

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

**FOOD, FOOD PRODUCTS,
FOOD HANDLING ESTABLISHMENTS**

SECTION 1

GENERAL PROVISIONS

REGULATION 1. Definitions

- (1) “A.A.C.” means the Arizona Administrative Code.
- (2) “Adulterated” means possessing one or more of the conditions enumerated in A.R.S. § 36-904 (a) or listed below:
 - (a) It does not meet the requirements of the regulations and definitions for standard, fill and quality of the Federal Food and Drug Administration.
- (3) “Advanced Preparation” means food preparation with multi-step handling of raw and/or pre-cooked ingredients including the cooking, cooling, and re-heating of potentially hazardous foods (time/temperature control for safety food) for holding or immediate service, or where significant risk factors contributing to foodborne-illness may occur as determined by the Department.
- (4) “Adventure Food Establishment” means and refers to a food establishment that operates in conjunction with a trail ride or similar type activity and prepares or serves food to participants.
- (5) “Applicant” means the following person requesting a permit:
 - (a) If an individual, the individual who owns the food establishment or their designee;
 - (b) If a corporation, any 2 officers of the corporation;
 - (c) If a limited liability company, the designated manager or, if no manager is designated, any 2 members of the limited liability company;
 - (d) If a partnership, any 2 of the partners;
 - (e) If a joint venture, any 2 individuals who signed the joint venture agreement;
 - (f) If a trust, the trustee of the trust;

- (g) If a religious or nonprofit organization, the individual in the senior leadership position within the organization;
 - (h) If a school district, the superintendent of the district;
 - (i) If an agency, the individual in the senior leadership position within the agency; or
 - (j) If a county, municipality or other political subdivision of the state, the individual in the senior leadership position within the county, municipality, or political subdivision.
- (6) “Approved” means acceptable to the Department or to the food regulatory agency that has jurisdiction based on a determination of conformity with principles, practices and generally recognized standards that protect public health.
 - (7) “A.R.S.” means the Arizona Revised Statute.
 - (8) “Bakery” means any place in which is carried on the process of mixing, compounding, cooking, baking, or manufacturing any bakery product. A bakery is a food establishment that exclusively prepares bakery items for immediate service on the premises, directly to a consumer and/or for resale or redistribution by a retail food establishment.
 - (9) “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.
 - (10) “Bare Hand Contact Exemption” is an exemption that is granted by the Department to an establishment that demonstrates a reduced health risk to hand contact.
 - (11) “Bottled Water & Beverage Plant” means a food establishment in which is carried on the process of bottling, canning or packaging any beverage for human consumption.
 - (12) “Boarding Home” means a transient dwelling establishment that also operates a food establishment where food is provided to patrons along with resident accommodations:
 - (a) Class 2 - operations with only limited preparation of menu items.

- (b) Class 5 - operations with advanced preparation or where the consumers specifically include populations highly susceptible to foodborne illness.
- (13) “Bottle” means and includes any container used for the finished product regulated by this code.
- (14) “Bottled Drinking Water” means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water and is in compliance with A.A.C. Title 9, Chapter VIII, Sections 201 through 209, excluding Sections 202 and 208, Paragraphs a & b.
- (15) “Class” means a permit subtype. A permit subtype class is based on the food main menu items, the degree of food preparation activities or the amount of pre-packaged food. There are five classes, one (1) through five (5).
- (16) “Code of Federal Regulations (CFR)” means the compilation of the general and permanent rules published in the Federal Register by the executive Departments and agencies of the Federal Government which:
 - (a) Is published annually by the U.S. Government printing office; and
 - (b) Contains FDA rules in 21 CFR, USDA rules in 7 CFR and 9 CFR, EPA rules in 40 CFR, and wildlife and fisheries rules in 50 CFR, as amended at the time of their application.
- (17) “Commissary” means a food establishment that acts as a base of operation for a mobile food establishment, food vending establishment or an adventure food establishment.
 - (a) Class 2 – provides only pre-packaged food items.
 - (b) Class 4 - provides pre-packaged food items and facilities for food preparation.
- (18) “Competition Food Event” means any event that operates for not more than fourteen (14) consecutive days in which the competitors are vying with one another for profit, prize or position based on one similar type of food prepared by each competitor. Complimentary samples not to exceed 2 ounces may be given to the general public.
- (19) “Confectionary Food Establishment” means any place in which the processes are carried on of mixing, compounding, cooking, baking, or manufacturing any non-potentially hazardous (non-time/temperature control for safety) bakery products

and confectionary items to be immediately served on that premises, directly to a consumer, and/or for resale or redistribution by a food establishment.

- (20) “Converting” or “Converted” or “Conversion” when used in regards to frozen desserts shall be deemed to mean the process by which a frozen dessert is changed from a frozen to a semi-frozen form without any change in the ingredients thereof.
- (21) “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.
- (22) “Damaged Food Establishment” is a food establishment that specializes in the recovery, redistribution or resale of damaged food.
- (23) “Daycare Foodservice” is a food establishment which prepares food for immediate service on-site, or directly to a consumer where the consumers are facility staff and daycare children.
- (24) “Department” means the Maricopa County Environmental Services Department.
- (25) “Dispensing Freezer (Frozen Desserts)” 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 an American National Standards Institute Accredited Certification Program; only that equipment which is designed and constructed in accordance with the applicable standard may be installed as new or replacement equipment.
- (26) “Eating & Drinking Establishment” is a food establishment that prepares food for service on the premises or take-out delivery directly to a consumer. Examples of eating & drinking food establishments are: 0-9 seating, 10+ seating, adult daycare, assisted living, hospital food service, jail food service, nursing home, school food service, senior food service, and service kitchen.

Class 2 - quick service operations with only limited preparation of menu items or as approved by the Department.

Class 3 - quick service operations with advanced preparation of two or less menu items as approved by the Department.

Class 4 - full service operations with advanced preparation of three or more menu items as approved by the Department.

Class 5 - quick or full service operations where the consumers specifically include populations highly susceptible to foodborne illness or as approved by the Department.

- (27) “Event” means a public celebration such as but not limited to a fair, festival, circus, exhibition, carnival, food and/or drink tasting.
- (28) “Farmers’ Market” means and refers to a market where producers, as defined in Arizona Revised Statutes § 3-561, sell or give away their products directly to consumers.
- (29) “Farmers’ Market Coordinator” means an individual responsible for the operation of the farmers’ market in conformance with the requirements of this code, including providing common facilities for and monitoring the farmers’ market food establishments.
- (30) “Food Bank” is a food establishment that operates in conjunction with an organization such as a charity that provides food, which has been acquired through purchases or donations, and offers the food directly to a consumer.
- (31) “Foodborne Disease Outbreak” means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food, and the current definition provided by the U.S. Centers for Disease Control and Prevention.
- (32) “Food Catering” is a food establishment where a pre-arranged number of meals and/or food products are prepared at one permitted premise for immediate service and consumption at another pre-arranged location.
- (33) Food Establishment - as defined in the U.S. Food and Drug Administration 2013 Food Code
 - (a) “Food Establishment” includes:
 - (i) The following establishments defined in this Chapter such as: adventure food service; annual event food establishment; bakery; boarding home; bottled water & beverage plant; commissary; damaged food; daycare foodservice; eating and drinking; food bank; food catering; food jobber; food production; ice manufacturing; meat establishment; mobile food type I; mobile food type II; mobile food type III; refrigerated warehouse/locker; retail food establishment; seasonal food establishment; temporary food establishment and vending machine.
 - (ii) Demonstration cooking classes that advertise and/or demonstrate the preparation and/or cooking of food and then offer the food to the public for consumption at the conclusion of the demonstration. This also includes kitchenware establishments that demonstrate

and offer samples to customers and food or beverage sampling offered to the consumer from an open bottle, cup or container.

- (iii) As defined in the U.S. Food and Drug Administration 2013 Food “Food Establishment” does not include:
 - (i) A home cooking school in which food and/or meals are served at a non-commercial social event, employee conducted function, or prepared at a home cooking school. No more than one meal per day shall be served to no more than fifteen students. The students shall be informed by a statement contained in a published advertisement, mailed brochure and placard posted at the cooking school’s registration that the food is prepared in a kitchen that is not regulated and inspected by the Department or by a local health authority.
 - (ii) Demonstration culinary cooking schools and home economics classes accredited by the appropriate entity such as an educational institution and all food is prepared and consumed by the student in training. Food may not be purchased by the school or stored on premises.
 - (iii) A school or business that demonstrates the preparation of food but does not offer samples to the public for consumption.
 - (iv) A demonstration cooking class in which the public purchases, prepares and/or cooks and consumes their food.
 - (v) A “Chef for Hire” at a private residence for a private, non-advertised event where fees are paid by the responsible party for this service. Fees cannot be collected from the attendees of the event.
 - (vi) As defined in the U.S. Food and Drug Administration 2013 Food Code.
- (34) “Food Jobber” means any wholesale food establishment in which food, not manufactured, on the premises, is offered for sale for ultimate human consumption.
- (35) “Food Production” a food establishment that manufactures, packages, labels, or stores food for human consumption.
 - (a) Class 2 – operation with only limited preparation of food items.
 - (b) Class 4 – operation with advanced preparation of food items.

- (36) "Food Readily Perishable" means any food or ingredient capable of supporting rapid and progressive growth of spoilage microorganisms.
- (37) "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.
- (38) "Frozen Desserts Mix" means any pasteurized mix that is converted into frozen dessert.
- (39) "Ice" means the product, in any form, obtained as a result of freezing water.
- (40) "Ice Manufacturing Plant" means any food establishment, together with the necessary appurtenances, in which ice is manufactured or processed, and stored, packaged, 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.
- (41) "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.
- (42) "Inspection Upon Request" is an inspection requested by the owner in addition to the routine inspections used to determine fees for their permit to operate. The owner must apply and pre-pay a fee for these inspections.
- (43) "License" means the permit document issued by the Department that authorizes a person to operate a food establishment.
- (44) "License Holder" means the entity that:
- (a) Is legally responsible for the operation of the food establishment such as the owner, the owner's agent, or other person; and

- (b) Possesses a valid permit to operate a food establishment.
- (45) “Limited Preparation” means food preparation limited to assemble-serve, cook-serve, chill-serve, and/or hold-serve or otherwise as determined by the Department.
- (46) “Manufacturing” or "processing" means treating, compounding, blending, cooking, baking, packaging, pasteurizing, bottling, or any other method of preparing food for consumption.
- (47) “Meat Establishment” means a store or shop at the retail level in which meat, meat products, fish, poultry, game animal, or molluscan shellfish are processed, prepared, stored, sold, or offered for sale. Preparation by means of cooking shall be limited to the production of meat, meat products, fish, poultry, game animal, and molluscan shellfish for consumption off the premises.
- (48) "Micro Market" means an unattended retail food establishment where commercially prepackaged, time/temperature control for safety foods or ready-to-eat fruits and vegetables are offered for sale.
- (49) “Mislabeled” or “Misbranded” means wrongly labeled or branded and the term shall apply to any food if it does not conform to the Federal Food and Drug Administration requirements for labeling located in 21CFR101.
- (50) “Mobile Food Establishment” means a food establishment that is readily movable and is dispensing food/beverages for immediate service and consumption from any vehicle or other temporary location or facility.

For the purpose of this Environmental Health Code, mobile food establishments are classified as follows:

- (a) “Annual Event Food Establishment” means a food establishment that operates in conjunction with one event that operates for not more than one-hundred twenty (120) consecutive days. Annual Event Food Establishment permits are issued for one (1) year to vendors operating at multiple department-approved events.
- (b) “Mobile Food Type I” means a food establishment that dispenses commercially processed, individually packaged foods and/or non-time/temperature control for safety (non-TCS) beverages.
- (c) “Mobile Food Type II” means a food establishment that dispenses food that requires limited handling and preparation.

- (d) “Mobile Food Type III” means an enclosed vehicle-mounted food establishment that prepares, cooks, holds and serves food.
- (e) “Seasonal Food Establishment” means a food establishment that operates in conjunction with one event that operates for fifteen (15) to one hundredtwenty (120) consecutive days within any permit year.
 - (i) Class 1 - seasonally themed operations in major shopping malls as approved by the Department.
 - (ii) Class 2 - seasonal operations such as spring training, state fair, etc. or as approved by the Department
- (f) “Temporary Food Establishment” means a food establishment that operates in conjunction with one event that operates for fourteen (14) days or less.
- (51) “Pasteurization (Frozen Desserts)” 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 Department.
- (52) “Permit” means the document issued by the Department that authorizes a person to operate a food establishment.
- (53) “Permit Category” means a category for which a particular food establishment would be classified as listed in the Maricopa County Environmental Health Code, Chapter I, Fee Schedule.
- (54) Potentially Hazardous Food (time/temperature control for safety food) as defined in the U.S. Food And Drug Administration 2013 Food Code and includes sun tea that is not brewed.
- (55) “Prepare” means to process commercially for human consumption by manufacturing, packaging, labeling, cooking, or assembling.
- (56) “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.
- (57) “Public Health Control” means a method to prevent transmission of foodborne illness to the consumer.

- (58) “Reconstituted” means dehydrated food products recombined with water or other liquids.
- (59) “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 a temperature at or below 41°F. (5°C.).
- (60) “Regulatory Authority” means the Maricopa County Environmental Services Department.
- (61) “Remodel” means to change the physical facilities or plumbing fixtures in a food establishment’s food preparation, storage, or cleaning areas through construction, replacement, or relocation, but does not include the replacement of old equipment with new equipment of the same type.
- (62) “Requester” means a person who requests an approval from the Department, but who is not an applicant or a permit holder.
- (63) “Retail Food Establishment” means an establishment that sells produce, pre-packaged food that requires time/temperature control for safety, and/or food in bulk that does not require time/temperature control for safety.
- (a) Class 2 - An operation that sells only pre-packaged food that requires time/temperature control for safety and/or bulk food that does not require time/temperature control for safety.
- (b) Class 3 - An operation that sells pre-packaged food that requires time/temperature control for safety, bulk food that does not require time/temperature control for safety and/or produce that is washed, portioned, and/or packaged for retail sale.
- (64) "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.
- (65) “School Bakery” means a food establishment owned by a school district or similar entity that prepares exclusively bakery items for immediate service on-site, directly to a consumer, and/or for redistribution at another school or similar facility.

- (66) “School Food Catering” a food establishment owned by a school district or similar entity where a pre-arranged amount of food is prepared at one permitted premise for immediate service and consumption at another pre-arranged or satellite location on a school campus/grounds or another location owned by the school district.
- (67) “School Food Jobber” means a food establishment, which is a food storage facility, owned by a school district or similar entity where food, not manufactured on the premises, is stored for ultimate human consumption at a school or similar facility.
- (68) “School Food Production” means a food establishment that is processing food and is owned by a school district or similar entity:
- (a) Class 2 – operation with only limited preparation of food items.
 - (b) Class 4 – operation with advanced preparation of food items.
- (69) “Service Animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.
- (70) “Service Kitchen” means and refers to a food service establishment that operates in conjunction with a permitted food establishment and shall be operated and maintained in compliance with the appropriate provisions of this code.
- (a) “Adult Care Service Kitchen” means and refers to a service kitchen that operates in conjunction with a permitted food establishment located onsite and shall be operated and maintained in compliance with the appropriate provisions of this code. These establishments serve highly susceptible populations. Limited Preparation and reheating for immediate service for individual orders is permissible. Adult Care Service Kitchens may not serve a population of 16 or more.
- (71) “Shared Facility” means any food establishment that shares food preparation, food storage and/or warewashing facilities with three (3) or more permittees under different ownership.
- (a) The responsible party must obtain a commissary permit at the specified location before subsequent permits will be issued by the Department.
 - (b) If the commissary permit is vacated, all food establishments using the commissary as a base of operation will subsequently be vacated.

- (72) “Table-Mounted Equipment” means equipment that is not portable and is designed to be mounted off the floor on a table, counter or shelf.
- (73) “Tempered Water” means potable water ranging from 85°F to 105°F that comes from an approved source provided through a properly regulated mixing valve.
- (74) “Trial Review Establishment” means a food establishment that is operating under a specialized Department review of alternative design items, equipment and Active Managerial Control Plans for a period not to exceed 6 months.
- (75) “Uniform Mechanical Code” means the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials.
- (76) “Vending Machine Operator” means anyone who as the owner or person in charge, furnishes, installs, services, operates, or maintains one or more vending machines.
- (77) “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

- a. No person shall operate a food establishment without a valid permit to operate from the Department unless:
 - (1) The person is operating the food establishment in compliance with Section 2, Regulation 7 of this Chapter; or,
 - (2) The food establishment is exempt from permitting based on the provisions in A.R.S. § 36-136(H)(4).

- b. The permit to operate 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.

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 Environmental Health Code.

- (1) 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.
 - (2) Bulk food such as cooking oil, syrup, salt, sugar, or flour shall be stored in containers identifying the food by common name.
- b. Oysters, clams or mussels shall not be stored, handled, processed, packed or repacked, held for sale, sold, or given away unless:
- (1) They have been grown, harvested, processed and transported in accordance with requirements of the United States Public Health Service Shellfish Certification Program; and unless:
 - (2) 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.
- c. 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:
- (1) 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 90 days after disposition of any consignment of shellfish the invoices or other documents which identify the source or origin of the shellfish.
 - (2) 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.
- d. Toilet Facilities
- (1) Adequate and convenient toilet facilities, approved by the Department, shall be provided for employees. Employee restrooms not located inside the

permitted establishment shall be under the control of either the permit holder or property management, and available during all hours employees are present in the establishment. 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) Adequate and convenient toilet and lavatory facilities shall be provided as required by the local building code jurisdiction for all customer restrooms.

e. Lavatory Facilities

- (1) Hand washing facilities shall be centrally located, visible and directly accessible, within 25 feet of all food preparation, food dispensing and warewashing areas. Barriers shall not physically and/or operationally obstruct the hand washing facility. Hand wash facilities shall be provided with hot and cold or tempered running water, soap and approved individual sanitary towels. When the hand washing facility is installed within 24 inches of a food preparation area, an approved splash guard shall be installed between the two locations. 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.
- (2) Where fixtures are located more than sixty feet from the water heater, a recirculation pump must be installed, in order to ensure that water reaches the fixture at a temperature of at least 110° Fahrenheit or
- (3) A separate, smaller water heater for remote fixtures.

f. 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. All plumbing shall be installed in accordance with this code and in accordance with Arizona Administrative Code, R4-48-102.
- (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.
- (4) Conformance with the following requirements or similar requirements shall be adhered to for the determination of Maricopa County Environmental Health Code compliance with plumbing and mechanical codes. The 2009 International Plumbing Code and 2009 International Mechanical Code, as adopted by the Maricopa County Board Of Supervisors on August 18, 2010 and as amended by Section 301 of Chapter 3 of the Maricopa County Planning & Development Department's Local Additions & Addenda dated October 2010, shall be adhered to for code compliance. This material is on file with the Maricopa County Planning & Development Department and is available at its web site at <http://www.maricopa.gov/planning/resurces/constructioncodes/default.aspx>.

g. 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. Equipment shall be certified or classified by an American National Standards Institute Accredited Certification Program, or deemed acceptable by the Department.

(a) A separate food preparation sink is required in facilities that have food preparation as determined by the Department.

- h. 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.
- i. 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.

REGULATION 9. Reserved

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 to 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.