

**MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE**

**CHAPTER VIII**

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

**SECTION 3**

**MOBILE FOOD ESTABLISHMENTS**

**REGULATION 1. Definitions**

- a. “Mobile Food Establishment” means a food establishment that is readily movable and is dispensing food/beverages for immediate service and consumption from any vehicle or other temporary location or facility.

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

- (1) “Annual Event Food Establishment” means a food establishment that operates in conjunction with one event that operates for not more than one-hundred twenty (120) consecutive days. Annual Event Food Establishment permits are issued for one (1) year to vendors operating at multiple Department-approved events.
- (2) “Mobile Food Type I” means a food establishment that dispenses commercially processed, individually packaged foods and/or non-time/temperature control for safety (non-TCS) beverages.
- (3) “Mobile Food Type II” means a food establishment that dispenses food that requires limited handling and preparation.
- (4) “Mobile Food Type III” means an enclosed vehicle-mounted food establishment that prepares, cooks, holds and serves food.
- (5) “Seasonal Food Establishment” means a food establishment that operates in conjunction with one event that operates for fifteen (15) to one hundred twenty (120) consecutive days within any permit year.
  - (i) Class 1 - seasonally themed operations in major shopping malls as approved by the Department.
  - (ii) Class 2 - seasonal operations such as spring training, state fair, etc. or as approved by the Department

- (6) “Temporary Food Establishment” means a food establishment that operates in conjunction with one event that operates for fourteen (14) days or less.
- b. “Event” means a gathering of people for commercial and/or social purposes where food is served, including, but not limited to, a fair, festival, circus, exhibition, carnival, food or drink tasting.
- c. “Tasting Event” means an event where there may be an entrance fee or invitation that entitles the patron to food service. Food/beverage vendors shall not have point of sales at their individual stations.
- d. “Commissary” means a food establishment that acts as a base of operation for a mobile food establishment, food vending establishment or an adventure food establishment.
- (1) Class 2 - provides only pre-packaged food items.
- (2) Class 4 - provides pre-packaged food items and facilities for food preparation.

## **REGULATION 2. Compliance**

- a. Every mobile food establishment shall be operated and maintained in a clean and sanitary condition in compliance with the appropriate parts of this section and with the specific provisions in Chapter VIII, Sections 1 and 2. The Department may impose additional requirements for protection against health hazards related to the conduct of the mobile food establishments, may prohibit the sale or distribution of some or all time/temperature control for safety foods, and when no health hazard will result, may waive or modify requirements of this section.
- b. Mobile Food Type I permits are issued for either six (6) months or one (1) year. The six (6) month Mobile Food Type I permit is half of the one (1) year Mobile Food Type I fee listed in the Chapter I Fee Schedule of this code.
- c. All temporary food establishment and seasonal food establishment permits shall expire at the termination of the event.
- d. The property owner of an event location shall only allow food establishments to operate after they have obtained all Department required permits.

## **REGULATION 3. Permit Required**

- a. No person shall operate a mobile food establishment without a valid permit issued by this Department.
- b. The permit shall be maintained at the operating location.
- c. A separate permit is required for each establishment.

- d. Permits are nontransferable from person-to-person, event-to-event or vehicle-to-vehicle.

#### **REGULATION 4. Approval of Plans Required**

- a. No Mobile Food Type II, Mobile Food Type III, or Annual Event Food Establishment shall be constructed, nor shall any major alteration or addition be made thereto, unless detailed plans and specifications for the establishment have been provided to and approved by the Department.
- b. All construction, alterations, and additions shall be made in accordance with approved plans.
- c. Mobile food establishments that have not been permitted within the last three years may be required to submit plans to the Department for approval.

#### **REGULATION 5. General Requirements**

- a. Compressors, auxiliary engines, generators, and similar mechanical units that are not an integral part of the food preparation or storage equipment shall be installed completely separate from the food preparation and storage areas and accessible from the exterior for all mobile food establishments.
- b. Mobile food establishments shall operate from an approved commissary or other food service establishment as required by this Department, and shall report at least daily to such location for supplies, food storage, vehicle and equipment cleaning, waste disposal, and service operations.
- c. Mobile food establishments shall provide a commissary agreement to the Department upon request, at permit issuance or renewal, and as a part of the documents submitted during plan review for a new permit. Ice cream vendors that only sell or dispense individually packaged, commercially processed items are exempt from providing a commissary agreement.
- d. Mobile food establishments shall provide information about daily operations to the Department. Information such as location, address and business name, time in and time out of each stop shall be provided in a format prescribed by the Department.
- e. Mobile food establishments serving time/temperature control for safety foods shall maintain a log of visits to the approved commissary or food service establishment as required by this Department. This log shall be maintained using a Department approved format and maintained with the establishment at all times. The logs shall be maintained for a period of 30 days and should be available for review by the Department.

- f. Sanitary toilet facilities for use by employees shall be readily available within 200 feet of all mobile food establishments that are operated at the same site for more than a one-hour period.
- g. Temporary toilet facilities shall not be located within 25 feet of any mobile food establishment.
- h. A mobile food establishment shall not be located within 100 feet of any petting, riding or holding area for animals unless dust and runoff are controlled.
- i. When in transit, all closures shall be in place and all food appropriately protected.
- j. All wastewater and grease shall be disposed of in a sanitary manner.

**REGULATION 6. Additional Requirements for Annual Event Food Establishments**

- a. All produce must be purchased commercially pre-washed or be washed in advance at a permitted food establishment/commissary.
- b. All time/temperature control for safety foods shall be prepared on the same day of sale or service. Time/temperature control for safety foods shall not be held over from a previous day's operation unless otherwise approved by the Department.
- c. All food held for consumer self-service shall be wrapped or effectively dispensed to protect from contamination.
- d. Food preparation shall be simplified to reduce excessive steps where food may become contaminated. Excessive steps may include, but are not limited to, cooking overnight without oversight, cooling, or cutting large volumes of food items. This prohibition does not apply to foods that have been prepared or packaged in permanent food establishments or commissaries meeting the requirements of this code.
- e. All annual event food establishments operating at an event greater than 14 days in duration shall operate in conjunction with an onsite commissary or fixed food establishment, unless alternate Department approval is obtained in advance.
- f. When operating at farmers markets, swap meets and recurring school functions the following additional requirements shall be met:
  - (1) The event must have a designated responsible person/coordinator.
  - (2) Food service will generally be limited only to assemble-serve, heat-serve, cook-serve, and/or hold-serve. Approval for limited on-site food assembly may be granted by the Department following application review. All food preparation (breading, chopping, mixing, marinating, etc.) must be accomplished at the food service establishment or commissary.

- g. A self-contained hand washing sink that includes a minimum 5 gallon potable water tank, a 9x9x5” hand washing sink, a minimum flow rate of hot and cold water to the sink basin of one-half (1/2) gallon per minute, and a 15% greater capacity waste tank shall be installed.
- h. Approved ware washing facilities shall be provided for all operations where multi-use utensils are required.
- i. Sufficient potable water shall be available at the establishment for food preparation, 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.
- j. Booth construction shall include a ceiling and three walls (two sides and rear). Walls and ceilings shall be made of wood, canvass or other material that protects the interior of the establishment from the weather and that prevents the entrance of insects. Screening material may be used for wall construction and shall be at least 16 mesh to the inch. When screening material is used, additional wall covering must be maintained on-site in case of inclement weather.
- k. Floor shall be constructed of concrete, machine-laid asphalt, dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable approved materials that are effectively treated to control dust or mud.
- l. The Annual Event Food Establishment annual permit fee is the same as the “Seasonal Food Establishment” permit fee, as listed in the Chapter I Fee Schedule of this code.

**REGULATION 7 Additional Requirements for Mobile Food Type I Food Establishments**

- a. Permits shall be issued to the vehicle/receptacle that is used to transport all food and beverage.
- b. The vehicles/receptacles carrying food/beverage products shall be constructed, equipped and maintained as to protect the purity and wholesomeness of the transported products.
- c. The name of the establishment shall be plainly indicated on sides and rear of the exterior of the vehicle in letters of contrasting colors at least three inches high with a minimum of 3/8 inch wide. When more than one permit is issued with the same business name to the same permittee, the vehicle number shall also be plainly indicated with the business name.
- d. If operating away from the permitted vehicle/receptacle, the following requirements shall be met:
  - (1) A permanent sign shall be provided indicating the business name in letters at least

6 inches high and 1 inch wide. The sign shall be visible to the consumer and shall be in addition to the signs used on the vehicle.

- (2) The original permit card shall be present at the stand or booth.
  - (3) An approved hand washing station shall be present at the stand or booth, if selling or dispensing any open food or beverage items.
  - (4) The permitted vehicle/receptacle shall be located on the premises.
- e. All packaged frozen foods shall be maintained frozen and sold or offered for sale to consumers frozen.
- f. No cooking, preparation or assembly of foods is allowed.
- g. Sampling may be conducted provided the following requirements are met:
- (1) The Department shall approve, in writing, the procedures used by any mobile food establishment for providing samples to the consumer.
  - (2) Food sampling is limited to those food and beverages that require limited preparation. No cooking or extensive preparation is allowed.
  - (3) Only limited quantities of sampled product may be ready for sampling at any given time.
  - (4) All food products that have not been sampled at the end of the business day shall be discarded.
  - (5) Each sample shall be prepared by the operator and handed to the customer, or the samples shall be placed in single service containers for self service. The operator shall take measures to prevent contamination of the food. Bulk dispensing is prohibited for sampling.
  - (6) Only single service utensils and containers shall be used for preparing samples. Single service items shall not be reused.
  - (7) A readily accessible lined waste container for the disposal of used single service items and other waste products shall be provided.
  - (8) Hand washing facilities shall be setup at all times when any open food or beverage product is handled, served or sampled.
  - (9) Hand washing facilities shall include the following at a minimum: 5 gallon insulated container with a free/continuous flowing spigot for potable water; water at a temperature of at least 38°c (100°f), 5.75 gallon container to hold wastewater,

soap, and paper towels.

(10) All wastewater shall be disposed of in a sanitary manner.

### **REGULATION 8. Additional Requirements for Mobile Food Type II Food Establishments**

- a. Limited handling and preparation includes assemble-serve, heat-serve, and/or hold-serve of commercially processed food/beverage items. No raw animal food shall be prepared for service from the cart without a food production permit or equivalent.
- b. All produce must be purchased commercially pre-washed or be washed in advance at a permitted food establishment/commissary.
- c. All time/temperature control for safety foods shall be prepared on the same day of sale or service. Time/temperature control for safety foods shall not be held over from a previous day's operation unless otherwise approved by the Department.
- d. All food held for consumer self-service shall be wrapped or effectively dispensed to protect from contamination.
- e. The name of the establishment shall be plainly indicated on sides and rear of the exterior of the vehicle in letters of contrasting colors at least three inches high with a minimum of 3/8 inch wide. When more than one permit is issued with the same business name to the same permittee, the vehicle number shall also be plainly indicated with the business name.
- f. The main food equipment and hand wash sink required for the operation of Mobile Food Type II food establishments shall be affixed together so as to be a single contiguous mobile unit.
- g. If an enclosed vehicle is utilized, the following requirements shall be met:
  - (1) The cab or driving portion of the vehicle shall be separated from the food preparation and serving area of the vehicle by a permanent solid wall partition or a door. If a screen door is installed, a minimum 16 mesh per square inch is required.
  - (2) Interior walls and ceilings shall be light in color.
  - (3) Doors to the food preparation and serving area shall be effectively self-closing and kept closed.
- h. A permanently installed self-contained hand washing sink that includes a minimum 5 gallon potable water tank, a 9x9x5" hand washing sink, a minimum flow rate of hot and cold water to the sink basin of one-half (1/2) gallon per minute, and 15% greater capacity waste tank shall be installed.

- i. A 3-compartment sink for the purpose of washing and sanitation may be installed provided the following requirements are met:
  - (1) A potable water system under pressure, supplying hot and cold water, with a minimum capacity of 30 gallons shall be permanently installed for utensil washing and sanitization, and handwashing.
  - (2) A minimum flow rate of one-half (1/2) gallon per minute shall be provided.
  - (3) Water at a temperature of at least 38°C (100°F) shall be provided through a mixing faucet.
  - (4) Each compartment of the sink shall have a capacity of 6 gallons.
  - (5) Two-integral metal drain boards shall be permanently affixed that are the same depth as the 3-compartment sink and 144 square inches.
- j. The water tank inlet shall be:
  - (1) 9.1 mm (three-fourths inch) in inner diameter or less; and
  - (2) Provided with a hose connection of a size or type that will prevent its use for any other service.
- k. A sewage holding tank shall be:
  - (1) Sized 15 percent larger in capacity than the water supply tank; and
  - (2) Sloped to a drain that is 25 mm (1 inch) in inner diameter or greater, equipped with a shut-off valve.
- l. Connections to water or wastewater systems are not approved except during servicing operations at a commissary or as approved by the Department.
- m. All water tanks, pumps and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse longer than 7 days. Potable water tanks shall be flushed and sanitized monthly.
- n. Wastewater holding tanks shall be emptied into an approved sewage disposal system.
- o. An approved food grade potable water hose shall be available for the sole purpose of filling the fresh water tank.



## **REGULATION 9 Additional Requirements for Mobile Food Type III Food Establishments**

- a. All produce must be purchased commercially pre-washed or be washed in advance at a permitted food establishment/commissary. Produce may not be washed in the mobile food establishment unless an approved prep sink has been installed.
- b. All time/temperature control for safety foods shall be prepared on the same day of sale or service. Time/temperature control for safety foods shall not be held over from a previous day's operation unless otherwise approved by the Department.
- c. All food held for consumer self-service shall be wrapped or effectively dispensed to protect from contamination.
- d. Food preparation shall be simplified to reduce excessive steps where food may become contaminated. Excessive steps may include, but are not limited to, cooking overnight without oversight, cooling, or cutting large volumes of food items. This prohibition does not apply to foods that have been prepared or packaged in permanent food establishments or commissaries meeting the requirements of this code.
- e. All cooking, processing, preparing, grilling, assembly, storage, and service of any food or beverage shall be conducted inside the permitted vehicle.
- f. The name of the establishment shall be plainly indicated on sides and rear of the exterior of the vehicle in letters of contrasting colors at least three inches high with a minimum of 3/8 inch wide. When more than one permit is issued with the same business name to the same permittee, the vehicle number shall also be plainly indicated with the business name.
- g. All openings shall meet the following requirements:
  - (1) Openings shall be limited to 324 square inches each and equipped with a screen (16 mesh per square inch minimum) or solid door which shall be kept closed when not in use.
  - (2) Multiple openings shall be at least 18 inches apart.
- h. The cab or driving portion of the vehicle shall be separated from the food preparation and serving area of the vehicle by a permanent solid wall partition or a door. If a screen door is installed, a minimum 16 mesh per square inch is required.
- i. Doors to the food preparation and serving area shall be effectively self-closing and kept closed.
- j. Interior walls and ceilings shall be light in color.
- k. A potable water system under pressure, supplying hot and cold water, with a minimum

capacity of 30 gallons, shall be permanently installed for utensil washing/sanitization and handwashing.

- l. The installation of a prep-sink for the purpose of produce washing only may be allowed provided that an additional 20 gallons of potable water is available for use.
- m. A 9x9x5" hand washing sink shall be permanently installed.
- n. A 3-compartment sink for the purpose of washing and sanitation shall be installed meeting the following requirements:
  - (1) A minimum flow rate of one-half (1/2) gallon per minute shall be provided.
  - (2) Water at a temperature of at least 38°C (100°F) shall be provided through a mixing faucet.
  - (3) Each compartment shall have a capacity of 6 gallons.
  - (4) Two integral metal drain boards shall be permanently affixed that are the same depth as the 3-compartment sink.
- o. The water tank inlet shall be:
  - (1) 19.1 mm (three-fourths inch) in inner diameter or less; and
  - (2) Provided with a hose connection of a size or type that will prevent its use for any other service.
- p. A sewage holding tank shall be:
  - (1) Sized 15 percent larger in capacity than the water supply tank; and
  - (2) Sloped to a drain that is 25 mm (1 inch) in inner diameter or greater, equipped with a shut-off valve.
- q. Mobile food establishments shall not connect to water or wastewater systems except during servicing operations at a commissary or as approved by the Department.
- r. All water tanks, pumps and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse longer than 7 days. Potable water tanks shall be flushed and sanitized monthly.
- s. Wastewater holding tanks shall be emptied into an approved sewage disposal system.
- t. An approved food grade potable water hose shall be available for the sole purpose of filling the fresh water tank.

## **REGULATION 10. Additional Requirements for Seasonal Food Establishments**

- a. All seasonal food establishments operating at an event greater than 14 days shall operate in conjunction with an onsite commissary or a fixed food establishment, unless alternate Department approval is obtained in advance.
- b. All produce must be purchased commercially pre-washed or be washed in advance at a permitted food establishment/commissary.
- c. All time/temperature control for safety foods shall be prepared on the same day of sale or service. Time/temperature control for safety foods shall not be held over from a previous day's operation unless otherwise approved by the Department.
- d. All food held for consumer self-service shall be wrapped or effectively dispensed to protect from contamination.
- e. Food preparation shall be simplified to reduce excessive steps where food may become contaminated. Excessive steps may include, but are not limited to, cooking overnight without oversight, cooling, or cutting large volumes of food items. This prohibition does not apply to foods that have been prepared or packaged in permanent food establishments or commissaries meeting the requirements of this code.
- f. A convenient, easily accessible, and approved hand washing facility shall be located within 25 feet of all food service areas and available for employee hand washing.
- g. Hand washing facilities shall include the following at a minimum: 5 gallon insulated container with a free/continuous flowing spigot for potable water; water at a temperature of at least 38°C (100°F), 5.75 gallon container to hold wastewater, soap, and paper towels. Enough potable water shall be available in the establishment for food preparation, 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.
- h. Approved ware washing facilities shall be provided for all operations where multi-use utensils are required.
- i. Sufficient potable water shall be available in the establishment for food preparation, 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.
- j. Booth construction shall include a ceiling and three walls (two sides and rear). Walls and ceilings shall be made of wood, canvas or other material that protects the interior of the establishment from the weather and that prevents the entrance of insects. Screening material may be used for wall construction and shall be at least 16 mesh to the inch.

When screening material is used, additional wall covering must be maintained on-site in case of inclement weather.

- k. Floor shall be constructed of concrete, machine-laid asphalt, dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable approved materials that are effectively treated to control dust or mud.

#### **REGULATION 11. Additional Requirements for Temporary Food Establishments**

- a. All produce must be purchased commercially pre-washed or be washed in advance at a permitted food establishment/commissary.
- b. All time/temperature control for safety foods shall be prepared on the same day of sale or service. Time/temperature control for safety foods shall not be held over from a previous day's operation unless otherwise approved by the Department.
- c. All food held for consumer self-service shall be wrapped or effectively dispensed to protect from contamination.
- d. Food preparation shall be simplified to reduce excessive steps where food may become contaminated. Excessive steps may include, but are not limited to, cooking overnight without oversight, cooling, or cutting large volumes of food items. This prohibition does not apply to foods that have been prepared or packaged in permanent food establishments or commissaries meeting the requirements of this code.
- e. Only limited food preparation, cooking and reheating of prepared foods are allowed at the event, all other food preparation shall take place at an approved commissary or fixed food establishment, unless an alternate Department approval is obtained.
- f. A convenient, easily accessible, and approved hand washing facility shall be located within 25 feet of all food service areas and available for employee hand washing.
- g. Hand washing facilities shall include the following at a minimum: 5 gallon insulated container with a free/continuous flowing spigot for potable water; water at a temperature of at least 38°C (100°F), 5.75 gallon container to hold wastewater, soap, and paper towels.
- h. Approved ware washing facilities shall be provided for all operations where multi-use utensils are required.
- i. Booth construction shall include a ceiling and three walls (two sides and rear). Walls and ceilings shall be made of wood, canvas or other material that protects the interior of the establishment from the weather and that prevents the entrance of insects. Screening material may be used for wall construction and shall be at least 16 mesh to the inch. When screening material is used, additional wall covering must be maintained on-site in case of inclement weather.

- j. Floor shall be constructed of concrete, machine-laid asphalt, dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable approved materials that are effectively treated to control dust or mud.

#### **REGULATION 12. Additional Requirements for Tasting Events**

Tasting events may include, but are not limited to, promotional events, tasting events, competition events, conventions, and trade shows. The following requirements must be met for tasting events:

- a. The coordinator of the event is responsible for obtaining permits to operate and ensuring all tasting booths are properly equipped and set up before workers handle open foods/beverages.
- b. Temporary food establishment or seasonal food establishment permits will be issued for vendors operating at tasting events. All vendors shall comply with the requirements set forth in this section that is applicable to the permit type that has been issued.

#### **REGULATION 13. Additional Requirements for Commissary Permits**

- a. All establishments providing commissary services must provide facilities for the storage of food, food containers or food supplies. When food preparation is conducted, the commissary must provide equipment for the cleaning and sanitizing of food service equipment, utensils and dishware. These facilities must also provide for the sanitary disposal of liquid waste; handling and disposal of garbage, grease, and rubbish originating from mobile food establishments; and facilities for filling the potable water holding tank.
- b. Those commissaries with an outdoor servicing area shall include an adequate area (facilities) for washing and storage of the mobile food establishment; and sufficient electrical outlets.
- c. The commissary owner must provide each permittee, who is using the facilities for food preparation with a designated and labeled space for the storage of supplies and dry goods. All time/temperature control for safety foods stored by a permittee must also have a designated and labeled location in the refrigeration unit provided by the commissary owner. The commissary owner must be able to provide access to all areas upon request by the Department.