

GENERAL PROVISIONS FOR CONSTRUCTION PROJECTS

SECTION 1: GENERAL PROVISIONS DEFINITIONS

The following definitions shall apply throughout this Sanitary Code, unless a different meaning is clearly indicated by the context or is stated in any of the several regulations. Additional definitions appear at the beginning of the regulations to which they apply:

A. "**A.D.H.S.**" means the Arizona Department of Health Services.

B. "**Approved or Approval**" means acceptable to the Department.

C. "**Board of Health**" means the Cochise County Board of Health.

D. "**Certificate of Approval to Construct**" means approval to construct, alter or extend the proposed establishment or engineering project in accordance with the sanitary code, and the plans and specifications on file with the Department.

E. "**Days**" means calendar days unless otherwise specified.

F. "**Department**" means the Cochise County Department of Health and Social Services.

G. "**A.D.E.Q.**" means Arizona Department of Environmental Quality.

H. "**Director**" means the Director of Cochise County Department of Health and Social Services, and the Director's duly authorized representatives.

I. "**Final Approval**" means approval to occupy or otherwise use the establishment or engineering project in accordance with the provisions of the Sanitary Code.

J. "**Food Establishment**" means any place where food or beverage or any of the constituents thereof is produced, stored, manufactured, prepared, handled, sold or offered for sale or given away, including a food processing establishment, retail food establishment and a food service establishment.

K. "**Hearing**" means a hearing held pursuant to requirements of the Sanitary Code and the state open meeting laws.

L. "**Permit**" means a permit issued by the Department to operate an establishment or engineering project.

- M. **"Person"** means the county, a municipality, district or political subdivision, a cooperative, corporation, company, firm, partnership or individual.
- N. **"Plan review"** means the review of plans for construction or remodeling of regulated establishments or engineering projects.
- O. **"Rules and Regulations"** means the rules and regulations in this Sanitary Code.
- P. **"Sanitary Code"** means all of the regulations, sections and subsections which were adopted by the Board of Health and the Board of Supervisors pursuant to A.R.S. Section §36-184 and §36-186-3, as amended, and which remain in force.

SECTION 2: CERTIFICATE OF APPROVAL TO CONSTRUCT

- A. No person shall begin construction, installation, extension, or alteration of any of the following regulated establishments or engineering projects without first receiving a Certificate of Approval to Construct from the Department.
- B. **Plan Approval Required:**
 - 1. food establishments; new or remodeled;
 - 2. individual sewage collection and disposal systems;
 - 3. motels, hotels and tourist courts;

SECTION 3: APPLICATION FOR APPROVAL

- A. An application for a Certificate of Approval to Construct shall be submitted to the Department on forms provided by the Department. For an individual sewage disposal system, the application shall be submitted at least five days prior to the date upon which construction is to commence. For all other establishments or engineering projects, the application shall be submitted at least thirty days prior to the date construction is to commence.
- B. **All applications shall be accompanied by the following data:**
 - 1. Blue prints, drawings, or photostatic copies of drawings of the work to be done. Sufficient detail shall be shown on the drawings to make clear to the Department what work is to be done.

2. Complete specifications to supplement the drawings.
 3. Additional data as may be required by the Department to ensure compliance with the Code.
- C. Each application shall be accompanied by a non-refundable filing fee made payable to the Cochise County Department of Health and Social Services in such amounts as adopted by the Board of Supervisors.

SECTION 4: CERTIFICATE OF APPROVAL

- A. Plans and specifications submitted to the Department will be reviewed to see if the proposed establishment or engineering project meets the requirements of the Sanitary Code.
- B. If the plans and specifications are in compliance with the code, the Department will issue the applicant a Certificate of Approval to Construct. This certificate will become void one year after date of its issue by the Department unless either construction has started, or an extension of time has been granted by the Department, in writing.
- C. If the plans and specifications are not in compliance with the code, or if the plans and specifications are incomplete so as to make it impossible for the Department to determine if they are in compliance with the code, the Department shall reject the person's application. In such case, the Department shall send the person written notice specifying the reasons for denial. The person may appeal this decision in accordance with Section 8, or the applicant may resubmit new or revised plans and specifications, in which case no new application will be required.

SECTION 5: CONSTRUCTION IN COMPLIANCE WITH APPROVED PLANS

All work shall conform to approved plans and specifications. Should it be necessary or desirable to make any material change in the design of the approved engineering project or establishment which will effect the capacity, hydraulic conditions, flow, operating unit or sanitary features of the proposed work, revised plans and specifications, together with a written statement of the reason of such change, shall be submitted to the Department for review, and approval shall be obtained in writing before the work affected by change is undertaken. Minor revisions not affecting the capacity, hydraulic conditions, flow, operating unit or sanitary features will be permitted during construction without further approval, but plans clearly showing such alterations shall be filed with the Department at the completion of the work.

**SECTION 6: ACCESS TO
CONSTRUCTION SITES FOR INSPECTIONAL
PURPOSES**

- A. The Department shall be permitted to inspect the construction site of the engineering project or establishment prior to issuing a Certificate of Approval to Construct.
- B. The Department shall be permitted to inspect the engineering project or regulated establishment during construction.
- C. If a person unreasonably refuses to allow the Department to make an inspection authorized by this section, the Department's Certificate of Approval will be suspended or revoked until such time as the inspection can be made.

SECTION 7: FINAL APPROVAL REQUIRED

- A. No person shall occupy or use the engineering project or regulated establishment without first obtaining final approval from the Department.
- B. The Department shall be notified when the approved engineering project or establishment is to be placed in service. Notification shall be given at least five days prior to the expected date of completion of the work to permit final inspection by the Department. Notification under this paragraph may be given by telephone, in person, or in writing.
- C. Upon final inspection, if the Department determines that the project or establishment is in accordance with the Sanitary Code, the Department shall give its final approval to the project or establishment. This shall be done by noting in writing on the Certificate of Approval to Construct that final approval has been given.
- D. Upon final inspection, if the Department determines that the project or establishment is not in accordance with the Sanitary Code, the Department shall deny final approval. In such case, the Department shall give the person written notice specifying the reasons for denial. The person may appeal this decision in accordance with Section 8.

- E. Fees for plan reviews and final inspections are due when an application for approval is submitted to the department and are not refundable. If a certificate to construct becomes void, a new fee shall be required.

SECTION 8: HEARING PROCEDURES

- A. **Right of Appeal:** Any person who has been adversely affected by the actions or decisions of the Department may appeal that action or decision to the Director by filing with the Director a written request for a hearing within ten (10) days of the time the person receives written notice of the action or decision. If no request for a hearing is filed within the ten (10) day period, the action or decision is final.
- B. **Notification of Hearings:** The Director shall notify, in writing, all persons requesting the hearing, that a hearing will be held at a specified time and place. Such notice shall be given to allow each person a reasonable opportunity to prepare his case.
- C. **Rights of Parties at Hearing:** Any person, or the Department, may appear on their own behalf or through counsel, may submit evidence in open hearing, and shall have the right to confront witnesses by cross-examination. A corporation may appear only through corporate officer or counsel.
- D. **Conduct of Hearing:** A three (3) person board consisting of the Director (or his/her designee) and two (2) other Board of Health members appointed by the Director, in consultation with the Board of Health President, shall conduct the hearing in a manner consistent with due process. Other persons may be appointed if Board of Health members are unavailable within the time frames which are required or alternatively a hearing officer may be appointed. Witnesses shall be sworn and their testimony recorded manually or by recording device. The cost of transcribing such testimony shall be paid by the party requesting it. The Hearing Board shall receive relevant, probative, and material evidence and shall exclude all irrelevant, immaterial or unduly repetitious evidence. The formal rules of evidence need not be followed. Proof shall be a preponderance of the evidence. A majority of the members of the Hearing Board shall concur in a decision for it to have effect.
- E. **Hearing Board Decisions:** Within five (5) working days of completion of the hearing, the Director (or his/her designee) shall affirm or deny the appeal. The decision shall contain findings of the fact and conclusions of law which are the basis of the Hearing Board decision.
- F. **Director's Action:** Within 3 working days of receiving the Hearing Board decision the Director shall notify the person requesting the

appeal of the decision. The Hearing Board decision delivered by the Director shall be final.

- G. **Time:** The computation of any time limits in these regulations shall be done in accordance with the time computation of the Arizona Rules of Civil Procedure. The time limits in these regulations may be enlarged by agreement of the parties or when, in the Director's opinion, good cause requires it.
- H. **Emergency Action:** When an immediate and substantial public health danger exists, the action of the Director shall be final pending appeal by the person whom the action adversely affects. In such case, an appeal hearing before the Board of Health will be scheduled as soon as possible.
- I. **Provisions Severable:** Should any section, paragraph, sentence, clause, or phrase of this Sanitary Code be declared unconstitutional or invalid for any reason, the remainder of said Sanitary Code shall not be affected thereby.

SECTION 9: VIOLATION

- A. Any person who violates any provisions of this regulation shall be guilty of a class 3 misdemeanor pursuant to A.R.S. 36-191 and § 36-167.
- B. In addition, the Director may proceed under A.R.S. Section § 36-602, as amended.

REGULATION 1: FOOD AND DRINK

SECTION 1: SCOPE AND LEGAL AUTHORITY

- A. All food establishments shall comply with the provisions of this regulation which are applicable to that particular type of establishment or to the foods provided by that establishment.
- B. The regulations in this Sanitary Code are adopted by the authority granted by A.R.S. § 36-132, § 36-136, § 36-911, as amended.

SECTION 2: DEFINITIONS

- A. In this regulation, unless the context otherwise requires:
 - 1. **"Adulteration"** means a food is adulterated if one or more of the conditions specified in A.R.S. § 36-904, as amended, exists.
 - 2. **"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.
 - 3. **"Conditional Permit"** means a permit to operate food establishment issued at the discretion of the Department for a period not to exceed thirty days when an establishment does not meet the requirements of these regulations and imminent health hazard does not exist.
 - 4. **"Corrosion-restraint materials"** 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.
 - 5. **"Department"** means the Cochise County Department of Health and Social Services.
 - 6. **"Director"** means the Director of the Cochise County Department of Health and Social Services, and the Director's duly authorized representatives.

7. **"Easily Cleanable"** means readily accessible and made of such material and finish and so fabricated that residue may be effectively removed by normal cleaning methods.
8. **"Effective Hair Restraints"** means confining head hair by nets, caps, head bands, or other means during preparation, processing, or serving of food.
9. **"Employee"** means the permit holder, individuals having supervisory or management duties and any other person working in a food establishment.
10. **"Equipment"** means stoves, ovens, ranges, hoods, mixers, meatblocks, tables, counters, refrigerators, sinks, dish washing machines, steam tables, and similar items other than utensils, used in the operation of a food establishment.
11. **"Food"** means any 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.
12. **"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.
13. **"Food Establishment"** means any place where food or beverage or any of the constituents thereof is produced, stored, manufactured, prepared, handled, sold or offered for sale or given away. For the purpose of this section the words "commissary", "food establishments", "food service establishment", "food processing establishment" and "establishment" shall have the same meaning.
14. **"Food Sanitation Certificate"** means an annual certificate issued by the Director to permit handling of food in food establishments.
15. **"Food Service Establishment"** means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen type operations that prepare sandwiches intended for individual portion service. The term does not include private homes where food is prepared or serviced for individual family consumption, retail food stores, the location of food vending machines, and supply vehicles.

16. **"Hermetically Sealed Container"** means a container designed and intended to be secure against the entry of micro-organisms and to maintain the commercial sterility of its content after processing.
17. **"Unsanitary"** means an unclean or unhealthful condition where food in the process of production, preparation, manufacture, packing, storing, sale, distribution or transportation is not protected from insects, flies, rodents, dust, dirt, or any other injurious contamination; or where refuse, dirt or waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, distributing, or transportation of food is not removed daily; or where all machinery, equipment and utensils are not maintained in a clean condition; or where the clothing of employees is unclean; or where there exists any other circumstance determined by the Department to constitute a health hazard.
18. **"Kitchenware"** means all multi-use utensils other than tableware.
19. **"Law"** includes Federal, Arizona State, and local statutes, ordinances and regulations.
20. **"Mislabeling or Misbranding"** means a food is mislabeled or misbranded if one or more of the conditions specified at A.R.S. § 36-906, as amended, exists or if it does not conform to the labeling requirements of the Federal Act as defined in A.R.S. § 36-901, as amended.
21. **"Mobile Food Unit"** means a vehicle-mounted food service establishment designed to be readily movable.
22. **"New Establishments"** means a new establishment or a change of ownership of an existing establishment or an establishment which has been closed for six months or more, or an establishment undergoing substantial repair or modification, or an establishment which substantially changes its food service from that previously permitted.
23. **"Owner"** shall mean the person or persons who is permitted to operate a food establishment by the Director.
24. **"Packaged"** means bottled, canned, cartoned, or securely wrapped.
25. **"Person in charge"** means the individual present in a food service establishment who is the supervisor of the food service establishment at the time of inspection, or his designee. If no

individual is the apparent supervisor, then any employee present is the person in charge.

26. **"Permit"** means an annual permit issued by the Department to operate a regulated food establishment.

27. **"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 micro-organisms. 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 (a_w) value of 0.85 or less.
28. **"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.
29. **"Reconstituted"** means dehydrated food products recombined with water or other liquids.
30. **"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.
31. **"Retail Food Establishment"** means any establishment where food and food products are offered for sale to the ultimate consumer and intended for off-premises consumption.
32. **"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.
33. **"Sealed"** means free of cracks or other openings that permit the entry or passage of moisture.
34. **"Single-service Articles"** means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then discarded.
35. **"Tableware"** means multi-use eating and drinking utensils.

36. **"Temporary Food Service Establishment"** means a food service establishment that operates at a fixed location for a period of time not more than fourteen (14) consecutive days in conjunction with a single event or celebration.
37. **"Uniform Mechanical Code"** means the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials.
38. **"Uniform Plumbing Code"** means the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials.
39. **"Utensil"** means any implement used in the storage, preparation, transportation, or service of food.
40. **"Wholesome"** means clean, free from spoilage, and in such condition as to be safe for human consumption.

SECTION 3: 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.

SECTION 4: MINIMUM STANDARDS

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

SECTION 5: RIGHT OF ENTRY

No person shall refuse to admit the Director, at any reasonable time, upon his/her 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.

SECTION 6: EXAMINATION AND CONDEMNATION

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

SECTION 7: REFUSE

All refuse shall be stored and disposed of in accordance with Regulation 4 of this sanitary code.

SECTION 8: PLANS

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

SECTION 9: PERMITS

- A. No person shall operate a food establishment without first procuring a permit to do so from the Director. 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 nontransferrable.
- C. A permit issued by the Director 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 the Regulation.
- E. Application for a permit shall be on a form prescribed by the Director and shall contain the name and address of the applicant and whatever other information the Director 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 equipment shall be made by the Director and no permit shall be issued unless the premises and equipment conform to the requirements of these Regulations. Inspections shall be made as frequently as necessary for compliance with these Regulations but in no instance at intervals of longer than six (6) months.

SECTION 10: NON-SPECIFIC PLACES OR OPERATIONS; SCOPE

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 Sanitary Code shall apply.

SECTION 11: 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. Hair nets may be required for female personnel; caps should be worn by males where required.
- 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 employees' clothing, and shall be kept clean. Soiled linens, coats and aprons shall be kept in covered containers provided for this purpose.

SECTION 12: 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 covered 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, non-absorbent 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.

SECTION 13: 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 A.D.E.Q.
- 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 A.D.E.Q. All plumbing shall be installed in accordance with any local ordinance or code and with the Uniform Plumbing Code.

SECTION 14: 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.
- B. Adequate and convenient hand-washing facilities shall be provided, including hot and cold running water, soap, and approved individual sanitary towels or hand-drying devices. Lavatories, in addition to those provided in toilet rooms, shall be provided in food preparation and/or service areas 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/her hands. Lavatories and wash rooms shall be kept clean and sanitary. Proper waste receptacles shall be provided.

SECTION 15: 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 in which cadmium, lead, or other toxic materials is 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 materials. 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 Director in writing, may be used.
- C. After cleaning, utensils and equipment shall be properly stored in a clean dry place and 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.

**SECTION 16: 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 degrees 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 good 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.

SECTION 17: SCOPE

All food establishments in the County shall comply with the general provisions of this section; as well as those specific sections and subsections in this regulation which pertain to a particular type of food establishment.

SECTION 18: FOOD CARE

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.
- c. Sulfiting agents, which contain sulfur dioxide, sodium sulfate, sodium and potassium sulfate, sodium and potassium metabisulfate, singly or in combination, shall not be applied to any food by the owner/operator of any food establishment in the county.

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 Regulation.

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 Department. Upon receiving notice of this occurrence, the Department 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 six (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
- 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 drained 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 in a container identifying the food by common name.

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 ± 3 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 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 four (4) hours. Potentially hazardous food to be transported shall be prechilled and held at a temperature of 45 F. or below unless maintained in accordance with Section 2.C.3.
- c. Frozen food shall be kept frozen and should be stored at a temperature of 0 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 ± 3 F., located to measure the air temperature in the coolest part of the facility and located to be easily readable. Recording thermometers, accurate to ± 3 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 food requiring hot storage shall be 140 F. or above except during necessary periods of preparation. Potentially hazardous food to be transported shall be held at a temperature of 140 F. or above unless maintained in accordance with Section 2.C.2.G.

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 four (4) hours after preparation.

7. Product Thermometers

- a. Metal stem-type numerically scaled indicating thermometers, accurate to ± 2 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

- 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 a part of 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 foods 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 one (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 one-half (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 one-half (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 Section 2.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.

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 over-wrapped 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 the Regulation relating to food protection and food storage shall be followed.

SECTION 19: 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 may be required to 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.

SECTION 20: 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 non-absorbent; 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 Section 4.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 chop sticks, 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 Section 4.A.1 are permitted for repeated use.

5. **Mollusk and Crustacea Shells**

- a. Mollusk and crustacea shells may be used only once as serving containers. 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.
 - 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 ice makers 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 inspections:
 - 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.

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 Regulation.

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 four inch (4") clearance between the table or counter and equipment shall be installed to facilitate the cleaning of the equipment and adjacent areas.
- b. Equipment is portable within the meaning of Section

20.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

- be:
- a. Floor mounted equipment, unless readily movable shall
 - 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 six inch (6") clearance between the floor and equipment, except that vertically mounted floor mixers may be elevated to provide at least a four inch (4") 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 not 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.

SECTION 21: CLEANING, SANITIZATION AND STORAGE OF EQUIPMENT AND UTENSILS

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

1. **Cleaning Frequency**

- each use.
- a. Tableware shall be washed, rinsed, and sanitized after
 - 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 surfaces 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 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 clothes 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 Section 21.A.3 and used for not other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.
- c. Moist clothes 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 Section 21.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 Section 21.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 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 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 Section 21.A.3.e.iv. in the case of equipment too large to sanitize by immersion.
- 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 $\pm 3^{\circ}$ 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 machines 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 and no 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 $\pm 3^{\circ}$ 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.
- 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. Machine (single-tank, stationary-rack, door-type machines and spray-type glass washers) using chemicals for sanitization may be used; Provided, that,

less than 120°F.

- i. The temperature of the wash water shall not be
- 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 Section 21.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 | |
| temperature..... | 165°F. |
| | rinse |

iii. Single-tank, conveyor machine:

| | |
|------------------|---------|
| Wash | |
| temperature..... | 160°F . |
| Final | |
| temperature..... | 180°F. |
| | rinse |

iv. Multi-tank, conveyor machine:

| | |
|------------------|---------|
| Wash | |
| temperature..... | 150°F . |
| Pumped | |
| temperature..... | 160°F. |
| Final | |
| temperature..... | 180°F. |
| | rinse |
| | rinse |

v. Single-tank, pot, pan and utensil washer [either stationary or moving rack]:

| | |
|------------------|---------|
| Wash | |
| temperature..... | 140°F . |
| Final | |
| temperature..... | 180°F. |
| | rinse |

vi. 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.

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 that user's mouth.

2. **Storage**

- a. Cleaned and sanitized utensils and equipment shall be stored at least six inches (6") 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.
- 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.

SECTION 22: 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.D.H.S. or A.D.E.Q. requirements.

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 A.D.H.S. or A.D.E.Q.

3. Bottled Water

- a. Bottled and packaged potable water shall be obtained from an approved source inspected by A.D.H.S. or A.D.E.Q. 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.

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.D.E.Q. requirements. Non-water carried sewage disposal

facilities are prohibited, except as permitted by Section 25.A.1 through Section 25.A.8 of this Regulation [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.

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 five feet (5') 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.

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 16 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 handwashing facilities.

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.

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 A.D.E.Q. 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.

SECTION 23: 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 areas, 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 mop water 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 food:
 - 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 prevent broken glass from 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 will 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.

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.

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 Section 21.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 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

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, cloths, 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.

SECTION 24: MOBILE FOOD UNITS OR PUSHCARTS

A. Mobile Food Service

1. General

- a. Mobile food units or pushcarts shall comply with the requirements of this Regulation applicable to food service establishments except as otherwise provided in this Section. The Department may impose additional requirements to protect against health hazards related to the conduct of the food service establishment 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 Regulation relating to physical facilities, except those requirements of Section 24.A.4., A.5, B.1, C.1, and C.2.

2. Restricted Operation

- a. Mobile food units or pushcarts serving only prepared food, packaged in individual servings, transported and stored under conditions meeting the requirements of the Regulation, 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 Regulation pertaining to the necessity of water and sewage systems not 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 Regulation. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and 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 Regulation.

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.

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 servicing 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 Regulation.

C. Servicing Area and Operation

1. Servicing Area

- a. A mobile food unit servicing area 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 non-absorbent 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 Section 23.B.1 through Section 23.B.6.

2. Servicing Operations

- a. Potable water servicing equipment shall be installed according to A.D.E.Q. Requirements.
- 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 Section 22.B.1.

SECTION 25: TEMPORARY FOOD SERVICE

A. Temporary Food Service Establishments

1. General

- a. A temporary food service establishment shall comply with all requirements in this Regulation applicable to food service establishments, except as otherwise provided in this Section. The Department 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 Section 25.A.2.B are applicable whenever a temporary food service establishment is permitted, under the provisions of Section 25.A.1, to operate without complying with all the requirements of this Regulation 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 Regulation, 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 Regulation. 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

- 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.D.E.Q. requirements.

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, canvas, 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.

SECTION 26: COMPLIANCE PROCEDURES

A. Permits To Operate A Food Establishment

No person shall operate a food establishment who does not have a valid permit issued to him or her by the Department. Only a person who complies with the requirements of this Section shall be entitled to receive or retain such a permit. Permits are not transferable either from person to person or location to location. A valid permit shall be posted in public view in every food establishment.

B. Issuance of Permit

1. Any person desiring to operate a food establishment shall make written application for a permit on forms provided by the Department. Such application shall include the name and address of each applicant, the location and type of proposed food establishment and the signature of each applicant.

2. Prior to approval of an application for a permit the Department shall inspect the proposed food establishment to determine compliance with the requirements of the Sanitary Code.
3. Upon inspection, if the Department determines that the food establishment complies with the regulations of the Sanitary Code, the Department shall issue a permit to the applicant.

C. Inspections

An inspection of a food establishment shall be performed at least once every six months. Additional inspections shall be performed as often as necessary for the enforcement of this section.

D. Access

Representatives of the Department after proper identification, shall be permitted to any food establishment at any reasonable time during regular business hours of the establishment for the purpose of making inspections to determine compliance with this regulation. The representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received or used.

E. Report of Inspections

Whenever an inspection of a food establishment is made, the findings shall be recorded on an inspection form. The inspection form shall summarize the requirements of this section and set forth a weighted point value for each requirement. Inspector's remarks shall be written to reference by item number, the item violated and shall state the correction to be made. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from one hundred. A copy of the completed inspection 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.

F. Correction of Violations.

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:

1. If an imminent health hazard exists, such as complete lack of refrigeration, sewage backup, breakdown of mechanical cleaning and sanitizing equipment (unless other approved

methods are provided), or the lack of water, gas or electricity, the establishment shall immediately cease food operations. Operations shall not be resumed until authorized by the Director.

2. All violations of four-point or five-point weighted items shall be corrected as soon as possible, but in any event, within forty-eight hours following the inspection. A follow-up inspection shall be conducted to confirm correction.
3. All one or two point weighted items shall be correction as soon as possible, but in any event, by the next routine inspection.
4. When the rating score of the establishment is less than seventy-five but greater than sixty, the permit shall be suspended and a conditional permit issued for a period not to exceed thirty days and when a subsequent inspection discloses a rating of eighty points or greater, the regular permit will be reissued provided all four-point and five-point items have been corrected. The conditional permit shall be posted in public view by the Director. Removal of said conditional permit from public view will be a violation of this section and grounds for immediate closing of the establishment.
5. When the rating score is below sixty, the permit to operate shall be immediately suspended on written order of the Director.
6. In the case of temporary food establishments, all violations shall be corrected within the time period specified by the Director, but in no instances to exceed 24 hours. If the violations are not corrected within the time period specified, the establishment shall immediately cease food operations until authorized to resume operation by the Director.
7. The inspection report shall state that failure to comply with any time limits for corrections may result in suspension of food operations. An opportunity for a hearing on the inspection findings or the time limits or both will be provided if a written request is filed with the health officer within ten days following cessation of operations. If a request for a hearing is filed, a hearing shall be held within ten days of receipt of the request.
8. Whenever a food establishment is required under the provisions of this section to cease operations, it shall not resume operations until it is shown on reinspection that the conditions responsible for the order to cease operations no longer exists. Opportunity for reinspection shall be offered within a reasonable time.

G. Special Recognition

The Director shall recognize publicly those food establishments which are shown to be in substantial compliance with the provisions of this section. Such public recognition shall be in the form of certificates, news media notification or any combination of the above. Criteria for determining such recognition shall be promulgated by the Director and may be amended only by the Director in concert with the Board of Health.

H. Suspension of Permit

1. Grounds for suspension

- a. If the Department finds that conditions in a food establishment present such a severe and imminent health hazard the food establishment shall immediately cease food operations. It shall not resume operations until the Department determines on reinspection that conditions responsible for the suspension no longer exist. Such reinspection shall be conducted within three days, exclusive of weekends and holidays, of receipt of written notice from the holder of the permit that the conditions responsible for the suspension of the permit have been corrected.

2. Procedure For Suspension.

- a. The suspension shall take effect immediately upon service of a notice of suspension on the holder of the permit. This notice shall also advise the holder of the permit that s/he may appeal this decision by filing a written request for hearing with the Department. Within ten days following receipt of such request by the Department, a hearing shall be held.

I. Revocation of Permit

1. Grounds For Revocation

- a. The Department may, after providing opportunity for a hearing, revoke a permit for serious, repeated or uncorrected violations of this regulation, or for interference with the Department in the performance of its duties.

2. Procedure For Revocation

- a. Prior to revocation, the Department shall notify in writing the holder of the permit, of the specific reasons for which the permit is to be revoked. The revocation shall take effect at the end of ten days following the receipt of the notice by the holder of the permit, unless within that period of time, the holder of the permit files a request for hearing with the Department.

3. Application For Revocation

- a. Whenever a revocation of a permit becomes final, the holder of the revoked permit may make a written application for a new permit.

J. Examination and Condemnation

Food may be examined or sampled by the Department as often as necessary for enforcement of this Regulation. The Department may seize, condemn, or destroy any food which is in violation of these regulations or is adulterated or misbranded as defined under A.R.S. §36-904 to §36-907, as amended. For any seizure, condemnation, or destruction of food, the Department shall follow the provisions of A.R.S. §36-910, as amended.

K. Procedure When Infection Is Suspected

1. When the Department has reasonable cause to suspect possible disease transmission by an employee of a food establishment, it may secure a morbidity history of the suspected employee or make another investigation as indicated and shall take appropriate action. The Department may require any or all of the following measures:
 - a. The immediate exclusion of the employee from employment in food establishments;
 - b. The immediate closing of the food establishment concerned until, in the opinion of the Department, no further danger of disease outbreaks exists;
 - c. Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease;
 - d. Adequate medical and laboratory examination of the employees and of their body discharges.

2. When the holder of the permit is ordered to take any of the measures specified above, the Department shall notify him/her of his/her right to request a hearing before the Board of Health.

L. Food Sanitation Certificates

1. Each person or persons, including the applicant, making application for or operating a food service establishment shall require each person employed in that food establishment to first obtain a food sanitation certificate from the Department.
2. Such certificate shall expire one (1) year from the date issued, shall be kept at the place of employment at all times, and shall be based upon a written examination to demonstrate knowledge of food establishment requirements. The cost of the certificate shall be determined by Resolution 90-27 as amended.
3. The Department will issue the certificate when the examinations are completed and show the applicant is knowledgeable in food establishment requirements.
4. Any employer who employs a person, and any person who works in or about any food establishment without a food sanitation certificate issued by the Department shall be subject to the penalties in Section 42 of this regulation.

SECTION 27: SHELLFISH

- A. Shellfish is defined for purposes of this Regulation as meaning fresh or frozen oysters, clams, mussels, either shucked or in the shell.
- B. No oysters, clams, or mussels shall be stored, handled, held for sale, or sold unless they have been grown, harvested, and processed in accordance with requirements of the U. S. Public Health Services Shellfish Certification Program; and unless the shipment shall have been accompanied by tag, label, or other 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 U. S. Public Health Service list of certified shellfish shippers.
- C. Shucked shellfish shall be packed without exposing them to contamination. Shucked shellfish shall be packed and shipped in clean, single-service containers made of impervious materials. Each individual package of fresh or frozen shellfish shall have permanently recorded on the package or label, so as to be easily visible, the packer's, re-packer's, or distributor's name and address, and the packer's or re-packer's certificate number preceded by the abbreviated

name of the state. Containers holding one (1) gallon or more shall have the identification on the container wall, unless the cover becomes an integral part of the container during the sealing process. Packages of frozen shellfish shall show the date or code of packing.

- D. Shell stock shall be identified by a tag or label fastened to each shipping container and bearing the number of the shipper, his name and address, the kind and quantity of the shell stock in the container. The certification number shall remain with the stock until final disposition.
- E. Oysters, clams, and mussels shall at all times be refrigerated at a temperature of not more than 45°F. Frozen oysters, clams, and mussels shall be held at 0°F. or lower while in the frozen condition, and may be thawed only in a refrigerator.

SECTION 28: ICE MANUFACTURING PLANT; SANITATION

- A. The premises and equipment where ice is produced, manufactured, stored, handled or dispensed shall be kept in good repair, clean and sanitary.
- B. All ice shall be produced from a safe, sanitary water supply and from an approved source.
- C. All areas where ice is produced, handled, or stored shall be well lighted.
- D. Clean shoes, boots, overshoes, or shoe covers shall be worn by all persons on the freezing platform or in the storage area.
- E. That part of core suction or filling equipment that penetrates the ice block shall be properly protected when not in use. Where a 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.
- F. Ice which has been contaminated in any manner shall not be sold, offered for sale, or given away for human consumption.
- G. Ice used for human consumption shall not be cracked, chipped, crushed, packaged, or pulverized on the trucks, loading platforms, or on the ground. This operation shall be done in an enclosed protected area.
- H. All cubed or crushed ice for human consumption shall be protected from contamination at all times and shall be transported and delivered in clean, closed, single-service bags, cartons or containers.

- I. Single-service bags shall be purchased only in sanitary containers, shall be stored therein, in a clean dry place until used, and shall be handled in a sanitary manner.

SECTION 29: ICE MANUFACTURING PLANT; TOILET AND LAVATORY

- A. Every ice manufacturing plant shall be provided with adequate and conveniently located toilet facilities for its employees, conforming to the requirements of the Department. The doors of all toilet rooms shall be self-closing, and shall not open into any ice making area. Toilet rooms shall be kept in a clean condition, in good repair, well lighted, and ventilated to the outside air. Hand-washing signs shall be posted in each toilet room used by employee.
- B. Adequate and convenient hand-washing facilities shall be provided, including hot and cold running water, soap and approved individual sanitary towels. The use of a common towel is prohibited. Lavatories in addition to those provided in toilet rooms, shall be provided and shall be easily accessible to all employees. A mixing type faucet is required in new construction or when an existing plant is remodeled. No employee shall resume work after using the toilet room without first washing his/her hands.

SECTION 30: ICE MANUFACTURING PLANT; WATER SUPPLY

- A. 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.
- B. 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. Where a local ordinance or code does not exist, plumbing shall be installed in accordance with the standards adopted by Uniform Plumbing Code.

SECTION 31: ICE MANUFACTURING PLANT;
MISCELLANEOUS

- A. Ice for human consumption shall be transported only in clean, enclosed vehicles.
- 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.
- 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 or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in covered containers reserved for this purpose.

SECTION 32: 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 a single-service packages or through a device which will not permit exposure or access to ice held in storage. However, any new or replacement self-service 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.

SECTION 33: BAKERIES; DEFINITIONS

- A. A "**bakery**" means any place in which is carried on the process of mixing, compounding, cooking baking, or manufacturing for sale, any bakery products.

- B. **"Bakery products"** means any bread, biscuits, pretzels, crackers, buns, rolls, macaroni, or any similar pastas, pastries, cakes, doughnuts, pies, or other food products of which flour or meal is a principal ingredient, but does not include packaged mixes. Bakery products shall also include the materials from which the above are manufactured.

SECTION 34: BAKERIES; GENERAL

- A. All bakery products shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption.
- B. Approved and effective methods of insect and vermin control shall be used at all times.
- C. 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 may be required for female personnel; caps should be worn by males where required.
- D. The premises of all establishments shall be kept clean and free of refuse. None of the operations connected with a food handling establishment shall be conducted in any room used for domestic purposes. Adequate locker or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers for this purpose.

SECTION 35: BAKERIES; PHYSICAL PLANT

- A. The floors of all rooms in which bakery products are stored, prepared, or sold, or in which utensils are washed, shall be of easily cleanable construction, shall be smooth, free from cracks and shall be kept clean and in good repair and, where necessary, graded to drain.
- B. Walls and ceilings of rooms in which bakery products are stored or prepared shall be finished in a light color. The walls of all rooms in which bakery products are prepared, stored, or sold, or utensils washed, shall have a smooth washable surface. Walls and ceilings shall be kept clean and in good repair.
- C. 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.

- D. All rooms in which bakery products are stored, prepared, or sold, or in which utensils are washed, shall be well lighted and ventilated.

SECTION 36: BAKERIES; TOILET AND LAVATORY

- A. Every bakery shall be provided with adequate and conveniently located toilet facilities for its employees. The doors shall be self-closing. Toilet rooms shall be kept clean, in good repair, well lighted, and shall be 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. The common towel is prohibited. 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 existing plant is remodeled. No employee shall resume work after using the toilet room without first washing his/her hands.

SECTION 37: BAKERIES; 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, 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. Where a local ordinance does not exist, plumbing shall be installed in accordance with the standards adopted by the Uniform Plumbing Code.

SECTION 38: BAKERIES, UTENSILS AND EQUIPMENT

- A. Utensils, show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, troughs, cutters, mixers, and other equipment and utensils used in connection with the operation of a bakery shall be so constructed as to be easily cleaned and shall be kept in good repair. They shall be of non-toxic and corrosion-resistant material. Corners and jointings shall be smooth. New equipment shall comply with the minimum requirements of the standards adopted by BISSC Certified Standards of the Baking Industry.
- B. All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, and sinks shall be kept clean and free from dirt, dust, insects, vermin, and other contaminating material. All cloths used by employees shall be clean. All multiuse utensils used in the preparation of bakery products shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation.
- C. After washing and bactericidal treatment, utensils shall be stored in a clean dry place, protected from insects and vermin dust, and other contamination, and shall be handled in such a manner as to prevent contamination.

SECTION 39: BAKERIES; 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. within one (1) hour and shall be kept at or below that temperature until final use. Perishable ingredients shall be refrigerated (45° or less) at all times.

SECTION 40: BAKERIES; STORAGE; DISPLAY; TRANSPORTATION

- A. All bakery products shall be so stored and displayed as to be protected from dust, insects, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage and other contamination. No animals or birds shall be kept or allowed in any room in which bakery products are prepared, stored, or sold, except guide dogs, when accompanied by a blind person, may be allowed in sales or serving areas or as provided by A.R.S. §24-411 as amended.
- B. No product shall be transported or delivered unless it is wrapped or packaged to prevent airborne or manual contamination. Packaging

shall be done at the place of manufacture. The only exception may be 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, and such 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 outside personnel.

SECTION 41: BOTTLED WATER

- A. No water shall be sold, offered for sale or rendered available for drinking purposes in bottles or other containers unless such water is of a sanitary quality approved by the A.D.E.Q.
- B. Bottles or other containers in which water is sold for drinking purposes shall be given an approved bactericidal treatment before refilling. The method shall be approved by the A.D.E.Q. All bottle openings and pouring lips shall be protected against contamination by approved hooding.

SECTION 42: VIOLATIONS

Any person who violates any provisions of this regulation shall be guilty of a class 3 misdemeanor pursuant to A.R.S. §36-191 and §36-140, as amended.

REGULATION 2: ADOPTION OF "RETAIL FOOD STORE SANITATION CODE"

- A. This sanitary code adopts and incorporates by reference the 1982 edition of the Association of Food and Drug Officials and the Food and Drug Administration's "Retail Food Store Sanitation Code", and providing for the enforcement of this code, and the fixing of penalties. This code shall be considered a part of the Cochise County Sanitary Code. In this regard, where the word regulatory authority is used in this code, it shall refer to the Cochise County Department of Health and Social Services.

REGULATION 3: RETAIL MEAT MARKETS

SECTION 1: LEGAL AUTHORITY

The regulations in this Sanitary Code are adopted pursuant to the authority granted by A.R.S. §11-251(17) and (31), §36-136 and §36-184 as amended.

SECTION 2: DEFINITIONS

- A. **"Department"** means the Cochise County Department of Health and Social Services.
- B. **"Director"** means the Director of the Cochise County Department of Health and Social Services or his/her authorized representative.
- C. **"Employee"** means the permit holder, individuals having supervisory or management control or any other person working in a retail meat establishment.
- D. **"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.
- E. **"Meat"** means the flesh of any animal, bird, fish or other sea food.
- F. **"Meat establishment"** means a retail meat market, store or shop in which meat or meat products are processed, prepared, stored, or offered for sale.
- G. **"Permit"** means an annual permit issued by the Department to operate a regulated retail food store.
- H. **"Utensil"** means any implement used in the processing of meat.

SECTION 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 Regulation 1 Section 2-11.

- 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 Regulation 1 Section 6.
- 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 dogs when accompanied by a police officer on duty, may be allowed in the sales area, or as provided by A.R.S. §34-411 as amended.
- F. Handling of unpackaged meat and meat products in meat establishments, storing, processing, or selling meat and meat products by person's 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.
- K. Food sanitation certificates are required for all persons working in a meat establishment.

SECTION 4: PLANS

Plans for the construction, alteration, or remodeling of any meat establishment shall be reviewed, by the Director, for compliance with these regulations. No construction, alteration, or remodeling shall be undertaken until such plans have been approved.

SECTION 5: PERMITS

- A. No person shall operate a meat establishment without first procuring a permit to do so from the Director. The permit shall be posted in a conspicuous place on the premises of the meat establishment.
- B. The permit shall be issued in the name of the owner, manager, or operator for a specific location and shall be nontransferrable.
- C. A permit issued by the Director 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, revoked or expired shall constitute a violation of this Regulation.
- E. Application for a permit shall be on a form prescribed by the Director and shall contain the name and address of the applicant and whatever other information the Director 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 equipment shall be made by the Director and no permit shall be issued unless the premises and equipment conform to the requirements of these Regulations.

SECTION 6: 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 junctures 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.
- D. The use of sawdust or other similar materials on the floor of meat cutting rooms or meat storage areas may be permitted where in the opinion of the Department it does not constitute or create a health hazard. Sawdust or similar materials shall be clean and free of extraneous or deleterious substances and shall be removed and discarded at the end of each day's business.
- 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.
- G. All lights in the meat processing room, walk-in refrigerators, storage and display cases, must be shielded.

SECTION 7: 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. Handwashing signs shall be posted in each toilet room used by employees.
- B. Adequate and convenient handwashing facilities shall be provided, including hot and cold running water, soap, and individual sanitary towels and approved waste receptacles. 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/her hands. Lavatories and wash rooms shall be kept clean and sanitary.

SECTION 8: WATER SUPPLY

- A. All water shall be obtained from a public or semi-public water system approved by the A.D.E.Q. 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 fixture 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 waste water 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 A.D.E.Q. 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 the Uniform Plumbing code.

SECTION 9: 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 cutting poultry prior to processing any other products.
- D. Grinders must be thoroughly cleaned and sanitized after cutting pork prior to processing any other product.

- 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 three (3) compartments connected with hot and cold water under pressure shall be provided for the washing, rinsing and bactericidal treatment of equipment and utensils used in meat establishments. 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.

SECTION 10: 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 $\pm 3^{\circ}\text{F}$.
- C. Meat and meat products shall be packaged before delivery in containers or wrappings which assure the product will be protected from contamination.
- 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.

**SECTION 11: 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 (30%) 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 (25%), 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 (30%) 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 Subsection.
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 Subsection 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 (30%) 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 Subsection.

- 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 (50%) 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 three percent (3%) 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 three percent (3%) 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 (30%) fat. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed three percent (3%) 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 (50%) 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 three percent (3%) 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:

| | | |
|----------------|------------------------|-------------------|
| over 27" | Packages or pieces not | Not |
| thickness | over 6" in thickness | in |
| Group 2 (days) | Temperature °F. | Group in 1 (days) |

| | | |
|-----|------|-----|
| 30° | 5° | 20° |
| 20° | -10° | 10° |
| 12° | -20° | 6° |

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 (30%) 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 (10%) 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 (15%) 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 sausages 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 (15%) of one or more kinds of raw skeletal muscle meat with raw meat byproducts, or not less than 15 percent (15%) 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 (15%) of the meat and meat byproducts or meat, meat byproducts, and poultry products ingredients. The finished products shall not contain more than 30 percent (30%) 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 (10%) 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 (15%) 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.

3. A cooked sausage as defined in Paragraph 1 of this Subsection 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 designated the particular species in conjunction with the generic name, e.g., "Beef frankfurter".
4. A cooked sausage as defined in Paragraph 2 of this Subsection shall be labeled by its generic name, e.g., frankfurter, frank, further, 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 Skim Milk Added", one or more of the following binders may be used in cooked sausage otherwise complying with Paragraphs 1 and 2 of this Subsection: 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 (2%) 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 non meat 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 beef sugar, maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup and glucose syrup may be added.

H. **Labeling** 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:

1. The true name of the product, identified with the manufacturer and place of manufacture.
2. 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.

SECTION 12: 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 Regulations.

SECTION 13: PENALTY

Any person who violates any provision of this regulation shall be guilty of a class 3 misdemeanor pursuant to A.R.S. §36-191 and §36-140, as amended .

REGULATION 4: REFUSE AND OTHER OBJECTIONABLE WASTES

SECTION 1: LEGAL AUTHORITY

The regulations in this Sanitary Code are adopted pursuant to the authority granted by A.R.S. §11-251 (17) and (31), §36-136 and §36-184, as amended.

SECTION 2: DEFINITIONS

- A. **"Ashes"** means residue from the burning of any combustible material.
- B. **"Department"** means the Cochise County Department of Health and Social Services.
- C. **"Garbage"** means all animal and vegetable wastes resulting from the processing, handling, preparation, cooking and serving of food or food materials.
- D. **"Manure"** means animal excreta, including cleanings from barns, stables, corrals, pens, or conveyances used for stabling, transporting, or penning of animals or fowls.
- E. **"Persons"** means the County, a municipality, district or political subdivision, a cooperative, corporation, company, firm, partnership or individual.
- F. **"Refuse"** means all putrescible and nonputrescible solid and semi-solid wastes, except human excreta, but including garbage, rubbish, ashes, manure, street cleanings, dead animals, abandoned automobiles, and industrial wastes.
- G. **"Rubbish"** means nonputrescible solid wastes, excluding ashes, consisting of both combustible and non combustible wastes, such as paper, cardboard, waste metal, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

SECTION 3: RESPONSIBILITY

- A. The collection and disposal of all refuse is the responsibility of each occupant, business establishment or industry and such refuse shall be stored, collected and disposed of so as to prevent a large accumulation and prevent a health hazard or the creation of a nuisance or in a manner approved by the Department.

- B. The owner, agent, or the occupant of any premises, business establishment, or industry shall be responsible for the storage and disposal of all refuse accumulated by a method or methods described in these regulations.
- C. The collection and disposal of all refuse not acceptable for collection by a collection agency is the responsibility of each occupant, business establishment, or industry where such refuse accumulates, and all such refuse shall be stored, collected, and disposed of in a manner approved by the Department.
- D. All dangerous materials and substances shall, where necessary, be rendered harmless prior to collection and disposal.

SECTION 4: INSPECTION

Representatives of the Department shall make such inspections of any premises, container, process, equipment, or vehicle used for collection, storage, transportation, disposal, or reclamation of refuse as are necessary to insure compliance with these regulations.

SECTION 5: STORAGE

- A. All refuse shall be stored in accordance with the requirements of this section. The owner, agent or occupant of every dwelling, business establishment, or other premises where refuse accumulates shall provide a sufficient number of suitable and approved containers for receiving and storing of refuse, and shall keep all refuse therein, except as otherwise provided by this Regulation.
- B. Containers for the storage of refuse, rubbish, ashes and garbage shall be maintained in such a manner as to prevent the creation of a nuisance or a menace to public health. Containers that are broken or otherwise fail to meet the requirements of the regulations shall be replaced, by the owner of said containers, with approved containers.
- C. Manure and droppings shall be removed from pens, stables, yards, cages, conveyances and other enclosures twice a week or more often if necessary to prevent a health hazard or the creation of a nuisance.

SECTION 6: 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, collections shall be made in the alley side of the premises.

SECTION 7: VEHICLES

- A. Vehicles used for collection and transportation of garbage or refuse containing garbage, shall have covered, watertight, metal bodies of easily cleanable construction, shall be cleaned frequently to prevent a nuisance or insect breeding and shall be maintained in good repair.

SECTION 8: PENALTY

Any person who violates any provisions of this regulation shall be guilty of a class 3 misdemeanor pursuant to A.R.S. §36-191 and 140, as amended.

REGULATION 5: TRAILER COACH PARKS

SECTION 1: LEGAL AUTHORITY

The Regulations in this Sanitary Code are adopted pursuant to the authority granted by A.R.S. §11-251(17) and (31), §36-136, §36-184, as amended.

SECTION 2: DEFINITIONS

- A. **"A.D.E.Q."** means Arizona Department of Environmental Quality.
- B. **"Department"** means the Cochise County Department of Health and Social Services.
- C. **"Dependent trailer coach"** means a trailer coach which does not have a toilet, bathtub, or shower, and is dependent upon a service building for toilet and lavatory facilities.
- D. **"Independent trailer coach"** means a trailer which has a toilet, bathtub or shower, lavatory and internal storage compartments for both domestic water and sanitary wastes, requiring no water service tap or sewer connection for the daily operation of the domestic waters or sanitary waste systems.
- E. **"Park"** means a trailer coach park.
- F. **"Person"** means the county, a municipality, district or political subdivision, a cooperative, corporation, company, firm, partnership or individual.
- G. **"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.
- H. **"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 trailers are occupied by the owner of the plot and his immediate family, nor does it include areas provided for recreational purposes or overnight parking by agencies of the local, state and federal governments, where posted restrictions for use of such areas are provided. This also includes travel trailer parks, unless otherwise excluded.

- I. **"Trailer coach space"** means a plot of ground within a trailer coach park designed for the accommodation of one trailer coach.

SECTION 3: PERMITS REQUIRED

No person shall operate a trailer coach park without holding a current and valid permit to operate issued by the Department.

SECTION 4: INSPECTION

An inspection of each trailer coach park will be performed at least once per year. Additional inspections shall be performed as often as necessary for the enforcement of this Regulation.

SECTION 5: PLANS AND SPECIFICATIONS

- A. No construction on or at a trailer coach park shall commence until A.D.E.Q. has approved the plans and specifications for the public water supply and sewage disposal system.
- B. No person shall maintain or operate a trailer coach park without the written approval of the Department.
- C. A park plan showing all building locations and trailer coach spaces shall be provided as part of the plans and specifications.
- D. No change or modification of water supply or sewage disposal in any existing trailer coach park shall be made until plans and specifications have been submitted to and approved by the A.D.E.Q.
- E. All plans and specifications shall be submitted to A.D.E.Q. in quadruplicate.

SECTION 6: APPLICATION

- A. An application for approval by the A.D.E.Q. shall be filed at the time the plans are submitted for approval. The form shall be completely filled out unless otherwise indicated.
- B. The distance to the nearest public water supply main and to a sewer main of a municipal or community system shall be given.

SECTION 7: WATER SUPPLY

The public water supply and distribution systems shall be constructed and operated according to A.D.E.Q. requirements.

SECTION 8: SEWAGE DISPOSAL SYSTEM

The sewage disposal system shall be constructed and operated according to A.D.E.Q. requirements.

SECTION 9: SANITATION FACILITIES

Toilets, bathing, laundry and other sanitation facilities shall be housed in a service building which shall present easy access from all trailer coach spaces by means of walkways or roadways.

SECTION 10: SERVICE BUILDINGS

- A. Service buildings shall be permanent structures, complying with all applicable ordinances and statutes regulating building construction.
- B. Service buildings shall meet the following requirements:
 - 1. All facilities shall be well lighted.
 - 2. They shall be ventilated with screened openings.
 - 3. They shall be constructed of such moisture proof material, including painted woodwork, as shall permit repeated cleaning and washing.
 - 4. Properly vented heating facilities shall be provided.

- 5. The floors of the service buildings shall be of water-impervious material and sloped to properly located floor drains.
- C. Service buildings containing toilet and bathing facilities shall not be located farther than 200 feet from any dependent trailer coach space.
- D. Existing parks serving dependent trailer coaches shall meet the requirements of this Section within six (6) months from the effective date.

SECTION 11: TOILET FACILITIES

- A. All parks accommodating dependent trailer coaches shall be provided with the following number of toilets, showers and other sanitation facilities:

NUMBER OF FACILITIES REQUIRED IN SERVICE BUILDINGS

| *Number of Trailer ** Other Parking Spaces Women | TOILETS | | URINALS | LAVATORIES | | SHOWERS | |
|---|---------|-------|---------|------------|-------|---------|---|
| | Men | Women | Men | Men | Women | Men | |
| 1-15 service sink | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 16-30 with a 31-45 flushing rim | 1 | 2 | 1 | 2 | 1 | 1 | 1 |
| 46-60 | 2 | 2 | 1 | 3 | 3 | 1 | 1 |
| 61-80 | 2 | 3 | 2 | 3 | 3 | 2 | 2 |
| utility sink | 3 | 4 | 2 | 4 | 4 | 2 | 2 |
| 81-100 | 3 | 4 | 2 | 4 | 4 | 3 | 3 |

For parking areas having more than 100 trailer spaces there shall be provided: one (1) additional toilet and lavatory for each sex per each additional 30 trailer spaces; one (1) additional shower for each sex per each additional 40 trailer spaces; and one (1) additional men's urinal per each additional 100 trailer spaces.

* Parking spaces for dependent trailers, i.e., number of facilities required per number of dependent parking trailer spaces.

** Additional fixtures including laundry trays, clothes washing machines (one for every 30 sites) and an ice making machine may be provided.

- B. Where a trailer coach park is designed for and exclusively limited to use by independent trailers, emergency sanitary facilities are not

required, provided that an approved sanitary dump station is located within the boundaries of the trailer coach park.

- C. 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 spaces and shall be based on the total number of persons using such facilities.

SECTION 12: COMMUNITY KITCHENS; RECREATIONAL FACILITIES

Trailer coach parks which provide a community kitchen or other recreational facilities shall comply with regulations of this code.

SECTION 13: WASTE DISPOSAL

- A. The storage, collection, transportation and disposal of garbage, trash, rubbish, manure and other objectionable wastes shall be in accordance with or A.D.E.Q. requirements.
- B. Each trailer coach space shall be provided with a trapped sewer, not less than three (3) inches in diameter, which shall be connected to receive all liquid waste from the trailer coach located in such space, except that a trapped sewer is not required in parks restricted to trailer coaches in which all fixtures discharge through a trap located in the trailer plumbing system.

SECTION 14: PENALTY

Any person who constructs, operates or maintains a trailer coach park contrary to the provisions of this Regulation is subject to the penalties provided by law. Any person who violates any provisions of this Regulation shall be guilty of a class 3 misdemeanor pursuant to A.R.S. §11-251(17) and (31), §36-191 and 140, as amended.

REGULATION 6: CAMPGROUNDS

SECTION 1: LEGAL AUTHORITY

The Regulations in this Sanitary Code are adopted pursuant to the authority granted by A.R.S. §11-251(17) and (31), §36-136 and §36-184, as amended.

SECTION 2: DEFINITIONS

- A. **"A.D.E.Q."** means the Arizona Department of Environmental Quality.
- B. **"Campground"** means a tract of land designated as an outdoor recreational area where the general public may set up temporary living quarters.
- C. **"Campsite"** means a camping space that accommodates one (1) tent and its occupants.
- D. **"Developed"** means a campground that provides plumbing fixtures.
- E. **"Earth pit privy"** means a structure designed for defecation and urination into a hole in the earth.
- F. **"Lavatory"** means a basin or sink for washing hands.
- G. **"Person"** means any human, organization, association, partnership, business, corporation or political subdivision.
- H. **"Plumbing fixtures"** means toilets, urinals, lavatories or showers connected to a pressurized water distribution system.
- I. **"Sewage"** means the waste from plumbing fixtures or privies.
- J. **"Vault privy"** means a structure designed to receive and store human feces and urine in a leak proof chamber which provides access for the removal of the excreta.

SECTION 3: PLANS AND APPROVAL TO CONSTRUCT AND OPERATE

- A. Before constructing buildings, water distribution systems, sewage disposal systems or privies, plans shall be submitted to the A.D.E.Q. and the local health department for review and approval.
- B. No person shall create a campground without first obtaining written approval from the A.D.E.Q. and local health department.

SECTION 4: CAMPSITES

- A. Each campsite shall be large enough to accommodate a parked camping vehicle, tent vehicle or tent and maintain a five (5) foot separation from any property line, and a ten (10) foot separation from any of the following:
 - 1. Other tents or vehicles
 - 2. Buildings, and
 - 3. Roads, streets or highways.

SECTION 5: CONSTRUCTION AND MAINTENANCE OF BUILDINGS

- A. Every developed campground shall be provided with a water supply capable of providing five (5) gallons per person per day to the campground at a rate of two and one-half times the average hourly demand.
- B. The water supply system shall be provided from a source constructed and operated in compliance with the requirements of the A.D.E.Q.
- C. The water supply in developed campgrounds shall be easily obtainable from hydrants or drinking fountains located within 300 feet of the campgrounds.

SECTION 6: SEWAGE AND REFUSE

- A. Sewage and refuse disposal shall comply with the requirements A.D.E.Q.
- B. Developed campgrounds shall supply and maintain vermin-resistant refuse containers as follows:

1. Within 200 feet of campsites
2. Free of filth and organic matter accumulations, and
3. Sufficient in number and capacity to prevent overflowing.

SECTION 7: INSPECTION AND COMPLIANCE

- A. The state or the local health department may inspect campgrounds to assure compliance with this Regulations.
- B. The owner of a campground shall be responsible for complying with the provisions of this Regulation. A campground which does not comply with the provisions of this Regulation shall be declared a public nuisance.
- C. Campground public nuisances shall be abated through the procedures established in the Cochise County Sanitary Code or by any other means allowable by law.

REGULATION 7: SCHOOLS

SECTION 1: LEGAL AUTHORITY

The regulations in this Sanitary Code are adopted pursuant to the authority granted by A.R.S. §11-251(17) and (31), §36-136 and A.R.S. §36-184, as amended.

SECTION 2: DEFINITIONS

- A. **"A.D.E.Q."** means the Arizona Department of Environmental Quality.
- B. **"Person"** means the county, a municipality, company, firm, political subdivision, a cooperative, corporation, company, firm, partnership or individual.
- C. **"Department"** means the Cochise County Department of Health and Social Services.

SECTION 3: SANITATION; GENERAL

- A. Regulations in this Sanitary Code shall apply to any public, private or parochial school.
- B. The yards shall be free of puddles and clean.
- C. The school building structurally shall have a watertight roof and interior walls of even, cleanable surfaces.
- D. Ventilation, whether natural or artificial, shall be non-noxious and controlled to prevent objectionable air currents on students.
- E. Cafeterias or lunchrooms shall have a minimum window area equal to one-eighth (1/8) of the floor area.

SECTION 4: WATER SUPPLY

- A. Each school building shall be provided with an ample supply of water, preferably from an approved municipal or public water supply system. If such a system is not available, water from an underground source approved by the A.D.E.Q. may be obtained. Such separate supplies shall meet the requirements of A.D.E.Q. and school authorities shall be

responsible for the submission of samples for bacteriological analysis to a private laboratory. All pumps shall be maintained in good working order and an adequate supply of water shall be maintained. There shall be adequate pressure and quantity to operate all water supply fixtures efficiently at all times.

- B. Drinking water shall be dispensed by means of:
 - 1. An angle jet sanitary fountain with nozzle opening above overflow rim, and producing a water stream free of contact with fixtures; or
 - 2. A sanitary cooler, of a type approved by the Department, and single-service paper cups retained in a sanitary container.
- C. The use of the common drinking cup and the vertical jet bubbler type fountain is prohibited.
- D. The minimum number of drinking fountains shall be provided on the following basis:
 - 1. Elementary grades - one (1) for each 50 students.
 - 2. Junior and Senior high schools and colleges - one (1) for each 100 students.
 - 3. A minimum of one (1) fountain on each classroom floor.

SECTION 5: SANITARY FACILITIES

- A. The minimum number of sanitary facilities shall be provided on the following basis:

| | |
|--------------------------------|-------------------------------|
| Girls' toilets-Elementary 1:35 | Girls' toilets-Secondary 1:45 |
| Boys' toilets-Elementary 1:100 | Boys' urinals-Secondary 1:30 |
| Lavatories-Elementary 1:60 | Lavatories-Secondary 1:100 |

Slop sink - One (1) each story (including basement)
- B. Paper towels and soap shall be furnished in all lavatories. Common towels are prohibited. General toilet rooms shall be ventilated by means of a forced air exhaust system, or a window which opens to the outside air.
- C. Toilet paper shall be available at all times.

- D. Lavatories with hot and cold or tempered running water are required and shall be located in toilet rooms or immediately adjacent thereto. On new construction or replacement, sanitary toilet seats of the split or U-shaped type made of non-absorbent material shall be installed.
- E. In rural schools, where handwashing facilities are not located in the toilet rooms, one (1) lavatory shall be provided for each school room.
- F. Toilet room floors shall be constructed of concrete or other water-impervious material pitched to a suitably located trapped floor drain. In new construction the floor drains shall be connected by means of a separate line to the building sewer. If partitions are provided between flush bowls, they shall be raised at least twelve (12) inches from the floor.

SECTION 6: SHOWERS

- A. When athletic or gymnastic activities are conducted in a school, showers shall be provided. There shall be one (1) showerhead for each six (6) users, based upon the maximum demand at any one period.
- B. Shower and locker rooms, when provided, shall be constructed with concrete or other impervious floors pitched to a suitable trapped drain and the walls and ceilings shall be of smooth, easily-washable material. These rooms shall be sufficiently well ventilated to prevent the accumulation of disagreeable odors and condensation upon interior surfaces. If lockers are provided, they shall be set on a solid base or raised six inches (6") above the floor if open underneath. In all new construction lockers shall be set on a solid base.
- C. If the bath towels are supplied by the school, they shall be for individual use only and shall be laundered before reissue.

SECTION 7: SEWAGE DISPOSAL

- A. All liquid wastes from a school building shall be discharged into a public sewerage system when possible. When a public sewerage system is not available, liquid wastes shall be disposed of into a septic tank system approved by the A.D.E.Q.
- B. Privies shall not be approved except in extreme cases. Where used, they shall be of a standard type approved by the A.D.E.Q.
- C. All plumbing shall comply with local regulation and the standards adopted by Uniform Plumbing Code as amended.

SECTION 8: GARBAGE AND REFUSE

- A. Fly-proof and water-tight containers shall be provided for garbage. Garbage cans shall be emptied at a minimum three (3) times weekly, thoroughly washed, and never allowed to become foul smelling or a breeding place for flies.
- B. Combustible refuse shall be collected in covered containers and disposed of in a safe and sanitary manner.
- C. Garbage and refuse shall be disposed of in a manner which creates neither a nuisance nor a menace to health and in conformance with the requirements of Regulation 4 of this Sanitary Code.

SECTION 9: FOOD HANDLING

Regulation 1 of this Sanitary Code is applicable to all schools where food is handled, stored, prepared or sold.

SECTION 10: INSPECTION

Representatives of the Department shall make such inspections of any schools as are necessary to assure compliance with these Regulations, but not less than once a year. A copy of the inspection shall be furnished the principal of the school indicating the degree of compliance or non-compliance with the provisions of these Regulations.

SECTION 11: PUBLIC NUISANCE

- A. Any school which does not comply with the minimum standards of these Regulations shall be considered a public nuisance dangerous to public health.
- B. All public school nuisances shall be abated through the procedures established in A.R.S. §36-601, as amended, or by any other means permissible by law.

REGULATION 8: PUBLIC AND SEMIPUBLIC BATHING PLACES

SECTION 1: LEGAL AUTHORITY

The regulations in this sanitary code are adopted pursuant to the authority granted by A.R.S. §11-251(17) and (31), §36-184 and §36-136, as amended.

SECTION 2: DEFINITIONS

- A. **"Approved"** means acceptable to the Department.
- B. **"Artificial bathing lake"** means a manmade basin, lined or unlined, with an area equal to or greater than two (2) acres, 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.
- C. **"Barrier"** means an object or structure obstructing access to a swimming pool, and includes a natural or topographical obstruction, a fence, wall, building wall or combination thereof.
- D. **"Bathing place"** means all bodies of water, other than pools, used collectively by a number of persons for swimming, wading, hydrotherapy, recreation, bathing or special uses, together with the shores, bathhouse, sanitary facilities, equipment and all other appurtenances pertaining to such bodies of water.
- E. **"Construct"** means building or installing a new bathing place or enlarging or altering existing facilities.
- F. **"Cross connection"** means any physical connection or arrangement between two (2) otherwise separate 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.
- G. **"Department"** means the Cochise County Department of Health and Social Services, or its designated representative.
- H. **"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 with new water.

- I. **"Freeboard"** means that section of the pool wall measured vertically between the water surface and the walkway or deck surface.
- J. **"Hydrotherapy pool"** means a pool providing a vapor environment, roiling water, injected air or similar effect.
- K. **"Non-swimmer area"** means the portion of a swimming pool that is five (5) feet or less in depth.
- L. **"Operate"** means to conduct, maintain or otherwise provide facilities and appurtenances at bathing places.
- M. **"Operator"** means the person who operates a bathing place.
- N. **"Overflow system"** means surface skimmers, gutters and other perimeter type mechanisms for removing floating debris and excess water.
- O. **"Pool"** means a constructed artificial basin, chamber, or tank permanent or nonportable, intended for swimming, bathing or diving purposes, made of concrete, masonry, metal or other impervious material, and is eighteen inches (18") or more in depth. The term includes spas, hot tubs and similar facilities, whether located indoors or outdoors, in-ground or above ground.
- P. **"Private pool"** means pool operated by an individual for his/her own or his/her family' use, or for guests of his/her household.
- Q. **"Public pool"** means a pool, admission to which may be gained by the general public with or without payment of a fee.
- R. **"Secchi disk"** means a 200-mm (7 7/8 inches) circular plate which has opposite quarters of the same face painted gloss white and black.
- S. **"Semi-public swimming pool"** means a pool which is not public or private and which is located on the premises of, or part of, a hotel, motel, trailer court, apartment house, country club, camp, child day care facility, health club, condominium home owners association or similar establishment which does not operate the swimming pool as a primary business.
- T. **"Special use pool"** means a pool designed and used for purposes other than a general public pool, such as diving, aquatic training, swimming instruction or similar specialized use as recognized by the Department.
- U. **"Swimming area"** means the part of the pool that is deeper than five (5) feet.

- V. **"Wading pool"** means a shallow pool having a maximum water depth of twenty inches (20") intended primarily for use by children.
- W. **"Water level"** means the midpoint of the operating range of the skimmers, except that on pools with overflow systems it means the height of the overflow rim.
- X. **"Water recirculation system"** means piping, pumps, filters, water conditioning and disinfecting equipment, together with other related equipment.

SECTION 3 COVERAGE

This Regulation shall apply to all public, semipublic, special use, hydrotherapy and wading pools and/or bathing places, whether natural or artificial, which are existing, under construction or being altered, except that this Regulation shall not apply to:

- 1. Private pools
- 2. Bathing places constructed or maintained on any medical facility intended exclusively for therapeutic treatment.

SECTION 4 WATER QUALITY STANDARDS

- A. All public and semipublic pools shall be so designed that whenever the pool is open for use, the bacterial, chemical and physical quality of the water meets the standards set forth in this Regulation.
- B. Only water from sources approved by the A.D.E.Q. shall be used in pools and other bathing places.
- C. Not more than fifteen percent (15%) of the samples of the pool water collected when the pool is open for use, shall:
 - 1. Contain more than 200 bacteria per milliliter, as determined by the standard 35°C agar plate count; or
 - 2. Show a confirmed positive test for bacteria of the coliform group in any of the five (5) portions of each ten milliliter sample, or more than one (1) coliform organism per 50 milliliters when the membrane filter test is used.
- D. Whenever chlorine or a chlorine compound is employed for pool disinfection both of the following criteria shall be met:

1. The amount of free chlorine residual in the water shall not be less than 1.0 parts per million (ppm) or more than 3.0 ppm; and
 2. The pH of the water shall not be less than 7.2 or more than 7.8.
- E. Whenever bromine is employed for pool disinfection, the amount of bromine residual in the water shall not be less than 0.8 ppm or more than 3.0 ppm.
- F. Whenever cyanuric acid or an other compound that breaks down to cyanuric acid is utilized, the amount of those chemicals shall be such that the concentration of cyanuric acid does not exceed 100 ppm.
- G. The surface of the pool water shall be kept free of scum and floating debris. The bottom and sides of the pool shall be maintained free of sediment, dirt, slime and algae. Water in the pool shall be maintained free of turbidity and shall be sufficiently clear so that the main drain outlet is clearly visible from the side of the pool, or that a secchi disc when placed at the bottom of the pool at the deepest point is clearly visible from all sides of the pool.
- H. Tests of the residual disinfectant, pH, temperature and cleanliness of the pool water shall be made by the operator as frequently as necessary to maintain the standards required by this Rule. The pool operator shall use approved equipment suitable for the performance of these tests and shall maintain daily operating records. Such records shall be made available to the State and local health department officer or designee upon request.

SECTION 5: LIFE GUARDS; SAFETY EQUIPMENT

- A. In all public pools one (1) life guard, expert in rescue and resuscitation, shall be provided for each 2,000 square feet of pool surface area or fraction thereof.
- B. Life guards shall be in constant attendance during bathing hours and no bather shall be permitted in a pool area unless such life guards are present.
- C. Each public swimming pool shall have at least one (1) elevated lifeguard chair for each 2,000 square feet of pool surface, or fraction thereof.
- D. Safety equipment consisting of at least two (2) ring buoys, each with 50 feet of one-half inch rope attached, and one (1) shepherd's crook shall be provided at each public pool. One (1) ring buoy, with lifeline attached, and one (1) shepherd's crook shall be provided at each

semi-public pool. Safety equipment shall be located and maintained ready for immediate use at all times.

SECTION 6: EXCLUDED PERSONS

Persons with inflamed eyes, eye sores, 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.

SECTION 7: INSTRUCTIONS

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

SECTION 8: SUITS AND TOWELS

If bathing suits, towels, linens or similar articles are provided to patrons, they shall be properly washed with soap and hot water and thoroughly dried after each individual use.

SECTION 9: FIRST AID KIT

There shall be provided for emergency use an approved first aid kit. In addition, at public pools, a standard stretcher and two (2) blankets shall be provided.

SECTION 10: DRINKING WATER SUPPLY

- A. An adequate supply of potable drinking water shall be provided by means of sanitary drinking fountains which shall be placed in approved locations.
- B. The sanitary drinking fountain shall be provided either:
 - 1. At a height convenient to small children; or

2. With a raised step, to enable small children to drink without assistance.

SECTION 11: CONCESSIONS

- A. Drinks, candy, tobacco, popcorn, gum, or food of any kind shall not be permitted within the pool enclosure.
- B. Where food and/or beverages are sold, such facilities shall be built, equipped and operated according to the Cochise County Sanitary Code Regulation 1, "Food and Drink".

SECTION 12: CLEANLINESS

All bathing place facilities shall be operated and maintained in a clean and sanitary condition at all times, free of visible mold and mildew and accumulations of dirt or debris.

SECTION 13: APPROVAL TO OPERATE

An operating permit shall be issued by the Department or its designated representative only after all provisions of this Regulation have been compiled with and a Certificate of Approval of Construction has been received from A.D.E.Q. or its designated representative.

SECTION 14: CROSS CONNECTION CONTROL

- A. Cross connections between potable water piping and the recirculation system or water reservoir of any pool area shall be prohibited.
- B. Potable water for make up water purposes shall be introduced into the reservoir in one of the following ways:
 1. Across an air gap of at least twice the diameter of the pipe and not less than six inches (6") above the overflow level;
 2. Six inches (6") above the overflow rim of a float controlled make up water feed tank; or
 3. By a submerged inlet which is properly protected against back siphonage by a backflow prevention device meeting American

Water Works Association standard C 506-78(R83), adopted in January.

SECTION 15: EXERCISE OR TRAINING BARS

- A. A pool designed with exercise or training bars in the pool shall be restricted to that use when the bars are located in the pool.
- B. Bars shall be constructed of durable material and shall be 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. If bars are removable, the following conditions shall be met:
 - 1. The bars shall be wedge anchored in place with a cover plate provided; and
 - 2. Anchor plugs which achieve an efficiency of at least 95 percent shall be provided when the bars have been removed.
- E. Bars shall extend not more than four inches (4") from the side of the pool into the water, and the minimum clear opening from the inside of the bar to the side of the pool shall not be less than two inches (2").

SECTION 16: PUBLIC SWIMMING POOLS; PHYSICAL SAFETY

- A. All public swimming pools shall comply with the requirements of the A.D.E.Q.
 - 1. Water depth shall be conspicuously and permanently marked on the walls and deck of the pool and shall be visible in or out of the water. Markings at one foot (1') depth intervals to a depth of five feet (5'), at the change of slope and at the deepest portion are required. Other markings shall be provided in accordance with the design of the pool for maximum protection of bathers. Depth markers shall be in numerals of four inch (4") minimum height and of a 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 ten feet (10').

2. In computing bathing load, pool areas shall be proportioned as follows:

- a. Ten (10) square feet of pool surface per bather shall be provided in the "non-swimmer" area.
- b. Twenty-four (24) square feet of pool area per bather shall be provided in the "swimming" area.
- c. Three hundred (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.

B. Walkways shall be provided around the entire perimeter of the pool and shall comply with the requirements of the A.D.E.Q.

C. Freeboard shall comply with the requirements of the A.D.E.Q.

D. **Fencing**

All public pools and walkways adjacent to such pools shall be enclosed by a durable fence or wall at least six feet (6') high to provide bather control while the pool is in operation, to 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, or livestock.

3. Be of six foot (6') minimum height.

4. Have an opening or spacing which would prohibit the passage of a four inch (4") diameter rigid sphere.

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.

E. Ladders and steps shall comply with the requirements of the A.D.E.Q.

F. Lifelines shall comply with the requirements of the A.D.E.Q.

G. Diving facilities shall comply with the requirements of the A.D.E.Q.

SECTION 17: SEMI-PUBLIC SWIMMING POOLS; PHYSICAL SAFETY

- A. All semi-public swimming pools shall comply with the requirements of the A.D.E.Q.
- B. Water depth shall be conspicuously and durably marked on the walls of the pool and shall be visible in or out of the water. Markings at the shallow portion, at the change of slope in the shallow portion, and at the deepest portion are required. Depth markers shall be in numerals of four inch (4") minimum height and of a contrasting color.
- C. Cross connection between potable water piping and the swimming pool recirculation system is prohibited, and no potable water pipe shall terminate below the overflow level of a swimming pool. Potable water, for makeup purposes, shall be introduced into a float-controlled tank across an air-gap at least twice the pipe diameter but not less than three inches (3") above the overflow rim of the tank, or directly into that pool by means of a safely located pipe (fill spout) turned downward with an air-gap not less than six inches (6") above the pool overflow level. However, a potable water makeup pipe terminating in a submerged inlet is permitted at a skimmer type filter for water level control, provided that the potable water supply is protected against back-siphonage by means of a check valve and vacuum breaker. No water connection for any other purpose shall be made on the pool side of the check valve and vacuum breaker combination.

D. Fencing

All semi-public swimming pools shall be completely enclosed by a barrier intended to restrict access to the semi-public pool from public property, from adjacent private property and directly from dwellings located on the same premises as the semi-public swimming pool.

- 1. Barriers shall be at least 60 inches in height and, if a fence or a natural obstruction, have a maximum vertical clearance to a grade of two inches (2"), measured on the side opposite the swimming pool.
- 2. Barriers shall be constructed and located so as to not provide handholds, footholds or other physical characteristics on the side opposite the swimming pool which would enable a child under five (5) years of age to climb over or past the barrier, or gain access to the swimming pool.
- 3. Masonry and stone barriers shall not contain indentations or protrusions except for normal construction tolerances.

4. Metal barriers shall be constructed with at least 48 inches between horizontal members as measured between the tops of horizontal cross members. Horizontal cross members shall be located on the swimming pool side of the barrier.
 5. No opening in the barrier shall allow passage of a rigid sphere measuring four inches (4") in diameter.
 6. Barriers which consist of chain-link or other mesh fence shall not have openings between links which exceed one inch (1").
 7. Barriers which consist of picket-type fence shall not have openings larger than four inches (4"). Horizontal support members must be located on the swimming pool side of the fence.
 8. All means of access through a barrier including gates or hinged or sliding doors shall be at least 60 inches in height, meet the other requirements for barriers, and be equipped with a simple latch and able to accommodate a lock, or equipped with a locking latch. Gates or hinged or sliding doors which are 72 inches or less in width shall be self-closing, and have a self-latching device. Windows in barriers shall have a self-latching device located at least 54 inches above the floor.
 9. Simple latches, when used, shall be located at least 54 inches above grade.
 10. Locking latches shall require use of a key or electronic opener, or manipulation of a lock combination, or other mechanism which obstructs access to the swimming pool by persons under five (5) years of age.
 11. Access gates may be equipped with a release mechanism on the swimming pool side of the gate, but if located less than 54 inches above grade, the gate and barrier shall have no openings larger than one-half inch within 18 inches of the release mechanism.
 12. Access gates, hinged and sliding doors and windows shall be kept closed and latched at all times, except when in use as a means of ingress or egress to the swimming pool.
- E. Walkways shall be provided around the entire perimeter of the pool and shall comply with the requirements of the A.D.E.Q.

SECTION 18: **WADING POOLS**

- A. Wading pools shall comply with the requirements of the A.D.E.Q.
- B. Public wading pools shall be separated from public swimming pools by a five (5) foot high fence or partition with a self-closing, self-latching gate to prevent the direct entrance of waders into the swimming pool area.
- C. Semi-public wading pools shall be separated from semi-public swimming pools by a minimum of four (4) feet of walkway.
- D. 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.
- E. Gaseous chlorine shall not be used for disinfection of wading pool water.

SECTION 19: HYDROTHERAPY POOLS

- A. Hydrotherapy pools shall comply with the design and construction specifications of the A.D.E.Q.
- B. 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 perimeter. If the remaining deck is not intended for use as a walkway, it shall not be more than eight (8) inches in width and shall be designed to preclude its use as a walkway.
- C. Gaseous chlorine shall not be used for the disinfection of hydrotherapy pools.
- D. The temperature of hydrotherapy pools shall not exceed 104°F.
- E. Where a hydrotherapy pool is located contiguous with a public or semi-public swimming pool, the separating wall shall not be more than eight (8) inches in width and shall be designed to preclude its use as a walkway unless the minimum walkway widths are maintained.
- F. If a hydrotherapy pool is separated from a swimming pool by a walkway, then pursuant to R18-5-215:
 - 1. If it is a public swimming pool, the walkway shall be at least ten (10) feet wide.
 - 2. If it is a semi-public swimming pool, the walkway shall be at least four (4) feet wide.

SECTION 20: WATER RECIRCULATION AND FILTERING SYSTEM

- A. The water recirculation system shall be designed to operate on a continuous basis and shall have a capability of maintaining a turbidity of less than 0.5 Nephelometric Turbidity Units (NTU) at all times.
- B. The water recirculation system shall have adequate filtration and pumping capacity to provide one (1) complete turnover of the pool water either:
 - 1. For swimming pools, every eight (8) hours.
 - 2. For wading and hydrotherapy pools, every one (1) hour.
- C. Water drawn from the pool shall not be returned to the pool unless it has been filtered and treated.
- D. Each pool shall be provided with a separate and distinct recirculation system, except that a common chlorine gas disinfection system is permitted if separate metering and feeding devices are provided for each pool.
- E. Piping systems shall comply with the design and construction specifications of the A.D.E.Q.
- F. Piping systems shall be identified by tags or appropriate colors painted or located at conspicuous points on the pipes.
- G. The recirculation system shall include a removable strainer to prevent hair, lint, or other objects from reaching pump and filters. Strainers shall be of corrosion resistant material, with openings having a total area equal to four (4) times the area of the recirculation pump suction pipe.
- H. A pool vacuum cleaning system shall be provided for all pools with the exception of hydrotherapy pools. The cleaning system provided shall not create a hazard or interfere with the operation or use of the pool. Safety protection shall be provided on each vacuum inlet to prevent accidental entrapment. Automatic or self-cleaning systems are permitted to be installed as approved by the Department.
- I. 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.

- J. 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 five percent (5%) under all conditions of flow. The indicator shall have a range of at least 150 percent (150%) of the normal flow rate.
- K. The rate of filtration in high rate sand filters shall not exceed an equivalent of 20 gallons per minute per square foot of surface area of filter media.
- L. The rate of filtration of diatomaceous earth filters shall not exceed two (2) gallons per minute per square foot.
- M. The rate of filtration of cartridge filters shall not exceed 0.375 gallons per minute per square foot.
- N. Pressure filter systems shall comply with the requirements of the A.D.E.Q.
- O. Filters shall comply with the requirements of the A.D.E.Q.

SECTION 21: DISINFECTION

- A. Effective water disinfection shall be provided and maintained in all pools by chlorination or other approved methods which will maintain in the pool water an adequate, readily measurable residual amount of the disinfectant introduced into the water.
 - 1. The use of chlorinated cyanurate for disinfection and stabilization shall be permitted but chlorine-ammonia disinfection shall not be permitted.
 - 2. The addition of undissolved or gaseous disinfectant directly into the pool shall be prohibited.
- B. When gaseous chlorine is used, the following additional features shall be provided:
 - 1. The chlorine and chlorinating equipment shall be located in a separate well-ventilated enclosure on or above ground.
 - a. The door of the chlorine enclosure shall open to the outside and shall not open directly toward the pool.
 - b. If chlorination equipment is placed in a room, an exhaust fan or gravity ventilation system shall be provided. The intake duct of mechanical exhausters shall be located six (6) inches or less above the floor and discharge 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 (3) 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 shall run continuously and be capable of completely changing the air in the room ten (10) times per hour.

2. Chlorine cylinders shall be securely anchored to prevent their falling. Keys shall be maintained on the chlorine cylinder so the supply can be shut off quickly in the case of an emergency.
 3. A sign must be placed on the outside of the door which reads "Danger Chlorine Room."
 4. The chlorine feed device shall be a solution feed type, capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere.
 5. The chlorinators shall be designed to prevent the backflow of water into the chlorine solution container.
- C. Hypochlorite solutions shall be fed by an acceptable type of hypochlorinator.
- D. Granular, tablet, stick and other forms of dry disinfectant shall be fed by an adjustable automatic feeding device.
- E. Disinfectant equipment shall meet the standards set forth in the National Sanitation Foundation standard number 50, revised June, 1984.

SECTION 22: DESIGN STANDARDS AND SPECIFICATIONS; BATHHOUSE AND DRESSING ROOM FACILITIES

- A. The provisions of this Section shall be applicable to:
1. All public pools.
 2. All semi-public pools except those which provide clean and sanitary private rooms, including toilet, body washing, and drinking water for all bathers.
- B. 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.

- C. 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.
- D. Walls and partitions of dressing rooms, locker rooms, toilets and showers shall be light colored, smooth, nonabsorbent, and easily cleanable.
- 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 easily cleanable. Locker compartments, partitions, furniture and other appurtenances in dressing rooms shall be so installed or raised above the floor as to permit thorough cleaning and hosing down of the dressing rooms and bathhouse interior.
- G. Hose bibs with vacuum breakers shall be provided for hosing down the dressing rooms and bathhouse interior.
- H. Dressing rooms, toilets and showers shall be adequately ventilated and lighted.
 - 1. For men, one toilet for each 50 bathers or fraction thereof and one urinal for each 100 bathers or fraction thereof.
 - 2. For women, one (1) toilet for each 50 bathers or fraction thereof but in no case shall less than two (2) toilets be provided.
- J. Shower and handwashing facilities with hot and cold water and soap shall be provided for each sex. There shall be at least one (1) shower for each 50 bathers or fraction thereof and one (1) lavatory with mirror for each 100 bathers or fraction thereof. Tempered water 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 two (2) gallons per minute of 90 degrees Fahrenheit water to each showerhead.

SECTION 23: NATURAL AND SEMI-ARTIFICIAL BATHING PLACES AND ARTIFICIAL BATHING LAKES; WATER QUALITY

- A. Approval of natural and semi-artificial bathing places and artificial bathing lakes shall be based upon the results of a sanitary survey of the drainage area and the results of an 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 geometric mean, with a five (5) sample minimum, of fecal coliform organisms of a representative number of samples is not greater than 200 Colony Forming Units (CFU) per 100 ml, ten percent (10%) of samples for a 30 day period do not exceed 400 CFU per 100 ml and a single sample does not exceed 800 CFU per 100 ml.
- C. A bathing place shall be located so that it shall not be either:
 - 1. Adversely affected by the discharge of sewage, industrial, or other wastes; or
 - 2. Located so that by its use it will affect the source of supply of a public water supply system.
- D. The provisions of R9-8-846 concerning bathhouse and dressing room facilities shall apply to all bathing places, except that hot water for showers and toilets shall not be required.

SECTION 24: INSPECTIONS

Inspections of public and semi-public bathing places shall be made by representatives of the local Health and Social Services Department to determine that installed facilities and operational procedures comply with these Regulations. Should the Department, after inspection of a bathing place, find that a safety or health hazard exists, they may order the immediate closing of the operation of the establishment. Such closing of operation shall continue until, in the opinion of the Department, the hazard has ceased to exist. The Department may suspend operation for repeated or continued violation of any of the Department's Regulations.

SECTION 25: PENALTY

- A. All public and semi-public bathing places which do not comply with the minimum standards of the Regulation shall be considered a public nuisance dangerous to public health. All such public nuisances shall be guilty of a class three (3) misdemeanor pursuant to A.R.S. §36-191 and 140,2 as amended.

REGULATION 11: RESTROOMS

SECTION 1: LEGAL AUTHORITY

The Regulations in this Sanitary Code are adopted pursuant to the authority granted by A.R.S. §11-251(17) and (31), §36-136 and §36-184, as amended.

SECTION 2: DEFINITIONS

- A. **"Person"** means the county, a municipality, district or political subdivision, a cooperative, corporation, company, firm, partnership or individual.

SECTION 3: TOILET FACILITIES

- A. All toilet facilities which are made available for use of employees or patrons of the establishment or for the use of the general public, shall comply with the following requirements:
1. The pressure and volume of water shall be sufficient to insure effective flushing of toilets and urinals.
 2. Toilets and urinals shall be constructed of vitreous or other approved material, the surface of which is smooth, hard, impervious and not easily corrodible, shall be of rim flush type, and shall be properly vented and trapped. All joints shall be tight. The construction shall be such as to prevent back-siphonage of the toilet or urinal contents and to provide ample flushing action to insure cleanliness. All toilets and urinals shall be kept clean and in good repair.
 3. All toilets and urinals shall be located in well-lighted and well-ventilated rooms and shall be conveniently accessible to approved handwashing facilities. All toilet rooms shall be kept clean and in good repair and provided with an adequate supply of toilet paper.
- B. Handwashing facilities shall comply with the following requirements:
1. The lavatory shall be composed of vitreous or other approved material, the surface of which is smooth, hard, impervious and not readily corrodible. Taps connected with said lavatory shall be so installed as to discharge at least one (1) inch above the level at which the lavatory will overflow upon the floor.

2. The water supply used in connection with a lavatory shall comply with the requirements of the A.D.E.Q. requirements.
3. Soap, in a suitable dispensing container, and single-service paper towels or some other approved form of individual towel service shall be provided.

SECTION 4: FOOD SERVICE ESTABLISHMENT REQUIREMENT

- A. Public restrooms are required in all new or extensively remodeled food service establishments with indoor seating and shall have separate facilities for men and women.

SECTION 5: PENALTY

Any person who violates any provisions of this regulation shall be guilty of a class 3 misdemeanor pursuant to A.R.S. §36-191 and 140, as amended.

REGULATION 12: HUMAN EXCRETA

SECTION 1: LEGAL AUTHORITY

The Regulations in this Sanitary Code are adopted pursuant to the authority granted by A.R.S. §11-251(17) and (31), §36-184 and §49-104, as amended.

SECTION 2: DEFINITIONS

- A. **"Approved"** means acceptable to the Department.
- B. **"Approved Septic Tank Cleaner"** means a person having approved equipment and vehicles for the collection, transportation, and disposal of human excreta and who holds an unrevoked license from the A.D.E.Q. for each vehicle used to perform such operations and such other licenses or permits as may be required by other agencies.
- C. **"Chemical Toilet"** means a toilet having a watertight, impervious pail or tank containing a chemical solution placed immediately beneath the seat and a pipe or conduit connecting the riser with the tank.
- D. **"Department"** means the Cochise County Department of Health and Social Services.
- E. **"Earth-pit Privy"** means a device for disposal of human excreta in a pit in the earth.
- F. **"Human Excreta"** means human fecal and urinary discharges and includes any waste containing such material.
- G. **"Incinerator Toilet or Privy"** means a toilet or privy designed to permit destruction of excreta by incineration using LP gas, natural gas, or other sources of heat to effect destruction of body wastes.
- H. **"Individual Septic Tank System"** means a method of sewage disposal consisting of a covered settling tank and subsurface disposal field or seepage pit.
- I. **"License"** means a stamp, seal, or numbered certificate issued by the Arizona Department of Environmental Quality.
- J. **"Pail or Can Type Privy"** means a privy equipped with a watertight container directly under the seat for receiving deposits of human excreta and having provisions for the removal of receptacles for emptying and cleaning.

- K. **"Permit"** means an annual permit issued by the Cochise County Department of Health and Social Services.
- L. **"Public Sewer"** means a sewer located in a road, street, alley, or right of way used to convey sewage to community treatment and disposal facilities.
- M. **"Sewage"** means the waste from toilets, baths, sinks, lavatories, laundries, and other plumbing fixtures in residences, institutions, public and business buildings, mobile homes, and other places of human habitation, employment or recreation.
- N. **"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 excreta.
- O. **"Water Carriage System"** means a system of piping through which sewage is conveyed from the point of origin to the point of treatment and disposal.
- P. **"Water Closet"** means a water flush toilet for disposal of human excreta into an approved water carriage sewage disposal system.

SECTION 3: PROHIBITION; RESPONSIBILITY

- A. No person shall deposit or store any human excreta or sewage other than in a water closet, or by other methods or devices satisfactory to and approved by the Department. No system or method for the collection, storage, transportation, and disposal of human excreta and sewage shall be installed, maintained or operated except as approved by the Department or other authority having jurisdiction, and in accordance with this Regulation.
- B. The owner of each device, method, or system used for the storage,, collection, transportation, and disposal of human excreta or sewage shall be responsible for the proper construction, maintenance, and operation of the facilities.
- C. Earth pit privies, vault privies, chemical toilets, incinerator toilets or other portable methods of disposing of human excreta will not be authorized for any food establishment.

SECTION 4: APPROVAL

- A. An application to construct or reconstruct a septic tank system or system other than connection to a public sewage system shall include a plat of the property and plan for construction.
- B. Temporary approval may be granted by the Department for the chemical toilets or such other suitable method of excreta disposal as the Department may approve for use: (1) During an emergency; (2) for use at a public gathering; (3) by workmen on construction projects until a water carriage system of sewage disposal can be installed. All such facilities provided shall be maintained, and operated in accordance with this Regulation.
- C. Systems other than water closets connected to public sewage systems, septic tank systems and temporary systems, as described in Section 3, B must be approved by the A.D.E.Q.
- D. Nothing in these regulations shall be construed to mean that the Department will be required to approve any method of excreta disposal other than to a public sewer where, in the opinion of the Department, use of such method would constitute a nuisance or a potential hazard to public health.
- E. When an individual sewage disposal system fails and a public sewer is available, the owner shall connect to the public sewer and abandon the existing disposal system. [See Section 8 for exceptions]

SECTION 5: RECEPTACLES

Receptacles used for the deposition or storage, either temporary or permanent, of human excreta or sewage shall be constructed and maintained so as to conform to the following general requirements:

- A. The receptacle shall be fly-tight and constructed in such a manner and of such material as to afford reasonable assurance of remaining fly-tight and odor free under ordinary conditions of usage.
- B. The receptacle shall be so located and constructed as to prevent:
 - 1. Pollution of any waters of the State above or below ground.
 - 2. Pollution of a swimming pool or other bathing place.
 - 3. Overflow of the contents to the surrounding ground.
 - 4. Flow of surface or ground water into the receptacle.

- C. Where removal of the contents or cleaning is necessary, the receptacle shall be convenient and easily accessible for such service.
- D. The receptacle shall be constructed of such material and in such a manner as to prevent rapid deterioration, to provide adequate capacity, and to facilitate maintenance in a nuisance free manner.

SECTION 6: INSPECTION

Representatives of the Department shall make such inspections of all buildings or structures, processes or vehicles used for the storage, collection, and disposal of human excreta or sewage as are necessary to assure compliance with these regulations.

SECTION 7: STORAGE AND DISPOSAL; GENERAL

The storage and disposal of human excreta or sewage shall be accomplished by one of the methods listed below which are arranged in the order of priority in which they will be considered by the Department:

- A. A water closet connected to a public sewer.
- B. A water closet connected to an individual septic tank disposal system.
- C. Any other systems approved by the A.D.E.Q.

SECTION 8: STORAGE AND DISPOSAL; SEPTIC TANKS

- A. Where an adequate supply of water under pressure is available and when, in the opinion of the Department, connection to a public sewer is not practicable, an individual septic tank disposal system shall be provided, except as set forth in paragraph B below. Each such septic tank system shall be designed, constructed, and maintained in accordance with criteria contained in Engineering Bulletin Number 12 and such additional criteria as required by the Department.
- B. Where soil conditions, topography, or other conditions are such that a septic tank system cannot be expected to function satisfactorily, or where ground water or soil conditions are such that septic tank systems may cause pollution of waters of the State, other methods of sewage disposal (not described in Bulletin Number 12) must be approved by the A.D.E.Q.

SECTION 9: GENERAL PROVISIONS

Except for subdivided lots approved under and subject to the requirements of the Cochise County Subdivision Regulations, approval of individual septic tank systems shall be in accordance with Engineer Bulletin 12, as amended or as may hereafter be amended.

SECTION 10: STORAGE AND DISPOSAL; CHEMICAL TOILETS

Every method or system for the reception, deposition or storage, either temporary or permanent, of human excreta which is not connected with a public sewerage system or with a properly installed and operated septic tank system shall be maintained as follows:

- A. For chemical toilets, receptacles shall be emptied at sufficient intervals to prevent overflowing, creation of insanitary conditions, a health hazard or nuisance. Receptacles 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 structure.
- B. The seat, floor, and the ground surrounding the chemical toilet shall be kept clean at all times.
- C. A vent is required and shall be maintained in good repair and free from obstructions.
- D. Seat covers shall be kept closed when the chemical toilet is not in use and shall be maintained fly-tight.
- E. The concentration of caustic or other chemicals used in chemical toilets shall be maintained at the proper level so as to prevent septic action taking place.
- F. All chemical toilets shall be maintained free of vermin. Suitable measures shall be taken to effectively control black widow spiders.

**SECTION 11: SEPTIC TANK CLEANERS;
TRANSPORTATION AND SANITARY
REQUIREMENT**

- A. The collection, storage, transportation, and disposal of all human excreta or sewage shall be carried out in a sanitary manner which does not endanger the public health or create a nuisance.
- B. Each vehicle used for collection and transportation of the human excreta or sewage shall be equipped with a leak-proof and fly-tight container having a capacity of not less than 750 gallons. All portable containers, pumps, hose tools, or other implements when not in use shall be stored within a covered and fly-tight enclosure.
- C. Contents to be removed shall be transferred as quickly as possible by means of portable fly-tight containers or suitable suction pump and hose to the transportation container. The transportation container shall be tightly closed and made absolutely fly-tight immediately after the contents have been transferred. Where portable containers are used, they must be kept fly-tight while being transported to and from the vehicles. Any waste dropped or spilled in the process of collection shall be carefully cleaned up immediately and the area properly disinfected.
- D. All vehicles, tools, and equipment shall be maintained in good repair at all times. At the end of each day's work all portable containers, transportation containers, suction pumps, hose, and other tools shall be cleaned and disinfected.
- E. All wastes collected shall be disposed of in accordance with recommendations of the Department and no change in the recommended method of disposal shall be made without prior approval by the Department. Disposal shall be accomplished by one of the methods listed below:
 - 1. Into a public sewer system with approval of the appropriate authority at the place and point in the system designated.
 - 2. By sanitary landfill where operation of the facility is satisfactory and suitable precautions are taken to protect the health of the workers and the public.
- F. Open dumping is prohibited.

**SECTION 12: COLLECTION AND TRANSPORTATION;
APPLICATION**

- A. Every person operating or proposing to operate equipment, vehicles, and other facilities for collection, transportation, and disposal of human excreta shall make application in writing to the Department for a permit to operate each vehicle used to collect, store and transport such wastes. The applicant shall demonstrate to the satisfaction of the Department that each vehicle is designed and constructed so as to meet the requirements of these regulations.
- B. All wastes removed from a septic tank or other sewage disposal system and all human excreta removed from any privy, chemical toilet or other source shall be stored, transported, and disposed of by vehicles licensed by the A.D.E.Q. In addition, each approved septic tank cleaner or operator shall be inspected annually and an annual permit from the Department will be issued.

SECTION 13: TRUCK PERMIT AND LICENSE

- A. Each permit shall be renewed on an annual basis, as long as the vehicle is maintained in a satisfactory manner.
- B. Permits are not transferable either from person to person or from vehicle to vehicle.
- C. Each vehicle licensed by A.D.E.Q. shall have the number of the license plainly and durably inscribed in contrasting colors on the side door panels of the cab and the rear face of the tank in figures not less than three (3) inches high. Such numbers shall be legible at all times.

**SECTION 14: COLLECTION AND
TRANSPORTATION; SUSPENSION;
REVOCATION OF PERMIT**

- A. Should inspection by the Department indicate that a permitted vehicle is not being maintained and operated in a satisfactory manner or that conditions are such that the work cannot be performed in accordance with these regulations, the owner shall be notified in writing of all discrepancies noted.
- B. The owner shall be given a reasonable time in which to correct such discrepancies and to comply with the provisions of these regulations. Should the owner fail to comply with the requirements of such notice within the time limit specified, the Department may suspend or revoke the vehicle permit.
- C. Revocation or suspension of a permit by the Department for violation of these regulations shall be considered grounds for revocation of the

vehicle license. Both the vehicle license issued by the A.D.E.Q. and the permit, issued by the Department, may be suspended immediately, by the Department, for gross violation of these regulations and at any time when in the opinion of the Department a serious health hazard or nuisance exists.

**SECTION 15: COLLECTION AND TRANSPORTATION;
REINSTATEMENT**

A vehicle permit that has been suspended or revoked by the Department may be reinstated upon request by the owner of the vehicle only after reinspection by the Department indicates compliance with the requirements of this regulation.

**SECTION 16: DISCONTINUED
FACILITIES; SEEPAGE PITS; CESSPOOLS;
SEPTIC TANKS**

When any seepage pit, cesspool, septic tank, or other method or device for the treatment of sewage is discontinued, all such facilities shall be backfilled or otherwise treated in accordance with the requirements of the Department.

**SECTION 17: DISCONTINUED FACILITIES; EARTH-PIT
PRIVIES**

Whenever any earth-pit privy is discontinued, the pit shall be filled.

SECTION 18: OTHER FACILITIES

When 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 regulation. 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 or create a nuisance.

SECTION 19: PENALTY

Any person who violates any provisions of this regulation shall be guilty of a class 3 misdemeanor pursuant to A.R.S. §36-191 and 140, as amended.

REGULATION 13: HOTELS, MOTELS, AND TOURIST COURTS

SECTION 1 LEGAL AUTHORITY

The regulations in this section are adopted pursuant to the authority granted by A.R.S. § 36-136 and §36-184 as amended.

SECTION 2: DEFINITIONS

- A. **"Department"** means the Cochise County Department of Health and Social Services.
- B. **"Dwelling Unit"** means any suite, room, cottage, cabin, bedroom, or other unit established or maintained by a transient dwelling establishment for temporary occupancy.
- C. **"Person"** means the county, a municipality, district or political subdivision, a cooperative, corporation, company, firm, partnership or individual.
- D. **"Plumbing or plumbing system"** means and includes the water supply distributing pipes; the fixtures and fixture traps; the soil, waste, and vent pipes; and the building drains with their devices, appurtenances and connections either within or adjacent to the transient dwelling establishment. All such plumbing or plumbing system must be installed in accordance with the Uniform Building Code.
- E. **"Transient"** means any member of the public who occupies a dwelling unit or guest room on a temporary basis in a transient dwelling establishment as defined.
- F. **"Transient Dwelling Establishment"** means any place where sleeping bathing, and toilet accommodations are available to transients on a temporary basis such as hotel, motel, motor hotel, tourist court, tourist camp, rooming house, boarding house, inn, and similar facilities by whatever name called, consisting of two (2) or more dwelling units or guest rooms. The term shall not include apartments, clubs, boarding houses, rooming houses, and similar facilities where occupancy of all dwelling units is on a permanent or semi-permanent basis.

SECTION 3: PERMITS

- A. No person shall operate a transient dwelling establishment without first obtaining a permit from the Department.
- B. An application for a permit to operate a transient dwelling establishment shall be made by the owner, lessee, or operator to the Department on forms furnished by the Department. Such forms shall be complete in all details and in the case of new transient dwelling establishments, or additions and alterations to existing transient dwelling establishments, shall include plans and specifications of the proposed sanitary facilities and any other information as may be required by the Department. Such permit will not be issued until the proposed sanitary facilities and any other information as may be required by the Department. Such permit will not be issued until the proposed or existing transient dwelling establishment complies with the provisions of these regulations.
- C. The permit shall be posted in a conspicuous place designated by the Department.
- D. Permits shall be valid for one (1) year from date of issue or as otherwise specified by the Department, and shall be renewed in accordance with requirements of the Department. Permits are not transferable, either from person to person or from location to location.

SECTION 4: SUSPENSION OF PERMIT

A. Grounds For Suspension.

If the Department finds that conditions in a transient dwelling establishment present such a severe and imminent health hazard as to require emergency action, suspension of the establishment's permit may be ordered. Such suspension shall require the holder of the permit to immediately cease operations. It shall not resume operations until the Department determines on reinspection that conditions responsible for the suspension no longer exist. Such reinspection shall be conducted within three (3) days, exclusive of weekends and holidays, of receipt of written notice from the holder of the permit that the conditions responsible for the suspension of the permit have been corrected.

SECTION 5: REVOCATION OF PERMIT

A. Grounds For Revocation

The Department may, after providing opportunity for a hearing, revoke a permit for serious, repeated or uncorrected violations of this regulation, or for interference with the Department in the performance of its duties.

SECTION 6: INSPECTION

Representatives of the Department shall make such inspections of any transient dwelling establishment as are necessary to assure compliance with these regulations, but not less than once each year. A copy of the report of the inspection shall be furnished the owner, see, or operator of the transient dwelling establishment indicating the degree of compliance or non-compliance with the provisions of these regulations. Failure to correct any discrepancies noted within the time limit specified shall be cause for denial, revocation, or suspension of the permit to operate.

SECTION 7: NOTIFICATION OF DISEASE

- A. The owner or operator of a transient dwelling establishment shall report to the Department the name of any guest or employee suspected or known to have a contagious disease in accordance with A.R.S. §36-622, as amended.
- B. Every dwelling unit, after being occupied by a person known or suspected of having a contagious disease, shall be rendered noncontagious by disinfection, fumigation, or by other treatment methods as specified by the Department, before further occupancy.

SECTION 8: DWELLING UNITS

- A. Dwelling units shall be constructed and maintained in compliance with the local building ordinance or code. When a local ordinance or code does not exist construction shall be in compliance with the uniform building code.
- B. Floors of all rooms shall be constructed so as to be easily cleaned and shall be kept clean and in good repair.

- C. The walls and ceilings of all rooms shall have a finish that will permit easy cleaning and shall be kept clean and in good repair.
- D. Bedding, furniture, drapes, carpets, and other accessories shall be kept clean and in good repair.
- E. Dwelling units shall be maintained free of insects, rodents, and other vermin.

SECTION 9: GROUND

- A. Grounds of a transient dwelling establishment shall be properly graded and drained.
- B. Grounds shall be kept free of accumulations of breeding or infestation.

SECTION 10: 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.
- B. Each bed, bunk and cot shall be provided with pillows, pillow slips, under and top sheets and blanket for the use of guests. Sheets and pillow slips shall be adequately sized to completely cover the mattress and pillow.
- C. Clean sheets and pillow slips shall be provided to each new guest and shall be changed once each week when occupancy exceeds this period.
- D. Towels that have been laundered and dried shall be furnished to each guest on a daily basis.

SECTION 11: FOOD SERVICE

The storage, preparation and serving of food and drink shall comply with the requirements of Regulation 1, Cochise County Sanitary Code.

SECTION 12: DRINKING WATER; ICE

- A. Where drinking fountains are provided, the fountain shall be constructed so that the stream of water projected at an angle from the vertical, and provided with a guard to prevent the mouth from contacting the water outlet. 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 cups in a 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 a manner to prevent contamination. Self service ice shall be obtained from an automatic dispensing machine.

SECTION 13: REFUSE

- A. All refuse shall be stored and disposed of in accordance with Regulation 4, Cochise County Sanitary Code.
- 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, and kept tightly covered.

SECTION 14: 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 A.D.E.Q. and approval received prior to the start of construction. The design, construction, and operation of all such water supply systems shall comply with the A.D.E.Q. requirements.

SECTION 15: SANITARY FACILITIES

- 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 within 200 feet of such units.
- C. Central toilet rooms shall provide not less than one (1) toilet, one (1) lavatory and one (1) tub or shower for each sex for each ten (10) dwelling units, or fraction thereof, not having private or connecting baths. At least one (1) 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 toilet rooms shall be smooth, durable, clean and in good repair; and where necessary shall slope to properly located drains.
- G. Walls and ceilings of toilet rooms shall be of easily cleanable construction and shall be kept clean and in good repair.

SECTION 16: SEWAGE DISPOSAL

- A. The liquid wastes from transient dwelling establishments shall be discharged into a public sewer system in compliance with the applicable local ordinances or codes or into on site sewage disposal facilities approved by the A.D.E.Q.
- B. Where on site sewage disposal facilities are proposed the design, construction and operation of such systems shall be in compliance with the A.D.E.Q. requirements. Plans and specifications for such systems shall be submitted to the A.D.E.Q. and approval received prior to the start of construction.
- C. Reuse of wastewater shall be in a manner approved by the A.D.E.Q.

SECTION 17: 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 Uniform Plumbing Code as amended.

SECTION 18: PENALTY

Any person who violates any provisions of this regulation shall be guilty of a class 3 misdemeanor pursuant to A.R.S. §36-191 and 140, as amended.

REGULATION 14: OBJECTIONABLE FACILITIES AND ANIMALS

SECTION 1: LEGAL AUTHORITY

The regulations in this Sanitary Code are adopted pursuant to the authority granted by A.R.S. §11-251(17) and (31), §36-136 and §36-184, as amended.

SECTION 2: KEEPING OF ANIMALS

- A. Any person, firm or corporation is prohibited from keeping or sheltering animals in a manner that creates a public nuisance as defined in A.R.S. 36-601.
- B. Cattle, horses, sheep, goats, dogs, cats, birds, fowl, EXOTIC NON-AGRICULTURAL PET PIGS 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. Manure on farms or isolated premises other than dairy farms need not be protected and removed unless ordered by the Department.
- C. 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, recommended by the local Health Department.
- D. Manure shall not be allowed to accumulate in any place where it can affect any source of drinking water.

SECTION 3: PIGGERIES

- A. No pigsty or piggery shall be built or maintained on marshy ground or land subject to overflow, not within 200 feet of any stream, canal or other source of water, nor within 300 feet of an inhabited house or public building on adjoining property, **EXCEPT REGISTERED, PUREBRED, MINIATURE, VIETNAMESE POT BELLY PIGS AND OTHER SIMILAR REGISTERED PUREBRED MINIATURE PIGS. ANY SUCH PIGS SHALL BE REGISTERED WITH A RECOGNIZED EXOTIC MINIATURE PIG REGISTRY AND OWNERS OF SUCH PIGS SHALL HAVE IN THEIR POSSESSION REGISTRATION PAPERS AND HEALTH CERTIFICATES. REGISTRATION AND HEALTH CERTIFICATES SHALL BE LEGIBLY WRITTEN IN ENGLISH AND**

ALL SUCH DOCUMENTS SHALL BE AVAILABLE FOR INSPECTION BY THE HEALTH DEPARTMENT OFFICER. ALL REQUIRED REGISTRATION AND HEALTH CERTIFICATES SHALL BE KEPT BY THE OWNERS FOR THE LIFE OF THE ANIMAL. IN ADDITION, ALL SUCH PIGS SHALL MEET THE FOLLOWING REQUIREMENTS: [1] MALE PIGS SHALL BE NEUTERED; [2] PIGS MUST BE HEALTHY AND DISEASE FREE; AND [3] PIGS SHALL BE KEPT ONLY AS PETS IN RESIDENTIAL AREAS.

- B. Garbage shall be fed to pigs in compliance with A.R.S. Title 24, Chapter 7, Article 3.
- C. Organic material furnishing a breeding site for flies shall not be allowed to accumulate on the premises.
- D. All garbage shall be handled and fed upon platforms of concrete or other impervious material.
- E. 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.

SECTION 4: ESTABLISHMENTS
HANDLING OBJECTIONABLE ORGANIC
MATTER

All slaughter houses, rendering works, bone boiling establishments, depositories for dead animals, garbage disposal works, piggeries and similar establishments handling organic matter shall have an adequate water supply for the purpose of keeping the place clean and sanitary.

SECTION 5: DEAD ANIMALS

Dead animals, of any weight, on a highway right of way, or other public property or private property used by the public, shall be removed and disposed of by burial or removal to a dead animal site at an approved landfill by the owner of the animal. In the event the owner cannot be properly identified, dead animals will be removed by the Cochise County Highway Department on order of the County Sheriff or Health Director.

SECTION 6: REMOVAL AND DISPOSAL OF DEAD DOMESTIC ANIMALS

Policy

Carcasses of domestic animals (dogs and cats), found in the un-incorporated areas of the County within public rights-of-way, shall be handled in accordance with the procedures set forth in this policy.

Procedures

All reports received at department offices during normal working hours (8:00 a.m. - 5:00 p.m.) will be relayed to the appropriate offices as follows:

- A. In cases where reports/calls are received requesting the pick up and disposal of dead domestic (dogs & cats) animals, every effort will be made to identify the **exact** location of the carcass. When this information has been determined, the proper authorities will be contacted as follows:
 - 1] Within the city limits on public rights-of-way, the caller will be instructed to notify the appropriate city government for removal and disposal.
 - 2] If dead domestic animals are discovered along/on a State highway, the caller will be instructed to contact the Arizona Department of Transportation.
 - 3] If calls are received concerning dead domestic animals (dogs & cats) on private property within the un-incorporated areas of the County, the caller will be informed that the dead animal is the responsibility of the owner. The Cochise County Humane officers **will not remove dead domestic animals from private property.**
 - 4] Within the un-incorporated areas of the County on public rights-of-way, the Cochise County Humane officers will respond to reports/calls for pick up and disposal of dead domestic animals only.
- B. In the event a large animal, such as a cow or horse, is found dead along/on a County road or highway and after the proper livestock officials have been notified, every effort will be made to contact the owner of such animal for removal and disposal. If the owner is unable, due to lack of resources, to remove the animal from the road, the Cochise County Public Works Department will be called to assist livestock officials in the removal and disposal of large carcasses. Should the carcass

present a traffic hazard, the appropriate law enforcement agency should be contacted to take the necessary action.

- C. The Solid Waste Inspector for the Department of Facilities and Solid Waste Management will remove dead domestic animals off of the County traveled way when found during the course of a work day and, when appropriate, inform the Humane Officers of their location for removal.
- D. The Cochise County Department of Health and Social Services will continue to assist the Humane officers by taking animal specimens to the State lab in Tucson for appropriate and required testing.

It is also understood that cooperation is the basis of successfully achieving desired results. All departments involved will endeavor to continue to assist each other where circumstances warrant to assure proper removal/disposal of dead animals and to provide the public with competent service.

SECTION 7: PENALTY

Any person who violates any provisions of this regulation shall be guilty of a class 3 misdemeanor pursuant to A.R.S. 36-191 and 140, as amended.

SECTION 4: PENALTY

Any person who violates any provisions of this regulation shall be guilty of a class 3 misdemeanor pursuant to A.R.S. §36-191 and 140, as amended.

REGULATION 19: SOLID WASTE

SECTION 1: LEGAL AUTHORITY

This regulation is adopted pursuant to the authority granted by A.R.S. §49-765, §49-791, and §11-251(17) and (31), as amended.

SECTION 2: DEFINITIONS

1. **"Approved site"** means a site permitted and approved by the A.D.E.Q. as a site for the disposal of solid waste.
2. **"Department"** means the Cochise County Department of Health and Social Services.
3. **"Director"** means the Director of Cochise County Department of Health and Social Services and the Director's duly authorized representatives.
4. **"Permitted contractor"** is a person who has a valid permit from the A.D.E.Q. to recover and transport solid waste.
5. **"Person"** means any public or private corporation, company, partnership, firm, association or society of persons, or entity, including governmental entities, as well as a natural person.
6. **"Solid waste"** means all putrescible and non-putrescible solid and semi-solid wastes, including any garbage, trash, rubbish, refuse, sludge from a waste treatment plant, ashes, dead animals, abandoned vehicles, infectious wastes, manure, street and parking lot cleanings, industrial wastes, and other discarded material, but not including domestic sewage or hazardous wastes.

SECTION 3: RESPONSIBILITY FOR STORAGE AND DISPOSAL OF SOLID WASTE

1. The person generating, producing, storing or person who has received any solid waste shall be responsible for the proper storage, removal, transport and disposal of that solid waste.
2. Where solid waste is generated, produced, stored or received upon a leased premises, both the landlord and the tenant are responsible for

compliance with the provisions of this regulations regardless of the provisions of the tenancy.

3. In addition to other persons who may be responsible as set forth in this section, for the purposes of this regulation, a person generating solid waste is responsible for the lawful storage, removal, transport and disposal of that solid waste until it is legally deposited in an approved site or collected by a permitted contractor.
4. When solid waste is dumped or deposited in violation of this regulation and three (3) or more items in the solid waste identify the same person as the owner or recipient of that item, there shall be a rebuttable presumption that that person is responsible for the unlawful dumping of solid waste.
5. The owner of the real property on which solid waste is located is responsible for complying with the provisions of this regulation even if the solid waste was placed on the property without the owner's knowledge or consent.
6. Any person who by contract, agreement or otherwise arranges for the recovery, transport, disposal or dumping of solid waste is responsible for complying with the provisions of this regulation regarding that solid waste.

SECTION 4: UNLAWFUL STORAGE AND DISPOSAL OF SOLID WASTE

1. It is unlawful to store or accumulate solid waste in a manner that is a hazard to the public health and safety, as determined by the Director if storage or accumulation continues in such a manner for more than three (3) days after receipt of written notice from the Director of the hazardous condition. Such notice may take the form of a citation.
2. It is unlawful to collect and transport solid waste unless the person is responsible for that waste pursuant to the provisions of Section 3 or the person is a permitted contractor.
3. It is unlawful for a person to dump, deposit or dispose of solid waste any place within Cochise County other than an approved site.
4. Nothing in this Section shall preclude the Director for declaring such storage or accumulation of solid wastes to be a public health nuisance pursuant to A.R.S. §36-601(A)(1), (4) or (17), as amended and pursuing injunctive relief pursuant to A.R.S. §36-601(C), amended.

SECTION 5: RECOVERY OF DISPOSAL COSTS

1. If a person violates Section 4 above and Cochise County arranges for or executes the lawful disposal of the solid waste, that person shall be responsible to Cochise County for all reasonable costs and expenses associated with the transportation and disposal of the solid waste.
2. If the owner of the property on which the solid waste was unlawfully dumped, deposited or disposed of arranges for or executes the lawful disposal of the solid waste the person violating this regulation shall be responsible to the property owner for all reasonable costs and expenses associated with the transportation and disposal of the solid waste.

SECTION 6: PENALTY

1. Any person who violates subsections 1 and 2 of section 4 shall be guilty of a class three misdemeanor.
2. Any person who violates subsection 3 of section 4 shall be guilty of a class two misdemeanor and in addition, shall be subject to a civil penalty in an amount not to exceed \$1,000.00, as provided in A.R.S. §49-783 and §49-791, as amended.

REGULATION 20: VENDING MACHINE OPERATIONS

SECTION 1: LEGAL AUTHORITY

The regulations in this Sanitary Code are adopted pursuant to the authority granted by A.R.S. §11-251(17) and (31), §36-136 and A.R.S. §36-184, as amended.

SECTION 2: DEFINITIONS

- A. **"Closed"** means without an opening large enough for the entrance of insects. An opening of 1/32 inch or less is closed.
- B. **"Condiment"** means any food such as salt, pepper, mustard and ketchup that is used to enhance the flavor of other food.
- C. **"Controlled location vending machine (limited service vending machine)"** means a vending machine which satisfies all of the following requirements: Dispenses only non-potentially hazardous food and is of such simple design that it can be filled and maintained in a sanitary manner by untrained persons at the location.
- D. **"Machine Location"** means the room, enclosure, space, or area where one or more vending machines are installed and operated.
- E. **"Operator"** means any person, who by contract, agreement, or ownership, takes responsibility for furnishing, installing, servicing, operating or maintaining one or more vending machines.
- F. **"Vending Machine"** means any self-service device which, upon insertion of a coin or token, or by other similar means, dispenses unit servings of food, either in bulk or in packages, without the necessity of replenishing the device between each vending operation. It shall also include machines intended to be used in the same manner as vending machines that do not have a coin for which the manufacturer produces a mechanism as an option. Unless otherwise stated, vending machine includes controlled location vending machines. Vending machines are added to the definition of equipment in Section 2 of this Regulation.

SECTION 3: MILK AND FLUID MILK PRODUCTS

Milk and milk products offered for sale through vending machines will be subject to the Regulations of and the State Laws pertaining to the State Dairy Commissioner (A.R.S. 3-601, et. seq.), as amended.

SECTION 4: CONDIMENTS

When condiments are provided in conjunction with food dispensed by a vending machine, they shall be:

- A. Packaged in individual portions in single services containers, or,
- B. Dispensed from sanitary dispensers which are cleaned, rinsed and sanitized and filled at the commissary or at the machine location if sanitary facilities are provided; or,
- C. Made available from condiment self-service dispensing equipment at those locations having an on-duty attendant.

SECTION 5: NON-DAIRY CREAMING AGENTS

Fluid non-dairy products (creaming agents) shall not be dispensed in vending machines as additional ingredients in hot liquid beverages or other foods. Dry non-dairy products may be dispensed in the same manner as condiments under Section 4.

SECTION 6: FRESH FRUITS

Fresh fruits which may be eaten without peeling shall be thoroughly washed in potable water at the packing plant by the processor, or at the commissary before being placed in the vending machines for dispensing. The washed fruit shall be protected from contamination after the washing process.

SECTION 7: FOOD

All food, other than fresh fruit, shall be stored or packaged in clean protective containers, and all food shall be handled and vended in a sanitary manner.

SECTION 8: POTENTIALLY HAZARDOUS FOOD

- A. Potentially hazardous food 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. Potentially hazardous food shall not be dispensed from bulk supplies.
- B. Potentially hazardous food shall be held at safe temperatures except during necessary periods of preparation and packaging, during the actual time required to load or otherwise service the machine, and for a maximum machine ambient temperature recovery period of 30 minutes following completion of loading or servicing operation.
- C. Vending machines dispensing potentially hazardous food shall be provided with adequate refrigerating or heating units and thermostatic controls which insure the maintenance of safe temperatures at all times. Such vending machines shall also have automatic controls which prevent the machines from vending potentially hazardous food until serviced by the operator in the event of power failure, mechanical failure or other conditions which results in non-compliance with temperature requirements in the food storage compartment.
- D. Potentially hazardous food which has failed to conform to the time-temperature requirements of this ordinance shall be removed from the vending machine, and be denatured or otherwise rendered unusable for human consumption.
- E. Vending machines dispensing potentially hazardous food shall be provided with one or more thermometers which, to an accuracy of $\pm 3^{\circ}\text{F.}$, indicate the air temperature of the warmest part of the refrigerated food storage compartment, whichever is applicable.
- F. There shall be no direct contact by multiuse containers or parts of vending machines with potentially hazardous food. All parts of vending machines which come into direct contact with non-potentially hazardous food shall be thoroughly cleaned, rinsed and sanitized at a frequency established by the Director based upon the type of product being dispensed.

**SECTION 9: INTERIOR CONSTRUCTION
AND MAINTENANCE OF EQUIPMENT AND
UTENSILS**

- A. The non-food contact surfaces of the interior of vending machines shall be designed and a constructed to permit easy cleaning and to facilitate maintenance operations and shall be kept clean and in good repair. Inaccessible surfaces and areas shall be minimized.
- B. All food-contact surfaces of vending machines, including containers, pipes, valves, and fittings, shall be constructed and repaired with safe materials, including finishing materials, shall be corrosion resistant, non-absorbent, easily cleanable and durable under conditions of normal use, and shall be cleaned, rinsed, and sanitized at a frequency established by the Director based upon the type of product being dispensed.
- C. The opening into all non-pressurized containers used for the storage of vendable food, 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 wherever the collection of condensation, moisture, or splash is possible. Concave covers or cover areas are prohibited. Any port opening through the cover shall be flanged upward at least three-sixteenths (3/16) inch, and shall be provided with an overlapping cover flanged downward. Condensation, drip, or dust deflecting apron shall be provided on all piping, thermometers, equipment, rotary shafts, and other functional parts extending into the food container unless a watertight 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 safe materials, relatively stable, and relatively non-absorbent, and shall have a smooth surface. All gasket retaining grooves shall be easily cleanable.
- D. The delivery tube or chute and orifice of all bulk food vending machines shall be protected from normal manual contact, dust, insects, rodents, and other contamination. The design shall divert condensation or moisture from normal filling position of the container receiving the food. The vending stage of such machines shall be provided with a tight-fitting, self-closing door or cover which is kept closed except when food is being removed. The cup filling area or platform of controlled location vending machines shall not require a door or cover if there is no opening into the cabinet interior at that point other than for dispensing tube(s) or trapped waste tubing.

The dispensing compartment of prepackaged candy and similar product vending machines shall be equipped with a self-closing lid at

vending locations where insect or rodent entry into the machine may occur.

- E. The food storage compartment and other compartments in refrigerated vending machines which are subject to condensation or cooling water retention shall be self-draining or equipped with a drain outlet which permits complete draining. In vending machines designed to store cartoned beverages, diversion devices and retention pans or drains for leakage shall be provided. All such drains, devices and retention pans shall be easily cleanable.
- F. Opening devices which come into contact with the food or the food-contact surfaces of the containers shall be constructed of corrosion resistant, non-absorbent, and safe 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 multiuse opening devices which come into contact with the food or food-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.

**SECTION 10: EXTERIOR CONSTRUCTION
AND MAINTENANCE OF EQUIPMENT AND
UTENSILS**

- A. The vending machine shall be of sturdy construction and exterior shall be designed, fabricated, finished and maintained to facilitate its being kept clean, and to minimize the entrance of insects and rodents. The exterior of the machine shall be kept clean.
- B. Door and panel access openings to the food and container storage spaces of the machine shall be tight fitting, and if necessary, gasketed to prevent the entrance of dust, moisture, insects and rodents.
- C. All ventilation louvers or openings into vending machines shall be effectively screened. Screening material for openings into food and container storage spaces of the machine shall be not less than 16 mesh to the inch or equivalent. Screening material for openings into condenser units which are separated from food and container storage spaces shall be not less than 8 mesh to the inch or equivalent.
- D. In all vending machines in which the condenser unit is an integral part of the machine, such unit, when located below the food and container storage space, shall be separated from such space by a dustproof barrier, and, when located above, shall be sealed from such space.

- E. In order to prevent seepage underneath the machine and to promote cleaning, free standing vending machines shall have one or more of these elevation or movability features:

Be light enough to be manually moved with ease by one person; or be elevated on legs or extended sidewalls to afford, with or without kickplates, an unobstructed vertical space of at least 6 inches under the machine; or mounted on rollers or casters which permit easy movement; and or be sealed to the floor.

- F. Where used, kickplates shall be easily removable or be capable of being rotated.
- G. Counter type machines shall be: Sealed to the counter; mounted on 4-inch legs or the equivalent; or easily moved for cleaning with service connection in place.
- H. All service connections through an exterior wall of the machine including water, gas, electrical, and refrigeration connections, shall be grommeted, or closed to prevent the entrance of insects and rodents. All service connections to machines vending potentially hazardous food shall be such as to discourage their unauthorized or unintentional disconnection.

SECTION 11: EQUIPMENT LOCATION

- A. Vending machines, ovens and other equipment shall be located in a room, area or space which can be maintained in a clean condition and which is protected from overhead leakage or condensation from water, waste or sewer piping. The immediate area in which the equipment is located shall be well lighted and ventilated. Each vending machine shall be located so that the space around and under the machine can be easily cleaned and maintained, and so that insect and rodent harborage is not created.
- B. The floor area where vending machines are located shall be reasonably smooth, of cleanable construction, and be capable of withstanding repeated washing and scrubbing. This space and the immediate surrounding of each vending machine shall be maintained in a clean condition.
- C. Adequate handwashing facilities, including hot and cold or tempered running water, soap and individual towels, shall be convenient to the machine location and shall be available for use by employees servicing or loading bulk food machines.

SECTION 12: SINGLE SERVICE ARTICLES

Single service articles shall be purchased in sanitary packages which protect the articles from contamination, shall be stored in a clean, dry place until used, and shall be handled in a sanitary manner. Such articles shall be furnished to the customer in the original individual wrapper or from a sanitary bulk dispenser. All single service articles shall be protected from manual contact,, dust, insects, rodents, and other contamination.

SECTION 13: OTHER EQUIPMENT

- A. All other equipment at the vending location must be kept clean. Food-contact surfaces, if any, must be cleaned, rinsed, and sanitized at a frequency established by the Director based upon the type of product being dispensed.
- B. The cavities and door edges of microwave ovens must be cleaned at least once a day and shall be kept free of encrusted grease deposits and other accumulated soil. All microwave ovens must be in compliance with safety standards of the U. S. Food and Drug Administration's Bureau of Radiological Health.
- C. Food-contact surfaces of all equipment and utensils must be protected from contamination at all times including while being transported from the commissary to the vending location.
- D. A record of cleaning operations shall be maintained by the operator. It shall be located in each machine or shall be made available at the time of inspection and shall be current for at least the past 30 days.

SECTION 14: WASTE DISPOSAL

- A. All trash and other waste material shall be removed from the machine location as frequently as may be necessary to prevent nuisance and unsightliness, and shall be disposed of according to the Sanitary Code.
- B. Self-closing, leak-proof, easily cleanable, insect-proof and rodent-proof waste receptacles shall be provided in the vicinity of each machine or machines to receive used cups, carton, wrappers, straws, closures, and other items. Plastic bags and wet-strength paper bags may be used to line the receptacles. Soiled waste receptacles shall be cleaned at a frequency to prevent insect and rodent attraction.

Waste receptacles shall not be located within the vending machines with the exception of those machines dispensing only packaged food with crown closures, in which case the closure receptacles may be

located within the machine. Waste receptacles shall not be located under counters or otherwise enclosed in a manner that will create a nuisance or prevent space around and under the counter or enclosure from being easily cleaned and maintained. Suitable racks or cases shall be provided for multiuse containers or bottles.

- C. Containers shall be provided within all machines dispensing liquid foods in bulk for the collection of drip, spillage, overflow, or other internal wastes. Such machines shall be equipped with automatic shut off device at the waste pail, or other devices or valves which will place the machine out of operation before the waste pail overflows and prevent water or liquid product or water system, except that, controlled location vending machines not connected to a water supply system and which generate no internal liquid wastes, may be equipped with easily removable drip pans at the dispensing platform in lieu of internal waste containers and automatic shut-off devices.

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 the sewerage system, the connection to the sewer shall be through an air gap.

SECTION 15: SANITARY FACILITIES AND CONTROLLED WATER SUPPLY

- A. All water used in vending machines shall be of a safe and sanitary quality and from a source approved by the Director and constructed and operated according to the requirement of the Sanitary Code. Water used as a food ingredient shall be piped to the vending machine under pressure, except that in controlled location vending machines, water may be obtained from a safe source and carried to the machines in containers that are clean and of good sanitary construction.

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 portcovers or drawers shall be equipped with locks or similar safeguards.

All plumbing connections and fittings shall be installed in accordance with the Uniform Plumbing Code.

- B. 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.

- 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 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.
- D. 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 down stream from the check and vented valves.
- E. Where check valves are used to prevent the backflow of carbon dioxide into accessible upstream copper or other potentially toxic piping or tubing, a screen of not less than 100 mesh to the inch shall be installed in the water line immediately upstream from the check valves in a location which permits servicing or replacement.
- F. In all vending machines in which carbon dioxide is used as a propellant, all food-contact 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.

SECTION 16: RESPONSIBILITIES OF OPERATORS

- A. The operator's company name, address and service telephone number shall be displayed on each vending machine or at a prominent place adjacent to the vending machine tank.
- B. All operators shall maintain, at the operator's headquarters or at some other designated location within Cochise County, a list of all vending machines operated by him within Cochise County and the complete address of each machine location and of all commissaries or other establishments from which his machines are serviced. This information shall be available to the Director upon request, and shall be kept current.
- C. All operators shall notify the Director of each new vending machine location at which potentially hazardous food or hot or cold cup beverage vending machines have been placed in operation.

- D. All operators shall notify the Director of any change in operations involving new types of vending machines or conversions of existing machines to dispense products other than those for which the machine was built.

SECTION 17: GENERAL

Procedures regarding the issuance, suspension, revocation of permits, and the inspection of machine locations shall be in accordance with the specific provisions of this Regulation of the Sanitary Code.

SECTION 18: ISSUANCE OF PERMITS

Any person desiring to operate one or more vending machines (other than controlled location vending machines, or vending machines which dispense exclusively bottled or canned soft drinks; prepackaged ice; prepackaged dandy, gum, cookies, crackers, or similar prepackaged candy, gum, cookies, crackers, or similar prepackaged, non-potentially hazardous snacks; or ballgum, nuts, or panned candies) shall make written application in accordance with this Regulation for a permit on forms provided by the Department. Such application shall include the following information:

- A. The applicant's full name, residence, post office address, and whether such applicant is an individual, firm, or corporation. If any partnership exists, the name of the partners together with their address shall be included.
- B. The location of the commissary or commissaries, and of other establishments where vending machines are repaired or renovated.
- C. The identity and form of the products to be dispensed through vending machines and the number of each such type vending machines in his possession.
- D. The signature of the applicant or applicants. Upon receipt of such application, the Department shall make an inspection of the commissary, supply storage, servicing, cleaning and sanitizing facilities, and transport facilities, and representative equipment and machine locations to determine compliance with the provisions of the Sanitary Code. A numbered operator's permit shall be issued to the applicant by the Department after compliance by the operator with the applicable provisions of the Sanitary Code. Such permit shall not be transferable either from person to person or location to location.

SECTION 19: SUSPENSION OR REVOCATION OF PERMIT

A. Grounds For Suspension

If the Department finds that conditions in a vending machine present such a severe and imminent health hazard as to require emergency action, summary suspension of the operator's permit may be ordered pending revocation or other action. Such suspension shall require the holder of the permit to immediately cease operations of that machine. It shall not resume operations until the Department determines on reinspection that conditions responsible for the suspension no longer exist. Such reinspection shall be conducted within three (3) days, exclusive of weekends, and holidays, of receipt of written notice from the holder of the permit that the conditions responsible for the suspension of the permit have been corrected.

B. Procedure For Suspension

The suspension shall take effect immediately upon service of a notice of suspension on the holder of the permit. This notice shall also advise the holder of the permit that s/he may appeal this decision by filing a written request for hearing with the Department. Within ten (10) days following receipt of such request by the Department, a hearing shall be held.

C. Grounds For Revocation

The Department may, after providing opportunity for a hearing, revoke a permit for serious, repeated or uncorrected violations of this regulation, or for interference with the Department in the performance of its duties.

D. Procedure For Revocation

Prior to revocation, the Department shall notify, in writing, the holder of the permit of the specific reasons for which the permit is to be revoked. The revocation shall take effect at the end of ten (10) days following the receipt of the notice by the holder of the permit, unless within that period of time, the holder of the permit files a request for hearing with the Department.

E. Application For Reinstatement

Whenever a revocation of a permit becomes final, the holder of the revoked permit may make a written application for a new permit.

SECTION 20: INSPECTION FREQUENCY

The Department shall select vending machine locations for inspection by a method which assures the inspection of representative machines and locations serviced by each of the operator's routemen and supervisors. The frequency of inspection and selection of locations shall assure the widest coverage of each operator's locations over the time span deemed necessary by the Director for compliance with these regulations but, in any case, must not be less than at least one (1) inspection each year.

SECTION 21: ACCESS FOR INSPECTION

The Department, after proper identification, shall be permitted to enter, at any reasonable time, upon any private or public property where vending machines or commissaries are operated, or from which such machines are otherwise serviced, for the purpose of determining compliance with the provisions of this regulation. The operator shall make provisions for the Department to have access, either in company with an employee or otherwise, to the interior of all food vending machines operated by him.

SECTION 22: PENALTY

Any person who violates any provisions of this regulation shall be guilty of a class 3 misdemeanor pursuant to A.R.S. §36-191 and 140, as amended.

REGULATION 21 HEALTH NUISANCES DANGEROUS TO PUBLIC HEALTH

SECTION 1: SCOPE

Pursuant to A.R.S. §36-601 in which the Arizona State Legislature has declared certain conditions to be public health nuisances, the Board of Supervisors of Cochise County declares that any person found to be maintaining or contributing to any conditions described in Section 2 of this regulation, may be guilty of violating one or more of the statutes found in Section 3 of this regulation.

SECTION 2: PUBLIC HEALTH NUISANCES

- A. Any condition or place which constitutes a breeding place for flies, rodents, mosquitoes and other insects which are capable of carrying and transmitting disease causing organisms to any person or person.
- B. Any spoiled or contaminated food or drink intended for human consumption.
- C. Any restaurant, food market, bakery or other place of business, or any vehicle where food is prepared, packed, processed, stored, transported, sold or served to the public which is not constantly maintained in a sanitary condition.
- D. All sewage, human excreta, waste water, garbage or other organic wastes deposited, stored, discharged or exposed so as to be a potential instrument or medium in the transmission of disease to or between any person or persons.
- E. Any vehicle or container used in the transportation of garbage, human excreta or other organic material which is defective and allows leakage or spillage of contents.
- F. The presence of ectoparasites such as bedbugs, lice, mites and others, in any place where sleeping accommodations are offered to the public.
- G. The maintenance of any overflowing septic tank or cesspool, the contents of which, or the effluent of which, may be accessible to flies.
- H. The pollution or contamination of any domestic waters.

- I. The use of the so-called common drinking cup used for drinking purposes by more than one person, but this shall not apply to receptacles properly washed and sanitized after each service.
- J. The presence of common towels for use of the public in any public or semi-public place unless properly washed and sanitized following each use.
- K. Buildings or any parts thereof which are in a filthy condition which may endanger the health of persons living in the vicinity.
- L. Spitting or urinating upon sidewalks, floors or walls of a public building or buildings used for public assemblage, or a building used for manufacturing or industrial purposes, or upon the floors or any part of a public conveyance.
- M. The use of the contents of privies, cesspools, septic tanks or the use of sewage or sewage plant effluents for fertilizing or irrigation purposes for crops or gardens except by specific approval of the Department.
- N. The maintenance of public assemblage or places of assemblage without providing adequate sanitary facilities, but open surface privies shall be deemed adequate sanitary facilities if they are outside populous areas and meet Arizona A.D.E.Q. requirements.
- O. Hotels, tourist courts and other lodging establishments that are not kept in a clean and sanitary condition, or for which suitable and adequate toilet facilities are not provided.
- P. The storage, collection, transportation, disposal and reclamation of garbage, trash, rubbish, manure and other objectionable wastes other than as provided and authorized by law and regulation.

SECTION 3: PENALTY CLAUSE

Any person who creates or maintains a public nuisance may be guilty of a class 3 misdemeanor pursuant to A.R.S. §36-140 and §36-191, as amended.

SECTION 4: INJUNCTIONS

Nothing in Section 3 is to be taken to preclude the Director from seeking any other remedies provided by law for abating such public health nuisances, including but not limited to injunctive relief.