

YAVAPAI COUNTY HEALTH CODE

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Chapter 1 - General Provisions

Section 1 - Definitions

Reg. 1-1-101 Definitions

- A. “Annual Operating License” means a document of written approval from the Department to operate an establishment for twelve (12) months from the date of approval by the Health Inspector.
- B. “Approved” means acceptable to the Health Officer.
- C. “Commissary” means a food establishment from which a caterer or mobile food establishment works.
- D. “Department” means the Yavapai County Community Health Services.
- E. “Establishment” means any place, building, or structure where business is conducted.
- F. “Food” means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.
- G. Food Establishment
 - 1. “Food Establishment” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption:
 - a. Such as a restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and
 - b. That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.
 - 2. “Food Establishment” includes:
 - a. An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location *unless the vending or feeding location is licensed by the regulatory authority*; and
 - b. An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off premises; and regardless of whether there is a charge for the food.

3. “Food Establishment” does not include:
 - a. An establishment that offers only prepackaged foods that are not potentially hazardous;
 - b. A produce stand that only offers whole, uncut fresh fruits and vegetables;
 - c. A kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function such as a religious or charitable organization’s bake sale if allowed by law and if the consumer is informed by a clearly visible placard at the sales and service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority.
 - d. An area where food that is prepared as specified in Subparagraph (3)(d) of this definition is sold or offered for human consumption;
 - e. A kitchen in a private home, such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 6, breakfast is the only meal offered, the number of guests served does not exceed 18, and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the regulatory authority; or
 - f. A private home that receives catered or home-delivered food.

- H. “Health Code” or “Yavapai County Health Code” means Reg. 1-1-101 through Reg. 6-1-104.

- I. “Health Inspector” means an Environmental Health Specialist, Sanitarian, Sanitarian Aide, or Sanitarian Trainee, employed by the Department.

- J. “Health Officer” means the Director or his/her authorized representative.

- K. “Hot Water” means potable water under pressure at a minimum of 110° F at the hot water spigot.

- L. “Interfere” means obstructing or prohibiting the performance of a duty, giving physical or verbal abuse, using threatening actions or statements, ordering or demanding that the Health Officer leave the premises, or refusing the Health Officer access to the premises.

- M. “License” means official permission issued by the Department that authorizes the operation of an establishment.
 1. “License” includes:
 - a. Annual Operating License or annual license issued for a period of 12 months.

- b. Special Event License issued to a temporary food establishment for a period of not more than 14 consecutive days in conjunction with a single event or celebration.

- N. “Operation” means performing work either at an establishment or in the field including equipment needed for the work, and including activities required in preparing or commencement of, as well as in, closing and clean-up.

- O. “Person” means the state, a municipality, district, or other political subdivision, a cooperative, institution, corporation, company, firm, partnership, individual or other legal entity.

- P. “Person in Charge” means the individual at the food establishment who is responsible for the food operation.

- Q. “Provisional Permit” means a document of written approval from the Department to operate an establishment for ninety (90) consecutive days.

- R. “Reasonable time” means normal operating hours (including the time when employees are preparing food or cleaning up) of an establishment.

Section 2 - Application For License

Reg. 1-2-201 Application for a License

- A. It shall be the responsibility of the owner, operator, or other person to obtain a license from the Department to operate an establishment listed in Chapter III of this Health Code.
- B. An application for a license to operate an establishment in Yavapai County, which is under the jurisdiction of the Department, must be submitted on a form provided by the Department.
 - 1. The application form must be complete.
 - 2. Information provided on the application form must be accurate.
- C. The Department will review the application for completeness.
- D. Missing information will be requested and if not supplied the application may be rejected and the license denied.
- E. License Fee
 - 1. The license fee must be submitted with the application. A license will not be issued or renewed without prior payment of the fee.
 - 2. The license fee shall be paid by cash, check, or money order.

Reg. 1-2-202 License Types

- A. Provisional Permit.
 - 1. A provisional permit will be issued by the Department to any person requesting approval to operate an establishment regulated by the Department and who meets the requirements of the Department.
 - 2. A temporary food establishment or a mobile food establishment used in conjunction with a special event shall not be required to obtain a provisional permit.
 - 3. Application for a provisional permit shall be on a form provided by the Department and must be complete.
 - 4. A provisional permit will be issued after an opening inspection and the establishment is approved.
 - 5. The provisional permit must be posted in a conspicuous location and be easily observed by patrons and Health Inspector.
 - 6. The provisional permit fee shall be paid before a provisional permit is issued.
 - 7. Exceptions to Provisional Permit.

- a. A food establishment changing location and keeping the same menu, the same food preparation processes, and the same person in charge or owner/operator.
- b. A food establishment rebuilding on the same physical site and keeping the same menu, the same food preparation processes, and the same person in charge or owner/operator.
- c. A food establishment being remodeled and keeping the same menu, the same food preparation processes, and the same person in charge or owner/operator.

B. Annual Operating License

1. Prior to the expiration of the time specified on the provisional permit, the owner, operator, or other person shall apply for and obtain an annual operating license.
2. Application for an annual operating license shall be on a form provided by the Department and must be complete in all particulars.
3. Application for an annual operating license shall be submitted to the Department, which either approves or denies the application.
4. The applicant will be notified by the Department of the decision to grant or deny the applicant an annual operating license.
5. The annual operating license must be posted in a conspicuous location and be easily observed by the patrons and Health Inspector.

C. Special Event License

1. A special event license may be issued to a person providing food at an event or celebration.
2. A special event license is valid for the duration of the event unless suspended or revoked. Notwithstanding the foregoing, a special event license may not be for a period of more than 14 consecutive days.
3. Application for a special event license shall be made on a form provided by the Department, must be complete in all particulars, and received by the Department at least thirty (30) days before the event.
4. A non-refundable fee for the special event license must be paid when the application for a special event license is submitted to the Department.

Reg. 1-2-203 Renewal of Annual Operating License

- A. It shall be the responsibility of the owner, operator, or other person to renew the operating license on or before the expiration date.
- B. The application for renewal shall be on the form provided by the Department and shall be complete in every detail.
- C. The application shall be submitted to the Department with the license fee.

- D. The renewal shall be approved and the license issued when the renewal application is complete, a bonafide fee is received, and the health inspector signs the renewal application.

Reg. 1-2-204 Transferability of a License

- A. An annual operating license, provisional permit, or special event license is not transferable from person to person or place to place.
- B. A person who purchases a licensed establishment shall apply for a provisional permit within thirty (30) days after the close of escrow.
- C. A person who changes the format, use, or operation of an existing licensed establishment shall immediately apply for a provisional permit.

Section 3 - Enforcement And Appeals Process

Reg. 1-3-301 Definitions

- A. “Board of Health” means the Yavapai County Board of Health.
- B. “Hearing Officer” means an individual approved by the Board of Health and appointed by the Health Officer to conduct an administrative hearing regarding the denial, suspension, or revocation of a license.

Reg. 1-3-302 Denial of License

- A. The Health Officer may deny the issuance of a provisional permit or an annual operating license when the applicant has not adequately demonstrated the knowledge or ability to operate the establishment in conformance with the requirements of the Arizona Department of Health Services as set forth in Title 9, Chapter 8, Article 1 – Article 13 of the Arizona Administrative Code, or the Yavapai County Health Code.
- B. The Health Officer may deny the issuance of a provisional permit or an annual license if the application is incomplete or if supplementary information such as complete plans, an operating plan or a facility improvement plan has not been approved.
- C. A person who has been denied a provisional permit may file a written request for a hearing to be received by the Department within twenty (20) days of notification thereof as evidenced by the date of such notice.
- D. A person who has been denied an annual license shall:
 - 1. Close the establishment immediately and file a written request for a hearing to be received by the Department within twenty (20) days of notification thereof as evidenced by the date of such notice, or
 - 2. Immediately file a written request for a hearing to be received by the Department within twenty (20) days of notification thereof as evidenced by the date of such notice **and** immediately apply for and pay for a provisional permit.
- E. The person requesting the hearing bears the burden of establishing good cause why the provisional permit or an annual license should be issued.

Reg. 1-3-303 Suspension of a License

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

Reg. 1-3-304 Revocation of a License

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

Reg. 1-3-305 Hearing Procedure

- A. Upon receiving an appeal or request for hearing regarding the denial, suspension, or revocation of a provisional permit or an annual license, the Health Officer shall appoint a Hearing Officer to hold a hearing on the denial, suspension, or revocation.
- B. The Hearing Officer shall be an impartial person who is trained in the law and is knowledgeable in the area of health law. The Hearing Officer may be a County employee.
- C. The Hearing Officer shall notify the person requesting the appeal and the Health Officer that a hearing on the appeal will be held at a specified time and place. In the case of a hearing for a license denial or a license revocation, such notice shall be given at least five (5) days after the Department receives the request for appeal or hearing. In the case of a hearing for a provisional permit or an annual license suspension, the provisions of Reg. 1-3-310 "Emergency Action," shall apply.
- D. Hearings shall be conducted in accordance with the requirements of A.R.S. §41-1061 et. seq.
- E. The person requesting the appeal and the Health Officer may appear on their own behalf or through counsel, may submit evidence in open hearing, and shall have the right to confront and cross-examine witnesses. A corporation may appear only through corporate officer or counsel.
- F. The Hearing Officer shall conduct the hearing in a manner consistent with due process. Witnesses shall be sworn and their testimony recorded. The Hearing Officer shall receive relevant, probative, and material evidence and shall exclude all irrelevant, immaterial, or unduly repetitious evidence. The formal rules of evidence applicable to civil actions in superior court need not be followed. Proof shall be by a preponderance of evidence. The Hearing Officer may issue subpoenas pursuant to A.R.S. §12-2212.

Reg. 1-3-306 Decision

- A. Within five (5) days of the completion of a hearing for a license denial or a license revocation, the Hearing Officer shall issue a written decision containing findings of fact and conclusions of law, which form the basis of the Hearing Officer's decision.
- B. The decision of the Hearing Officer shall become effective immediately upon service of notice as outlined in Reg. 1-3-312. If the decision of the Hearing Officer is to revoke a license, the holder of the license or the person in charge shall immediately close the premises.

- C. At its next scheduled meeting following issuance of the Hearing Officer’s decision, the Board of Health shall ratify that decision unless a timely request for rehearing or reconsideration is received pursuant to Reg. 1-3-307 “Request for Rehearing or Reconsideration.”

Reg. 1-3-307 Request for Rehearing or Reconsideration

- A. A party dissatisfied with the decision of the Hearing Officer may file a request for rehearing or reconsideration with the Board of Health within fifteen (15) days after the personal delivery or post-marked date of that decision.
- B. The request for rehearing or reconsideration may be based on any of the following causes which materially affect the appellant’s rights:
 - 1. Irregularity in the proceedings or appeal whereby the aggrieved party was deprived of a fair hearing or appeal;
 - 2. Misconduct of a party, the Health Officer or the Hearing Officer;
 - 3. Newly discovered material evidence which, with reasonable diligence, could not have been discovered and produced at the hearing;
 - 4. That the decision is the result of prejudice; or
 - 5. That the decision is not justified by the evidence or is contrary to law.
- C. At its next scheduled meeting following receipt of a request for rehearing or reconsideration, the Board of Health shall deny the request, grant a hearing *de novo* or issue a reconsidered decision based on the evidence of record. The denial, decision after a hearing *de novo*, or reconsidered decision by the Board of Health shall be the final decision of the Yavapai County Community Health Services. Notice of that denial, decision, or reconsidered decision shall be personally delivered or mailed by certified mail to the parties.

Reg. 1-3-308 Time

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

Reg. 1-3-309 Application after Revocation

Whenever a revocation of a license has become final, the holder of the revoked license may, after complying with the demands of the Hearing Officer apply for a provisional permit pursuant to Reg. 1-2-202. The premises shall remain closed until that application is granted.

Reg. 1-3-310 Emergency Action

- A. When an immediate and substantial public health danger exists, the Health Officer's action shall be final pending appeal by the person whom the action adversely affects. If an appeal is filed in such a case, the appointment of a Hearing Officer, and the hearing on appeal shall occur within a reasonable time and in no event later than the time limits previously described herein.
- B. In the case of suspension of a license, the Hearing Officer shall set a hearing on a motion to vacate the suspension within five (5) days of receipt. The Hearing Officer shall issue a final decision on behalf of and with the authority of the Board of Health at the conclusion of the hearing. However, the Hearing Officer may take the matter under advisement for up to twenty-four (24) hours. A party dissatisfied with the decision of the Hearing Officer may file a request for rehearing or reconsideration with the Board of Health pursuant to Reg. 1-3-307 "Request for Rehearing or Reconsideration."

Reg. 1-3-311 Posting of Notices of Violation

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

Reg. 1-3-312 Service of Notices

A notice provided for in Section III, Enforcement and Appeals, is properly served when it is delivered to the holder of the a license, 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 license. A copy of the notice shall be filed in the records of the Department. The notice shall comply with all legal requirements.

Section 4 - Penalties

Reg. 1-4-401 Penalties

- A. It shall be a Class 3 misdemeanor for a person to violate a published order or regulation of a county. [A.R.S. § 36-183.02(C)]
- B. A person who violates a provision of the Yavapai County Health Code or provisions of the Arizona Administrative Code Title 9, Chapter 8, Article 1 through and including Article 13 may have the establishment's license suspended or revoked pursuant to Chapter I Section III of the Health Code.
- C. A person who operates an establishment without a license or after the expiration of the license is guilty of a Class 3 misdemeanor.
- D. A late fee shall be assessed in addition to the license fee for a license renewed more than thirty (30) days after the expiration of the license.
- E. An annual license may be revoked for failure of the owner, operator, or other person to renew the annual license within sixty (60) days after the license expires in accordance with Reg. 1-3-304.
- F. It shall be a Class 3 misdemeanor for a person to interfere in the performance of the duty of the Health Officer or Health Inspector.

Chapter 2 - Authority To Regulate

Section 1 - Health Department Authority

Reg. 2-1-101 Legislative Authority

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

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

- C. Director of a County Health Department.

The director of a county health department is mandated to “Enforce and observe the rules of the director of the department of health services, the director of the department of environmental quality and the local board of health, county rules and regulations concerning health, and laws of the state pertaining to the preservation of public health and protection of the environment” pursuant to A.R.S. §36-186(5).

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

Chapter 3 - Licenses

Section 1 - Regulated Activities and Activities Requiring A License

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

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

Table 1 – List of Regulated Activities

Delegated Functions and Duties	Applicable Rules and Statutes	Frequency of Inspection	License Permit Required
Bathing Place inspections.	A.R.S. §§ 36-132(A)(12) and 36-136(D), A.A.C. Title 9, Chapter 8, Article 8.	No frequency stated	Approval to operate ^L
Bottled Water manufacturer inspections.	A.R.S. §§ 36-136(A)(6), 36-136(D), and 36-132(A)(13), A.A.C. Title 9, Chapter 8, Article 2.	Every six months	Yes ^L
Campground inspections.	A.R.S. §§ 36-136(A)(6), 36-136(D), A.A.C. Title 9, Chapter 8, Article 6.	Not required	Not required
Children's Camp inspections.	A.R.S. §§ 36-136(A)(6), 36-136(D), A.R.S. §§ 8-551 through 8-568.	Annual	Food service license and license for camp.
Food establishments, including but not limited to: restaurants, food processors, temporary and mobile food service, retail food stores, warehouses, bakeries, ice manufacturers, meat establishments, hospitals, nursing homes. State prison food establishments, low acid canned food processors, Yavapai Community College, and county jail food establishments are excluded.	A.R.S. §§ 36-136(A)(6) and 36-136(D). A.A.C. Title 9, Chapter 8, Article 1.	Every six months	Yes ^L
		Ice manufacturing - not required	Yes ^L
		Bakeries - not required	Yes ^L
		Meat Establishments - every six months	Yes ^L
Hotel and Motel sanitation inspections.	A.R.S. §§ 36-136(A)(6) and 36-136(D); A.A.C. Title 9, Chapter 8, Article 13.	Not less than once each year	Yes ^L
Nuisance Complaint responses.	A.R.S. §§ 36-136 and 36-601.	--	--
Pure Food Act investigations.	A.R.S. §§ 36-132(A)(14) and 36-136(D); and 36-901 through 36-916.	--	--
Public Restrooms and special events.	A.R.S. §§ 36-136(A)(6) and 36-136(D). A.A.C. Title 9, Chapter 8, Article 3.	No frequency stated	No
Public Schools.	A.R.S. §§ 36-136(A)(6) and 36-136(D). A.A.C. Title 9, Chapter 8, Article 7.	Grounds - Not required Kitchens - every six months	Grounds - No Kitchens - Yes ^L
Trailer Coach Parks.	A.R.S. §§ 36-136(A)(6) and 36-136(D). A.A.C. Title 9, Chapter 8, Article 5.	Not required	No - written approval

^L Yavapai County Community Health Services license required

Chapter 4 - Plan Review

Section 1 - Types of Facilities Requiring Plan Review

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

- A. The establishments listed below shall have plans reviewed and approved before construction is started.
 - 1. Food Establishments
 - 2. Bottled Water
 - 3. Children's Camps
 - 4. Trailer Coach Parks – service buildings, toilet facilities, community kitchens
 - 5. Camp Grounds
 - 6. Schools
 - 7. Hotels, Motels and Tourist Courts
- B. The Department may accept the plan review and approval of plans by the Arizona Department of Environmental Quality or the Arizona Department of Health Services.
- C. The Department is not obligated to accept a plan review and approval of plans issued by any jurisdiction.
- D. Within ten (10) days of the Department receiving plans, a notice will be sent to applicant stating the status of the plan review.
- E. Within thirty (30) days after receiving plans the Department will:
 - 1. Issue a written approval of the plans,
 - 2. Issue a written statement requesting additional information or
 - 3. Issue a written denial of the submitted plans and reasons for the denial.
- F. Plans shall be approved when the minimum requirements of the Department are satisfied.
- G. The applicant will receive a written notice of approval of the plans.

Reg. 4-1-102 Plan Review - Operation Plan

- A. New Establishments and Operations
 - 1. The operator of an establishment requiring a license to operate from the Department shall meet with the area Health Inspector at least sixty (60) days before opening for business to review the establishment's operating plan.
 - 2. The operating plan shall be written and describe the following:
 - a. The person or position responsible for the overall operation of the establishment.
 - b. Identified public health hazards and how the hazards will be controlled or managed.
 - c. The person or position responsible for controlling or managing the public health hazard.
 - d. What tests or measurement will be taken, by whom and when.
 - e. Legal requirements.
 - f. Corrective action that will be taken, by whom and when if the legal requirements are not met.
 - g. Any additional information requested by the Health Inspector to complete the operational plan review shall be submitted in writing to the Department.
 - h. All written information submitted by the license applicant must be legible.
- B. The Health Inspector may waive or modify the requirements of Reg. 4-1-102A(2).
- C. A new owner of an existing establishment shall comply with Reg. 4-1-102(A).
- D. A person applying for a provisional permit or an annual license shall comply with Reg. 4-1-102(A) and Reg. 4-1-102(B).
- E. The approved operating plan shall be instituted on or before the day the establishment opens for business.
- F. There shall be onsite documentation for the Health Inspector's review that the operating plan is adhered to on a daily basis.
- G. Changes to the operating plan shall be submitted to the Health Inspector in writing for review and approval before being initiated.

Reg. 4-1-103 Approval and Provisional Permits

- A. Approval to begin construction shall be issued when the Department is satisfied that the proposed facility meets the minimum requirements of the Department.

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

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

The Department may refuse to issue an approval to construct for:

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

Reg. 4-1-105 Denial of a License

The Department may deny an application for a provisional permit for:

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

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

- A. This subsection applies to a food establishment that generates grease in the wastewater and the wastewater is treated by a septic tank system or other on-site sewage treatment device regulated by Yavapai County Development Services Department.
- B. The size and need of a grease trap or grease interceptor shall be determined by Yavapai County Development Services Department.
- C. The location of a grease trap shall be determined by the Yavapai County Community Health Services.
 - 1. Preferred location is outside of the building.
 - 2. If a grease trap needs to be installed inside a food establishment, it shall not be located in the food preparation or food service areas.
 - 3. Based on approval of the Health Inspector, a grease trap may be installed in the dishwashing area.
- D. The Yavapai County Development Services Department shall inspect the installation of a grease trap installed outside of the building.
- E. A grease interceptor shall be located and installed as directed by the Yavapai

County Development Services Department. The grease interceptor shall be inspected by the Yavapai County Development Services Department.

Chapter 5 - Food, Food Products, Food Establishments

Section 1 - Cider And Juice Production

Reg. 5-1-101 Definitions

- A. “Product” means juice pressed from fruits, especially apples, and used for making vinegar or as a fermented or unfermented beverage.
- B. “Pomace” means the pulpy refuse remaining after the juice has been pressed from fruit.
- C. “Premises” means the land and the buildings on it.
- D. “Sanitize” means to make free from filth and bacteria by using an approved solution equal to at least fifty (50) parts per million chlorine or another method approved by the Department.
- E. “Thoroughly cleaned” means to make free from dirt, stain, or impurities by using copious amounts of potable water, brushing, and rinsing.

Reg. 5-1-102 Fruit

- A. Fruit shall be in sound condition, free from spoilage, filth, or other contamination and shall be safe for human consumption. Insect infested, decayed, damaged, or rotten fruit must not be used.
- B. Fruit shall be thoroughly cleaned and inspected.
- C. Cleaned fruit shall be stored in clean, sanitized, food grade containers used exclusively for that purpose and shall be protected from contamination.
- D. Cleaned fruit for processing shall be stored cold, 41° F or less. Fruit for processing must be stored in such a manner to prevent contamination from any source, including flies, other insects, rodents, birds, and other vermin.

Reg. 5-1-103 Processing

- A. All fruit must be inspected by the operator before processing.
- B. All fruit must be thoroughly cleaned before crushing.
- C. Animals shall not be permitted in the processing or storage areas.

- D. Cloths and filters used in processing must be specifically designed for the purpose for which they are used.
- E. Cloths must be handled and stored in a sanitary manner.
- F. Cloths, unless disposable, must be laundered, sanitized and dried after processing and before being reused.
- G. Press racks must be made of food grade plastic, hardwood, or other approved material and must be smooth, easily cleanable, and durable.
- H. Press racks must be washed, rinsed and sanitized before storing and must be stored at least six (6) inches off the floor.
- I. Press racks must be washed, rinsed, sanitized and air-dried when not in use and must be washed, rinsed and sanitized at least every four (4) hours when in continuous use.
- J. Tubing for product must be food-grade material and transparent.
- K. Tubing must be cleaned, sanitized, and air-dried at the end of each processing day.
- L. The following processing records must be kept daily:
 - 1. Amount and type of fruit processed.
 - 2. Origin of fruit.
 - 3. Production code and date.

Reg. 5-1-104 Equipment

- A. Processing equipment shall be thoroughly cleaned using potable water with adequate pressure and sufficient volume to dislodge particles of fruit and film from all surfaces.
- B. All equipment shall be dismantled or disassembled for cleaning.
- C. Food contact surfaces shall be sanitized.
- D. Equipment shall be installed to promote easy cleaning of the floor under and around it.

Reg. 5-1-105 Refuse

- A. All refuse, including pomace, must be stored in such a manner as to not create a nuisance.

- B. Refuse shall be removed from all storage containers on the premises at least twice each week and disposed in a manner approved by the Department.

Reg. 5-1-106 Labeling

- A. Product shall only be sold in sanitized new containers with new caps.
- B. Container labels must display the following information:
 - 1. Brand name
 - 2. Product
 - 3. Ingredients
 - 4. Manufacturer, packer, distributor:
 - a. Name
 - b. City, state, zip code
 - 5. Keep refrigerated
 - 6. Net quantity
 - 7. Production code or date
 - 8. Other information required by law

Reg. 5-1-107 Personnel

- A. All persons working in the processing area shall wear clean outer garments, maintain a high degree of personal cleanliness, use a hair restraint and practice good personal hygiene.
- B. All persons must wash their hands before starting work, after each absence from the work area and any time their hands are soiled.
- C. Jewelry, except a wedding band, shall not be worn when working.
- D. Tobacco in any form must not be used in the processing area.
- E. Persons with open wounds or sores, diarrhea, or any disease that may be communicable shall not be permitted to work in the processing area.
- F. Eating and drinking are prohibited in the processing area.
- G. All persons working in the processing area shall obtain a food worker certificate before commencing work and maintain a current certificate throughout their work.

Reg. 5-1-108 Pesticides

Only those pesticides approved for use in food establishments shall be used in the processing building and processing area. Such use shall be in strict adherence to label specifications.

Reg. 5-1-109 Water supply

Water used in processing and for cleaning must be from a source approved by the Department.

Reg. 5-1-110 Wastewater

Wastewater must be disposed in a manner approved by the Department.

Reg. 5-1-111 Storage

- A. Supplies and ingredients must be stored at least six (6) inches above the floor.
- B. Supplies and ingredients must be protected from contamination.
- C. Pesticides, cleaning compounds, polishes must be stored separate from each other and away from food containers, food ingredients, and fruit.
- D. Utensils, racks, and portable equipment when not in use must be stored at least six (6) inches above the floor.
- E. The bottled product shall be rapidly cooled to 41° F or below and then maintained at or below 41° F.

Reg. 5-1-112 Construction

- A. Plans shall be submitted to the Department for review and approval before starting construction or remodeling.
- B. Cider or juice bottling must be done in a room that has smooth, easily cleanable, light colored walls and ceiling and a smooth, easily cleanable non-absorbent floor.
- C. Fruit pressing shall be done in an enclosed area.
 - 1. The floor shall be smooth, easily cleanable, non-absorbent, and sloped to a floor drain.
 - 2. The roof shall be watertight.
 - 3. Walls shall extend from the floor to the roof and effectively exclude vermin.
 - 4. Solid walls shall be smooth, easily cleanable, and finished with a light color.
 - 5. Screening used for walls shall not be less than sixteen (16) mesh.
 - 6. Ceilings shall be smooth, easily cleanable, and finished in a light color.
 - 7. Floors, walls, and ceiling shall be kept clean and maintained in good repair.
- D. Sinks in which fruit, equipment or utensils are placed shall have hot and cold water under pressure, and be indirectly drained into a floor sink and be connected to an approved sewage system. A sink used only for washing fruit may have only cold

water.

- E. Plumbing and fixtures shall be installed and maintained according to the most recent edition of the Uniform Plumbing Code and Uniform Building Code.
- F. Toilet facilities shall be conveniently located, as determined by the Health Inspector, near the processing building or area and must be mechanically vented to the outside.
- G. Lavatories shall be supplied with hot and cold water under pressure, hand soap and sanitary towels or an approved method for hand drying.
- H. Covered waste container shall be furnished in each toilet room.
- I. Lavatories in the processing and bottling area shall be easily accessible to workers at all times. Toilet room doors shall not open directly into the cider or juice bottling area.
- J. Openings to the outside must be effectively screened to prevent the entrance of insects and vermin.
- K. Lights shall be shielded and provide luminance of at least twenty (20) foot candles at all working surfaces.

Reg. 5-1-113 Grounds

Grounds shall be maintained to prevent creation of a nuisance, harborage of insects or vermin or any condition that may result in contamination of the product.

Reg. 5-1-114 Access

The owner, operator, or manager shall admit the Health Inspector at any reasonable time for the purpose of inspection, investigation, copying records or any other legal purpose.

Reg. 5-1-115 License

A cider or juice establishment shall obtain a license from the Department as a “bottling plant” before commencing operation.

Section 2 - Mobile Food Establishments

Reg. 5-2-201 Definitions

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

Reg. 5-2-202 Requirements

- A. A mobile food establishment shall comply with the provision of the Arizona Administrative Code R9-8-107 as required by the Health Inspector.
- B. A mobile food establishment shall operate from an approved commissary.
- C. The Health Inspector may waive any provision of A.A.C. R9-8-107 or the Yavapai County Health Code if waiving the provisions will not endanger the health of the public.

Reg. 5-2-203 Licensing

- A. A mobile food establishment owner shall apply for an annual license. The annual license fee shall be submitted with the application.
- B. A mobile food establishment owner may apply for a special event license.
- C. The mobile food establishment owner shall apply for an individual license for each mobile food establishment.
- D. Mobile food establishment license is not transferable from person to person or from one mobile food establishment to another mobile food establishment.

Reg. 5-2-204 Food Delivery and Catering

- A. A mobile food establishment that transports prepackaged potentially hazardous food to more than one location, site, or business during a working day shall be licensed as a mobile food establishment.

- B. A mobile food establishment that delivers potentially hazardous food to and/or prepares food at more than one location, site, or business during a working day shall be licensed as a mobile food establishment.
- C. A mobile food establishment used exclusively by an approved food establishment for delivery, preparation, and/or service of food at a single location at the customer's request for his/her guests shall be covered under the food establishment's annual license.
- D. A mobile food establishment that is used for food delivery and/or preparation and/or service at more than one location, site, or business and is used at a single location at the customer's request for his/her guests shall be licensed as a mobile food establishment.

Section 3 - Catering

Reg. 5-3-301 Definitions

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

Reg. 5-3-302 Requirements

- A. A caterer or food caterer shall comply with the provisions of the Arizona Administrative Code R9-8-107 as determined by the Health Inspector.
- B. The Health Inspector may waive provisions of the Arizona Administrative Code R9-8-107 when waiving a specific provision or combination of provisions will not compromise food safety.

Reg. 5-3-303 License

- A. A caterer shall apply for a license to operate pursuant to Chapter I Section II of this code.
- B. The Department shall include on the license, limits and conditions for operation.
- C. A licensed food service establishment may submit a written request to add, “catering” to the existing license.
 - 1. The written request shall be reviewed by the Health Inspector.
 - 2. Information requested by the Health Inspector shall be submitted.
 - 3. When approved, the license limits and conditions shall be added to the license.

Reg. 5-3-304 Delivery Location Food Preparation

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

Chapter 6 - Food Workers

Section 1 - Food Worker and Manager Certification

Reg. 6-1-101 Definitions

- A. “Certified Manager” means a food establishment employee who has successfully completed a manager’s training course including passing an approved certification test.
- B. “Food Worker” means any person who handles, prepares, serves, sells or gives away food for consumption or any person who handles utensils and equipment 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.
- C. “Manager” means a person who directs or supervises others and/or who carries on business of the establishment by whatever title he/she is called.
- D. “Service Organization” means an organization designated as non-profit by the IRS pursuant to Internal Revenue Code Section 501.
- E. “Temporary Food Establishment” means a food establishment that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration.

Reg. 6-1-102 Food Worker Certificate

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

Reg. 6-1-103 Manager Certification

- A. Effective January 1, 2002 all food establishments that store, prepare, package, serve, vend, or otherwise provide potentially hazardous food for human consumption must employ at least one (1) certified manager.
- B. A certified manager shall be available during all hours of operation by telephone, pager, or on the premises.
- C. The person in charge shall be a certified manager.
- D. A food establishment with fewer than ten (10) employees may satisfy Reg. 6-1-103(A) by having a written Department-approved food safety plan or risk control plan in place, provided that:
 - 1. A certified manager is available for a minimum of eight (8) hours each day that the food establishment is in operation or open for business, and
 - 2. The food establishment has at least two (2) employees that are certified managers.
- E. Tests and organizations recognized by the Conference for Food Protection are approved by the Department.
- F. Manager certification shall be valid for five (5) years from the date of issue.
- G. Exempt Food Establishments:
 - 1. Temporary Food Establishments.
 - a. A temporary food establishment operated by a service organization;
 - b. A temporary food establishment whose profits all go to a service organization;
 - c. A temporary food establishment that operates for less than four (4) hours including time taken to prepare food for cooking or service.
 - 2. Limited Process Food Establishments
 - a. A food establishment that sells only commercially prepackaged food.
 - b. A food establishment that sells only heat-and-serve or cook-and-serve foods. Not hot holding or cooling of cooked foods.
 - c. A food establishment that only makes sandwiches to order using commercially cooked meats, commercially processed foods and produce from an approved source.
 - d. A food establishment that receives and sells only ready-to-eat food.
 - 3. An exempt food establishment shall have at least one person who has a valid Yavapai County Food Worker Certificate on the premises at all times overseeing food preparation and service.

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

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