

**MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE**

**CHAPTER VIII**

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

**SECTION 2**

**FOOD ESTABLISHMENTS**

**REGULATION 1. Food Establishments**

- a. Effective March 31, 2010, the U.S. Food and Drug Administration 2009 Food Code, and no future editions or amendments, is adopted and incorporated by reference, except as follows:
  1. Section 3-304.15 is omitted;
  2. Section 3-201.11(B) is amended to read: food prepared in a private home may not be used or offered for human consumption in a food establishment unless the food is prepared in compliance with A.R.S. § 36-136(H)(4)(g).
- b. A food establishment that serves or vends food directly to the consumer that has been prepared in a private home in compliance with A.R.S. § 36-136(H)(4)(g) shall ensure that the final consumer of the product served or vended receives a copy of the required package label in accordance with A.R.S. § 36-136(H)(4)(g). This includes food prepared by the food establishment that incorporates products prepared in compliance with A.R.S. § 36-136(H)(4)(g).
- c. Copies of the [U.S. Food and Drug Administration 2009 Food Code](#) incorporated by reference herein are available from the U.S. Food and Drug Administration.
- d. For the purpose of this Section, references to “Regulatory Authority” in the U.S. Food and Drug Administration 2009 Food Code mean the Maricopa County Environmental Services Department.

**REGULATION 2. Plans Submitted**

- a. No food establishment shall be constructed and no major alteration or addition shall be made thereto until detailed plans and specifications for such construction, alteration or addition have been submitted to and approved by the Department. Any construction, alteration, or addition shall be made in accordance with plans and specifications approved by the Department. The

owner, operator or his authorized agent shall certify in writing that the plan documents comply with these regulations.

- b. The Department's approval shall expire at the end of one year, unless the construction, alteration or addition contemplated in the approved plans and specifications is substantially under construction by that time.
- c. If the owner makes any material change to the approved plans and specifications, revised plans and specifications shall be submitted to the Department for review and approval before the work affected by the change begins. Structural changes and minor revisions not affecting health and sanitation are allowed during construction without further approval.

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

No person shall operate a food establishment without a valid permit issued by the Department. The permit shall be posted in a conspicuous place on the premises of the establishment.

### **REGULATION 4. Dog Friendly Patio**

In addition to the U.S. Food and Drug Administration 2009 Food Code Rule 6.501.115, no dog shall be allowed on a food establishment premises unless the Department has issued a Dog Friendly Patio Permit to the food establishment. A Dog Friendly Patio Permit shall not be issued unless the food establishment complies with the following conditions and standards:

- a. A separate entrance shall be provided from the exterior of the food establishment to the outdoor patio so that a dog will have direct access to the patio without entering the interior of the food establishment or any playground area of the food establishment. A dog on an outdoor patio shall not be allowed within seven feet of any entrance to the interior of the food establishment, except when necessary to enter or exit the patio.
- a. A sign with at least half inch letters shall be posted at the front entrance of the food establishment so that it is easily visible to the public. The sign shall state: "Dog Friendly Patio - Dog access only through outdoor patio. For violations, contact Maricopa County Environmental Services Department (602) 506-6616."
- c. No food may be prepared, including mixing drinks and serving ice, in the outdoor patio area, except that a beverage glass may be filled from a pitcher or other container that has been filled or otherwise prepared inside the food establishment.
- d. The outdoor patio must be continuously maintained free of visible dog hair, dog dander and other dog-related waste and debris. The outdoor patio shall be

hosed down or mopped with animal-friendly chemicals at the beginning of each shift during which food or beverages are served (breakfast, lunch, dinner, or late-hours).

If a food establishment has continuous food or beverage service without designated shifts, then the outdoor patio shall be hosed down or mopped with animal-friendly chemicals every six hours that the food establishment is open for business, except that such cleaning is not required if no dog has been present on the outdoor patio since the last cleaning. Waste created from a dog's bodily functions must be immediately cleaned up with animal-friendly chemicals.

All dog waste shall be placed in a fly-tight container located adjacent to the patio area and disposed of outside of the food establishment in an appropriately covered waste receptacle. Equipment used to clean the outdoor patio must be kept outside of the food establishment.

- e. Employees shall not touch, pet or otherwise handle any dog while serving food or beverages or handling tableware.
- f. All dogs shall be kept on a short leash and remain in the control of the customer at all times while in the outdoor patio area. All dogs shall wear a collar or harness and have a current license.
- g. Dogs shall not be allowed on any seat, chair, a patron's lap, table, countertop, or similar surface in the outdoor patio area.
- h. Dogs shall not be allowed to have any contact with reusable food service dishes or utensils. A dog may only have contact with disposable single service containers that provide food or water to the dog.
- i. All patio surfaces shall be constructed of materials that are smooth, easily cleanable, and durable.
- j. The food service establishment shall comply with all applicable local ordinances and rules.

#### **REGULATION 5. Gloves, Use Limitation**

If used, single-use gloves shall be used for only one task, such as working with ready-to-eat food or with raw animal food. Single-use gloves shall be used for no other purpose, and shall be discarded when damaged or soiled or when interruptions occur in the operation.

- a. Slash-resistant gloves that are used to protect the hands during operations requiring cutting shall not be used in direct contact with food, unless that food is

- subsequently cooked as specified under Part 3-4 of the U.S. Food and Drug Administration 2009 Food Code, such as frozen food or a primal cut of meat.
- b. Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves have a smooth, durable and nonabsorbent outer surface, or if the slash-resistant gloves are covered with a smooth, durable, nonabsorbent glove or a single-use glove.
  - c. Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked as specified under Part 3-4 of the U.S. Food and Drug Administration 2009 Food Code, such as frozen food or a primal cut of meat.
  - d. Latex gloves may not be used in direct contact with food.