completely separated from food preparation and storage and accessible from the exterior for Mobile Food Units and Temporary Food Service establishments.
- e. Adequate and durable waste containers of easily cleanable construction, with self-closing covers shall be furnished for the use of customers and the operator for all mobile food establishments.
- f. Adequate, suitable and separate space shall be provided for the proper storage of
  - (1) Food and food service materials and
  - (2) Linens, uniforms, clothing and similar items for all mobile food establishments.
- g. Mobile Food Unit, Pushcart, Food Peddler, and Temporary Food Service establishments shall provide for use by the consumers single-service ware only, which shall be stored in their original package in a clean, dry area and dispensed from an approved dispenser. Straws shall be wrapped or dispensed from approved, enclosed dispensers.
- h. Mobile Food Units and Pushcarts shall operate from a commissary or other fixed food service establishment and shall report at least daily to such location for all supplies and for cleaning and service operations.
- i. Mobile Food Unit, Pushcart, and Food Peddler establishments shall at all times remain vehicle mounted and readily movable. No permanent utility connections are permitted. Any utility connection shall be of temporary, quick-disconnect design.

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**REGULATION 7. Interior Fixtures**

- a. A three-compartment metal sink equipped with a dual integral metal drain board shall be provided. Each compartment shall be at least 12 inches wide, 12 inches long, and 10 inches deep and each drain board shall be at least 144 square inches. The sink shall be provided with hot and cold water through a mixing faucet with a swivel spigot capable of servicing each compartment individually for Mobile Food Units. Pushcarts exempt.
- b. A hand washing lavatory at least 9 inches wide, 9 inches long, and 5 inches deep with hot and cold water supplied through a mixing type faucet, hand washing compound and sanitary towels, shall be provided in Mobile Food Units and Pushcarts.
- c. Light bulbs and tubes shall be covered in a protective shield and light fixtures shall be installed so as to obviate hazard to personnel or food materials in Mobile Food Unit, Pushcart, Food Peddler, and Temporary Food Service establishments.

**REGULATION 8. Food Protection**

- a. Only food preparation, dispensing and cleansing equipment may be stored in the food preparation or food storage areas. Soaps, disinfectants, insecticides or other hazardous

substances shall be stored separately and safely away from any food storage or food contact surface for all mobile food establishments.

- b. All ready-to eat foods offered for customer self-service, except raw fruits and vegetables, shall be individually prepackaged and labeled, listing ingredients, and giving the location of the establishment where the food was prepared; and in addition, if perishable, the label shall carry the date of packaging for Mobile Food Unit, Pushcart, Food Peddler, and Temporary Food Service establishments. Perishable food shall not be sold or served more than 24 hour from the date of packaging. No food once placed and offered for sale on Mobile Food Unit, Pushcart, Food Peddler, and Temporary Food Service establishments may be rewrapped or redated.

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- c. Frozen food which has been thawed shall not be refrozen in Mobile Food Unit, Pushcart, Food Peddler, and Temporary Food Service establishments.
- d. Salt, sugar, catsup, mustard, and similar condiments shall be served in individually wrapped, single-service containers, or from an approved dispenser for Mobile Food Unit, Pushcart, Food Peddler, and Temporary Food Service establishments.
- e. Ice used in food or on food contact surfaces shall meet the requirements for the wholesomeness of food in all mobile food establishments.
- f. When the mobile food establishment is in transit, all closures shall be in place and all food appropriately protected against contamination or spoilage.

#### **REGULATION 9. Service Openings**

- a. Mobile Food Unit establishments shall have
  - (1) Service openings shall be limited to 216 square inches (such as 12" x 18") each, and equipped with a screen or window which shall be closed when not in use.
  - (2) Multiple service openings shall be at least 18 inches apart.
  - (3) Service counters shall be smooth and easily cleanable.
- b. All doors, windows, and service openings shall be provided with effective closing devices in Mobile Food Unit, Food Peddler, and Temporary Food Service establishments.

#### **REGULATION 10. Water and Wastewater**

- a. Mobile Food Unit and Pushcart establishments shall have
  - (1) A potable water system under pressure, of a capacity (minimum 30 gallons) to furnish sufficient hot and cold water needed for food preparation, utensil cleaning and hand washing, and capable of delivering at least one gallon per minute to each sink basin on the unit; pushcarts will provide a minimum potable water storage capacity of 10 gallons:
  - (2) Water system inlet fillings protected against use for any other service and from potential contamination from any source:
  - (3) A hot water heater capable of delivering water at 120°F. (49°C.) whenever needed:
  - (4) A liquid waste storage tank with a capacity at least 15% larger than the potable water storage tank. The waste tank shall be installed so as to be readily drained and flushed:
  - (5) An approved wastewater disposal system.

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- b. Where used, the potable water tank shall be filled from an approved source in a sanitary manner with filling pipe capped when not in use.
- c. Sanitary toilet facilities for the use of the food service personnel shall be readily available wherever any class mobile food establishment is operated at the same site for more than a one-hour period.

- d. Water and sewage piping connected to and serving Mobile Food Unit, Pushcart, and Temporary Food Service establishments shall not exceed 50 feet in length.
- e. Mobile Food Unit, Pushcart, and Temporary Food Service establishments connected to an approved potable water system shall also be connected to an approved sewage disposal system.
- f. "Y" type connections are prohibited on water and sewage lines for Mobile Food Unit, Pushcart, and Temporary Food Service establishments.
- g. Wastewater holding tanks shall be emptied into an approved sewage disposal system.

**REGULATION 11. Additional Regulations for Food Peddler**

- a. When serving from a fixed location, the vehicle and sales stand shall be parked or located on a surface which minimizes exposure of produce to dirt and dust. Each such vendor shall clean the premises at the close of each day's business.
- b. All food shall be stored and displayed at least two (2) feet above the ground surface.
- c. Sampling procedure from any class vendor must be approved by the Department in writing.
- d. Cutting, portioning of produce or fruits, e.g., melons, etc., by vendor is prohibited.
- e. Only unshelled bulk nuts may be handled and portioned for sale by vendor.
- f. A Food Peddler may dispense soda fountain hot drinks and assemble snow cones from approved and properly installed equipment.
- g. Personal vehicles (passenger cars, station wagons) are prohibited for use as a Food Peddler.

**REGULATION 12. Additional Regulation for Mobile Food Units, and Pushcarts**

- a. All food service employees must attend food handlers training class.



## SECTION 4 VENDING MACHINES

### REGULATION 1.       **Definitions**

- a. "Vending machine" means any self-service device which, upon insertion of a coin, token, or by similar means dispenses food, including drinking water or beverage.
- b. "Hot liquid food or beverage" means liquid food or beverage, the temperature of which at the time of service to the consumer is at least 140°F. (60°C.).
- c. "Single-service article" means any utensil, container, implement, or wrapper intended for use only once in the preparation, storage, display, service or consumption of food or beverage.
- d. "Vending machine operator" means anyone who as the owner or person in charge, furnishes, installs, services, operates or maintains one or more vending machines.
- e. "Product contact surface" means any surface, including but not limited to piping, machinery, equipment, containers or utensils of any description, with which food comes into contact.
- f. "Commissary (vending machines)" means a catering establishment, restaurant, or any other place in which food, beverage, ingredients, containers or supplies are kept, handled, prepared, or stored, for servicing and supplying vending machines.

### REGULATION 2.       **Permits Required**

- a. No person shall operate a food vending machine without holding a valid permit to do so from the Department.
- b. The applicant for a permit shall submit for approval complete plans and specifications which show compliance with the regulations in this health code for each type of vending machine proposed to be used.
- c. *Exemption:* Vending machines operated and maintained as part of, and under the control of the holder of an eating and drinking establishment permit, and dry type beverage vending machines dispensing bottled or metal can single-service containers are exempt from the permit provisions of this section but shall comply with all pertinent regulations in this code.

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### REGULATION 3.       **Permit Display and Necessary Information**

- a. A number assigned by the Department to the permittee and the permittee's telephone number, in an approved size and style, shall be conspicuously displayed on each vending machine used by the permit holder.
- b. The permit holder shall maintain a current list of all vending machines operated by him, their locations and the commissaries or other establishments from which his machines are serviced. This information shall be available to the Health Officer upon request.
- c. The permit holder shall notify the Department of any change in his operations involving new types of vending machines, or conversion of existing machines to dispense products other than those for which the permit was issued.

### REGULATION 4.       **Sanitation, Packaging and Dispensing**

- a. Every vending machine food establishment and vending machine shall be operated and maintained in a clean and sanitary condition and in compliance with the appropriate parts of Chapter VIII, Section 1, the General Regulations of this code for food establishments, and with the specific provisions of this section and shall be in compliance with the requirements adopted by reference in A.C.R.R. 9-1-415A.

- b. All foods, beverages, and ingredients offered for sale through vending machines, shall be wholesome, free from spoilage, contamination and adulteration, shall be stored or packaged in clean protective containers, and shall be handled, transported and dispensed in a sanitary manner.
- c. Condiments provided in conjunction with food dispensed by a vending machine shall be packaged in individual portions or shall be dispensed from approved sanitary dispensers.
- d. Readily perishable foods offered for sale through vending machines shall be dispensed to the consumer in the individual original container or wrapper into which it was placed at the commissary or at the manufacturer's or processor's plant, or such products shall be dispensed into single-service containers. Where readily perishable foods are dispensed, bulk supplies of such foods, beverages or ingredients shall be transferred only to a bulk vending machine, all product contact surfaces of which are clean and have been subjected to an effective sanitizing process.

#### **REGULATION 5. Temperature Control for Readily Perishable Foods**

Readily perishable foods or ingredients within the vending machine shall be maintained at a temperature not lower than 140°F. (60°C.), or at a temperature not higher than 45°F. (7°C.), whichever is applicable. Vending machines dispensing readily perishable foods shall be equipped with controls which insure the maintenance of these temperatures at all times; provided, that an exception may be made for the actual time required to fill or otherwise service the machine and for a maximum recovery period of 30 minutes following completion of filling or servicing operations. The controls shall place the machine in an inoperable state until serviced by the operator, or in the event of power failure or other condition which permits the food storage compartment to attain a temperature above 45°F. (7°C.), or below 140°F. (60°C.), whichever is applicable. Vending machines dispensing readily perishable food shall be equipped with a thermometer which, to an accuracy of 2°F. (1°C.), indicates the air temperature of the food storage compartment.

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#### **REGULATION 6. Sampling**

Samples of food, beverage, water or ingredient thereof shall be taken and examined by or as required by the Health Officer as often as necessary to determine its wholesomeness and freedom from adulteration or misbranding.

#### **REGULATION 7. Cleaning of Machines**

All multi-use parts of vending machines which come into direct contact with any food, beverage or food ingredient shall be thoroughly cleaned and sanitized at the commissary or other approved facility as frequently as necessary to prevent food contamination, and shall be kept clean.

A record of such cleaning and sanitizing operations shall be maintained by the permit holder for each machine and shall be retained for at least 30 days.

#### **REGULATION 8. Single-Service Containers**

All single-service containers, used to receive food or beverage in bulk from vending machines shall be kept in sanitary cartons or packages which protect the containers from contamination, stored in a clean dry place until used, and handled in a sanitary manner. Containers shall be stored in the original carton or package in which they were placed at the point of manufacture until introduced into the container magazine or dispenser of the vending machine. Single-service containers stored within the vending machine shall be protected from manual contact, dust, insects, rodents and other contamination.

#### **REGULATION 9. Protection--Ease of Cleaning**

- a. Each vending machine shall be located in a room, area, or space which is kept clean.

- b. Unless a vending machine is sealed to the floor so as to prevent seepage underneath, or can be manually moved with ease, one or more of the following provisions shall be utilized to facilitate cleaning operations:
  - (1) The machine shall be mounted on legs six or more inches in height above the floor, or four inches above a counter top; or
  - (2) The machine shall be mounted on casters or rollers; or
  - (3) The machine shall be mounted on gliders which permit it to be moved easily.

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- c. The floor area upon which vending machines are located shall be reasonably smooth, of cleanable construction, and capable of withstanding repeated cleaning. This space and the immediate surroundings of each vending machine shall be maintained in a clean condition. Adequate hand washing facilities, including hot and cold or tempered running water, soap and individual towels, shall be conveniently located for use by employees servicing or loading bulk food machines.

#### **REGULATION 10. Sturdy Construction and Design**

Vending machines shall be of sturdy construction with the exterior, door and panel access openings so designed, fabricated and finished as to be tightfitting, and if necessary, gasketed to facilitate cleaning and preclude the entrance of dust, moisture, rodents and insects. All necessary ventilation louvers or openings into the production area of vending machines shall be effectively screened against insects and rodents. Screening material shall not be less than 16 mesh to the inch or equivalent.

#### **REGULATION 11. Condensing Units**

In vending machines in which a condenser unit is an integral part of the machine, such unit shall be sealed from the product and container storage areas.

#### **REGULATION 12. Service Connections**

All service connections through an exterior wall of the machine, including water, gas, electrical, and refrigeration connections, shall be grommeted or sealed to prevent the entrance of insects and rodents. All connections to such utilities shall be such as to discourage unauthorized or unintentional disconnection.

#### **REGULATION 13. Non-product Contact Surfaces**

Non-product contact surfaces of the interior of vending machines shall be designed and constructed to permit easy cleaning, and to facilitate maintenance operations.

#### **REGULATION 14. Product Contact Surfaces**

- a. Product contact surfaces of vending machines shall be smooth, in good repair, and free of breaks, corrosion, open seams, cracks and chipped places. The design of such surfaces shall preclude routine contact between food and V-type threaded surfaces. All joints and welds in product contact surfaces shall be smooth; and all internal angles and corners of such surfaces shall be rounded to facilitate cleaning. All containers, valves, fittings, chutes, and faucets which are in contact with food or beverage shall be easily and readily removable and so fabricated as to be easily disassembled and when disassembled all surfaces shall be visible for inspection and cleaning.
- b. In machines of such design that product contact pipes or tubing are not readily removable, in-place cleaning of such pipes and pipe fittings may be permitted; provided,

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- (1) They are so arranged that cleaning and bactericidal solutions can be circulated throughout the fixed system,
- (2) Such solutions will contact all interior surfaces,
- (3) The system is self-draining or otherwise completely evacuated and
- (4) The cleaning procedures result in thorough cleaning of the equipment.

**REGULATION 15. Covers and Openings**

The openings into all nonpressurized containers used for the storage of foods and ingredients, including water, shall be provided with covers which prevent contamination from reaching the interior of the containers. Such covers shall be designed to provide a flange which overlaps the opening, and shall be sloped to provide drainage from the cover surface. Concave covers or cover areas are prohibited. Any port opening through the cover shall be flanged upward at least 3/8" and shall be provided with a cover which overlaps the flange. Condensation or drip-deflecting aprons shall be provided on all piping, thermometers, equipment, rotary shafts and other functional parts extending into the container, unless a water-tight joint is provided. Such aprons shall be considered as satisfactory covers for those openings which are in continuous use. Gaskets, if used, shall be of a material which is nontoxic, stable, and nonabsorbent, and shall have a smooth surface. All gasket retaining grooves shall be readily cleanable.

**REGULATION 16. Delivery Tube or Chute**

Delivery tube or chute and the orifice of all bulk food, water and beverage vending machines shall be protected from manual contact, dust, insects, rodents, and other contamination. The design shall be such as to divert condensation or other moisture from the filling position of the container receiving the food or beverage. The vending stage of such machines shall be provided with a tightfitting, selfclosing door or cover which is kept closed, except when the machine is in the process of delivering the product.

**REGULATION 17. Product Storage Compartment**

Every product storage compartment within vending machines dispensing packaged liquid products, shall be self-draining, or shall be provided with a drain outlet which permits complete draining of the compartment. All such drains shall be easily cleanable.

**REGULATION 18. Container Opening Devices**

Container opening devices which come into contact with the product or the product contact surface of the containers shall be constructed of smooth, nontoxic, corrosion resistant, and nonabsorbent materials. Unless the opening device is of a single-service type it shall be readily removable for cleaning, and shall be kept clean. Parts of multi-use opening devices which come into contact with the product or product contact surface of containers shall be reasonably protected from manual contact, dust, insects, rodents, and other contamination, and such parts shall be readily removable for cleaning and shall be kept clean.

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**REGULATION 19. Water Standards**

Water used in or dispensed from vending machines shall be of a safe and sanitary quality, and from an approved source. Water used as a product ingredient shall be piped into the vending machine under pressure, and all connections and fittings shall be installed in accordance with applicable plumbing regulations. Containers for the storage of water shall be designed and maintained as for product contact surfaces.

External water fill ports or drawers of controlled location vending machines shall be designed so that covers and drawers are secured to the machine where unauthorized persons may have access to these machines, external fill port covers or drawers shall be equipped with locks or similar safeguards.

**REGULATION 20. Water Filters**

Water filters and other water conditioning devices shall be of a type which may be disassembled for periodic cleaning or replacement. Replacement elements shall be handled in a sanitary manner.

**REGULATION 21. Carbonated Water**

- a. If used, water filters or other water conditioning devices shall be of a type which may be disassembled for periodic cleaning or replacement of the active element. Replacement elements shall be handled in a sanitary manner.

- b. To prevent leaching of toxic materials caused by possible interaction of carbonated water, piping and contact surfaces, post-mix soft drink vending machines which are designed with an incoming water supply air gap shall have no copper tubing or other potentially toxic water system tubing between the air gap and the downstream, carbonated water dispensing nozzle.
- c. To prevent leaching of toxic materials caused by possible interaction of carbonated water, piping and contact surfaces, post-mix soft drink vending machines which are directly connected to the external water supply system shall be equipped with a double (or two single) check valves and a vented valve or similar backflow preventer immediately upstream from the carbonator, with no copper tubing or other potentially toxic tubing or contact surfaces in or downstream from the check and vented valves.
- d. In all vending machines in which carbon dioxide is used as a propellant, all food-contact surfaces from the check valves or other protective devices, including the valves or devices, shall be of such material as to preclude the production of toxic substances which might result from interaction with carbon dioxide or carbonated water.

**REGULATION 22. Check Valves**

Where check valves are used for the protection of the water supply system, a screen of not less than 100 mesh to the inch shall be installed in the water supply line immediately upstream from the check valves in a location which permits servicing a replacement.

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**REGULATION 23. Storage and Removal of Waste**

- a. Trash and other waste materials shall be removed from the machine location as frequently as necessary to prevent public health nuisance and shall be disposed of in an approved manner.
- b. Self-closing, leak-proof, readily cleanable, plainly labeled and designated waste container or containers shall be provided in the vicinity of each machine or machines to receive used cups, cartons, wrappers, straws, closures, and other single-service items. Such waste containers shall not be located within the vending machine; provided, that an exception may be made for machines dispensing only packaged products with crown closures.
- c. Suitable racks or cases shall be provided for multi-use containers or bottles.

**REGULATION 24. Interior Waste Containers**

Containers shall be provided within all machines dispensing liquid products in bulk for the collection of drip, spillage, overflow, or other liquid wastes. An automatic shut-off device shall be provided which will place the vending machine out of operation before such container overflows. Containers or surfaces on which such wastes may accumulate shall be readily removable for cleaning, shall be easily cleanable, and shall be corrosion-resistant. If liquid wastes from drip, spillage, or overflow, which originate within the machine are discharged into a sewerage system, the connection to the sewer shall go through an air gap.

**REGULATION 25. Protection While in Transit**

Food, beverages, or ingredients while in transit to vending machine locations shall be protected from the elements, dirt, dust and insects, rodents, and other contamination. Similar protection shall be provided for single-service containers and for the product contact surfaces of equipment, containers, and devices in transit to machine locations.

**REGULATION 26. Temperature While Delivering**

Readily perishable foods or beverages, while in transit to vending machine locations shall be maintained at a temperature of not more than 45°F. (7°C.), or at a temperature not less than 140°F. (60°C.), whichever is applicable.

**REGULATION 27. Sanitary Standards for Employees**

Employees shall wash their hands immediately prior to engaging in any vending machine servicing operation which may bring them into contact with foods, beverages, or ingredients, or with product contact surfaces of utensils, containers or equipment. While engaged in such servicing operations, employees shall wear clean outer garments.

**REGULATION 28. Water Vending Machines**

- a. No person shall operate a water vending machine without obtaining and holding a valid permit to do so from the Department.

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- b. Complete mechanical plans identifying all piping, valves and filters and the materials used therein must be submitted to the Department for approval.

- c. Water supplied to the vending machine must be from an approved source. Water dispensed from water vending machines must meet or exceed federal and state drinking water standards.

- d. Samples shall be periodically taken from each machine. If laboratory results are unsatisfactory, machine shall be taken out of service until such time as satisfactory samples are obtained.

- e. Physical Requirements for Approved Machines:

- (1) The outlet nozzle must be isolated in such a manner as to deny the customer access to the nozzle.
- (2) Provisions must be made to deactivate the machine and prevent further vending if any malfunction occurs within the machine or if resistance across the filters reaches a predetermined pressure beyond which the filter is no longer effective.
- (3) A self-closing, tightfitting door must be installed on the vending compartment.
- (4) A backflow preventing device must be installed on the incoming line. All connections and fittings shall be installed in accordance with applicable plumbing regulations.
- (5) Water vending machines equipped with U.V. sanitizing attachments shall be equipped with monitoring devices so designed as to shut down operation of the machine when the U.V. unit fails to function.

- f. False or misleading statements or claims on water vending machines are prohibited. Labeling must include the statement "This machine is connected to an approved public water supply which meets federal and state drinking water standards." Labeling must also include a statement of any substances and/or preservatives added to the water and all major treatment processes applied thereto.

- g. A decal stating ownership of the machine, the Maricopa County Health Department number of that company and a service telephone number must be placed in a conspicuous place on each machine.

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## **SECTION 5 BEVERAGE PLANTS**

### **REGULATION 1. Definitions**

- a. "Beverage" means any drink, including water for domestic and culinary purposes, such as but not limited to fruit and vegetable juices, beer, soft drinks, whether plain, carbonated, flavored or fermented, but excepting drinks consisting wholly, or in a major part thereof of milk or milk products.
- b. "Beverage Plant" means an establishment in which is carried on the process of bottling, canning or packaging any beverage.
- c. "Bottle" means and includes any container used for the finished product regulated in this section.

### **REGULATION 2. Permits Required**

No person shall operate a beverage plant without holding a valid permit to do so from the Department.

### **REGULATION 3. Items of Sanitation**

Beverage plants shall comply with the appropriate parts of Chapter VIII, Section 1, the general regulations of this code for food establishments, and with the specific provisions of this section.

- a. Specific Requirements
  - (1) Floors in bottling, bottle washing, and processing areas shall be of impervious material, graded to drain, and provided with a trapped floor drain connected to an approved sewerage system.
  - (2) Bottling, canning and packaging shall be performed using approved mechanical apparatus.
  - (3) The product contact surface of containers shall be inert to the contents.
  - (4) Chipped, cracked or otherwise defective containers shall not be used.
  - (5) Crowning and closing shall be done by approved machinery. Hand crowning or closing is prohibited.
  - (6) If additives or preservatives are used in any beverage, the percentage so used shall be plainly stated on the label or crown of the container of the finished product.
- b. Bottle Water
  - (1) Bottled water shall be labeled giving the name and address of the bottling plant, a true chemical analysis of the product including all additives and preservatives contained therein and a statement of any major process applied such as "Distilled", "Demineralized", "Sterilized".
  - (2) Bottled water shall meet the current drinking water standards of the state.

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**SECTION 6  
SALVAGE AND SALE OF DAMAGED FOOD**

**REGULATION 1.        Definition**

"Damaged food" means any food, whether or not packaged, which has been subjected to deleterious or destructive influences from fire, heat, freezing, radiation, physical damage, total or partial immersion in sewage, contaminated liquids or water, excessive shelf life or storage, or from any other circumstances, and which is held, offered for sale, sold or given away for human consumption.

**REGULATION 2.        Permit Required**

No person shall hold, sell, offer for sale, give away, or otherwise deal in damaged food without holding a valid permit to do so from the Department. Such permit shall be in addition to any other permit held by the permittee under this code with the exception of retail food establishments which are not primarily involved in the sale of damaged food.

**REGULATION 3.        Items of Sanitation**

Damaged food operations shall comply with the appropriate parts of Chapter VIII, Section 1, the general regulations of this code for food establishments, and with the specific provisions of this section.

- a.        Damaged food shall be stored apart from other food and food products in a section or area of the premises clearly designated by sign as the "Damaged Foods Section."
- b.        Damaged food shall be labeled, either on the food itself or on its container or package, to indicate the nature of the damage, such as "fire damaged", "radiation damaged", etc.

**REGULATION 4.**

No person shall sell, offer for sale or give away damaged food which is unclean, unwholesome, contaminated, unfit or otherwise dangerous or deleterious to health.

**REGULATION 5.**

Any person in responsible charge of a food establishment wherein food has been subjected to any of the deleterious influences described in Regulation 1, Section 6, Chapter VIII, shall notify the Department thereof before marketing such food.



## **SECTION 7 BAKERIES**

### **REGULATION 1. Definitions**

- a. "Bakery" means any place in which is carried on the process of mixing, compounding, cooking, baking, or manufacturing any bakery product.
- b. "Bakery product" means any bread, biscuits, pretzels, crackers, buns, rolls, macaroni or any similar pastes, pastries, cakes, doughnuts, pies or other food products of which flour or meal is the principal ingredient. Bakery products shall include the materials from which the above are manufactured, but shall not include packaged mixes.

### **REGULATION 2. Permits Required**

No person shall operate a bakery without obtaining and holding a valid permit to do so from the Department.

### **REGULATION 3. Items of Sanitation**

Bakeries shall comply with the appropriate parts of Chapter VIII, Section 1, the general regulations of this code for food establishments, and with the specific provisions of this section.

- a. The walls and ceilings of all rooms in which bakery products are prepared or stored shall have smooth, easily cleanable and washable surfaces.
- b. The floors of all rooms in which bakery products are prepared or stored, or sold, or in which utensils are washed shall be of easily cleanable construction, shall be smooth, free from cracks and shall be kept in good repair and where necessary graded to drain.
- c. Refrigeration -- All readily perishable bakery products, such as custard or cream filled pastries or pies, commonly known as cream pies, regardless of the type of filler or meringue, shall be cooled to 45°F. (7°C.) within one (1) hour of completion and shall be kept at or below that temperature. Perishable ingredients shall be kept at 45°F. (7°C.) or less at all times.

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- d. Wrapping and Transportation -- No bakery product shall be transported or delivered unless it is wrapped or packaged to prevent contamination. Packaging shall be done at the place of manufacture. An exception may be allowed where bakery products are transported from the place of manufacture to a retail branch store where the unwrapped products shall be displayed only in enclosed display cases. The unwrapped products may be packed for transportation in dustproof bulk containers. Bulk containers shall be of easily cleanable construction, and shall be kept clean at all times. The unwrapped contents thereof shall not be handled by drivers or any other person.
- e. Vehicles -- All vehicles used in transporting bakery products shall be of a closed type, dust and fly proof. All shelves used in such vehicles shall be readily removable and easily cleanable.
- f. Cloths -- All cloths used in the processing of bakery products, which come in direct contact with the raw or baked product or food-contact surfaces, shall be dried and aired after each use and stored so as to be protected from flies, dust and other contamination, and shall be thoroughly cleaned as often as necessary to maintain them in a sanitary condition.

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**SECTION 8**  
**ICE MANUFACTURING PLANTS**

**REGULATION 1. Definitions**

- a. "Ice manufacturing plant" means any establishment, together with the necessary appurtenances, in which ice is manufactured or processed, and stored, packaged, or distributed or offered for sale for human consumption, or for use in which it may come into contact with food equipment or utensils, or with food or beverage intended for human consumption.
- b. "Ice" means the product, in any form, obtained as a result of freezing water.

**REGULATION 2. Permits Required**

No person shall operate an ice manufacturing plant without holding a valid permit to do so from the Department.

**REGULATION 3. Sanitation**

Ice manufacturing plants shall comply with the appropriate parts of Chapter VIII, Section 1, the general regulations for food establishments in this code, and with the specific provisions of this section.

- a. Ice, and all water used in ice manufacturing, including that used in preparing brine solutions, shall be of a safe, sanitary quality and from an approved public or private water supply system.
- b. Only potable water shall be used in sprays and in filling dipping wells, for the removal of ice cakes from the ice cans or tanks.
- c. A nonpotable water supply approved by the Department may be permitted within the establishment for purposes of fire protection and the cooling of refrigeration equipment.
- d. Ice shall not come in direct contact with water in dipping wells.
- e. If water is treated with chemicals or additives at the ice plant, the treatment and facilities shall be as approved by the Department.
- f. Air used for water agitation shall be filtered or otherwise treated to render it free of dust, dirt, insects and extraneous material. Air intakes shall be so located and maintained as to accomplish this. Filters shall be located upstream from the compressor and shall be easily removable for cleaning or replacement.
- g. The blower or compressor for supplying air for water agitation shall be designed so it will deliver oil-free air.
- h. Ice shall not be stored or kept in canvas containers unless provided with a sanitary single-service liner which protects the ice from contamination.
- i. Freezing tank covers shall be so designed and of such material as to protect the ice containers from splash, drip and other contamination. Such covers shall be equipped with lifting rings or similar devices.
- j. No person shall enter the tank room or any room or area where ice contacts a walking surface, unless he wears clean suitable boots or shoe covering. Such boots or shoe covering shall be removed when the person leaves such room or area; provided, that if boots or shoe coverings are not removed, they shall be thoroughly washed in an approved sanitizing solution before re-entering such rooms or areas.

- k. Ice for human consumption shall be transported in clean, enclosed vehicles. Vehicles hauling unpackaged ice shall be thoroughly washed immediately prior to loading with ice.
- l. That part of core suction or filling equipment that penetrates the ice block shall be properly protected against contamination when not in use. Where a protective collar is used, it shall be large enough and so positioned as to prevent the tip of the suction or filling tube from touching the deck when it is laid down.
- m. Contaminated ice shall not be sold, offered for sale, or given away for human consumption.
- n. Ice used for human consumption shall not be cracked, chipped, crushed, packaged, or pulverized on delivery trucks, loading platforms, or on the ground. This operation shall be performed in an enclosed protected area.
- o. All cubed or crushed ice shall be transported and delivered in clean, closed, single-service bags, cartons or containers which shall be stored in a clean dry place until use, and shall be handled in a sanitary manner. Single-service containers shall be used once only.

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- p. No toilet room or toilet vestibule shall open directly into ice making or ice storage areas.
- q. Containers used to package ice for retail sale shall bear the name and address of the ice manufacturing plant of origin.

#### **REGULATION 4. Ice making and dispensing equipment**

- a. Ice making machines and associated equipment shall be located so that the ice will not be exposed to any source of contamination while being produced, handled, packaged or stored.
- b. Beginning January 1, 1981, ice that is available for self-service by the public shall be dispensed in single-service packages or through a device which will not permit exposure or access to ice held in storage. However, any new or replacement selfservice ice making or dispensing equipment acquired for use after January 17, 1977 shall conform to these requirements.
- c. Ice making, handling and storage equipment shall be kept clean.
- d. All persons engaged in the handling or packaging of ice shall wear clean clothing and wash their hands immediately prior to such packaging.

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## SECTION 9 REFRIGERATED WAREHOUSES

### REGULATION 1.       **Definition**

"Refrigerated warehouse" means any place, other than a restaurant, store, home or eating establishment with refrigerated space exclusively for its own use, providing refrigeration and refrigerated storage service to the public with facilities to cool and keep food other than fresh unprocessed fruits and vegetables at the temperature at or below 45°F. (7°C.).

### REGULATION 2.       **Permits Required**

No person shall operate a refrigerated warehouse without holding a valid permit to do so from the Department.

### REGULATION 3.       **Items of Sanitation**

Refrigerated warehouse operations shall comply with the appropriate parts of Chapter VIII, Section 1, the general regulations of this code for food establishments, and with the specific provisions of this section.

- a.       No food shall be placed, received, or kept in a refrigerated warehouse unless such food is in a pure and wholesome condition. Food or food products marked "withheld", "embargoed", or "condemned" shall be kept in a place and under conditions which have been approved by the Department.
- b.       The operator of a refrigerated warehouse shall, upon request from the Department, when it has reasonable suspicion regarding the wholesomeness of food, submit reports setting forth the quantity and condition of any food or food product stored therein.
- c.       Period of Storage -- No person shall keep or permit to remain in any refrigerated warehouse any food beyond the time when it is sound, wholesome and fit to remain in storage. Food found to be fit for human consumption but unfit for further storage shall at once be removed from warehouse storage. No food shall be kept or permitted to remain in any refrigerated warehouse for a longer aggregate period than twenty-four (24) calendar months except by permission of the Department. Upon written application for an extension of time, the Department may approve such request if it determines that the food is sound, wholesome and fit for further storage. If any food is held longer than twenty-four (24) months without an approved extension and neither the operator nor the Department can locate the owner of said food, after a ten (10) day notice made by registered mail to the last known address of such owners by the operator of the facility, the Department may, at its discretion, order the disposition of the food.
- d.       Restorage Prohibited -- No food which has once been released from storage in a refrigerated warehouse and placed on the market for sale to consumers or delivered for use by the ultimate consumer, shall again be placed or stored in a refrigerated warehouse for resale for human consumption.
- e.       Marks, Tags, Identification of Food -- The operator of each refrigerated warehouse shall assign to each lot of food and drink, when received for storage, a distinguishing lot number for identification purposes and shall keep an accurate record of such lot number and shall also make and keep a record of the date of the receipt and the date of removal of each lot of food and drink. No food shall be held unless plainly marked and tagged, either upon the container or upon the article itself, with the identification lot number assigned and recorded in accordance with this regulation, except that where food products are bulk-piled, palletized or piled in unit loads it will be satisfactory to have the outside of the bins in which the bulk is piled or the outside of containers marked as required.

- f. Transfer -- Food may be transferred from one refrigerated warehouse to another if all prior stamping, tags and marking remain thereon and such transfer is not made for the purpose of evading the provisions of this Code.
  
- g. Alteration Prohibited -- No person shall alter, obliterate, mutilate, destroy, remove or eradicate any stamp, tag or mark placed upon any food package, container or food to indicate that the food was received for refrigerated storage from within or from out of the County in order to evade any of the provisions of this Code.

**SECTION 10  
MEAT ESTABLISHMENTS**

**REGULATION 1. Definitions**

- a. "Department" means the Maricopa County Department of Health Services.
- b. "Employee" means the permit holder, individuals having supervisory or management control or any other person working in a retail meat establishment.
- c. "Equipment" means cases, counters, tables, meat blocks, knife cleats, trays, meat hooks, crossarms, refrigerators, saws, grinders, tenderizers, cleavers, and all other utensils and items used in the processing of meat.
- d. "Meat" means the flesh of any animal, bird, fish or other seafood.
- e. "Meat Establishment" means a retail meat market, store or shop in which meat or meat products are processed, prepared, stored, sold or offered for sale.
- f. "Utensil" means any implement used in the processing of meat.

**REGULATION 2. Permits Required**

No person shall operate a meat establishment without obtaining and holding a valid permit to do so from the Department.

**REGULATION 3. General**

- a. All meat and meat products shall be free from unwholesome, poisonous, or other foreign substances and filth, insects or disease causing organisms, and shall be considered a food as defined in R9-8-112 (9).
- b. Approved and effective methods of insect and vermin control shall be used at all times. Adequate rodent proofing shall be provided in buildings.
- c. Meat and meat products delivered to the meat establishment in a manner which violates the rules and regulations of the Arizona Livestock Sanitary Board shall be refused by the meat establishment. Such products, if received, are subject to condemnation as provided in R9-8-116.
- d. All persons working in a meat establishment shall wear clean outer garments, shall keep their hands clean and their hair restrained at all times while engaged in handling of meat or meat products, utensils or equipment. While so engaged, such persons shall not use tobacco in any form.
- e. Live animals or birds shall not be permitted on the premises of any meat establishment except that guide dogs, when accompanied by a blind person or police guard dog when accompanied by a police officer on duty, may be allowed in the sales area.
- f. Handling of unpackaged meat and meat products in meat establishments, storing, processing, or selling meat and meat products by persons other than employees is prohibited.
- g. No unauthorized personnel shall be allowed in areas where meat is cut, packaged, or otherwise processed.
- h. Employees with infectious diseases, infected injuries or other conditions that could contribute significantly to contamination of meat and meat products shall be excluded from handling meat, meat products and utensils.

- i. All meat and meat products shall be from a source approved by the Arizona Livestock Sanitary Board where it has jurisdiction. The Department reserves the right to disapprove meat or meat products from uninspected sources.
- j. Meat and meat products shall not be labeled or represented in a manner which is in conflict with Livestock Sanitary Board requirements or which would misrepresent the item to the consumer.

**REGULATION 4. Physical Plant**

- a. The floors of all meat establishments shall be constructed of impervious material where they are cleaned by flooding or are subject to spillage or other conditions of hard use. All floors shall be easily cleanable, smooth, and where necessary, graded to drain. Floor wall juncture shall be coved for easier cleaning.
- b. Walls and ceilings of all rooms of a meat establishment shall be finished in a light color, and shall be smooth and washable. They shall be kept clean and in good repair.
- c. The premises of all meat establishments shall be kept clean and free of refuse. No operations connected with a meat establishment shall be conducted in any room used for domestic purposes. Soiled linens, coats and aprons shall be kept in containers reserved for this purpose. An adequate area for employees' clothing shall be provided.

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- d. The use of sawdust or other similar materials on the floor of meat cutting rooms or meat storage areas is prohibited.
- e. All openings into the outer air shall be effectively screened. Doors shall be self-closing unless other effective methods are provided to control insects and vermin.
- f. All rooms of a meat establishment shall be well lighted and well ventilated, except that walk-in refrigerators or storage boxes may not need ventilation where recirculation of air is provided.

**REGULATION 5. Toilet and Lavatory**

- a. Adequate and convenient toilet facilities shall be provided for employees, and shall conform to the requirements of the Department. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept clean, in good repair, well lighted and ventilated to the outside air. Hand washing signs shall be posted in each toilet room used by employees.
- b. Adequate and convenient hand washing facilities shall be provided, including hot and cold running water tempered by means of a mixing valve or combination faucet, soap and individual sanitary towels. Lavatories, in addition to those provided in toilet rooms, shall be provided in all processing rooms and shall be easily accessible to all employees. Mixing faucets are required in new construction or when the existing plant is remodeled. No employee shall resume work after using the toilet or performing a task which might contaminate his hands without first thoroughly washing his hands. Lavatories and washrooms shall be kept clean and sanitary.

**REGULATION 6. Water Supply**

- a. All water shall be obtained from a public or semi-public water system approved by the Department under A.A.C. Title 18, Chapter 4, Article 2. Hot and cold running water shall be easily accessible to all rooms in which products are processed, prepared or in which utensils are washed.

- b. Any connection or condition, including overhead leakage, that may permit an interchange of water between a public or semi-public water supply and a private, industrial, or other source of water supply, is prohibited.
- c. No plumbing fixtures or other device which provides, or may provide, a connection between a public or semi-public water supply and a drainage, soil, waste, or other sewer pipe so as to make possible the backflow or back-siphonage of sewage or wastewater into the water supply system shall be installed or permitted to be installed. Water which has been used for cooling, or for any other purpose, shall not be returned to the system unless the entire installation and operation thereof has been approved in writing by the Department. All plumbing shall be installed in accordance with the applicable local ordinance or code. Where a local ordinance does not exist, plumbing shall be installed in accordance with the requirements adopted by reference in R9-1-412.D.

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#### **REGULATION 7. Utensils and Equipment**

- a. All equipment shall be so constructed as to be easily cleaned, and shall be kept in good repair and shall be nontoxic and of corrosion resistant material. Utensils containing or plated with cadmium are prohibited.
- b. All equipment and utensils shall be kept clean and free from dust, dirt, insects, vermin, and other contaminating material. After each use equipment and utensils shall first be rinsed with hot water to remove the gross food particles. They shall be washed thoroughly with a suitable detergent, rinsed with clean water, and then sanitized in conformance with these regulations. When a chemical sanitizer is used, it shall consist of a solution of a chlorine compound providing, in use solution, at least 100 parts per million of free chlorine. Other methods of sanitizing may be used when approved by the Department.
- c. Equipment must be thoroughly cleaned and sanitized after processing poultry or pork products prior to processing any other products.
- d. Grinders must be thoroughly cleaned and sanitized after processing pork, or poultry products prior to processing any other products.
- e. Grinding heads shall be washed and sanitized at least once a day. Grinding heads which are easily removable shall be washed and sanitized once a day when in use, and shall be stored at 45°F. or less when not in use.
- f. A sink having at least two compartments connected with hot and cold water under pressure shall be provided for the washing and bactericidal treatment of equipment and utensils used in meat establishments. Meat establishments constructed or remodeled after the effective date of these regulations must have a sink for these purposes with at least three compartments. The size of each compartment shall be determined by the largest piece of equipment that needs to be washed. The sink drains are to be connected to a sewage disposal system approved by the Department under A.A.C. Title 18, Chapter 9, Article 8.

#### **REGULATION 8. Refrigeration; Packaging; Transportation**

- a. The temperature of meat, meat products, and other products requiring refrigeration shall not exceed 45°F. at any time. Frozen products shall be maintained at a temperature of not more than 0°F.
- b. All refrigerators, walk-in boxes, showcases, freezers and vehicles must be equipped with properly located, easily readable thermometers which are accurate within  $\pm 2^\circ\text{F}$ .
- c. Meat and meat products shall be packaged before delivery in containers or wrappings which assure the product will be protected from contamination.

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- d. All trucks used for the delivery of meat or meat products to a retail meat establishment shall be completely enclosed and shall be refrigerated so that the temperature of the products being transported shall not rise above 45°F. at any time. In an emergency, meat or meat products may temporarily be delivered in an unrefrigerated truck provided delivery can be made in an hour or less, but in no case will delivery be made in an unrefrigerated truck when a refrigerated truck can be obtained. All meat and meat products shall be transported in such trucks and in such a manner as not to expose the meat or meat products to dust, dirt, filth, or other deleterious substance. No meat or meat products shall be laid directly on the floor of any truck.

**REGULATION 9. Processed Meat and Meat Food Product Requirements for Retail Meat Establishments**

- a. Miscellaneous raw beef products
- (1) Chopped beef, ground beef. "Chopped beef" or "ground beef" shall consist of chopped fresh and/or frozen beef with or without seasoning and without the addition of beef fat as such, shall not contain more than 30 percent fat, and shall not contain added water, binders, or extenders. When beef, cheek meat (trimmed beef cheeks) is used in the preparation of chopped or ground beef, the amount of such cheek meat shall be limited to 25 percent, and if in excess of natural proportions its presence shall be declared on the label in the ingredient statement, and contiguous to the name of the product.
  - (2) Hamburger. "Hamburger" shall consist of chopped fresh and/or frozen beef with or without the addition of beef fat as such and/or seasoning, shall not contain more than 30 percent fat, and shall not contain added water, binders, or extenders. Beef cheek meat (trimmed beef cheeks) may be used in the preparation of hamburger only in accordance with the conditions prescribed in Paragraph 1 of this section.
  - (3) Beef patties. "Beef patties" shall consist of chopped fresh and/or frozen beef with or without the addition of beef fat as such and/or seasonings. Binders or extenders and/or partially defatted beef fatty tissue may be used without added water or with added water only in amounts such that the product's characteristics are essentially that of a meat patty. These products must have an ingredient statement with all products used in order of predominance as in Paragraph F.
  - (4) Fabricated steak. Fabricated beef steaks, veal steaks, beef and veal steaks, or veal and beef steaks, and similar products, such as those labeled "Beef Steak, Chopped, Shaped, Frozen", "Minute Steak, Formed, Wafer Sliced, Frozen", "Veal Steaks, Beef Added, Chopped-Molded-Cubed-Frozen, Hydrolyzed Plant Protein, and Flavoring" shall be prepared by comminuting and forming the product from fresh and/or frozen meat, with or without added fat, of the species indicated on the label. Such products shall not contain more than 30 percent fat and shall not contain added water, binders or extenders. Beef cheek meat (trimmed beef cheeks) may be used in the preparation of fabricated beef steaks only in accordance with the conditions prescribed in Paragraph 1 of this section.
- b. Fresh pork sausage. "Fresh pork sausage" is sausage prepared with fresh pork or frozen pork, or both, not including pork byproducts, and may be seasoned with condimental substances. It shall not be made with any lot of product which, in the aggregate, contains more than 50 percent trimmable fat, that is fat which can be removed by thorough, practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.
- c. Chorizo. Pork must be treated to destroy trichinae or use certified pork. If total added moisture is more than 3 percent the product must be labeled "Imitation".

- d. Fresh beef sausage. "Fresh beef sausage" is sausage prepared with fresh beef or frozen beef, or both, not including beef byproducts, and may be seasoned with condimental substances. The finished products shall not contain more than 30 percent fat. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.
- e. Breakfast sausage. "Breakfast sausage" is sausage prepared with fresh and/or frozen meat, or meat and meat byproducts and may be seasoned with condimental substances. It shall not be made with any lot of products which, in the aggregate, contains more than 50 percent fat which can be removed by thorough practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used. Extenders or binders are limited to 3 1/2 percent of the finished sausage.
- f. Pork products. All products with pork as an ingredient, except those customarily well cooked in the home, must be treated for the control of trichinae. These products include all cooked and smoked sausage and pork products that may appear to be cooked. The treatment consists of heating to a minimum internal temperature of 137°F., or freezing as set forth in the following chart.

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| <u>Temperatures °F.</u> | <u>Packages or pieces not</u><br><u>over 6" in thickness</u> | <u>Not over 27" in thickness</u> |
|-------------------------|--|----------------------------------|
|                         | <u>Group 1 (days)</u>  | <u>Group 2 (days)</u>            |
| 5                       | 20   | 30                               |
| --10                    | 10   | 20                               |
| --20                    | 6  | 12                               |

- g. Cooked sausage. Frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, knockwurst and similar products.
  - (1) Frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, knockwurst and similar cooked sausages are comminuted, semi-solid sausages prepared from one or more kinds of raw skeletal muscle meat or raw skeletal muscle and raw or cooked poultry meat, and seasoned and cured, using one or more curing agents. They may or may not be smoked. The finished products shall not contain more than 30 percent fat. Water or ice, or both, may be used to facilitate chopping or mixing, or to dissolve the curing ingredients, but the sausage shall not contain more than 10 percent of added water. These sausage products may contain uncooked, cured pork from primal parts which do not contain any phosphates. Such products may contain raw or cooked poultry meat not in excess of 15 percent of the total ingredients, excluding water, in the sausage. Such poultry meat ingredients shall be designated in the ingredient statement on the label of such sausage.
  - (2) Frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, knockwurst and similar cooked sausage that are labeled with the phrase "with byproducts" or "with variety meats" in the product name are comminuted, semi-solid sausages consisting of not less than 15 percent of one or more kinds of raw skeletal muscle meat with raw meat byproducts, or not less than 15 percent of one or more kinds of raw skeletal muscle meat with raw meat byproducts and raw or cooked poultry products; and seasoned and cured. They may or may not be smoked. Partially defatted pork fatty tissue or partially defatted beef fatty tissue, or a combination of both, may be used in an amount not exceeding 15 percent of the meat and meat byproducts or meat, meat byproducts, and poultry products ingredients. The finished products shall not contain more than 30 percent fat. Water or ice, or both, may be used to facilitate chopping or mixing or to dissolve the curing and seasoning ingredients, but the sausage shall contain no more than 10 percent of added water. These sausage products may contain uncooked, cured pork which does not contain any phosphates or contain only approved phosphates. These sausage products

may contain poultry products, individually or in combination, not in excess of 15 percent of the total ingredients, excluding water, in the sausage. Such poultry products shall not contain kidneys or sex glands. The amount of poultry skin present in the sausage must not exceed the natural proportion of skin present on the whole carcass of the kind of poultry used in the sausage. The poultry products used in the sausage shall be designated in the ingredient statement on the label of such sausage. Meat byproducts used in the sausage shall be designated individually in the ingredient statement on the label for such sausage.

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- (3) A cooked sausage as defined in Paragraph 1 of this section shall be labeled by its generic name, e.g., frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, or knockwurst. Sausage products within Paragraph 1 that are prepared with meat from a single species of cattle, sheep, swine, or goats shall be labeled with the term designating the particular species in conjunction with the generic name, e.g., "beef frankfurter".
- (4) A cooked sausage as defined in Paragraph 2 of this section shall be labeled by its generic name, e.g., frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, or knockwurst, in conjunction with the phrase "with byproducts" or "with variety meats" with such supplemental phrase shown in a prominent manner directly contiguous to the generic name and in the same color on an identical background.
- (5) With appropriate labeling such as "Frankfurter, Calcium Reduced Dried Skim Milk Added", or "Bologna, with Byproducts (or Variety Meats), Soy Flour Added", one or more of the following binders may be used in cooked sausage otherwise complying with Paragraphs 1 and 2 of this section: Dried milk, calcium reduced dried skim milk, nonfat dry milk, cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate and isolated soy protein, provided such ingredients, individually or collectively, do not exceed 3 1/2 percent of the finished product, except that 2 percent of isolated soy protein shall be deemed to be the equivalent of 3 1/2 percent of any one or more of the other binders.
- (6) Cooked sausages shall not be labeled with terms such as "All Meat" or "All (species)", or otherwise to indicate they do not contain nonmeat ingredients or are prepared only from meat. Sodium nitrate, sodium nitrite, potassium nitrate and potassium nitrite may be added to the product provided that total nitrates and nitrites are not in excess of 200 parts per million. Bacon shall not contain nitrates and nitrites in excess of 120 parts per million. Seasoning substances or additives including common salt, wood smoke, vinegar, flavorings, spices or approved sugars, such as sucrose, cane or beet sugar, maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup and glucose syrup may be added.

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#### h. Labeling

- (1) All processed, blended or otherwise prepared meat or meat food products which are packed in any can, pot, tin, box, canvas or other receptacle or covering constituting an immediate or true container, shall be labeled. Labels shall contain, prominently and informatively, the following:
  - (a) The true name of the product, identified with the manufacturer and place of manufacture.
  - (b) A list of the ingredients giving common or usual names of the ingredients, when there are two or more ingredients, and arranged in the order of their predominance. If ice or water is used to facilitate chopping or mixing in the preparation of sausage, it must be appropriately declared on the label.

**REGULATION 10.      Inspections**

Inspections of meat establishments will be performed by the Department at least once every six months. Additional inspections of meat establishments may be performed as often as necessary for the enforcement of these rules and regulations.

**REGULATION 11.      Sanitation**

Every food service establishment shall be operated and maintained in a clean and sanitary condition and in compliance with the appropriate parts of Chapter VIII, Section 1, the General Regulations of this code, and with the specific provision of this section.

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## SECTION 11 FROZEN DESSERTS

### REGULATION 1.       Definitions

- a. "Frozen Desserts" means ice cream, frozen custard, french ice cream, ice milk, quiescently frozen confection, quiescently frozen dairy confection, french custard ice cream, artificially sweetened ice cream, manufactured desserts mix, whipped cream confection, bisque tortoni sherbets, water ice and mellorine frozen desserts and all such other products, together with any mix used in making such frozen desserts, and any other products which are similar in appearance, odor or taste to such products or are prepared or frozen as frozen desserts are customarily prepared and frozen, whether made with dairy products or non-dairy products.
  - b. "Plant" means any place, premises or establishment or any part thereof, including specific applicable areas in retail stores, stands, hotels, restaurants and other establishments where frozen desserts are stored, frozen or converted in form for distribution and/or for sale and shall include rooms or space where utensils or equipment are stored, washed or sanitized and where ingredients for use in manufacturing frozen desserts are stored. The term "plant" shall be deemed to include the following:
    - (1) "Mobile Unit" means any vehicle on which frozen desserts are manufactured, prepared, processed, or converted and which is used in selling and dispensing, frozen desserts. It shall include temporary buildings which may be moved from place to place.
    - (2) "Mobile Unit Depot" means a building from which mobile units operate; where equipment facilities thereof are cleaned and sanitized and where frozen desserts for sale from such mobile units may be handled and stored.
  - c. "Converting" or "Converted" or "Conversion" shall be deemed to mean the process by which a frozen dessert is changed from a frozen to semi-frozen form without any change in the ingredients thereof.
  - d. "Frozen Desserts Mix" or "Mix" shall mean any pasteurized mix that is converted into frozen dessert.
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- e. "Dispensing Freezer" means the type of equipment which freezes or partially freezes frozen desserts so they are served in a soft condition for sale to the retail customer. Dispensing freezers shall meet the minimum standards of design to construction as formulated by the National Sanitation Foundation; only that equipment which is designed and constructed in accordance with the applicable standard may be installed as new or replacement equipment.
  - f. "Pasteurization" means the process of heating every particle of mix to at least 155°F. and holding at such temperature for at least 30 minutes, or to at least 175°F. and holding at such temperature continuously for at least 25 seconds, in approved and properly operated equipment; provided, that nothing contained in this definition shall be construed to prevent the use of another process which has been demonstrated to be equally efficient and is approved by the Health Officer.

### REGULATION 2.       Compliance

All premises where frozen desserts are dispensed for retail sale shall be maintained in a clean and sanitary condition in compliance with the appropriate parts of Chapter VIII, Section 1, the general regulation of this Code for food establishments, Section 2, Food Service Establishments Regulations and the specific provisions of this Section.

The Department shall take samples of frozen dessert for laboratory analysis and conduct periodic inspections of retailers who convert a pasteurized mix into frozen dessert and sell it on the premises to assure that the frozen dessert is free from unwholesome, poisonous and other foreign substances and disease-causing organisms.

**REGULATION 3.           Quality Standards**

- a.     Finished products -- after pasteurization, frozen desserts or frozen dessert mix shall not contain in excess of coliform per gram and/or in excess of 50,000 plate count of bacteria per gram at any time.
  
- b.     Method of determination -- bacteria and other counts referred to herein shall be based on recognized standard methods of analysis as prescribed in the latest edition of standard methods for the Examination of Dairy Products of the American Public Health Association, Inc.
  
- c.     The Department shall suspend the conversion of pasteurized mix into frozen dessert whenever the bacteria counts and/or coliform determinations exceed the quality standards for frozen desserts in three out of the last five samples taken on separate days.

## **SECTION 12 BULK FOOD SALES**

### **REGULATION 1. Definitions**

In this Section, unless the context otherwise requires:

- a. "Bulk Food" means unpackaged and unwrapped food in aggregate containers from which quantities are withdrawn by the consumer, excluding fresh fruits, fresh vegetables, nuts in the shell, rice, beans, food in salad bars and potentially hazardous food.
- b. "Potentially Hazardous Food" means food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea or other ingredients in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms except clean, whole, uncracked, odor free shell eggs or food that has a pH level of 4.6 or below or a water activity value of 0.85 or less measured at twenty-five degrees centigrade.
- c. "Product Module" means a multi-use of single service food contact container designed for customer self-service of bulk food by either direct or indirect means.

### **REGULATION 2. Applicability of Section**

This Section applies to any person who displays, sells or offers for sale at retail any bulk food.

### **REGULATION 3. Labeling; Exception**

- a. Bulk food product modules shall be conspicuously labeled with the common name of the product, a list of ingredients in order of predominance and a declaration of artificial color or flavor and any chemical preservatives contained in the product.
- b. This Section does not apply to bulk food manufactured on the premises or manufactured by the seller.

### **REGULATION 4. Protection from Contamination**

- a. Bulk food and product modules shall be protected from contamination during display, customer self-service, refilling and storage.
- b. Each product module shall have a tight fitting lid that is kept in a closed position at all times except during stocking and customer service.
- c. Containers supplied by customers shall not be used in a manner that contaminates bulk food. Take-home containers, including bags, cups and lids, provided for customer use shall be stored and dispensed in a sanitary manner.
- d. Pet food and nonfood items shall be separated by a barrier or open space from product modules and bulk food.
- e. Potentially hazardous food shall not be provided as bulk food for customer self-service.
- f. Bulk food removed from a product module by a consumer but not ultimately purchased shall not be returned to the product module or offered for resale by the retailer.

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### **REGULATION 5. Dispensing**

- a. Bulk food may be dispensed by either:
  - (1) Mechanical dispensing devices including gravity dispensers, pumps, extruders and augers.

- (2) Manual dispensing from lidded product modules using utensils including tongs, scoops, ladles and spatulas.
- b. A manual dispensing utensil shall have a handle long enough to avoid consumer contact with the bulk food. When dispensing utensils are not in use, they shall be stored in the food with the handle extended out of the food, in a sleeve or protected housing attached or adjacent to the display unit or on a tether made of easily cleanable material and short enough to prevent contact with the floor.

**REGULATION 6. Construction; Materials**

- a. Product modules and utensils shall be constructed of safe materials and shall be corrosion resistant, nonabsorbent, smooth, easily cleanable and durable under conditions of normal use. Product modules and utensils shall not impart odors, color, taste or contamination to the food.
- b. Product modules shall be easily removable from the display unit for servicing unless they can be effectively cleaned and sanitized without removal by a procedure that will not contaminate bulk food or related equipment.
- c. Surfaces of product module display units and all display equipment not intended for food contact, but exposed to food debris or other soiling, shall be nonabsorbent, smooth, easily cleanable, durable under conditions of normal use and free of unnecessary ledges, projections and crevices. Tethers, if used, shall be easily removable for cleaning.

**REGULATION 7. Cleaning Frequency**

- a. Manual dispensing utensils shall be cleaned and sanitized at least daily, or at more frequent intervals based on the type of food and the amount of food particle accumulation or soiling.

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- b. Product modules, lids and other equipment shall be cleaned before restocking, if soiled or at intervals on a schedule based on the type of food and the amount of food particle accumulation or soiling. Food contact surfaces shall be cleaned and sanitized immediately if contamination is observed or suspected.
- c. Any bulk food remaining in a soiled product module shall be discarded before the product module is refilled.

**REGULATION 8. Signs**

A sign at least ten inches by fourteen inches shall be conspicuously posted within the immediate display area directing customers for health reasons to use the utensils provided when serving themselves not to handle the food directly and not to consume food on the premises

**REGULATION 9. Disease Control**

If the Director of the Department of Health Services finds that a disease or foreign matter is actually transmitted by a method of dispensing bulk foods that is permitted under Regulation 5, the Director may adopt rules which prohibit the dispensing of bulk foods in a manner authorized by the provisions of Regulation 5 to ensure the public health and safety. The rules shall address the specific relationship between the disease or foreign matter being transmitted and the dispensing methods permitted under Regulation 5.

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**SECTION 13  
BOTTLED WATER**

**REGULATION 1.       Bottled Water Rules**

The provisions of A.A.C. Title 9, Chapter 8, Sections 201 through 209, excluding Sections 202 and 208, paragraph a & b, shall be met.

**R9-8-201.       Definitions**

In this article, unless the context otherwise requires:

1. "Approved Source" when used in reference to a plant's water product or water used in the plant's operations means the source of the water and the water therefrom, whether it be from a spring, artesian well, drilled well, municipal water supply or any other source that has been inspected by the Arizona Department of Environmental Quality and issued a Certificate or Notification of Approval.
2. "Artesian Well Water" means natural water from a well tapping an aquifer in which the water level will stand above the bottom of confining bed of the aquifer and in which the hydraulic pressure of the water in the aquifer is greater than the force of gravity.
3. "Bottled Water" means water that is from an approved source and is placed by a food establishment in a sealed container or package for human consumption or other consumer uses and has been produced by any of the processes described in R9-8-203 or which has undergone minimum treatment consisting of filtration (activated carbon and/or particulate) and ozonation or an equivalent process.
4. "Carbonated Water" means bottled water containing carbon dioxide. It is also known as "Sparkling Water" or "Soda Water".
5. "Cleaning-in-Place" means the automatic or mechanical cleaning and/or sanitizing of a stationary piece of equipment.
6. "CFR"; means the Code of Federal Regulations.
7. "Department" means the Arizona Department of Health Services or a local Health Department designated by the Director.
8. "Distilled Water" means water which has been produced, a process of distillation and meets the definition of purified water on page 1124 in the United States Pharmacopeia (21st Rev.) dated 1985, Mack Publishing Company, Easton, Pennsylvania, 18042, Incorporated herein by Reference and on file with the Office of the Secretary of State.
9. "Drinking Water" means water obtained from an approved source for purposes of human consumption.
10. "Filler Equipment" means a machine used for the purpose of bottling or packaging liquids.
11. "Fluoridated Water" means water containing naturally occurring or added fluoride ion and complying with The Food and Drug Administration Quality Standards set forth in 21 CFR §103.35.d.2 (4-1-89 Ed.), Incorporated herein by Reference and on file with the Office of the Secretary of State.
12. "Mineral Water" means "Natural Water" that contains not less than 500 parts per million dissolved mineral solids and whose source is approved by the Department of Environmental Quality.

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13. "Mineralized Water" means water which has been modified by the mineral addition or deletion and contains not less than 500 parts per million dissolved mineral solids and whose source is approved by the Department of Environmental Quality.
14. "Natural Water" means spring, artesian well or well water, derived from an underground formation, which is unmodified by blending with water from another source or by mineral addition or deletion but may be treated to reduce the concentration of any substance, except minerals, to meet the Safe Drinking Water Standards established by the Arizona Department of Environmental Quality.
15. "Naturally Carbonated" or "Naturally Sparkling" means water that contains carbon dioxide and that emerges from the source and is bottled directly with its entrapped gas or from which the gas is mechanically separated from the water and later reintroduced into the water at the time of bottling.
16. "Purified Water" means water produced by distillation, deionization or reverse osmosis and meets the definition of purified water on page 1124 in the United States Pharmacopeia (21st Rev.), dated 1985, Mack Publishing Company, Easton, Pennsylvania, 18042, Incorporated herein by Reference and on file with the Office of the Secretary of State.
17. "Soda Water" means bottled water containing carbon dioxide.
18. "Sparkling Water" means bottled water containing carbon dioxide.
19. "Spring Water" means water other than artesian that is derived from a natural underground stratum that flows naturally or by external enhancement to the surface through a natural orifice, or from a bore hole adjacent to the natural orifice and which meets the requirements of "Natural Water".
20. "Well Water" means water from a hole bored into the ground which taps the water of the aquifer and which meets the requirements of "Natural Water".

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#### **R9-8-203. Processing Practices**

- a. All bottled water processed or sold in Arizona shall be processed and packaged in accordance with the U.S. Food and Drug Administration's Good Manufacturing Practice Regulations for Bottled Water beginning at 21 CFR §129 (4-1-89 ED.), Incorporated herein by Reference and on file with the Office of the Secretary of State.
- b. Bottled water shall not be processed or bottled through a line or other equipment used for any other purpose, except that filler equipment used to bottle liquids intended for human consumption may also be used to bottle water, provided:
  1. Filler and processing equipment, unless specifically designed for cleaning-in-place, shall be completely disassembled and cleaned after each use and sterilized after assembly.
  2. A separate set of gaskets, o-rings and similar flexible materials is used for bottling water.
  3. A physical break exists between all processing lines at the filler inlet.
- c. The provisions of R9-8-203.b. shall not apply to soft drink bottling operations processing carbonated water.

#### **R9-8-204. Labeling Requirements**

- a. All bottled water processed or sold in Arizona shall conform to the requirements established in A.R.S. §36-906, and shall be labeled in compliance with one of the following standards:
  1. Mineral water shall be labeled "Mineral Water" or "Natural Mineral Water".
  2. Mineralized water shall be labeled "Mineralized Water".
  3. Spring water shall be labeled "Spring Water" or "Natural Spring Water".

4. Naturally carbonated or naturally sparkling water shall be labeled with the words "Naturally Carbonated" or "Naturally Sparkling".
5. Bottled water which contains carbon dioxide, other than "Naturally Carbonated or Naturally Sparkling", shall be labeled with the words "Carbonated" or "Sparkling" or "Soda Water".

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6. Well water shall be labeled "Well Water" or "Natural Well Water".
  7. Artesian well water shall be labeled "Artesian Well Water", "Natural Artesian Well Water" or "Natural Well Water".
  8. Purified water shall be labeled "Purified Water" and the method of preparation shall be stated on the label except that purified water produced by distillation may be labeled "Distilled Water".
  9. Drinking water shall be labeled "Drinking Water".
- b. Any bottler, distributor, or vendor of bottled water whose corporate name, brand name or trademark contains the words "Well", "Artesian Well", "Natural" or any derivation of these words shall label each bottle with source of the water in typeface at least equal to the size of the typeface of the corporate name or trademark if the actual source of the bottled water is different from the source stated in the corporate name, brand name or trademark.
  - c. The use of words "Spring", "Spring Fresh", "Spring Brand", "Spring Type" or other language containing the word "Spring" in a corporate name, brand name or trademark, or in describing the water, is prohibited unless the water is "Spring Water" as defined in R9-8-201.
  - d. Supplemental printed information and graphics concerning recognized uses of the water may appear on the label but shall not imply properties of the product or preparation methods which are not accurate.

**R9-8-205. Source Water Sampling**

- a. Samples shall be taken of approved sources of water by plant operators or their agents according to the schedule established in A.A.C. R18-4-223.
- b. Sampling and analysis shall be by laboratories certified in accordance with A.A.C. R9-14-602 and shall be in addition to any sampling performed by the Department.
- c. Original laboratory records of bacteriological analyses shall be kept by the bottler for five years. Records of chemical analyses shall be kept for ten years.

**R9-8-206. Finished Product Sampling**

- a. To assure that the plant's production of bottled water is in compliance with 21 CFR §103.35 (4-1-89 Ed.), Incorporated herein by Reference and on file with the Office of the Secretary of State, the plant shall have the following analyses performed by a laboratory certified according to the provisions of A.A.C. R9-14-602:
  1. A representative sample from a batch or segment of a continuous production for each type of bottled water produced by the plant shall be analyzed weekly for microbiological purposes.
  2. A representative sample from a batch or segment of a continuous production for each type of bottled water produced by the plant shall be analyzed annually for chemical, physical and radiological compliance.
- b. The representative samples required in subsection a above shall be derived from the bottled product.
- c. Records of the sampling and analyses shall be maintained on file at the place of operation for a period of two years and shall be made readily available to the Director.

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**R9-8-207.      Transportation Vehicles**

- a.      Bottled water shall be transported in vehicles used only for the transportation of food and other non-toxic products.
- b.      All vehicles transporting bottled water shall be clean and shall protect the bottled water from dust, dirt, insects and other vermin.

**R9-8-209.      Public Nuisance**

- a.      Any water supply, label, premises, equipment, process or vehicle which does not comply with the minimum standards of this article shall be considered a public nuisance.
- b.      All bottled water public nuisances shall be abated by revocation of the bottling establishment's permit or through the procedures established in A.R.S. §36-601 or by any other means permissible by law.

**REGULATION 2.      Sanitation**

Every bottled water plant in which is carried on the process of placing water from an approved source into a sealed container or package shall be operated and maintained in a clean and sanitary condition and in compliance with the appropriate parts of Chapter VIII, Section 1, the general Regulations of this Code, and with the specific provisions of this Section.

**REGULATION 3.      Permit Required**

No person shall operate a bottled water plant without holding a valid Permit to do so from the Department.

All bottled water processors shall be inspected prior to issuance of a Permit and once every six months thereafter for compliance with the minimum standards of this Article.

**REGULATION 4.      Water Quality and Source**

- a.      All bottled water processed in Arizona shall be obtained from a source whose quality is approved by the Director of the Department of Environmental Quality or a local Health Department designated by the Director in accordance with provisions of the A.A.C., Title 18, Chapter 4, Article 2.

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- b.      With the exception of mineral water, mineralized water carbonated water, bottled water processed or sold in Arizona shall meet or exceed the minimum quality standards prescribed by 21 CFR §103.35 (4-1-89 ED.), Incorporated herein and on file with the Office of the Secretary of State.

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**CHAPTER IX  
TRAILER COACH PARKS**

**SECTION I  
GENERAL PROVISIONS**

**REGULATION 1. Definitions**

- a. "Trailer Coach Park" means any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation. This does not apply where all trailer coaches are occupied by the owner of the plot and his immediate family, nor does it include areas provided for recreational purposes or over night parking by agencies of the local, State and Federal Governments, where posted restrictions for use of such areas are provided.
- b. "Trailer Coach" means any vehicle including mobile homes having no foundation other than wheels, jacks, or skirtings, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes. Removal of the wheels shall not change the meaning of the term.
- c. "Dependent Trailer Coach" means a trailer coach that does not have a toilet, or bathtub or shower, or sink, or sanitary drain or water service connection pipe.
- d. "Independent Trailer Coach" means a trailer coach which has a flush toilet, bathtub or shower and lavatory and requires connection to an exterior plumbing system for the discharge of sanitary wastes from plumbing fixtures.
- e. "Travel Trailer Coach" means a trailer coach not exceeding eight (8) feet in width or thirty-three (33) feet in overall length, and is further defined as a dependent trailer coach.
- f. "Trailer Coach Space" means a plot of ground designed for the accommodation of one dependent or independent trailer coach, within a trailer coach park.
- g. "Service Building" means a permanent structure containing flush toilets, baths or shower facilities, lavatories, utility sink, and approved units for receiving sanitary wastes from storage containers, with or without laundry facilities, primarily for the use of dependent trailer coach occupants.

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**REGULATION 2. Permit Required**

No person shall operate a trailer coach park without a valid permit to do so or otherwise than in compliance with the Rules and Regulations in this Health Code.

**REGULATION 3. Plans and Specifications Required**

- a. No person shall begin construction of, maintain, or operate a trailer coach park until plans and specifications showing compliance with these regulations have been submitted to and approved by the Department. Plans for the water supply and wastewater system must be prepared by or under the supervision of a currently registered Arizona Professional Engineer. The engineer shall affix his signature and Arizona seal of registration to all plans submitted for approval, and shall certify in writing that the plan documents comply with these regulations.
- b. Plans and specifications shall show:
  - (1) The location, area and dimensions of the proposed site;
  - (2) The number and location of trailer coach spaces for independent, dependent and travel trailer coaches;
  - (3) The location of roadways and any walkways;
  - (4) The location of any service building or other relevant structures;

- (5) A floor plan of any service building showing all facilities therein;
  - (6) The location and size of on-site water and sewer lines and the water and sewage disposal facilities;
  - (7) The name of the water supplier, if a certificated water company, the existing water main size, the average and minimum off-site water main pressures;
  - (8) Other related buildings and improvements constructed or to be constructed within the trailer coach park;
  - (9) The distance in feet to the nearest public water supply main and to a sewer main of a municipal or community system if connection to them is not proposed;
  - (10) The typical trailer coach space layout.
- c. No change or modification of water supply or sewage disposal facilities in any existing trailer coach park shall be made until plans and specifications have been submitted to and approved by the Department.
  - d. All plans and specifications shall be submitted to the Department in duplicate and accompanied by the required plan review fees.
  - e. An application for approval by the Department, prepared in duplicate on forms furnished by the Department, shall be filed at the time the plans are submitted for approval.

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#### **REGULATION 4.           Inspections**

- a. Notwithstanding inspection and approval thereof by any other agency, no water or sewer line installed in the trailer coach park shall be covered prior to inspection and approval by the Department.
- b. At least fifteen (15) days prior to the expected date of completion of the project the permit applicant or his responsible agent shall request final inspection of the project, and operation of the trailer coach park shall not commence before the final inspection has been made, a certificate of approval to operate has been issued and the trailer coach park has been placed under permit.

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**SECTION 2  
GENERAL LAYOUT**

**REGULATION 1.        Sites**

Every trailer coach park shall be located on a site which is graded to insure effective drainage and to prevent standing pools of water.

- a.        The size of trailer coach spaces shall comply with the ordinances, regulations and/or guidelines of local or county agencies having jurisdiction.
- b.        Every occupied trailer coach shall be parked in an approved trailer coach space, and not more than one occupied trailer coach shall be parked in a single space.
- c.        If a dependent trailer coach is parked on an independent trailer coach space, such space shall be considered a dependent trailer coach space for the purpose of determining compliance with these Regulations.

## SECTION 3 FACILITIES

### REGULATION 1. Sanitary Facilities

Each trailer coach park accommodating dependent or travel trailer coaches shall provide toilets, baths or showers, sanitary sinks and other sanitation facilities as follows:

| (1) Number of Trailer Coach Parking Spaces | Toilet |       | Urinals | Lavatories |       | Showers |       | (2) Other                          |
|--|--------|-------|---------|------------|-------|---------|-------|------------------------------------|
|  | Men    | Women | Men     | Men        | Women | Men     | Women |                                    |
| 1-15                                       | 1      | 1     | 1       | 1          | 1     | 1       | 1     | 1 Service Sink with a flushing rim |
| 16-30                                      | 1      | 2     | 1       | 2          | 2     | 1       | 1     |                                    |
| 31-45                                      | 2      | 2     | 1       | 3          | 3     | 1       | 1     |                                    |
| 46-60                                      | 2      | 3     | 2       | 3          | 3     | 2       | 2     |                                    |
| 61-80                                      | 3      | 4     | 2       | 4          | 4     | 2       | 2     | 1 utility sink                     |
| 81-100                                     | 3      | 4     | 2       | 4          | 4     | 3       | 3     |                                    |

For parking areas having more than 100 trailer coach spaces there shall be provided 1 additional toilet and lavatory for each sex per each additional 30 trailer coach spaces; 1 additional shower for each sex per each additional 40 trailer coach spaces; and 1 additional men's urinal per each additional 100 trailer coach spaces.

- (1) Parking spaces for dependent trailer coaches; i.e., number of facilities required per number of dependent parking trailer coach spaces.
- (2) Additional fixtures including laundry trays, clothes washing machines (one for every 30 sites) and an ice making machine may be provided.

When a park requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in excess of those required by the schedule for trailer coach spaces and shall be based on the total number of persons using such facilities.

### REGULATION 2. Buildings and Grounds

- a. Service buildings shall be permanent structures complying with all applicable ordinances and statutes regulating building construction and shall be located at least ten (10) feet from any trailer coach space, but not further than two hundred (200) feet from any dependent trailer coach which it serves.

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- b. The service buildings shall.
  - (1) Be well lighted and ventilated at all times;
  - (2) Be constructed of moisture-resistant materials, including painted woodwork, which withstands repeated cleaning and washing without speedy deterioration;
  - (3) Have openings to the exterior effectively screened against fly and insect entrance;
  - (4) Be equipped with properly vented approved heating facilities which are not of the open flame type;
  - (5) Have floors of water-impervious material which slope to a properly installed floor drain.
- c. Existing parks serving dependent trailer coaches shall meet the requirements of this Section within six months from the effective date.
- d. Service Buildings -- Exception

A trailer coach park whose occupancy is limited exclusively to independent trailer coaches shall be deemed to comply with the requirements for service building facilities.

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## **SECTION 4 WATER SUPPLY**

### **REGULATION 1.       General Provisions**

The water supply and distribution systems serving the trailer coach spaces and any service building shall comply with all applicable provisions of Chapter V, Water Supply, of the Health Code.

### **REGULATION 2.       Special Provisions**

- a.       The water supply system shall be designed, constructed, and maintained to satisfy a supply demand of at least six (6) fixture units at a residual pressure of at least twenty (20) pounds per square inch at each trailer coach site, in addition to the water requirements of any service building.
- b.       Each trailer coach space shall be provided with a water service pipe terminating at least four (4) inches above ground level. The pipe shall be located so as to provide reasonable protection against mechanical damage. A trailer coach directly connected to such water service pipe shall also be properly connected to an approved waste disposal system.
- c.       Water at a minimum temperature of 120°F (49°C) shall be provided at all times in the service building for general sanitation use.
- d.       When the source of water and the water supply system are developed on the trailer coach park site, they shall include water storage facilities of at least two hundred fifty (250) gallons per trailer coach space, in addition to the requirements of any service building.

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## **SECTION 5 SEWAGE DISPOSAL**

### **REGULATION 1.       Approved Sewage Disposal Systems**

Liquid wastes from all trailer coaches, buildings and fixtures within the trailer coach park shall discharge into a public sewer system, approved private sewerage system, or approved septic tank system. (See Chapter II)

### **REGULATION 2.       Sewage Systems**

The sewer system for trailer coach parks shall be designed either in compliance with the design standards in the applicable bulletin of the Arizona Department of Environmental Quality or Regulations 3, 4, and 6 below.

### **REGULATION 3.       Pipe Size**

The size of the sewer pipe shall be as outlined in the applicable Municipal Plumbing Code, but in no case shall it be less than that required by the Maricopa County Plumbing Code

### **REGULATION 4.       Cleanouts--Branches**

Cleanouts shall be provided and located in sewers as required by the applicable Municipal Plumbing Code. But in no case shall it be less than that required by the Maricopa County Plumbing Code.

### **REGULATION 5.       Connections**

- a.       The wastewater plumbing from the trailer coach sewer connection to the public sewer system, approved private sewage system, or approved septic tank system will be the responsibility of the trailer coach park owner.
  - b.       Each trailer coach space shall be provided with a trapped sewer, at least three (3) inches in diameter, into which all trailer coach plumbing wastes shall be discharged. Exception: Such traps are not required in trailer coach parks restricted to trailer coaches in which all fixtures discharge through a trap located in the trailer coach plumbing system.
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- c.       Sewer connections to trailer coaches shall be vapor tight and capped or plugged when not in use. The extension through the ground of the sewer pipe shall be protected by metal casing or concrete mount placed so as to require a minimum of connector piping.

### **REGULATION 6.       Vents and Traps**

Vents and traps shall be provided in all sewer lines. Mobile home lot drain inlets may be installed without traps where the mobile home plumbing fixtures are effectively trapped and vented.

### **REGULATION 7.       Public Sewerage Systems**

Where a public sewerage system is to be used and is already in existence, or if sewers are proposed and have been approved by the Department, it will only be necessary to show the location and size of the sewer lines within the park. Approval to construct the sewers serving the trailer coach park will not be given unless the capacity of the receiving sewers and the treatment facility which will receive the wastes is determined to have adequate capacity for the increased load resulting from the installation of the trailer coach park.

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**SECTION 6**  
**REFUSE DISPOSAL**

All solid wastes shall be stored, collected and disposed of in compliance with the pertinent sections of Chapter II in this health code.

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**SECTION 7**  
**FOOD SERVICE ESTABLISHMENTS**

Appropriate rules and regulations in this health code which pertain to the sanitary maintenance of certain food establishments apply to food handling, preparation and storage facilities available for use in common in a trailer coach park.

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**SECTION 8**  
**ANIMALS, RODENTS, INSECTS AND VERMIN**

All rules and regulations in this health code which pertain to animals, rodents, insects and vermin apply to trailer coach parks. (See Chapter III).

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**SECTION 9  
REGISTRATION**

**REGULATION 1.           Communicable Disease**

Every owner, operator, attendant or other person operating a trailer coach park shall notify the Health Officer immediately on learning of any suspected communicable or contagious disease within the trailer coach park.

**REGULATION 2.           Enforcement**

Any person who constructs, operates or maintains a trailer coach park in violation of this code is subject to the penalties provided by law.

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**CHAPTER X  
RESIDENCE ACCOMMODATIONS**

**SECTION 1  
GENERAL CONSIDERATIONS**

**REGULATION 1. Definitions**

- a. "Transient dwelling establishment" means and includes any place such as a hotel, motel, motor hotel, tourist court, tourist camp, rooming house, boarding house, inn, and similar facilities by whatever name called, consisting of two or more dwelling units where sleeping accommodations are available to transients or tourists; provided, however, that the term shall not be construed to include apartments, and similar facilities if occupancy of all dwelling units is on a permanent basis.
- b. "Transient" means any person who occupies a dwelling unit in a transient dwelling establishment as defined above.
- c. "Dwelling unit" means any suite, room, cottage, bedroom, or other unit established, maintained, held out or offered by a transient dwelling establishment for occupancy.

**REGULATION 2. Permits, Plans**

- a. No person shall operate a transient dwelling establishment without holding a valid permit to do so from the Department.
- b. No new establishment regulated under this chapter shall be constructed nor any additions or major alterations be made on existing facilities until plans and specifications showing in detail the work to be done have been submitted to and approved by the Department. The owner, operator, or his authorized agent shall certify in writing that the plan documents comply with these regulations.

**REGULATION 3. Inspection of Housing**

The Health Officer is hereby directed to make inspections to determine the condition of housing and premises located within Maricopa County in order that he may perform his duty of safeguarding the health of the occupants of such housing and of the general public. For the purpose of making such inspections, the Health Officer is hereby authorized to enter, examine and survey at all reasonable times all housing described in this chapter. The owner or occupant of every dwelling, or the person in charge thereof, shall give the Health Officer free access to such housing and its premises, at all reasonable times for the purpose of such inspection, examination and survey.

**REGULATION 4. Sanitation of Habitable Buildings**

- a. In every public or private building which is in whole or in part leased by the owner or his agent for habitation, or which is permitted to be used by patrons or the general public, each plumbing fixture, pipe, drain, sewer and sewer connection shall be properly plumbed, of sanitary design and construction, maintained in repair and in a sanitary condition.
- b. No person shall occupy any building, dwelling or vehicle as a place of habitation unless adequate and sanitary facilities for the disposal of sewage have been provided therefor.
- c. No owner or lessee of a dwelling house, apartment or business establishment shall cut or turn off the water supply or cause such water supply to be shut off, except in case of

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necessity arising from a serious leak or bursting of pipes. In such cases repairs shall promptly be made.

- d. Every owner shall provide suitable and sufficient approved containers for storing garbage and rubbish in compliance with the regulations in this code.

**REGULATION 5. Pipeless Heaters, Heating Stoves and Space Heating Devices**

- a. Every indoor stove, space heater, or other heater which uses carbonaceous fuel shall be fitted with a continuous gastight pipe vent which discharges directly to the outer air, or to a chimney which discharges directly to the outer air without backup, all gaseous products of combustion of the fuel.
- b. The health officer having sufficient reason to believe that any such heater is defective or improperly vented, and does or may discharge into occupied indoor space excessive concentrations of noxious products of combustion, may seal such a heater to prevent its use. No person shall remove the seal or use the heater unless and until the defect causing or likely to cause the prohibited discharge has been corrected.
- c. Where gas is used as a fuel, the connection between the source of gas supply and the heating stove, space heating appliance, or tank water heater, shall be of substantial metallic construction, made gastight and impervious. No rubber or other non-metallic hose connection shall be used.

**REGULATION 6. Compliance**

Representatives of the Department shall make such inspections of residence accommodations as are necessary to assure compliance with these regulations. A copy of the report of the inspection shall be furnished the owner, lessee, or operator of the transient dwelling establishment indicating the degree of compliance or noncompliance with the provisions of these regulations. Failure to correct any violation noted within the time limit specified shall be cause for revocation or suspension of the permit to operate.

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**SECTION 2**  
**TRANSIENT DWELLING ESTABLISHMENTS**

**REGULATION 1. Dwelling Units**

- a. Dwelling units shall be of sufficient size to afford ample circulation of air and freedom of movement but not less than 100 square feet of floor area shall be provided for each unit, exclusive of bathrooms, closets, kitchens, and similar ancillary facilities.
- b. Floors of all rooms shall be of such construction as to be easily cleaned and shall be kept clean and in good repair.
- c. The walls and ceilings of all rooms shall be of a finish that will permit easy cleaning and shall be kept clean and in good repair.
- d. Where windows are relied on to provide light and ventilation, the area of the windows for each dwelling unit shall be equal to at least 20% of the floor area.
- e. Not less than 25% of the window area furnished shall be capable of being opened unless other satisfactory means of ventilation is provided. Windows capable of being opened shall be effectively screened.
- f. Furniture, drapes, carpets, and other accessories shall be kept clean and in good repair.
- g. Dwelling units shall be maintained free of insects, rodents, and other vermin.
- h. The provisions of A.R.S. Title 36, Chapter 13, Article 2 relating to gas appliances shall be met.
- i. All dwelling units shall be adequately heated, cooled, ventilated and lighted.
- j. All walkways, driveways, hallways, passageways shall be adequately lighted at night.
- k. Transient dwelling establishments shall be constructed in conformance with the "Uniform Building Code" published by the International Conference of Building Officials.

**REGULATION 2. Bedding**

- a. The beds, mattresses, pillows, and bed linen, including sheets, pillow slips, blankets, etc., used in all transient dwelling establishments shall be maintained in good repair; shall be kept clean and free of vermin; and shall be properly stored when not in use.

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- b. Each bed, bunk, cot, or other sleeping place shall be provided with pillow slips, under and top sheets, for the use of guests. Sheets and pillow slips shall be adequately sized to completely cover the mattress and pillow.
- c. Clean linen shall be provided to each new guest and shall be changed at least once each week when occupancy exceeds this period.

**REGULATION 3. Water Supply**

Each transient dwelling establishment shall be provided with an adequate and safe water supply from an approved source. Whenever a transient dwelling establishment finds it necessary to develop a source or sources of supply, complete plans and specifications of the proposed water system shall be submitted to the

Department and approval received prior to the start of construction. The design, construction, and operation of all such water supply systems shall comply with Department regulations governing public water supplies.

**REGULATION 4. Toilet; Lavatory**

- a. Adequate and convenient toilet, lavatory, and bathing facilities shall be provided at all transient dwelling establishments and shall be available to the guests at all times.
- b. Where private or connecting toilet rooms are not available for each dwelling unit, separate and plainly marked central toilet rooms for each sex shall be provided, located within 200 feet of such units.
- c. Central toilet rooms shall provide not less than one toilet, one lavatory, and one tub or shower for each sex for each 10 dwelling units, or major fraction thereof, not having private or connecting baths. At least one urinal shall be provided in each central toilet room designated for men.
- d. Hot and cold water and soap shall be provided in all toilet rooms. Clean individual sanitary towels shall be furnished for each guest.
- e. Toilet rooms shall be well lighted and ventilated. Where gravity or mechanical ventilation is provided, the ventilation ducts for the toilet rooms shall not be connected into ventilation ducts from or to any dwelling unit.
- f. Floors of all toilet rooms shall be of easily cleanable construction; shall be kept clean and in good repair; and where necessary shall slope to properly located drains, where required.
- g. Walls and ceilings of all toilet rooms shall be of easily cleanable construction and shall be kept clean and in good repair.

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**REGULATION 5. Sewage Disposal**

- a. The liquid wastes from all transient dwelling establishments shall be discharged into a public sewer system in compliance with applicable local ordinances or codes or into separate sewage disposal facilities approved by the Department.
- b. Separate sewage disposal facilities will not be approved where in the opinion of the department connection to a public sewer is practicable.
- c. Where separate sewage disposal facilities are proposed, the design construction of such system shall be in accordance with Chapter II of this Code. Plans and specifications for such system shall be submitted to the Department and approval received prior to start of construction.

**REGULATION 6. Drinking Water; Ice**

- a. Where drinking fountains are provided, the fountain shall be constructed so that the drinking is from a free jet projected at an angle from the vertical, and provided with a guard to prevent the mouth being placed directly against the orifice. There shall be no possibility of the orifice becoming submerged. The fountain bowl shall be constructed of nonabsorbent easily cleanable material.
- b. All glasses and other multiuse utensils furnished to each dwelling unit shall be cleaned and sanitized in an approved manner after each occupancy. Single service paper cups with suitable dispenser may be substituted for glasses.

- c. The use of a common drinking cup is prohibited.
- d. Ice shall be obtained from an approved source and shall be stored and handled in such a manner as to prevent contamination.

**REGULATION 7. Refuse Storage and Disposal**

- a. All refuse shall be stored and disposed of in accordance with Department regulations governing the storage collection, transportation and disposal of refuse and other objectionable wastes.
- b. Garbage cans shall be thoroughly washed after emptying and shall be maintained free of odors and other objectionable conditions.
- c. All containers for rubbish shall be cleaned as often as necessary to prevent a nuisance.
- d. All refuse containers shall be maintained in good repair.

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**REGULATION 8. Food Service**

The storage, preparation and serving of food and drink shall comply with the requirements of Chapter VIII of this code.

**REGULATION 9. Grounds**

- a. Grounds of a transient dwelling establishment shall be properly graded and drained.
- b. Grounds shall be kept clean and free of accumulations of refuse and other debris. There shall be no evidence of fly, mosquito, or rodent breeding or infestation.

**REGULATION 10. Plumbing**

All plumbing shall be installed in accordance with any local ordinance or code. Where a local ordinance or code does not exist, plumbing shall be installed in accordance with the requirements adopted by reference in R9-1-412.D.

**REGULATION 11. Notification of Disease**

- a. The owner or operator of a transient dwelling establishment shall report to the local health department the name of any guest or employee suspected or known to have a contagious disease, in accordance with A.R.S. Title 36, Chapter 6, Article 2.
- b. Every dwelling unit, after being occupied by a person known or suspected of having a contagious disease, shall be rendered noncontagious by treatment method as specified by the Department, before further occupancy.

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**CHAPTER XI  
ANIMALS**

**SECTION 1**

**REGULATION 1.       General**

- a.     Cattle, horses, sheep, goats, dogs, cats, birds, fowl, and any other animal or bird, and the pens, stalls, stables, yards, shelters, cages, areas, places and premises where they are held or kept, shall be so kept and maintained that flies, insects, or vermin, rodent harborage, odors, ponded water, the accumulation of manure, garbage, refuse or other noxious material do not become a public health nuisance.
- b.     Manure and droppings shall be removed from pens, stables, yards, cages and other enclosures at least twice weekly and handled or disposed of in an approved manner free of health hazard or public health nuisance.
- c.     Mound storage of droppings or manure will be permitted only under such conditions as to protect against the breeding of flies and to prevent migration of fly larvae (maggots) into the surrounding soil.
- d.     Watering troughs or tanks shall be provided, which shall be equipped with adequate facilities for draining the overflow, so as to prevent the ponding of water, the breeding of flies, mosquitoes or other insects, or a health hazard.
- e.     No putrescible material shall be allowed to accumulate on any premises, and all such material used as feed which is unconsumed shall be removed daily and disposed of by burial or other approved means.
- f.     A dead domestic or farm animal shall be buried or disposed of in a sanitary manner within 72 hours after its death or after the department has been notified of its existence, whichever is longer.

**REGULATION 2.       Piggeries**

- a.     No pigsty or piggery shall be built or maintained on marshy ground or land subject to overflow, nor within 200 feet of any stream, canal, or other source of water supply, nor within 300 feet of an inhabited house or occupied building on an adjoining property.
- b.     No pigs may be kept within the corporate limits of any city or town in Maricopa County.

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- c.     Feed troughs shall be provided for the feeding of vegetables, meat scraps, or garbage, and such feeding shall be done exclusively in containers or on an impervious platform.
- d.     Unslaked lime, hypochlorite of lime, borax or mineral oil shall be used daily in sufficient quantities to prevent offensive odors and the breeding of flies.
- e.     No organic material furnishing food for flies shall be allowed to accumulate on the premise.

**REGULATION 3.       Skunks and Raccoons**

No skunk or raccoon shall be sold, bartered, exchanged or be given as a gift to be kept within Maricopa County. Exceptions shall be a bona fide publicly or privately owned zoological park, or circus, or any other show where animals are exhibited but are not in physical contact with the public, or by scientific or educational institutions, or the use of such animals in fur farming.

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**SECTION 2  
KENNELS AND PET SHOPS  
VETERINARY CLINICS AND HOSPITALS**

**REGULATION 1. Definitions**

- a. "Kennel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.
- b. "Pet shop" means a commercial establishment at which any animal or bird is kept for sale, bathed, groomed, or treated for vermin.
- c. "Veterinary clinic" means any establishment operated by a licensed veterinarian to provide dental, medical, or surgical treatment, and care, including grooming, for animals or birds on an outpatient basis.
- d. "Veterinary hospital" means any establishment operated by a licensed veterinarian providing clinical facilities and housing animals or birds for dental, medical, or surgical treatment. A veterinary hospital may have adjacent to or in conjunction with it or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.

**REGULATION 2. Plans and Permits**

- a. No pet shop shall be constructed, nor shall any major alteration or addition be made thereto, until detailed plans and specifications for the premises have been submitted to and approved by the Department; nor shall any construction, alteration or addition be made excepting in accordance with approved plans and specifications. The owner, operator, or his authorized agent shall certify in writing that the plan documents comply with these regulations.
- b. Construction shall conform to approved plans. Changes in construction; deletion or addition of equipment will require prior approval.

**REGULATION 3. Permit Required**

No person shall operate a pet shop without a valid permit to do so from the Department or otherwise than in compliance with the applicable regulation in the Health Code. The permit shall be posted in a conspicuous place on the premise.

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**REGULATION 4. Walls and Ceilings**

Walls and ceilings of areas in which animals or birds are bathed or groomed, and in toilet rooms shall be finished in a light color and shall have smooth, easily cleanable surfaces.

**REGULATION 5. Floors**

- a. Interior floors shall be of impervious construction where they are subject to flooding, spillage, or other conditions of hard use, such as in bathing, grooming, toilet rooms and all areas in which birds and animals are kept and/or displayed.
- b. Carpeting, where permitted, shall be of closely woven construction, easily cleanable and maintained clean and in good repair. Carpeting is prohibited in bathing, grooming, toilet rooms and all areas in which animals and birds are kept and/or displayed. In areas where birds are on perches, floors shall be of impervious construction. No carpeting shall be allowed within 18 inches of the outer end of the perch.

**REGULATION 6. Light and Ventilation**

The premises where animals and birds are kept shall be ventilated to the external air by forced draft ventilation, screened doors or windows, and adequately lighted. At least 20 foot candles of light shall be provided in all bathing, grooming and toilet areas. At least 10 foot candles shall be provided in all other areas.

**REGULATION 7. Toilet Facilities and Hand Washing Facilities**

Adequate and convenient toilet facilities, approved by the Department, shall be provided for employees. All toilet rooms shall have smooth and easily cleanable walls and ceilings, adequate ventilation to the outside air. Hand wash facilities shall be located in or immediately adjacent to the toilet room. Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow closing, or metering faucet used shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

**REGULATION 8. Sink and Drainage**

Properly plumbed, sewer connected sinks having an adequate supply of hot and cold water readily accessible to the portions of the premises in which the animals or birds are kept, shall be provided.

**REGULATION 9. Animal Housing**

- a. Pet shop cages in which birds and animals are kept shall be constructed of durable material which may be readily cleaned and disinfected with approved solutions, with live steam, or by other approved means. Cages shall be designed and constructed so that all their parts are easily cleanable. In pet shops each dog and cat over four months of age shall be kept in an individual cage, and at no time shall there be any commingling of animals which have different owners.
- b. Sick birds and animals shall be isolated in rooms or cages separate from healthy birds and animals.
- c. Birds shall be housed at least 12 inches above the floor.

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**REGULATION 10. Maintenance**

The premises, implements, cages and appurtenances shall be kept clean, sanitary, free of animal and bird parasites, or other health hazards.

**REGULATION 11. Limitation**

- a. No portion of a pet shop, kennel or veterinary hospital in which animals or birds are kept, caged or boarded shall be used for human habitation.
- b. Food for human consumption shall not be prepared or served in the same room in which animals or birds are kept, caged or boarded.

**REGULATION 12. Method of Disposal**

All putrescible material, garbage, excreta, refuse, dead birds or animals shall be stored in durable fly-tight containers and disposed of in accordance with the provisions of this Code governing the storage and disposal of refuse and other objectionable wastes. All such material shall be removed from the property at least twice weekly in an approved manner.

**REGULATION 13.      Records**

- a.      Pet shops shall keep records in which an entry shall be made immediately of every animal, turtle, or bird received, purchased, sold, boarded or kept on the premises, showing origin, for whom the animal, turtle or bird was boarded and kept, including the age, sex and breed, where applicable. The required records shall be legibly written in English and such records shall be available for inspection by the Health Officer. All such required records shall be kept for at least 2 years.
  
- b.      Veterinary clinics and hospitals shall keep a record book or record card for each animal or bird admitted, with an accurate description of the animal or bird, treatment (dental, medical or surgical) including diagnosis if possible, vaccinations (including rabies), and dates of admission and discharge. Incidence of disease known or suspected to be communicable to man shall be reported to the Health Officer. Records shall be made available for inspection by the Health Officer in accordance with the law.

**REGULATION 14.      Veterinarians**

These regulations shall not be used to interfere with a licensed veterinarian in the practice of his profession but such veterinarian shall comply with the sanitation provision of the Health Code.

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## **CHAPTER XII CAMP GROUNDS**

### **REGULATION 1.        Scope**

The regulations in this Chapter shall apply to any city, county, city and county, village, community, institution, person, firm or corporation operating, maintaining or offering for public use with Maricopa County any tract of land on which persons may camp or picnic either free of charge or by payment of a fee. Each and every owner and lessee of any public camp or picnic ground shall be held responsible for full compliance with these regulations.

### **REGULATION 2.        Supervision**

- a.     The management of every public camp or picnic ground shall assume responsibility for maintaining in good repair all sanitary appliances on said ground and shall promptly bring such action as may be necessary to prosecute or eject from such ground any person who willfully or maliciously damages such appliances or any person who in any way fails to comply with these regulations.
- b.     At least one caretaker shall be employed by the management to visit said camp or picnic ground every day that campers or picnickers occupy said ground. Such caretaker shall do whatever may be necessary to keep said ground and its equipment in a clean and sanitary condition.
- c.     Each camping party shall be allotted usable space of not less than 350 square feet.

### **REGULATION 3.        Water Supply**

- a.     The water supply system shall be in accordance with Chapter V of this Code and shall be provided in ample quantity to meet all requirements of the maximum number of persons using such ground at any time. Said water supply shall be easily obtained from its source or on a pipe distribution system, from faucets which shall be located not more than 300 feet from a camp or picnic spot within such ground. If water supply is obtained direct from above ground source, said source must be covered properly and water withdrawn by means of open pipe or faucet as approved by the Department. In no case can dipping from open springs, seeps or wells be permitted.
- b.     Any water considered unsafe for human consumption in the vicinity of such ground, to which campers or picnickers may have access, shall be either eliminated or purified, or shall be kept posted with placards definitely warning persons against its use.

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### **REGULATION 4.        Protection against fires**

No fires shall at any time be so located as to endanger automobiles or other property in the camp ground. No fires shall be left unattended at any time, and all fires shall be completely extinguished before leaving.

### **REGULATION 5.        Sewage and Refuse Disposal**

- a.     Supervision and equipment: Supervision and equipment sufficient to prevent littering of the ground with rubbish, garbage or other refuse shall be provided and maintained. Fly-tight depositories for such materials shall be provided and conspicuously located. Each and every camp or picnic spot on said ground shall be within a distance of not over 200 feet from such a depository. These depositories shall not be permitted to become foul smelling or unsightly or breeding places for flies.



- b. The method of final sewage or refuse disposal utilized in connection with the operation of any camp or picnic ground shall be such as to create no nuisance.
- c. Basins: A sufficient number of basins, iron hoppers or sinks shall be provided and each shall be collected with a sewerage system; these are to be used for the disposal of domestic waste waters.

**REGULATION 6. Toilets**

Fly-tight privies or water-flushed toilets shall be provided and shall be maintained in a clean and sanitary condition. Separate toilets for men and women shall be provided, one for each 25 men, and one for each 25 women, or fraction thereof, of the maximum number of persons occupying such ground at any time. No camp or picnic spot within such ground shall be at a greater distance than 400 feet from both a women's and men's toilet. The location of all toilets shall be plainly indicated by signs.

**REGULATION 7. Permit Required**

No campground shall be operated or maintained in Maricopa County without a permit in force by the Department.

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