Reports to the Board of Health

COVER

Prepared by the Maricopa County Environmental Services Department

Environmental Services Department

Meeting Date: July 22, 2013

Summary: Reports to the Board of Health (BOH) for the following Enhanced Regulatory Outreach Program (EROP) cases transmitted to the BOH on July 1, 2013 are attached:

Case #/Title: ES-2013-001/Experimental Food Service Permit

Case #/Title: ES-2013-002/Revisions to MCEHC – Misspellings/Spacing throughout the Code and Reorganizing, Updating, and Definitions/Application in Chapters I, VIII and X

Case #/Title: ES-2013-003/Food Service Worker

Case #/Title: ES-2013-004/Revisions to MCEHC Chapter II, Sewage and Wastes – Technical Revisions to Onsite Wastewater Rules and Clarification of Livestock Manure Storage Requirements

Case #/Title: ES-2013-005/Revisions to MCEHC Chapter VI, Bathing Places – Public and Semipublic Swimming Pools – Pool Construction Requirements

Changes to language presented in the Reports to the BOH transmitted on July 1, 2013 are highlighted in yellow.

If stakeholder input was received after the Reports to the BOH were transmitted on July 1, 2013, an Addendum providing the stakeholder comments and Department responses has been added to the Report to the BOH for that case.

Report to the Board of Health

To Make Recommendations To Board of Supervisors

Prepared by the Maricopa County Environmental Services Department

Environmental Services Department

Case #/Title: ES-2013-001/Experimental Food Service Permit

Meeting Date: July 22, 2013

Supervisor Districts: All Districts

Applicant: Department

Request: To align with Chairman Kunasek's vision of "adaptive reuse", the Department proposes to create a new food service permit that may accommodate food service establishment design concepts not specifically allowed for by Maricopa County Environmental Health Code (MCEHC) regulations.

Support/Opposition: Industry members have expressed verbal support for this case from the onset. They were actively involved in the initial development, have provided valuable feedback, and have voiced their understanding of the value it would provide. No opposition has been expressed. Stakeholder meetings were held on February 13, 2013 and June 5, 2013. No comments have been received via the Enhanced Regulatory Outreach Program (EROP) website.

Department Recommendation: **Approve**

Discussion: To align with Chairman Kunasek's vision of "adaptive reuse", the Department proposes to create a new food service permit that may accommodate food service establishment design concepts not specifically allowed for by MCEHC regulations. The 2009 FDA Food Code allows for modifications and waivers but does not define their application to specific items. The new permit type, Trial Review Establishment Permit, will allow a prospective restaurant owner the option to submit their drawings and management plan addressing any food safety and sanitation hazards not in line with regulations as a result of the establishment's unique or novel design/layout. The permit will be six months in duration. If the applicant is able to demonstrate sufficient control of the hazards during the life of the Trial Review Establishment Permit, then the business will transfer into a standard food service permit with stipulations. If control of the hazards is not met, then the owner will be

required to make necessary modifications to qualify for a standard food service permit.

This proposed regulatory change is following the EROP policy and workflow process. The Trial Review Establishment plan review fees are the same as the Chapter I Fee Schedule "Environmental Health Plan Review" fees for categories "All Other Food Establishments", "Mobile Food Establishments" and "Pushcart Plan Review". In addition, the Trial Review Establishment permit fees are half the annual "Food Environmental Health Operating Permits" fees by class and seating capacity as listed in the MCEHC Chapter I Fee Schedule.

The County Manager briefed the Board of Supervisors in February 2013. Following passage of the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens", the County Manager authorized the Department to proceed with this case.

An initial stakeholder meeting was conducted February 13, 2013. Then on April 22, 2013, the Department presented a Staff Report for this case to the Board of Health (BOH) at which the BOH voted in support of the Department initiating this case.

The Department conducted a follow-up stakeholder meeting on June 5, 2013. No comments have been received via the EROP website.

Department Recommendation: Staff recommends the Board of Health **approve** the proposed revision to the MCEHC.

Presented by: **John Kolman, R.S., MBA, Director**

Attachments:
Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens" (2 Pages)
County Manager Case Approval (1 Page)
Proposed Code Revision Language (3 Pages)
Presentation – Stakeholder Meeting (6/5/13) – (2 Pages)
Minutes – Stakeholder Meeting (6/5/13) – (1 Page)
Report to BOH (4/22/13) – (18 Pages)

RESOLUTION

Moratorium on Increased Regulatory Burdens

WHEREAS, creating a predictable regulatory climate that promotes job creation and a healthy economy is critical to the well-being of the county's residents and businesses; and

WHEREAS, county government plays a critical role in encouraging economic recovery; and

WHEREAS, Maricopa County is committed to full compliance with all applicable federal and state laws and regulations and enforcement of such as may be required; and

WHEREAS, Maricopa County is further committed to streamlining regulations, improving regulatory processes, and decreasing regulatory burdens while protecting the public health, safety and the environment; and

WHEREAS, the regulated community and the general public is encouraged to bring forward ideas to reduce regulatory burdens and create regulatory efficiencies; and

WHEREAS, the Board of Supervisors has previously demonstrated its commitment to regulatory fairness and transparency by adopting the Enhanced Regulatory Outreach Program, a program that provides unprecedented communication and participation regarding regulatory changes.

NOW, THEREFORE, BE IT RESOLVED, the Maricopa County Board of Supervisors, directs the following:

1. All county departments are prohibited from initiating any regulatory ordinance, rule or regulation changes except as permitted by this Resolution. It is the objective of this Resolution to eliminate any unnecessary increased regulatory burdens or costs for employers, citizens, or political subdivisions of Arizona.

2. Paragraph 1 does not apply to regulatory changes for any one or more of the following reasons:

    a. To lessen or ease a regulatory burden

    b. To prevent an immediate or significant threat to public health, peace or safety

    c. To avoid a violation of a court order or federal law that would result in sanctions by a court or the federal government for failure to make the regulatory change

d. To comply with a federal statutory or regulatory requirement or a state statutory requirement

e. Fee initiations or adjustments necessary to provide adequate, timely or required service

3. A county department shall not initiate any regulatory changes outlined in Paragraph 2, sections a – e, without written authorization from the County Manager.

4. This Resolution does not confer any rights, legal, administrative or otherwise upon any persons and shall not be used as a basis for challenges to any county ordinances, rules, regulations, approvals, denials, permits, licenses, or other County actions or inactions.

5. This Resolution shall remain in effect until 2016, unless repealed, amended or reauthorized by the Board of Supervisors.

ADOPTED by the Maricopa County Board of Supervisors, Maricopa County, Arizona, this ____ day of _____2013.

_____
Andrew Kunasek, Chairman of the Board

ATTEST:

_____
Fran McCarroll, Clerk of the Board

APPROVED AS TO FORM:

_____
Deputy County Attorney

Maricopa County

Environmental Services Department

John Kolman RS, MBA
Director
1001 N. Central Avenue #401
Phoenix, Arizona 85004
Phone: (602) 506-6623
Fax: (602) 506-5141
TDD 602 372-0622

Date: June 18, 2013

To: Tom Manos

Via: Joy Rich, AICP, Deputy County Manager

From: John Kolman, R.S., MBA, Director

Re: County Manager Approval – Enhanced Regulatory Outreach Process (EROP) Case **ES-2013-001/Experimental Food Service Permit**

In accordance with the newly passed Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens," the Environmental Services Department (Department) is seeking your approval to proceed with EROP Case ES-2013-001/Experimental Food Service Permit, initiated in February 2013. The requested changes to the Maricopa County Environmental Health Code (MCEHC) qualify for County Manager approval under the moratorium, as these changes are necessary to provide adequate service to our customers.

To align with Chairman Kunasek's vision of "adaptive reuse", the Department proposes changes to MCEHC Chapter VIII that would create a new food service permit that may accommodate food service establishment design concepts not specifically allowed for by MCEHC regulations. The new permit type, Trial Review Establishment Permit, would allow a prospective restaurant owner the option to submit their drawings and management plan addressing any food safety and sanitation hazards not in line with regulations as a result of the establishment's unique or novel design/layout and would be six months in duration. The plan review fee would be the same as for all other food establishments and the permit fee half the annual food environmental health operating permit by class and seating capacity – both as listed in the MCEHC Chapter I fee table.

This proposed regulatory change is following the EROP policy and workflow process. Industry members have expressed support for this case from the onset. They were actively involved in the initial development, have provided valuable feedback, and have voiced their understanding of the value it would provide. No opposition has been expressed. Stakeholder meetings were held on February 13, 2013 and June 5, 2013. No comments have been received through the EROP website. On April 22, 2013, the Department presented a Staff Report for this case to the Board of Health (BOH) at which the BOH voted in support of the Department initiating this case.

It is staff's opinion that this code revision is "necessary to provide adequate, timely, or required service." We are requesting your approval to move this proposed code revision forward in accordance with the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens."

Approved by Tom Manos, County Manager

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

FOOD, FOOD PRODUCTS,
FOOD HANDLING ESTABLISHMENTS

SECTION 1

GENERAL PROVISIONS

REGULATION 1. Definitions

(1) to (69) No Change

(70) **"TRIAL REVIEW ESTABLISHMENT" MEANS A FOOD ESTABLISHMENT THAT IS OPERATING UNDER A SPECIALIZED DEPARTMENT REVIEW OF ALTERNATIVE DESIGN ITEMS, EQUIPMENT AND ACTIVE MANAGERIAL CONTROL PLANS FOR A PERIOD NOT TO EXCEED 6 MONTHS.**

~~(70)~~ **(71)**"Uniform Mechanical Code" means the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials.

~~(71)~~ **(72)** "Vending Machine Operator" means anyone who as the owner or person in charge, furnishes, installs, services, operates or maintains one or more vending machines.

~~(72)~~**(73)** "Wholesome" means clean, free from spoilage, and safe for human consumption.

REGULATION 2. to **REGULATION 11**. No Change

MARICOPA COUNTY HEALTH CODE

CHAPTER VIII

FOOD, FOOD PRODUCTS,
FOOD HANDLING ESTABLISHMENTS

SECTION 6

FOOD RELATED FACILITIES

In addition to complying with the regulations in Section 1 and 2 of this Chapter, beverage plants, damaged and salvaged food establishments, bakeries, ice manufacturing plants, refrigerated warehouses and food catering establishments shall comply with the following regulations.

REGULATION 1. to REGULATION 7 No Change

REGULATION 8. TRIAL REVIEW ESTABLISHMENT

(A) AREAS ELIGIBLE FOR REVIEW UNDER A TRIAL REVIEW ESTABLISHMENT PERMIT INCLUDE STRUCTURAL ITEMS, CUSTOM EQUIPMENT, UNIQUE ARCHITECTURAL DESIGNS, ALTERNATIVE EQUIPMENT SYSTEMS, OR OTHER ITEMS THE DEPARTMENT DEEMS APPROPRIATE.

(B) AREAS NOT ELIGIBLE FOR REVIEW UNDER A TRIAL REVIEW ESTABLISHMENT PERMIT INCLUDE FOOD TEMPERATURE CONTROL, PERSONAL HYGIENE CONTROL, CHEMICAL/REAGENT MATERIALS, ANY ITEM DIRECTLY RELATED TO CDC RISK FACTORS, OR ANY ITEM THE DEPARTMENT DEEMS COULD ADVERSELY IMPACT PUBLIC HEALTH.

(C) ANY ESTABLISHMENT THAT SERVES A HIGHLY SUSCEPTIBLE POPULATION MAY NOT APPLY FOR A TRIAL REVIEW ESTABLISHMENT PERMIT.

(D) AT THE END OF THE SIX MONTH PERIOD, THE DEPARTMENT WILL TRANSITION THE BUSINESS INTO AN APPLICABLE FOOD SERVICE ESTABLISHMENT PERMIT WHERE THE OWNER WILL EITHER:

(1) MAKE ALL NECESSARY MODIFICATIONS TO MEET CURRENT MARICOPA COUNTY HEALTH CODE REGULATIONS; OR

(2) OPERATE IN COMPLIANCE WITH A DEPARTMENT APPROVED ALTERNATIVE DESIGN, EQUIPMENT AND/OR ACTIVE MANAGERIAL CONTROL PLAN.

(E) THE TRIAL REVIEW ESTABLISHMENT PLAN REVIEW FEES ARE THE SAME AS THE CHAPTER I FEE SCHEDULE "ENVIRONMENTAL HEALTH PLAN REVIEW" FEES FOR CATEGORIES "ALL OTHER FOOD ESTABLISHMENTS", "MOBILE FOOD ESTABLISHMENTS" AND "PUSHCART PLAN REVIEW". IN ADDITION, THE TRIAL REVIEW ESTABLISHMENT PERMIT FEES ARE HALF THE ANNUAL "FOOD ENVIRONMENTAL HEALTH OPERATING PERMITS" FEES BY CLASS AND SEATING CAPACITY AS LISTED IN THE CHAPTER I FEE SCHEDULE.

Follow-Up Stakeholder Meeting

Proposed Revisions
Maricopa County Environmental Health Code

ES-2013-001
Experimental Permit

Maricopa County Environmental Services Department
June 5, 2013

Maricopa County
Environmental Services Department

Working with our community
to ensure a safe and healthy environment

VISION STATEMENT:
As the recognized regional environmental leader, we will develop and foster innovative environmental health protection programs for the safety of our residents and their environment.

MISSION STATEMENT:
The mission of the Environmental Services Department is to provide safe food, water, waste disposal and vector borne disease reduction controls to the people of Maricopa County so that they may enjoy living in a healthy and safe community.

Building Relationships — Maricopa County

MARICOPA COUNTY
ENHANCED REGULATORY OUTREACH PROGRAM

Maricopa County has five regulatory departments that seek to ensure the safety and well-being of our community. Because we understand that regulations and rulemaking decisions, discussions, and meetings can be confusing, we developed the Enhanced Regulatory Outreach Program that allows citizens to easily monitor and engage in the adoption and amendment of all regulations.

AIR QUALITY • ENVIRONMENTAL SERVICES • FLOOD CONTROL • PLANNING & DEVELOPMENT • TRANSPORTATION

http://www.maricopa.gov/regulations/

Follow the Regulatory Process

FOLLOW MARICOPA COUNTY'S REGULATORY ADOPTION PROCESS STEP-BY-STEP

http://www.maricopa.gov/regulations/

Step 1	County Manager Briefed Board of Supervisors
Step 2	Conduct Stakeholder Workshop
Step 3	Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission
Step 4	Public Meeting to Initiate Regulatory Change
Step 5	Specific Departmental Processes
Step 6	Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission
Step 7	Public Meeting to Make Recommendation to Board of Supervisors
Step 8	Schedule BOS Public Hearing
Step 9	Board of Supervisor Public Hearing
Step 10	Item Adopted

RECEIVE UP TO DATE NOTIFICATIONS – STAY INFORMED –

Sign up today to receive notice from the five Maricopa County regulatory departments about calendar changes or where items are in the process by visiting:

http://www.maricopa.gov/regulations/Notifications.aspx

ENHANCED PUBLIC PARTICIPATION – STAY INVOLVED –

Your comments are important! Feedback is compiled and presented to every voting body to help policymakers during the decision process.

Submit comments for every proposed regulation going through this program by visiting:

http://www.maricopa.gov/regulations/comments.aspx

MCEHC Chapter 8, Section 1

REGULATION 1. Definitions

(1) to (69) No Change

(70) "TRIAL REVIEW ESTABLISHMENT" MEANS A FOOD ESTABLISHMENT THAT IS OPERATING UNDER A SPECIALIZED DEPARTMENT REVIEW OF ALTERNATIVE DESIGN ITEMS, EQUIPMENT AND ACTIVE MANAGERIAL CONTROL PLANS FOR A PERIOD NOT TO EXCEED 6 MONTHS.

MCEHC Chapter 8, Section 1

~~(70)~~**(71)**"Uniform Mechanical Code" means the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials.

~~(71)~~**(72)** "Vending Machine Operator" means anyone who as the owner or person in charge, furnishes, installs, services, operates or maintains one or more vending machines.

~~(72)~~**(73)**"Wholesome" means clean, free from spoilage, and safe for human consumption.

REGULATION 2. to REGULATION 11. - No Change

MCEHC Chapter 8, Section 6

REGULATION 1. to REGULATION 7. - No Change

REGULATION 8. TRIAL REVIEW ESTABLISHMENT

(A) AREAS ELIGIBLE FOR REVIEW UNDER A TRIAL REVIEW ESTABLISHMENT PERMIT INCLUDE STRUCTURAL ITEMS, CUSTOM EQUIPMENT, UNIQUE ARCHITECTURAL DESIGNS, ALTERNATIVE EQUIPMENT SYSTEMS, OR OTHER ITEMS THE DEPARTMENT DEEMS APPROPRIATE.

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MCEHC Chapter 8, Section 6

(C) ANY ESTABLISHMENT THAT SERVES A HIGHLY SUSCEPTIBLE POPULATION MAY NOT APPLY FOR A TRIAL REVIEW ESTABLISHMENT PERMIT.

(D) AT THE END OF THE SIX MONTH PERIOD, THE DEPARTMENT WILL TRANSITION THE BUSINESS INTO AN APPLICABLE FOOD SERVICE ESTABLISHMENT PERMIT WHERE THE OWNER WILL EITHER:

a. MAKE ALL NECESSARY MODIFICATIONS TO MEET CURRENT MARICOPA COUNTY HEALTH CODE REGULATIONS; OR

b. OPERATE IN COMPLIANCE WITH A DEPARTMENT APPROVED ALTERNATIVE DESIGN, EQUIPMENT, AND/OR ACTIVE MANAGERIAL CONTROL PLAN.

MCEHC Chapter 8, Section 6

(E) THE TRIAL REVIEW ESTABLISHMENT PLAN REVIEW FEE IS THE SAME AS THE "ALL OTHER FOOD ESTABLISHMENTS" PLAN REVIEW FEE CATEGORY IN THE CHAPTER I FEE SCHEDULE OF THIS CODE. IN ADDITION, THE TRIAL REVIEW ESTABLISHMENT PERMIT FEE IS HALF THE ANNUAL "FOOD ENVIRONMENTAL HEALTH OPERATING PERMITS" FEE BY CLASS AND SEATING CAPACITY AS LISTED IN THE CHAPTER I FEE SCHEDULE.

Thank you for your participation.
We welcome your questions and comments.

http://www.maricopa.gov/regulations/

Daenon Brewer, R.S., CPM
Robert Stratman, M.S., R.S., CPM
Maricopa County Environmental Services Department
1001 N. Central Ave.
Phoenix, AZ 85004

Environmental Services Department

Stakeholder Meeting
ES-2013-001 Experimental Permit
Wednesday June 5, 2013 9am

Stakeholders Present: Leezie Kim, Fox Restaurant.

Staff Present: Ken Conklin – Quality & Compliance Division Manager, Shikha Gupta – QA/QC EOPS, Caroline Oppleman – Quality & Compliance Management Analyst, Daenon Brewer – Plan Review and Construction Supervisor, Vasanthi Hofer – Western Regional Office EOPS, Scott Zusy – Quality & Compliance Environmental Related Illness Supervisor, Pat Valadez – Quality & Compliance Administrative Assistant

Presenter(s): Caroline Oppleman, Daenon Brewer

Minutes*:
Ms. Oppleman gave a brief explanation about the county's Enhanced Regulatory Outreach Program (EROP) and how to submit comments and sign-up to receive notices on the EROP web site. She also reviewed the Maricopa County Environmental Services Department's vision and mission statement. Mr. Brewer presented and explained the concept behind the proposed revisions. The stakeholder present was familiar with the Experimental Permit process.

- What is the next Phase that this goes to (agenda)?
  - This will be presented to the Board of Health on July 22, 2013 and we will recommend that the Board of Health propose that the Board of Supervisors adopt it on September 25, 2013.

- What is the fee cost?
  - The trial review permit fee would be $615.00.

- Do you want public comments from other restaurateurs?
  - We always welcome feedback and comments. We want to get you through the approval process in a timely manner and we want to set you up for success long term.

Meeting adjourned.

*In order for the minutes to be relevant; only those questions and comments that were applicable to the topic presented were recorded. All other questions and comments not relevant to the topic were addressed either at the time of the meeting or shortly thereafter.

Report to the Board of Health

To Initiate Regulatory Change

Prepared by the Maricopa County Environmental Services Department

Environmental Services Department

Case #/Title: ES-2013-001 / Experimental Food Service Permit

Meeting Date: April 22, 2013

Supervisor Districts: All Districts

Applicant: Department

Request: To align with Chairman Kunasek's vision of "adaptive reuse", the Department is proposing the creation of a new food service permit that may accommodate food service establishment design concepts not specifically allowed for by Maricopa County Environmental Health Code regulations.

Support/Opposition: Industry has shown their support of this case from the onset. They have been actively involved in the initial development, have provided valuable feedback, and have voiced their understanding of the value it provides. No opposition has been expressed. Only constructive input into the details of the case.

Department Recommendation: **Initiate**

Discussion:

To align with Chairman Kunasek's vision of "adaptive reuse", the Department is proposing the creation of a new food service permit that may accommodate food service establishment design concepts not specifically allowed for by Maricopa County Environmental Health Code regulations. The 2009 FDA Food Code allows for modifications and waivers but does not define their application to specific items. The new permit type, with a working title of 'Trial Review Permit', would allow a prospective restaurant owner the option to submit their drawings and management plan addressing any food safety and sanitation hazards not in line with regulations as a result of the establishment's unique or novel design/layout. The permit would have a limited duration. If the applicant is able to demonstrate sufficient control of the hazards during the life of the Trial Review Permit, the business would transfer into a standard food service permit with stipulations incorporated into a variance. If control of the hazards is not met,the owner will be required to make necessary modifications in order to qualify for a standard food service permit. Maricopa County Environmental Services will work closely with industry and stakeholders to refine this conceptual permit. If the initiation of this case is approved, the Department will work with industry to draft proposed code language.

This proposed regulatory change will follow the Enhanced Regulatory Outreach policy and workflow process.

The County Manager briefed the brief the Board of Supervisors in February 2013.

A stakeholder meeting was conducted February 13, 2013.

Department Recommendation:

Staff recommends the Board of Health approve **initiation** of the proposed revision to the Maricopa County Environmental Health Code.

Presented by: **John Kolman, R.S., MBA, Director**

Attachments: Presentation – Stakeholder Meeting (2/13/13) – (12 Pages)
Minutes – Stakeholder Meeting (2/13/13) – (4 Pages)

Trial Review Food Service Permit

Environmental Health Division

Maricopa County Environmental Services Department

Maricopa County
Environmental Services Department

Working with our community
to ensure a safe and healthy environment

VISION STATEMENT:
As the recognized regional environmental leader, we will develop and foster innovative environmental health protection programs for the safety of our residents and their environment.

MISSION STATEMENT:
The mission of the Environmental Services Department is to provide safe food, water, waste disposal and vector borne disease reduction controls to the people of Maricopa County so that they may enjoy living in a healthy and safe community.

Permit Scope

- To provide a permitting option in which the Department can review a novel design item not in line with code regulations
- Owner will have to describe how the hazards of concern are controlled for in their application
- Owner will have to demonstrate active managerial control of these items during the review period
- Voluntary on the part of the applicant
- Transitions into a regular permit with an incorporated variance

Eligibility

- Regulatory items eligible for review under this permit include:
  - Structural items (e.g. building barriers)
  - Custom Equipment
  - Unique Architectural Designs (e.g. novel finishes)
  - Alternative Equipment Systems (e.g. hot water generation)

Eligibility

- Regulatory items not eligible for review under this permit include:
  - Food temperature control items
  - Personal hygiene control items
  - Chemical/Reagent items
  - Any item directly related to CDC risk factors
  - Any item the Department determines could adversely impact public health
  - Any establishment that serves a highly susceptible population

Attributes

- Intiated by application submittal
- Full plan review process and fees are required for permit approval
- All licensing timeframe rules apply to the application review
- Full compliance with regulations not part of the trial review is required for permit approval
- Separate permit fee is required upon approval
- 6 month expiration upon issuance
- 2-3 inspections conducted during trial period

Compliance

- Department will determine through the application/plan review if the proposed managerial plan addresses the hazards of concern
- Once the final plan is approved, construction inspections are complete, and the permit fee is paid, the permit is issued

Compliance

- Department will monitor compliance with the approved managerial plan and the health code through inspections during the trial period
- Deficiencies will be documented during inspections
- During the last month of the permit cycle, the Department will review the compliance history to determine if the hazards of concern have been controlled for

Compliance

- If the Department approves the continued use of the managerial control plan, the business will be transitioned into a regular 12 month permit
- The managerial plan will be formalized into a Department issued variance attached to the new permit
- The owner will pay a separate fee for the new permit

Compliance

- If the Department denies the continued use of the managerial control plan, the business will be required to close upon the permit expiration date
- If the owner chooses to continue their business, they would submit a new permit application, with applicable fees, and be required to come into full compliance with the health code
- An owner cannot apply for a second experimental permit for the same business

Denials/Appeals

- Appeals process for permit denials are defined in A.R.S. §11-1601 through §11-1610 and the Maricopa County Establishing Licensing Timeframes Ordinance (No. P-30)

Questions?

Robert Stratman, M.S., R.S.
Maricopa County Environmental Services Department
Environmental Health Division
1001 N. Central Ave. #300
Phoenix, AZ 85004
(602) 506-6986
Your email@mail.maricopa.gov

Public Meeting
Experimental Food Service Permit
Wednesday February 13, 2013 2:00pm

Stakeholder Present: Sherry Gillespie – AZ Restaurant Assoc, Kara Sundeen – Fox Restaurant, Leezie Kim – Fox Restaurant.

Staff Present: Steven Goode – Deputy Director, Robert Stratman – Environmental Health Operation Supervisor, Hether Krause – Enforcement Operation Supervisor, Caroline Oppleman – Quality & Compliance Management Analyst, Lene Pope – Quality & Compliance Development Services Technician.

Presenter: Robert Stratman

Minutes:
A brief explanation of the County's Enhanced Regulatory Outreach Program (EROP) was given, along with information on how to make and receive comments from the site. The code revision process might take a little longer, but it will be transparent.

The title on the EROP site is "Experimental Food Service Permit", we will most likely be changing the name to "Trial Permit" which is more in line with what the intent of the permit is. We want to provide a permitting option in which the Department can review novel design items not in line with code regulations. The owner will have to demonstrate active managerial control of these items during the review period. Submitting plans for the "Trial Permit" will be similar to a regular permit, but the length of the permit and the outcome will be different. If success of the Trial Permit items has been demonstrated, then we will transition into a regular permit with an incorporated variance.

Some regulatory items eligible for review under this permit include: Structural items (e.g. building barriers), Custom Equipment (non food safety related), Unique Architectural Designs (e.g. novel finishes), Alternative Equipment Systems (e.g. hot water generation). Our main focus will be from a public health perspective and making sure that food safety has not been compromised.

- If any items were to come up that's not listed here, would it still be considered?
  - Yes, we are just outlining a few examples. When it comes down to rule writing, we will consider any item that the Department determines NOT to adversely impact public health, and will try to come up with language that is clear to state that.

There are regulatory items that will not be eligible for review under this permit, and they include: Food temperature control items, Personal hygiene control items, Chemical/Reagent items, any item directly related to CDC risk factors, any item the Department determines could adversely impact public health, any establishment that services a highly susceptible population (e.g. hospital, school, nursing home).

- Going back to what started this, the question about fly fans, what category would that fall into?
  - That would be considered "Structural" or "Building barrier". It is not directly related to a core food safety item that we are trying to protect.

The attributes of how we envision the permit structurally, will be initiated by application submittal, full plan review process and fees are required for permit approval. All licensing timeframe rules apply to the application review. Full compliance with regulations not part of the trial review is required for permit approval. A separate permit fee is required upon approval, and we are likely looking at 6 months expiration upon issuance. The amount of inspections that will be conducted during the trial period will be around 2-3, and we will be assessing the managerial plan over that six month period.

- If compliance is granted after the six months trial period, would you pay the regular permit fee?
  - Yes, the fees you paid were to cover for the trial period, and that fee will be based on the work that was conducted within that six months. The regular permit fee is paid up front and covers the next 12 months.

- So the trial permit fee will include 3 inspections?
  - Correct. Everything ties back to the workload.

- Do you have any ideas of how much that fee would be?
  - Our full service permit fee is around $1000, so we would probably be looking around the $400-$500 range. But nothing has been determined yet. We would have to set the number of inspections required, and that would be included in the determination.

- AZ Restaurant Assoc. is looking into the requirement of the inspections that will be conducted during the trial period, and perhaps 3 inspections will be too much. Can the inspections be part of the regular inspections that normally would occur within those 6 months, that way only 2 inspections will be needed?
  - The inspections will be conducted by the assigned regional offices, and will be seen as any other routine inspection. Full compliance will be determined and evaluating the managerial control plan for the "trial" permit will be conducted as well. That is not any different than what is already done. If after the 6 months everything is great, we will be formalizing the managerial plan into a regular permit with an attached variance. It is still outside of code, but the six months allows the establishment to demonstrate that the "hazard" can be controlled. The inspections conducted will be very similar to any other place that has a variance.

- So the establishment is not really paying any more money for the permit, since all fees are paid up front it will just be pushing it out 6 months?
  - That is correct. You will just be paying for 6 months of a permit first instead of the normal 12 months. The inspections may come down to 2, but toward the end we would have to conduct a "case study".

- AZ Restaurant Assoc. is just trying to avoid any more inspections than necessary, and trying not to have a fee that would be too high. So the fee for the 6 months would not just be for the variance, it would be like half a normal permit fee?
  - We are still looking into any exact fees, and also how we can transition into a variance permit.

- So the size of the restaurant will still be factored into the fee determination?
  - Yes.

This concept is strictly voluntarily and if we already have an approved variance for the particular item, then that might be the more economical way to go. This new trial permit is for "novel" items that don't already exist as a variance. The FDA has protocols in place for certain items and we have a guideline to go by when reviewing that, in this case there is no guideline and we'll have to establish that.

Compliance: The Department will monitor compliance with the approved managerial plan and the health code through inspections during the trial period. Deficiencies will be documented during inspections. During the last month of the permit cycle, the Department will review the compliance history to determine if the hazards of concern have been controlled for. If the Department approves the continued use of the managerial

control plan, the business will be transitioned into a regular 12 month permit. The owner will pay a separate fee for the new permit.

If the Department denies the continued use of the managerial control plan, the business will be required to close upon the permit expiration date. If the owner chooses to continue their business, they would submit a new permit application, with applicable fees, and be required to come into full compliance with the health code. An owner cannot apply for a second experimental permit for the same thing, but each case is different.

- When you are looking at violations, how are they counted? Will they be counted individually or cumulative?
  - We haven't looked into any enforcement actions on this trial permit yet, and we welcome any comments on this. The way violations are currently written on a regular permit, they are looked at individually. If you are in violation with violation #20 and the next time you are in violation with #14, those are separate violations. You have to have 4 consecutive violations of the same number to have your permit revoked.

- What if one refrigerator is broken on the first inspection, corrected and fixed on the next inspection. But then on the second inspection another refrigerator is broken, it is the same type of violation, but on a separate unit, how will that be counted?
  - It will be tough to account for that, because it is the same category of violation. From a public health standpoint, if a piece of equipment is faulty on one inspection and part of the corrective action is, that you as the operator is to make sure that you are up to speed on all your equipment. The corrective action discussed is not just for one piece of equipment, it includes all.

- What will constitute a denial of the trial permit?
  - That is something we will have to work out, language for the code will have to be made up. We are currently not to that point yet. However, we will not allow any facility to enter into this with a major risk or public health item.

- If it has been determined that the managerial control plan will not work out, and the establishment will have to go back to the retrofit plan. Is there any way to make the time period a little longer?
  - In those cases, it would be helpful if the establishment already had a plan in place. There are already some permit denial items in place, and those would apply to this as well. But there are several things that we can do along the way to help with this.

- This is a really good thing that the Department is doing, and it shows that you are open to innovations, and it will not cost the taxpayers anything. We think that the industry will really support this. We are just a little worried that closing an establishment down can be really costly for the place. So if the establishment already had the backup plan in place, could the closing be avoided?
  - There currently are existing things in place that could be utilized, such as settlement agreements and such. But we also want to make sure that it is known that there is a "risk-reward" going into this. So going into this with an open mind will be helpful.

- As of right now, how long would an establishment have to fix a corrective action?
  - It depends on the category of violation. Some could be 10 days, other could be immediately.

- What if it was a less severe violation, not a health risk?
  - Typically it would need to be fixed before the next routine inspection. But the trial permit only has a 6 month lifecycle, so it would be a little different here.

- What if an establishment discovers 3 months into the trial period that the variance item will not work out for them, could they sever the trial permit voluntarily and get a new permit? The concern from the industry is that they don't ever want to be in a position where they have to close, so if there are other ways to work with the Department to avoid that.

- The Department has already talked about this, and there might be a way that could work. There are a few options that we are looking into. We would have to look at what the item is, and work from there. Before the trial permit is issued, the Department has to make sure that it meets the minimum requirements. During the transition we'll work with the establishment to find out what "tool" works best. We don't want to close an establishment either, but we want to make sure that it is know that we take this very seriously.

- How long into the 6 months trial period would a determination be made?
  - We haven't come up with an exact day yet, that is something that will need to be determined. But it would likely happen somewhere after the 5th month.

- The industry feels that any establishment will be devastated from closure of the facility, so if there are some language that could be included into the code that would state a minimum time period to correct things might be helpful. As long as people would know that they have a chance to correct things might appeal more to establishments.
  - Those are all things that we will consider when writing this into code, coming up with a language that everyone will understand and without being too specific. During the plan review process items like this will also be addressed.

Hopefully this meeting covered most of the items that we are trying to accomplish with this permit.

- You have done an amazing job putting this together. From an optic perspective, this is very innovative, applying new technology and new ideas to the current system in a way that does not cost the taxpayers anything. You are seeking input from the stakeholders and business community to be considered. The elective officials and public should really like this. The safety and public health is being retained, but are encouraging innovation, that is fantastic. This is a big deal for the industry. This is a classic example of a public-private partnership that works both ways.

The next Board of Health meeting is April 22nd, so the rule writing will be around that time. We will conduct another stakeholder meeting after the draft language of the rule has been written. September is when we are looking at getting this passed.

Meeting adjourned.

Report to the Board of Health

To Make Recommendations To Board of Supervisors

Prepared by the Maricopa County Environmental Services Department

Environmental Services Department

Case #/Title:	ES-2013-002/Revisions to Maricopa County Environmental Health Code (MCEHC) – Misspellings/Spacing throughout the Code and Reorganizing, Updating, and Definitions/Application in Chapters I, VIII and X
Meeting Date:	July 22, 2013
Supervisor Districts:	All Districts
Applicant:	Department
Request:	Revise and edit the MCEHC to clarify defined terms, remove unnecessary items, and improve readability. No fee changes are requested.
Support/Opposition:	This case proposes changes to help provide clarity and added flexibility when working with customers. No opposition has been expressed regarding this case and no comments have been received via the Enhanced Regulatory Outreach Program (EROP) website. Stakeholder meetings were conducted on March 5, 2013 and May 21, 2013.
Department Recommendation:	**Approve**

Discussion:

MCEHC – Case Chapters Misspellings

- For professionalism and clarity, correct misspellings and spacing errors contained within MCEHC chapters undergoing revision as part of this case (Chapters I, VIII and X).

Chapter I, General Provisions

- Change the name of "Food Processor" permit to "Food Production" to make consistent with the Food Production definition in Chapter VIII.
- Remove reference to liquor licenses. The Department no longer has liquor licenses. Therefore, to prevent customer confusion, we will remove all reference to liquor licenses.
- Reorganize Water and Waste Management Division section of the fee table by annual permit categories, followed by plan review categories to reduce redundant fee lines. Fees used by multiple programs will be shown

one time. The reorganization will allow customers to identify applicable fees in the code.

- Revise the definition of "notice", to provide consistency and clarity and eliminate confusion regarding its meaning and use. The term "notice" currently is used both as a defined and general term.

Chapter VIII, Food, Food Products, Food Handling Establishments

- Permit Classification Definitions – Revise Section 1, Regulation 1 (25) to clarify permit classification definitions. Presently, permit classification definitions include subjective indicators, which can be replaced with objective factors, e.g., when setting food item criteria, specify "TCS/PHF." Providing objective criteria where possible, will help to more accurately and consistently determine permit fees. Some permit classification changes may be affected following criteria determination.
- Promotional Food Definition – Revise Section 3, Regulations 1 and 12 regarding the promotional food definition. Correct contradictory language and remove ambiguous regulatory language throughout Chapter VIII regarding the promotional food definition to provide clarity and consistency.
- Pushcart Definition – Revise Section 1 and Section 3, Regulation 1. These revisions expand the definition of a pushcart to reduce the number of menu variances. Some menu items currently are being approved under a variance because of the permit definition. Since these menu items are almost always approved, incorporating them into the definition can reduce the number of variances.
- Seasonal Application of Annual Special Events Permit – Revisions to Section 1, Regulation 1 (46)(f) and Section 3, Regulation1.a.(6). These revisions expand the use of the Special Event Food Establishment Permit for Seasonal Food Duration Events and Farmer's Markets where an onsite commissary arrangement is in place. These revisions also allow for the new Special Event Annual Permit at additional events.

Chapter X, Residence Accommodations

- Public Accommodations Definition – This revision clarifies the definition of public accommodations. Clarification is needed to delineate a public accommodation from an apartment or similar type facility including length of stay and contract information. Currently, there are facilities

permitted as public accommodations, which are operating as apartments or long-term stay facilities.

This proposed regulatory change is following the EROP policy and workflow process.

The County Manager briefed the Board of Supervisors in February 2013. Following passage of the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens", the County Manager authorized the Department to proceed with this case.

An initial stakeholder meeting was conducted March 5, 2013 at which one stakeholder was present. Then on April 22, 2013, the Department presented a Staff Report for this case to the Board of Health (BOH) at which the BOH voted in support of the Department initiating this case.

The Department conducted a follow-up stakeholder meeting on May 21, 2013. No stakeholders attended. No comments have been received via the EROP website.

Department Recommendation: Staff recommends the Board of Health **approve** the proposed revisions to the MCEHC.

Presented by: **John Kolman, R.S., MBA, Director**

Attachments:
Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens" (2 Pages)
County Manager Case Approval (2 Pages)
Proposed Code Revision Language (60 Pages)
Presentation – Stakeholder Meeting (5/21/13) – (7 Pages)
Report to BOH (4/22/13) – (71 Pages)

RESOLUTION

Moratorium on Increased Regulatory Burdens

WHEREAS, creating a predictable regulatory climate that promotes job creation and a healthy economy is critical to the well-being of the county's residents and businesses; and

WHEREAS, county government plays a critical role in encouraging economic recovery; and

WHEREAS, Maricopa County is committed to full compliance with all applicable federal and state laws and regulations and enforcement of such as may be required; and

WHEREAS, Maricopa County is further committed to streamlining regulations, improving regulatory processes, and decreasing regulatory burdens while protecting the public health, safety and the environment; and

WHEREAS, the regulated community and the general public is encouraged to bring forward ideas to reduce regulatory burdens and create regulatory efficiencies; and

WHEREAS, the Board of Supervisors has previously demonstrated its commitment to regulatory fairness and transparency by adopting the Enhanced Regulatory Outreach Program, a program that provides unprecedented communication and participation regarding regulatory changes.

NOW, THEREFORE, BE IT RESOLVED, the Maricopa County Board of Supervisors, directs the following:

1. All county departments are prohibited from initiating any regulatory ordinance, rule or regulation changes except as permitted by this Resolution. It is the objective of this Resolution to eliminate any unnecessary increased regulatory burdens or costs for employers, citizens, or political subdivisions of Arizona.

2. Paragraph 1 does not apply to regulatory changes for any one or more of the following reasons:

    a. To lessen or ease a regulatory burden

    b. To prevent an immediate or significant threat to public health, peace or safety

    c. To avoid a violation of a court order or federal law that would result in sanctions by a court or the federal government for failure to make the regulatory change

d. To comply with a federal statutory or regulatory requirement or a state statutory requirement

e. Fee initiations or adjustments necessary to provide adequate, timely or required service

3. A county department shall not initiate any regulatory changes outlined in Paragraph 2, sections a – e, without written authorization from the County Manager.

4. This Resolution does not confer any rights, legal, administrative or otherwise upon any persons and shall not be used as a basis for challenges to any county ordinances, rules, regulations, approvals, denials, permits, licenses, or other County actions or inactions.

5. This Resolution shall remain in effect until 2016, unless repealed, amended or reauthorized by the Board of Supervisors.

ADOPTED by the Maricopa County Board of Supervisors, Maricopa County, Arizona, this ____ day of _____2013.

_____
Andrew Kunasek, Chairman of the Board

ATTEST:

_____
Fran McCarroll, Clerk of the Board

APPROVED AS TO FORM:

_____
Deputy County Attorney

Maricopa County
Environmental Services Department

John Kolman RS, MBA
Director
1001 N. Central Avenue #401
Phoenix, Arizona 85004
Phone: (602) 506-6623
Fax: (602) 506-5141
TDD 602 372-0622

Date: June 18, 2013

To: Tom Manos

Via: Joy Rich, AICP, Deputy County Manager

From: John Kolman, R.S., MBA, Director

Re: County Manager Approval – Enhanced Regulatory Outreach Process (EROP) Case **ES-2013-002/Revisions to Maricopa County Environmental Health Code (MCEHC) – Misspellings/Spacing throughout the Code and Reorganizing, Updating, and Definitions/Application in Chapters I, VIII and X**

In accordance with the newly passed Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens," the Environmental Services Department (Department) is seeking your approval to proceed with EROP Case ES-2013-002/Revisions to MCEHC – Misspellings/Spacing throughout the Code and Reorganizing, Updating, and Definitions/Application in Chapters I, VIII and X, initiated in February 2013. The requested changes to the MCEHC qualify for County Manager approval under the moratorium, as these changes are necessary to provide adequate service to our customers.

The Department proposes to revise MCEHC Chapters I, VIII and X to clarify defined terms, remove unnecessary items and edit the MCEHC to improve readability. No fee changes are requested.

Chapter I, General Provisions

- Change the name of "Food Processor" permit to "Food Production" to make consistent with the Food Production definition in Chapter VIII.
- Remove reference to liquor licenses. The Department no longer has liquor licenses. Therefore, to prevent customer confusion, we will remove all reference to liquor licenses.
- Reorganize the Water and Waste Management Division fee table section, by annual permit categories, followed by plan review categories to reduce redundant fee lines. Fees used by multiple programs will be shown one time. The reorganization will allow customers to identify applicable fees in the code.
- Revise the definition of "notice", to provide consistency and clarity and eliminate confusion regarding its meaning and use. The term "notice" currently is used both as a defined and general term.

Chapter VIII, Food, Food Products, Food Handling Establishments

- Permit Classification Definitions – Revise Section 1, Regulation 1 (25) to clarify permit classification definitions. Presently, permit classification definitions include subjective indicators, which can be replaced with objective factors, e.g., when setting food item criteria, specify "TCS/PHF." Providing objective criteria where possible, will help to more accurately and consistently determine permit fees. Some permit classification changes may be affected following criteria determination.

- Promotional Food Definition – Revise Section 3, Regulations 1 and 12 regarding the promotional food definition. Correct contradictory language and remove ambiguous regulatory language throughout Chapter VIII regarding the promotional food definition to provide clarity and consistency.
- Pushcart Definition – Revise Section 1 and Section 3, Regulation 1. These revisions expand the definition of a pushcart to reduce the number of menu variances. Some menu items currently are being approved under a variance because of the permit definition. Since these menu items are almost always approved, incorporating them into the definition can reduce the number of variances.
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Chapter X, Residence Accommodations

- Public Accommodations Definition – This revision clarifies the definition of public accommodations. Clarification is needed to delineate a public accommodation from an apartment or similar type facility including length of stay and contract information. Currently, there are facilities permitted as public accommodations, which are operating as apartments or long-term stay facilities.

This proposed regulatory change is following the EROP policy and workflow process. This case proposes changes to help provide clarity and added flexibility when working with customers. No opposition has been expressed regarding this case and no comments have been received via the EROP website. Stakeholder meetings were conducted on March 5, 2013 and May 21, 2013. On April 22, 2013, the Department presented a Staff Report for this case to the Board of Health (BOH) at which the BOH voted in support of the Department initiating this case.

It is staff's opinion that these code revisions are "necessary to provide adequate, timely, or required service." We are requesting your approval to move these proposed code revisions forward in accordance with the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens."

Approved by Tom Manos, County Manager

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER I

GENERAL PROVISIONS

REGULATION 1. Definitions

The following definitions shall apply throughout this Environmental Health Code, unless a different meaning is clearly indicated by the context or is stated in another chapter.

a. to h. No Change

i. "Environmental Health Code" means all of the rules and regulations which are adopted by the Board of Health and the Board of Supervisors pursuant to A.R.S. 36-183.02 through 36-183.07, 36-184, **36-187(C)** ~~36-187.C.~~, 11-251 Paragraphs 17 and 31, 11-251.05, 11-251.08, 49-106, and 49-107, and which remain in force.

j. "Environmental Health Officer" means the Director of the Maricopa County Environmental Services Department or his/her authorized Agents.

k. to n. No Change

o. "Person" includes any natural individual, firm, trust, partnership, association, institution, public body, corporation, or any other entity and includes the plural as well as the singular, feminine as well as the masculine.

p. No Change

q. "Regulation" means the regulations in this Environmental Health Code and the regulations of the Arizona Departments of Health Services and Environmental Quality.

REGULATION 2. Purpose

No Change

REGULATION 3. Responsibilities - Right of Inspection

a. The owner, person in charge of control, lessee, tenant, and occupant of every building, establishment, premises, place, potable water supply, sewage works, sewerage, drainage, or wastewater reclamation system has the duty to take all necessary, reasonable and usual precautions to keep, place and preserve the same in such condition, and to conduct and maintain the same in such manner, that it

shall not be dangerous or deleterious to the public or in violation of the rules and regulations in this Environmental Health Code or the regulations of the Arizona Departments of Health Services and Environmental Quality.

b. No Change

REGULATION 4. Permits~~,~~ Service, and Other Requirements

a. to c. No Change

d. Any person denied a permit based on Regulation 4.c.(2) of this Chapter may exercise the following options**:**

(1) No Change

(2) Request in writing a hearing before the Environmental Health Officer as specified in Chapter ~~1~~**I**, Regulation 6.

e. In cases where the Department requires the submission of plans and specifications, no person shall commence construction unless the required plans have been approved. It shall be the full responsibility of said person that construction ~~be~~**IS** in conformance with the approved plans and specifications.

f. to h. No Change

i. Each permit certificate shall be kept at the establishment, premises~~,~~ or designated vehicle and displayed in a conspicuous place designated by the Department. Where practicable, permits shall be framed and protected against damage and abuse.

j. No Change

REGULATION 5. Fees

a. to c. No Change

D. **FEE SCHEDULE:** Fees shall be paid according to the following table:

CHAPTER I

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE – FEE SCHEDULE

Effective August 1, 2010

ENVIRONMENTAL HEALTH DIVISION

Food Environmental Health Operating Permits	Permit Subtype	1 Year Fee
No Change	No Change	No Change
Food Environmental Health Operating Permits	**Permit Subtype**	**1 Year Fee**
Food ~~Processor~~**PRODUCTION**	Class 2	No Change
Food ~~Processor~~**PRODUCTION**	Class 4	No Change
Food ~~Processor~~**PRODUCTION** School	Class 2	No Change
Food ~~Processor~~**PRODUCTION** School	Class 4	No Change
No Change	No Change	No Change

Food Environmental Health Operating Permits	Permit Sub Type	One Time Fee
~~Liquor License~~		~~$45.00~~
No Change	No Change	No Change

Non-Food Environmental Health Operating Permits	Permit Subtype	1 Year Fee
No Change	No Change	No Change
~~Trailer Park~~		~~$200.00~~
No Change	No Change	No Change

Food Service Licensing	Fee
No Change	No Change

Environmental Health Plan Review	Subtype	Fee
No Change		

WATER & WASTE MANAGEMENT DIVISION

Water and Waste MANAGEMENT DIVISION Plan Review	
Plan Review Hourly Rate	$130.00 per hour
Investigation Hourly Rate	$130.00 per hour

Plan Review Options: (requires approval prior to project submittal)

Expedited Plan Review – For plan review of a project that requires expediting.
Phased Plan Review – For plan review of a project where the design is executed in phases and requires multiple approvals to be issued
Design/Build Plan Review — For plan review of a project that is executed using a design/build methodology.

An applicant may elect to have the project reviewed as an expedited and/or, if applicable, a phased or design/build plan review. Selecting an expedited, phased or design/build plan review option doubles the flat, initial and maximum fee amounts and the plan review hourly billing rate. Selecting an expedited plan review option in combination with a phased or design/build plan review option quadruples the flat, initial and maximum fee amounts.
The amount due when a project is initially submitted for review and approval is based on the fee item(s) flat/initial fee amount, the fee item quantities specified and the selected expedited, phased or design/build plan review options. For projects that include fee items with initial/maximum fees (i.e. billable projects), the maximum amount that may be charged for the project is based on the fee item(s) maximum fee amount, the fee item quantities specified and the selected expedited, phased or design/build plan review options.

~~Design/Build Plan Submittal (Requires prior administration approval) Two times Plan Review Fee~~
~~Phased Plan Submittal (Requires prior administration approval) Two times Plan Review Fee~~
~~Expedited Plan Review Fee (Requires prior administration approval) Two times the fee for that Category~~

Swimming Pool PROJECTS Plan Review	~~Subtype~~ FLAT OR INITIAL FEE	MAXIMUM Fee
Swimming Pools/Special Use Pools		
≤ 1,000 sq. ft~~Swimming Pools/Special Use Pools~~	~~≤1,000 sq. ft~~ $770.00	~~$770.00~~ NA
1,001-2,000 sq. ft.~~Swimming Pools/Special Use Pools~~	~~1,001-2,000 sq. ft.~~ $1,180.00	~~$1,180.00~~ NA
2,001-9,999 sq. ft.~~Swimming Pools/Special Use Pools~~	~~2,001-9,999 sq. ft.~~ $2,205.00	~~$2,205.00~~ NA
10,000 sq. ft.~~Swimming Pools/Special Use Pools~~	~~10,000 sq. ft.~~ $6,460.00	~~$6,460.00~~ NA
Swimming Pool Remodel		
Simple~~Swimming Pool Remodel~~**(NO BELOW GRADE PLUMBING CHANGES)**	~~Simple~~ $165.00	~~$165.00~~ NA
Complex~~Swimming Pool Remodel~~**(INCLUDES BELOW GRADE PLUMBING CHANGES)**	~~Complex~~ $440.00	~~$440.00~~ NA
Swimming Pool Fence Remodel	$330.00	NA

Swimming Pool Pump Test Variance	$335.00	~~$335.00~~ NA
Swimming Pool Variance	$200.00	~~$200.00~~ NA
~~Swimming Pool Fence Remodel~~		~~$330.00~~
Swimming Pool Operating Permits	**Permit Subtype**	**1 Year Fee**
No Change	No Change	No Change

Solid Waste Operating Permits	**Permit Subtype**	**1 Year Fee**
Refuse Collection Variance Container Permit	No Change	No Change
~~Chemical Toilet~~		
Chemical Toilet ~~1 through 99 units~~	1 through 99 units	$5.00 per unit
Chemical Toilet ~~100 through 199 units~~	100 through 199 units	No Change
Chemical Toilet ~~200 through 349 units~~	200 through 349 units	No Change
Chemical Toilet ~~350 through 499 units~~	350 through 499 units	No Change
Chemical Toilet ~~500 through 999~~	500 through 999 units	No Change
Chemical Toilet ~~1000 through 1499~~	1000 through 1499 units	No Change
Chemical Toilet ~~1500 through 1999 units~~	1500 through 1999 units	No Change
Chemical Toilet ~~2000 through 2499 units~~	2000 through 2499 units	No Change
Chemical Toilet ~~2500 through 2999 units~~	2500 through 2999 units	No Change
Chemical Toilet ~~3000 through 3499 units~~	3000 through 3499 units	No Change
Chemical Toilet ~~3500 through 3999~~	3500 through 3999 units	No Change
Chemical Toilet ~~4000 through 4499~~	4000 through 4499 units	No Change
Chemical Toilet ~~4500 though 4999~~	4500 though 4999 units	No Change
Chemical Toilet ~~5000 and up~~	≥5000 and up units	No Change
Non-Hazardous Liquid Waste Hauler		No Change
NON-HAZARDOUS SOLID WASTE HAULER~~Refuse Hauler~~		No Change
Landfill		No Change
BIO-HAZARDOUS Medical Waste Hauler~~s~~		No Change

WATER AND WASTE MANAGEMENT DIVISION OPERATING PERMITS

Drinking Water Operating Permits	1 Year Fee
Community Public Water System >100,001 Population	No Change
Plus Each Well Site Addition	No Change
Plus Each Treatment FACILITY ~~Plant~~ Addition	No Change
Community Public Water System 10,001 to 100,000 Population	No Change
Plus Each Well Site Addition	No Change
Plus Each Treatment FACILITY ~~Plant~~ Addition	No Change
Community Public Water System 1,001 to 10,000 Population	No Change
Plus Each Well Site Addition	No Change
Plus Each Treatment FACILITY ~~Plant~~ Addition	No Change
Community Public Water System 101 to 1000 Population	No Change
Plus Each Well Site Addition	No Change
Plus Each Treatment FACILITY ~~Plant~~ Addition	No Change
Community Public Water System 25 to 100 Population	No Change
Plus Each Well Site Addition	No Change
Plus Each Treatment FACILITY ~~Plant~~ Addition	No Change
Non Community Public Water System > 1,000 Population	No Change
Plus Each Well Site Addition	No Change
Plus Each Treatment FACILITY ~~Plant~~ Addition	No Change
Non Community Public Water System 25 to 1000 Population	No Change
Plus Each Well Site Addition	No Change
Plus Each Treatment FACILITY ~~Plant~~ Addition	No Change
Water Transportation (DRINKING WATER Hauler)	$240.00 per unit

Wastewater Treatment Operating Permits	1 Year Fee
Individual On-Site Treatment Plant	$100.00

Wastewater Treatment Operating Permits	**1 Year Fee**
Waste Treatment Works	No Change
Reuse Facility	No Change
~~Individual On-Site Treatment Plant~~	~~$100.00~~

OTHER OPERATING PERMITS	**1 Year Fee**
~~Trailer Park~~ **MOBILE HOME PARK**	$200.00

~~**Water and Waste Plan Review**~~
~~Design/Build Plan Submittal (Requires prior administration approval) Two times Plan Review Fee~~
~~Phased Plan Submittal (Requires prior administration approval) Two times Plan Review Fee~~
~~Expedited Plan Review Fee (Requires prior administration approval) Two times the fee for that Category~~

Solid Waste PROJECTS Plan Review	**Initial Fee**	**Maximum Fee**
Non-Hazardous Liquid Waste Transfer Facility	No Change	No Change
Solid Waste Variance Plan Review	No Change	No Change
Experimental Project Approval ~~– Solid Waste~~	No Change	No Change
~~Investigation: Solid Waste~~		~~$130.00 per hour~~

~~**Water Treatment Plants Plan Review**~~	~~**Initial Fee**~~	~~**Maximum Fee**~~
~~Water Plant Includes Construction Inspection~~		
~~– Treatment Plant >1 Mgd~~	~~$3,000.00~~	~~$24,000~~
~~– Treatment Plant – 0.1 Mgd to 1 Mgd~~	~~$1,500.00~~	~~$15,000~~
~~– Treatment Plant – <100,000 Gal/Day~~	~~$1,000.00~~	~~$10,000~~

~~**Wastewater Treatment Works Plan Review**~~	~~**Initial Fee**~~	~~**Maximum Fee**~~
~~Waste Treatment Works Includes Construction Inspection~~		
~~– >1 Mgd~~	~~$3,000.00~~	~~$24,000~~
~~– 0.1 Mgd to 1 Mgd~~	~~$1,500.00~~	~~$15,000~~
~~– <100,000 Gal/Day~~	~~$1,000.00~~	~~$10,000~~

~~Water and Wastewater Treatment Plan Review~~	~~Initial Fee~~	~~Maximum Fee~~
~~Water System Blending Plans~~	~~$150.00~~	~~$7,500~~
~~Alteration Plan: Treatment – Public Water~~	~~$150.00~~	~~$1,500.00~~
~~Operations & Maintenance Plan: Treatment – Public Water~~	~~$150.00~~	~~$1,500.00~~
~~Treatment System Plan: Treatment – Public Water~~	~~$150.00~~	~~$1,500.00~~
~~Treatment System Plan: Treatment – Wastewater~~	~~$150.00~~	~~$1,500.00~~
~~MAG 208 Certification~~	~~$150.00~~	~~$5,000.00~~
~~Experimental Project Approval Including Four (4) Quarterly Inspections~~	~~$300.00~~	~~$5,000.00~~
~~Waste Water Reuse – Treatment~~	~~$250.00~~	~~$3,000.00~~
~~Ground Water Recharge~~	~~$250.00~~	~~$4,000.00~~
~~All Other Plans~~	~~$150.00~~	~~$1,500.00~~

Drinking Water ~~**System Site Sampling Plan, Emergency Operations Plans, Backflow Prevention Plan or Other Plans**~~**PROJECTS PLAN REVIEW**	**FLAT OR Initial Fee**	**Maximum Fee**
Site Sampling Plan, Emergency Operations Plans, Backflow Prevention Plan or Other **PUBLIC** Water System Compliance Plans		
Community Water System ~~≥100,001 Population~~ 25 to 100 101 to 1000 1,001 to 10,000 10,001 to 100,000 ≥100,001 Population ~~10,001 to 100,000~~ ~~1,001 to 10,000~~ ~~101 to 1000~~ ~~25 to 100~~	~~$350.00~~ $275.00 $350.00 $350.00 $350.00 $350.00 ~~$350.00~~ ~~$350.00~~ ~~$350.00~~ ~~$275.00~~	 NA NA NA NA NA
Non Community Water System 25 to 1000 ≥ 1,001 Population ~~25 to 1000~~	 No Change No Change	 NA NA

Drinking Water ~~System Site Sampling Plan, Emergency Operations Plans, Backflow Prevention Plan or Other Plans~~PROJECTS PLAN REVIEW	**FLAT OR Initial Fee**	**Maximum Fee**
New Source~~s~~ Approval Water Quality Review and Report	No Change	NA
Drinking Water System Compliance Review~~s~~	No Change	NA
Master Plan Review and Approval	No Change	NA
Master Plan Amendment~~: Subdivisions – Public Water~~	$150.00	$1,500.00
Review of Plan for public water supply distribution line (including extensions) and associated appurtenances ~~for a system~~ PER group of 150 connections or less. ~~The fee specified above applies to each group of 150 or less proposed connections. If a facility includes more than 150 connections, the fee applies to each multiple group of 150 of less (e.g. a facility of 200 connections would require a fee of $600.00plus $600.00for a total flat fee of $1,200.00)~~	$600.00 ~~per 150 or less proposed connections~~	NA
Water Booster Station ~~– Subdivisions~~	$675.00	NA
Storage Tank (atmosphere and/or pressurized)	$675.00	NA
Well Site Review and Approval	$675.00	NA
Disinfection System ~~Chlorination Plan: Subdivisions~~	$150.00	$1,500.00
Water Treatment ~~Plants Plan Review~~ **FACILITY (INCLUDES CONSTRUCTION INSPECTION)** ~~Waste Plant Includes Construction Inspection~~ **TREATMENT FACILITY** >1.0 ~~Mgd~~ **MILLION GALLONS/DAY** **TREATMENT FACILITY** 0.1 ~~Mgd~~ **MILLION GALLONS/DAY** to 1 ~~Mgd~~ **MILLION GALLONS/DAY** **TREATMENT FACILITY** <100,000 ~~Gal/Day~~ **GALLONS/DAY**	 $3,000.00 $1,500.00 $1,000.00	 $24,000.00 $15,000.00 $10,000.00
~~Treatment System Plan: Treatment – Public Water~~ **OTHER CONSTRUCTION PLAN REVIEW**	$150.00	$1,500.00
Experimental Project Approval (**INCLUDES** ~~including~~ Four (4) Quarterly Inspections)	$300.00	$5,000.00
Water System Blending Plans	$150.00	$7,500.00
OTHER OPERATION PLAN – TREATMENT FACILITY ~~Operations & Maintenance Plan: Treatment – Public Water~~	$150.00	$1,500.00
~~Investigation: Drinking Water~~		~~$130.00 per hour~~

Drinking Water ~~System Site Sampling Plan, Emergency Operations Plans, Backflow Prevention Plan or Other Plans~~PROJECTS PLAN REVIEW	FLAT OR Initial Fee	Maximum Fee
~~Approval of Sanitary facilities for a Subdivision of 150 lots or less.~~	~~$450 per 150 lots~~	
~~The fee specified above applies to each phase of a Subdivision of 150 lots or less. If a Subdivision includes more than 150 lots, the fee applies to each multiple group of 150 or less (e.g., a proposal for a Subdivision of 350 lots would require a fee of $450.00 plus $450.00 and $450.00 for a total flat fee of $1,350.00)~~		
~~Trailer Coach Park facilities of 100 leased spaces or less.~~	~~$600.00 per 100 spaces~~	
~~The fee specified above applies to each group of 100 spaces or less. If a facility includes more than 100 spaces, the fee applies to each multiple group of 100 or less (e.g. a facility of 300 spaces would require a fee of $600.00plus $600.00and $600.00 for a total flat fee of $1,800.00).~~		
~~Review of on-site wastewater soils and hydrology report representing a group of 50 or less proposed lots (or 40 acres) whichever, is the lesser in area.~~	~~$525.00 per 50 or less lots~~	
~~The fee specified above applies to each group of 50 or less proposed lots. If a facility includes more than 50 spaces, the fee applies to each multiple group of 50 or less (e.g. a facility of 120 lots would require a fee of $525.00 plus $525.00 and $525.00 for a total flat fee of $1,575.00)~~		

~~Subdivisions Plan Review~~	~~Fee~~
~~Review of plan for public water supply distribution line (including extensions) and associated appurtenances for a system of 150 connections or less.~~ ~~The fee specified above applies to each group of 150 or less proposed connections. If a facility includes more than 150 connections, the fee applies to each multiple group of 150 of less (e.g. a facility of 200 connections would require a fee of $600.00plus $600.00for a total flat fee of $1,200.00)~~	~~$600.00 per 150 or less proposed connections~~
~~Review of entitlement plans submitted to the One Stop Shop process.~~ ~~The fee specified above applies to reviews of entitlement project submittals to ensure compliance with Maricopa County Environmental Health Code requirements for adequate potable water and management of sanitary sewage. This fee applies to preliminary plats, rezoning actions, comprehensive plan amendments, development master plans, special use permits and final plats.~~	~~$225.00~~
~~Review of One Stop Shop process variance applications to ensure compliance with Maricopa County Environmental Health Code requirements for adequate potable water and management of sanitary sewage.~~	~~$25.00~~

Drinking Water ~~System Site Sampling Plan, Emergency Operations Plans, Backflow Prevention Plan or Other Plans~~PROJECTS PLAN REVIEW	FLAT OR Initial Fee	Maximum Fee
~~Review of One Stop Shop process temporary use applications (except special events) to ensure compliance with the Maricopa County Environmental Health Code requirements for adequate potable water and management of sanitary sewage.~~	~~$25.00~~	
~~Transfer of Ownership/Subdivision Name Change of Previously Approved Subdivision~~	~~$200.00~~	
~~Master Plan Review and Approval~~	~~$500.00~~	
~~Well Site Review and Approval~~	~~$675.00~~	
~~Storage Tank (Atmosphere and /or Pressurized)~~	~~$675.00~~	
~~Water Booster Station – Subdivisions~~	~~$675.00~~	
~~Sewer Lift Station – Subdivisions~~	~~$600.00~~	
~~Investigation: Subdivisions~~	~~$130.00 per Hour~~	

~~Water and~~ Wastewater PROJECTS Plan Review	Fee
~~Water Booster Station – Treatment~~	~~$675.00~~
~~Sewer Lift Station – Treatment~~	~~$600.00~~
~~Storage Tank (Atmosphere and/or Pressurized)~~	~~$675.00~~
~~Investigation: Treatment – Public Water~~	~~$130.00 per hour~~
~~Investigation: Treatment – Wastewater~~	~~$130.00 per hour~~

~~Subdivisions Plan Review~~	~~Initial Fee~~	~~Maximum Fee~~
~~Chlorination Plan: Subdivisions~~	~~$150.00~~	~~$1,500.00~~
~~Master Plan Amendment: Subdivisions – Public Water~~	~~$150.00~~	~~$1,500.00~~
~~Master Plan Amendment: Subdivisions – Wastewater~~	~~$150.00~~	~~$1,500.00~~
~~Waste Water Reuse – Subdivisions~~	~~$250.00~~	~~$3,000.00~~
~~Water Line Waiver: Subdivisions – Wastewater~~	~~$150.00~~	~~$1,500.00~~
~~Reclaimed Water System Plan Review~~	~~$150.00~~	~~$2,600.00~~

~~Sewer Collection Systems Plan Review~~	~~Fee~~
~~Sewer Collections Systems (Including Extensions) and Associated Appurtenances~~ ~~Gravity Sewer only, with manholes~~ ~~Serving 50 or less Connections~~ ~~Serving 51 to 300 Connections~~ ~~Serving 301 or more Connections~~	 ~~$500.00~~ ~~$1000.00~~ ~~$1500.00~~
~~Sewer Collections Systems (Including Extensions) and Associated Appurtenances~~ ~~Forced mains including gravity sewer components~~ ~~Serving 50 or less Connections~~ ~~Serving 51 to 300 Connections~~ ~~Serving 301 or more Connections~~	 ~~$800.00~~ ~~$1,300.00~~ ~~$1,800.00~~

~~On-Site~~ Wastewater ~~Treatment Facilities~~PROJECTS PLAN REVIEW	FLAT OR Initial Fee	Maximum Fee
Septic Tank Conventional Disposal less than 3000 gal**LONS**/day	No Change	NA
ON-SITE Aerobic System with surface disposal	No Change	NA
Composting Toilet less than 3000 gal/day	No Change	NA
Septic tank with one Additional Alternative Element***	No Change	NA
~~Septic tank with >one~~**EACH** Additional Alternative Element***	$~~1,050 plus~~ $250.00 ~~per additional element~~	NA
* These alternative disposal elements are all for systems of less than 3000 gal./day and include the following: Pressure distribution systems; gravelless trenches; natural seal evapotranspiration beds; lined evapotranspiration beds; Wisconsin Mounds: Engineered Pad Systems; Intermittent Sand Filters; Peat Filters; Textile Filters; Ruck® Systems; sewage vaults; aerobic systems/subsurface disposal; aerobic systems/surface disposal; cap systems; constructed wetlands; sand lined trenches; disinfection devices; sequencing batch reactors; subsurface drip irrigation systems.		
On-site wastewater treatment facility with flow from 3000 gal./day to less than 24,000 gal./day **(NON AEROBIC)**	No Change	NA
~~*These alternative disposal elements are all for systems of less than 3000 gal./day and include the following: Pressure distribution systems; gravelless trenches; natural seal evapotranspiration beds; lined evapotranspiration beds; Wisconsin Mounds: Engineered Pad Systems; Intermittent Sand Filters; Peat Filters; Textile Filters; Ruck® Systems; sewage vaults; aerobic systems/subsurface disposal; aerobic systems/surface disposal; cap systems; constructed wetlands; sand lined trenches; disinfection devices; sequencing batch reactors; subsurface drip irrigation systems.~~		
On-Site System Site Inspection	No Change	NA

~~On-Site~~ Wastewater ~~Treatment Facilities~~PROJECTS PLAN REVIEW	FLAT OR Initial Fee	Maximum Fee
Domestic Well Drill, Deepen, Replace or Modify (No Inspection)	No Change	NA
On-Site System Alteration Permit	No Change	NA
On-Site System Alteration Permit & One Inspection	No Change	NA
On-Site System Reconnect/Remodel Review	No Change	NA
On-Site System Reconnect/Remodel Review & One Inspection	No Change	NA
On-Site System Plan Revision	No Change	NA
On-Site System Request for Alternate Design, Installation, or Operational Feature	No Change	NA
On-Site System Design Requiring Interceptor	No Change	NA
On-Site System Transfer Ownership	No Change	NA
On-Site System Abandon~~ed site~~MENT/CLOSURE	No Change	NA
~~Investigation: On-Site~~	~~$130.00 per hour~~	
On-Site Additional Inspection	No Change	NA
Planning & Development Plan Review	No Change	NA
Master Plan Review and Approval	500.00	NA
Master Plan Amendment~~: Subdivisions – Wastewater~~	$150.00	$1,500.00
Reclaimed Water System Plan Review	$150.00	$2,600.00
Sewer Collections Systems ~~(Including Extensions)~~ and Associated Appurtenances (includes extensions) Gravity Sewer Only, with Manholes		
Serving 50 or less Connections	$500.00	NA
Serving 51 to 300 Connections	$1000.00	NA
Serving 301 or more Connections	$1500.00	NA
~~Sewer Collections Systems (Including Extensions) and Associated Appurtenances~~ Force~~d~~ mains including gravity sewer components		
Serving 50 or less Connections	$800.00	NA
Serving 51 to 300 Connections	$1,300.00	NA
Serving 301 or more Connections	$1,800.00	NA

~~On-Site~~ Wastewater ~~Treatment Facilities~~PROJECTS PLAN REVIEW	FLAT OR Initial Fee	Maximum Fee
Sewer Lift Station ~~– Treatment~~	$600.00	NA
Storage Tank (atmosphere and/or pressurized)	$675.00	NA
Disinfection System ~~Chlorination Plan: Subdivisions~~	$150.00	$1,500.00
Waste**WATER** Treatment ~~Works~~ **FACILITY** (includes construction inspection) <100,000 ~~Gal/Day~~ **GALLONS/DAY** 0.1 ~~Mgd~~ **MILLION GALLONS/DAY** to 1.0 ~~Mgd~~ **MILLION GALLONS/DAY** >1.0 ~~Mgd~~ **MILLION GALLONS/DAY**	 $1,000.00 $1,500.00 $3,000.00	 $10,000 $15,000 $24,000
OTHER CONSTRUCTION PLAN~~S~~ REVIEW ~~Treatment System Plan: Treatment – Wastewater~~	$150.00	$1,500.00
Non-Hazardous Liquid Waste Transfer Facility	$150.00	$2,600.00
RECLAIMED WATER CONVEYANCE ~~Wastewater Reuse - Subdivisions~~	$250.00	$3,000.00
RECLAIMED Water Booster Station ~~- Subdivisions~~	$675.00	NA
RECLAIMED WATER Storage Tank (atmosphere and/or pressurized)	$675.00	NA
Ground Water Recharge	$250.00	$4,000.00
~~Waste Water Reuse – Treatment~~ Reuse Facility	$250.00	$3,000.00
Experimental Project Approval (**INCLUDES** ~~including~~ Four (4) Quarterly Inspections)	$300.00	$5,000.00
MAG 208 Certification	$150.00	$5,000.00
OTHER OPERATIONAL PLAN – TREATMENT FACILITY ~~All Other Plans~~	$150.00	$1,500.00

~~Subdivisions~~ SANITARY FACILITIES FOR INFRASTRUCTURE Plan Review	FLAT OR Initial Fee	Maximum Fee
Approval of Sanitary facilities for a Subdivision ~~of~~ PER 150 lots or less. ~~The fee specified above applies to each phase of a Subdivision of 150 lots or less. If a Subdivision includes more than 150 lots, the fee applies to each multiple group of 150 or less (e.g., a proposal for a Subdivision of 350 lots would require a fee of $450.00 plus $450.00 and $450.00 for a total flat fee of $1,350.00).~~	$450 ~~per 150 lots~~	NA

~~Subdivisions~~ SANITARY FACILITIES FOR INFRASTRUCTURE Plan Review	FLAT OR Initial Fee	Maximum Fee
~~Trailer Coach~~ **MOBILE HOME** Park facilities ~~of~~ **PER** 100 leased spaces or less. ~~The fee specified above applies to each group of 100 spaces or less. If a facility includes more than 100 spaces, the fee applies to each multiple group of 100 or less (e.g. a facility of 300 spaces would require a fee of $600.00plus $600.00and $600.00 for a total flat fee of $1,800.00).~~	$600.00 ~~per 100 spaces~~	NA
Review of on-site wastewater soils and hydrology report ~~representing a group of~~ PER 50 or less proposed lots (or 40 acres) whichever~~,~~ is the lesser in area. ~~The fee specified above applies to each group of 50 or less proposed lots. If a facility includes more than 50 lots, the fee applies to each multiple group of 50 or less (e.g. a facility of 120 lots would require a fee of $525.00 plus $525.00 and $525.00 for a total flat fee of $1,575.00)~~	$525.00 ~~per 50 or less lots~~	NA
Transfer of Ownership/Subdivision Name Change of Previously Approved Subdivision	$200.00	NA
Transfer of Ownership/Subdivision Name Change of Previously Approved Subdivision	$200.00	NA
~~Water Line~~ WATER OR WASTEWATER PLAN REVIEW Waiver: ~~Subdivisions – Wastewater~~	$150.00	$1,500.00
Review of entitlement plans submitted to the One Stop Shop process. The fee specified above applies to reviews of entitlement project submittals to ensure compliance with Maricopa County Environmental Health Code requirements for adequate potable water and management of sanitary sewage. This fee applies to preliminary plats, rezoning actions, comprehensive plan amendments, development master plans, special use permits and final plats.	$225.00	NA
Review of One Stop Shop process variance applications to ensure compliance with Maricopa County Environmental Health Code requirements for adequate potable water and management of sanitary sewage.	$25.00	NA
Review of One Stop Shop process temporary use applications (except special events) to ensure compliance with the Maricopa County Environmental Health Code requirements for adequate potable water and management of sanitary sewage.	$25.00	NA

All Other Water and Waste Management Fees	Fee
All Other Plans	No Change
Dye Test	No Change
Observe Percolation Test	No Change
Domestic Well Location Approval (ADWR Form)	No Change
~~Water & Waste Management Division Hourly Rate~~	~~$130.00 per hour~~

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE – CHAPTER I – FEE SCHEDULE

ALL OTHER ENVIRONMENTAL SERVICES CHARGES/FEES

All Other Environmental Services Charges/Fees	Charge/Fee
No Change	No Change

REGULATION 6. No Change

REGULATION 7. Suspension and Revocation of Permits

a. Suspension of Permit:

(1) No Change

(2) No Change

(3) Upon suspension of the permit, the Department may close the permit holder's establishment, premises~~,~~ or vehicle and the Department's red closed sign shall be posted on the establishment, premises~~,~~ or vehicle and shall be clearly visible to the public. The premises shall remain closed and the sign shall remain in place until the violation is corrected, the order is modified or vacated by the Department~~,~~ or the permit is revoked. The permit holder shall maintain the sign in an unobstructed manner in the location where the sign was posted.

b. Revocation of Permit:

(1) The Department may revoke a permit for two or more violations of this Environmental Health Code, for any violation that threatens the health or safety of the public, for the nonpayment of a fee~~,~~ or for any interference with the Department's performance of its duties, the inspection of an

establishment, premises, or vehicle, or the enforcement of this Environmental Health Code.

(2) No Change

(3) No Change.

(4) When a permit is revoked, the establishment shall cease to operate and the Department shall post the Department's red closed sign on the permit holder's establishment, premises~~,~~ or vehicle notifying the public that the establishment, premises~~,~~ or vehicle is closed. The red closed sign shall be posted on the establishment, premises, or vehicle and shall be clearly visible to the public. The premises shall remain closed and the sign shall remain in place until the Department determines otherwise. The permit holder shall maintain the closed sign and ensure that it is not tampered with, concealed, damaged, or otherwise removed without the Department's prior written authorization.

REGULATION 8 No Change

REGULATION 9. Service of Notice and Hearings

Unless otherwise provided in this Environmental Health Code, ~~a Notice of Violation, Notice of a hearing, and~~ all ~~other n~~**N**otices provided for in this Environmental Health Code are deemed served and received on the date the Notice is personally delivered to the permit holder, or on the date it is sent by registered or certified mail, return receipt requested, to the permit holder's last known address or to the address shown on the permit holder's driver's license. A copy of the Notice shall be filed in the Department's records.

a. A notice of the nonpayment of a fee is deemed served and received on the date it is sent by regular first class mail, postage prepaid, to the permit holder's last known address. ~~A copy of the Notice shall be filed in the Department's records.~~

b. When a Notice is served on the permit holder, the Department may post the Department's yellow public Notice sign at the permit holder's establishment, premises~~,~~ or vehicle notifying the public that the establishment, premises~~,~~ or vehicle may not meet Maricopa County health standards or the permit holder failed to pay a fee required under this Environmental Health Code. If posted, the yellow public Notice sign shall be posted on the establishment, premises~~,~~ or vehicle and shall be clearly visible to the public. The sign shall remain in place until the violation is corrected, the fee is paid, the Notice is revoked after a hearing, or removal is authorized by the Department.

c. Hearings

(1) Hearings held pursuant to this Environmental Health Code shall be conducted in the same manner as hearings are conducted pursuant to A.R.S. §§ 41-1061 to -1066.

(2) A Notice of a hearing from the Department to a permit holder shall include:

~~(1)~~ (a) A statement of the time, place~~,~~ and nature of the hearing.

~~(2)~~ (b) A statement of the legal authority and jurisdiction under which the hearing is to be held.

~~(3)~~ (c) A reference to the particular sections of the statutes and regulations involved.

~~(4)~~ (d) A short, plain statement of the matters asserted. If the Department is unable to state the matters in detail at the time the Notice is served, then the Notice may be limited to a statement of the issues involved. If the permit holder requests a more definite statement, the Department shall, if it is able, provide a more definite and detailed statement to the permit holder prior to the hearing.

~~(5) Hearings.~~

~~(a) Hearings held pursuant to this Environmental Health Code shall be conducted in the same manner as hearings are conducted pursuant to A.R.S. §§ 41-1061 to -1066.~~

REGULATION 10. Severability

Should any section, sentence, clause, phrase, or word of this Environmental Health Code be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of said Code shall not be affected thereby.

REGULATION 11. Violation

a. Violations of this Environmental Health Code may be redressed by proceedings pursuant to A.R.S. 36-601.B., 49-142 or 49-143; by injunctive relief in Superior Court; or by any other applicable remedies provided by law. In addition, persons who violate a provision of this Environmental Health Code are guilty of a Class 3 Misdemeanor if the person holds a valid permit or a ~~class~~ Class 2 ~~misdemeanor~~ Misdemeanor if the person does not hold a valid permit under this article as provided in A.R.S. 36-183.03 and 36-191 and may be punished accordingly.

b. For purposes of determining the number of days of violation for which a civil penalty may be assessed under this **C**ode, if the Environmental Officer has notified the source of the violation and makes a **P**rima **F**acie showing that the conduct or events giving rise to the violation are likely to have continued or recurred past the date of Notice, the days of violations shall be presumed to include the date of such Notice and each day thereafter until the violator establishes that continuous compliance has been achieved, except to the extent that the violator can prove by a preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature.

c. No Change

REGULATION 12. Cease and Desist; Abatement

When the Environmental Health Officer has reasonable cause to believe from information furnished to such officer or from investigation made by such officer that any person is maintaining a nuisance or engaging in any practice contrary to this code, he may forthwith serve upon such person by certified mail, in person~~,~~ or by designee a Cease and Desist Order requiring the person, upon receipt of the order to cease and desist from such act. The Department's red closed sign may be posted in a conspicuous place on the premises, clearly visible to the public, and will remain in place until removal is authorized by the Environmental Health Officer. It is the responsibility of the permit holder to maintain the sign in an unobstructed manner in the location where the sign was placed by the Environmental Health Officer. Within fifteen days after receipt of the order, the person to whom the order is directed may request a hearing. The Environmental Health Officer or his designee, within a reasonable time thereafter, shall hold a hearing, to determine whether the order is reasonable and just, and the practice engaged in is contrary to this code.

Upon the failure or refusal of a person to comply with the order of the Environmental Health Officer or if a person to whom the order is directed does not request a hearing and fails or refuses to comply with the Cease and Desist Order served under the provisions of this section, the Environmental Health Officer or his designee may file an action in the Maricopa County Superior Court restraining and enjoining the person from engaging in further acts. The court shall proceed as in other actions for injunctions.

REGULATION 13. Posting of Notices ~~of Violation~~

No Change

REGULATION 14. Nuisance Abatement Assessment and Lien

a. After the Department has completed the actions necessary to abate or remove a nuisance, source of filth~~,~~ or cause of sickness from private property pursuant to A.R.S. § 36-602(A), the Director may issue an Assessment Statement to the owner of the property on which the nuisance, source of filth~~,~~ or cause of sickness was located.

b. The Assessment Statement shall include the following information:

(1) A description of the assessed costs incurred by the Department, which may include the actual costs of the abatement **OR** removal action, incidental costs, personnel costs, attorney's fees and costs to obtain and execute an inspection and Abatement Warrant under A.R.S. § 36-603, and the costs of any additional inspections.

(2) No Change

(3) No Change

(4) Notice that failure to pay the Assessment Statement may result in a lien being recorded against the property on which the nuisance, source of filth~~,~~ or cause of sickness was located.

c. If the property on which the nuisance, source of filth~~,~~ or cause of sickness was located is not the property owner's residence or is vacant or unoccupied, the Assessment Statement shall be served on the property owner by personal delivery, left at the property owner's usual place of abode, served in a manner as provided for service of process under the Arizona Rules of Civil Procedure, or mailed by certified or registered mail, postage prepaid and return receipt requested, to the owner's last known address or to the address shown on the property owner's driver's license.

d. If the property on which the nuisance, source of filth~~,~~ or cause of sickness was located is the property owner's usual place of abode, the Assessment Statement shall be served on the property owner by personal delivery, left at the property, or served in a manner as provided for service of process under the Arizona Rules of Civil Procedure, or mailed by certified or registered mail, postage prepaid and return receipt requested, to the property.

e. to g. No Change

h. The property owner may appeal the Assessment Statement by filing a written request for a hearing to the Maricopa County Board of Health within thirty days after service of the Assessment Statement. A copy of the request for a hearing shall be delivered or mailed by certified or registered mail, postage prepaid and return receipt requested, to the Department. The request shall state the specific grounds for the appeal.

(1) After a hearing, the Board of Health may uphold, modify~~,~~ or revoke the Assessment Statement and shall sign a written order of its decision. The Department shall prepare a form of order for the Board of Health to sign.

(2) No Change

i. If the property owner fails to pay the assessed costs before the time for payment expires, the Department may record a Notice and Claim of Assessment Lien against the property on which the nuisance, source of filth, or cause of sickness was abated or removed. The Notice and Claim of Assessment Lien, from the date it is recorded in the Office of the Maricopa County Recorder, is a lien on the property until it is paid in full. The Notice and Claim of Assessment Lien relates back to and its priority is determined as of the date the Assessment Statement was recorded on the property as a Notice as provided in subsection g. above.

j. to l. No Change

m. A recorded Assessment Statement does not limit, restrict, or otherwise affect the authority of the Department to undertake any additional enforcement action that is authorized by law, including applicable ordinances or regulations.

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

FOOD, FOOD PRODUCTS, FOOD HANDLING ESTABLISHMENTS

SECTION 1

GENERAL PROVISIONS

REGULATION 1. Definitions

(1) "A.A.C." means the Arizona Administrative Code.

(2) to (4) No Change

(5) "Applicant" means the following person requesting a permit:

(a) to (i) No Change

(j) If a county, municipality~~,~~ or other political subdivision of the state, the individual in the senior leadership position within the county, municipality, or political subdivision.

(6) "Approved" means acceptable to the Department or to the food regulatory agency that has jurisdiction based on a determination of conformity with principles, practices~~,~~ and generally recognized standards that protect public health.

(7) No Change

(8) "Bakery" means any place in which is carried on ~~t he~~ **THE** process of mixing, compounding, cooking, baking, or manufacturing any bakery product. A bakery is a food establishment that exclusively prepares bakery items for immediate service on the premises, directly to a consumer~~,~~ and/or for resale or redistribution by a retail food establishment.

(9) "Bakery Product" means any bread, biscuits, pretzels, crackers, buns, rolls, macaroni or any similar pastes, pastries, cakes, doughnuts, pies, or other food products of which flour or meal is the principal ingredient. Bakery products shall include the materials from which the above are manufactured, but shall not include packaged mixes.

(10) to (13) No Change

(14) "Bottled Drinking Water" means water that is sealed in bottles, packages~~,~~ or other

containers and offered for sale for human consumption, including bottled mineral water and is in compliance with A.A.C. Title 9, Chapter VIII, Sections 201 through 209, excluding Sections 202 and 208, Paragraphs a & b.

(15) and (16) No Change

(17) "Commissary" means a food establishment that acts as a base of operation for a mobile food establishment, food vending establishment or an adventure food establishment.

(a) Class 2 – provides only pre-packaged food items.

(b) Class 4 - provides pre-packaged food items and facilities for food preparation.

(18) "Competition Food Event" means any event that operates for not more than fourteen (14) consecutive days in which the competitors are vying with one another for profit, prize, or position based on one similar type of food prepared by each competitor. Complimentary samples not to exceed 2 ounces may be given to the general public.

(19) to (24) No Change

(25) "Eating & Drinking Establishment" is a food establishment that prepares food for service on the premises or take-out delivery directly to a consumer. Examples of eating & drinking food establishments are: 0-9 seating, 10+ seating, adult daycare, assisted living, hospital food service, jail food service, nursing home, school food service, senior food service, and service kitchen.

Class 2 – quick service operations with only limited preparation of menu items **OR AS APPROVED BY THE DEPARTMENT.**

Class 3 – quick service operations with advanced preparation of two or less menu items **OR AS APPROVED BY THE DEPARTMENT.**

Class 4 – full service operations with advanced preparation of three or more menu items **OR AS APPROVED BY THE DEPARTMENT.**

Class 5 – quick or full service operations where the consumers specifically include populations highly susceptible to foodborne illness **OR AS APPROVED BY THE DEPARTMENT.**

(26) to (33) No Change

(34) "Frozen Desserts" means ice cream, frozen custard, french ice cream, ice milk, quiescently frozen confection, quiescently frozen dairy confection, french custard ice cream, artificially sweetened ice cream, manufactured desserts mix, whipped cream

confection, bisque tortoni sherbets, water, ice and mellorine frozen desserts and all such other products, together with any mix, used in making such frozen desserts, and any other products which are similar in appearance, odor or taste to such products or are prepared or frozen as frozen desserts are customarily prepared and frozen, whether made with dairy products or non-dairy products.

(35) and (36) No Change

(37) "Ice Manufacturing Plant" means any food establishment, together with the necessary appurtenances, in which ice is manufactured or processed, and stored, packaged, distributed, or offered for sale for human consumption, or for use in which it may come into contact with food equipment or utensils, or with food or beverage intended for human consumption.

(38) "Insanitary" means unclean or unhealthy and the term shall apply to food in the process of production, preparation, manufacture, packing, storing, sale, distribution, or transportation, which is not adequately protected from insects, flies, rodents, dust, and dirt and by all reasonable means from all other foreign or injurious contamination; or to refuse, dirt, or waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, distribution, or transportation of food, which are not removed daily; or to machinery, equipment~~,~~ and utensils used in food processing, preparation, manufacture, packing, storing, sale, distribution, or transportation, which are not maintained in a clean condition; or to clothing of persons engaged in food handling which is unclean; or to any other condition determined by the Department to constitute a health hazard.

(39) to (41) No Change

(42) **"**Limited Preparation" means food preparation limited to assemble-serve, cook-serve, chill-serve, and/or hold-serve or otherwise as determined by the Department.

(43) No Change

(44) "Meat Establishment" means a store or shop at the retail level in which meat, meat products, fish, poultry, game animal, or molluscan shellfish are processed, prepared, stored, sold, or offered for sale. Preparation by means of cooking shall be limited to the production of meat, meat products, fish, poultry, game animal, and molluscan shellfish for consumption off the premises.

(45) No Change

(46) "Mobile Food Establishment" means a food establishment selling, offering for sale or dispensing food for human consumption from any vehicle or other temporary or itinerant station. For the purpose of this Environmental Health Code, mobile food establishments are defined as follows:

(a) "Mobile Food Unit" means and refers to an enclosed vehicle-mounted food establishment designated to be readily movable from which food is composed, compounded, processed**,** or prepared and from which food is vended, sold or given away.

(b) "Pushcart" means a vehicle designated to be readily movable that is limited to the serving of non-potentially hazardous foods, drinks, or individually commercially packaged potentially hazardous foods (time/temperature control for safety foods) maintained at proper temperatures, or limited to the assembling and serving of frankfurters **AND CORN**. Unpackaged non-potentially hazardous food items approved for sale or dispensed from a pushcart shall be limited to popcorn, nuts, pretzels**,** and similar bakery products**, COTTON CANDY,** shaved ice, snow cones, ~~i~~**I**talian ice, and non-potentially hazardous drinks.

(c) No Change

(d) "Temporary Food Establishment" ~~as defined in the 2009 FDA Food Code and includes~~ **MEANS** an event as defined in this Section **AND AS DEFINED IN THE 2009 FDA FOOD CODE.**

(e) "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. At the termination of the event, the permit expires and the seasonal food establishment shall be removed from the premises or shall cease operation as determined by the Department.

(i) No Change

(ii) Class 2 – seasonal operations such as spring training, state fair, etc.**,** **O**r as approved by the Department.

(f) "Special Event Food Establishment" means a food establishment that operates in conjunction with one event that operates for not more than ~~fourteen~~ **ONE HUNDRED TWENTY** ~~(14)~~ **(120)** consecutive days. At the termination of the special event, the special event food establishment shall be removed from the premises.

(47) to (49) No Change

(50) Potentially Hazardous Food (time/temperature control for safety food) as defined in the U.S. Food And Drug Administration 2009 FDA Food Code and includes~~;~~ sun tea that is not brewed.

(51) No Change

(52) "Product Contact Surface" means any surface, including but not limited to piping, machinery, equipment, containers, or utensils of any description, with which food comes into contact.

(53) and (54) No Change

(55) "Refrigerated Warehouse" means any place, other than a restaurant, store, home, or eating establishment with refrigerated space exclusively for its own use, providing refrigeration and refrigerated storage service to the public with facilities to cool and keep food other than fresh unprocessed fruits and vegetables at a temperature at or below 41ºF. (5ºC.).

(56) to (58) No Change

(59) "Retail Food Establishment" means any retail establishment in the business of selling pre-packaged food, bulk non-potentially hazardous food, and/or produce for human consumption.

(a) No Change

(b) Class 3 – operation with more than 10 linear feet of sales/display space of foodstuffs or pre-packaged potentially hazardous foods, including preparation limited to washing, portioning~~,~~ and/or packaging produce.

(60) "Sanitary" means clean, healthy and not deleterious to health and the term shall apply to food in the process of production, preparation, manufacture, packing, storing, sale, distribution, or transportation~~,~~ which is adequately protected from flies and other insects, rodents, dust, and dirt and by all reasonable means from all other foreign or injurious contamination; and shall apply to the absence of refuse, dirt, or waste products subject to decomposition.

(61) and (62) No Change

(63) "School Food Jobber" means a food establishment, which is a food storage facility, owned by a school district or similar entity where food, not manufactured on the premises, is stored for ultimate human consumption at a school or similar facility.

(64) No Change

(65) "Service Animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. ~~o~~Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

(66) No Change

(67) "Shared Facility" means any food establishment that shares food preparation, food storage~~,~~ and/or warewashing facilities with three (3) or more permitees under different ownership.

(a) The responsible party must obtain a commissary permit at the specified location before subsequent permits will be issued by the Department.

(b) If the commissary permit is vacated, all food establishments using the commissary as a base of operation will subsequently be vacated.

(68) "Table-Mounted Equipment" means equipment that is not portable and is designed to be mounted off the floor on a table, counter~~,~~ or shelf.

(69) No Change

(70) **"TRIAL REVIEW ESTABLISHMENT" MEANS A FOOD ESTABLISHMENT THAT IS OPERATING UNDER A SPECIALIZED DEPARTMENT REVIEW OF ALTERNATIVE DESIGN ITEMS, EQUIPMENT AND ACTIVE MANAGERIAL CONTROL PLANS FOR A PERIOD NOT TO EXCEED 6 MONTHS.**

~~(70)~~ **(71)**"Uniform Mechanical Code" means the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials.

~~(71)~~ **(72)**"Vending Machine Operator" means anyone who as the owner or person in charge, furnishes, installs, services, operates**,** or maintains one or more vending machines.

~~(72)~~**(73)** "Wholesome" means clean, free from spoilage~~,~~ and safe for human consumption.

REGULATION 2. Approval of Plans Required

a. No food establishment shall be constructed, nor shall any major alteration or addition be made thereto, until detailed plans and specifications for the premises have been submitted to and approved by the Department; nor shall any construction, alteration, or addition be made except in accordance with approved plans and specifications. The owner, operator~~,~~ or his authorized agent shall certify in writing that the plan documents comply with these regulations.

b.and c. No Change

REGULATION 3. to REGULATION 5. No Change

REGULATION 6. Condemned Equipment

If after examination, the Department determines that a food utensil or food equipment is worn, defective, insanitary, or otherwise prejudicial to health, such utensil or equipment may be labeled "condemned" by the Department and the utensil or equipment so labeled may not thereafter be used for food storage, preparation, handling, or serving. The Department may direct the owner to bring the condemned utensil or equipment into compliance with the requirements of this code, or to remove it from the food establishment, or replace it with approved units, which he shall do.

REGULATION 7. Removal of Seal

A "withheld," "embargoed" or "condemned" label, tag or seal, having once been affixed by the Department to food or equipment, shall be removed only by the Department except as otherwise provided by law.

REGULATION 8. General Sanitation

The following shall be complied with in all food establishments:

a. All parts, equipment and facilities of every food establishment, and all vehicles used in transporting food, shall be kept in a clean, healthful and sanitary condition, and in compliance with the pertinent provisions of this **ENVIRONMENTAL** Health Code.

(1) Ice intended for human consumption or in direct contact with food shall be kept and handled as required for food and shall be dispensed by employees only using scoops, tongs or other ice dispensing utensils or through automatic ice-dispensing equipment. Dispensing utensils shall be stored on a clean surface or in the ice with the handle extended out of the ice. Between uses, ice transfer equipment shall be protected from contamination. Ice storage bins shall be drained across an air gap. Cooling tubes or coils conveying beverages through ice to dispenser heads are acceptable.

(2) Bulk food such as cooking oil, syrup, salt, sugar, or flour shall be stored in containers identifying the food by common name.

b. Oysters, clams or mussels shall not be stored, handled, processed, packed, or repacked, held for sale, sold, or given away unless:

(1) They have been grown, harvested, processed, and transported in accordance with requirements of the United States Public Health Service Shellfish Certification Program; and unless:

(2) No Change

c. Shellfish shall be so stored, handled, processed, packed, or repacked, held for sale, sold or given away that its true origin may be traced with facility. Specifically:

(1) and (2) No Change

d. No Change

e. Lavatory Facilities

(1) Hand washing facilities shall be centrally located, visible~~,~~ and directly accessible, within 25 feet of all food preparation, food dispensing~~,~~ and warewashing areas. Barriers shall not physically and/or operationally obstruct the hand washing facility. Hand wash facilities shall be provided with hot and cold or tempered running water, soap~~,~~ and approved individual sanitary towels. When the hand washing facility is installed within 24 inches of a food preparation area, an approved splash guard shall be installed between the two locations. Lavatories, in addition to those provided in toilet rooms, shall be easily accessible to all employees. Mixing faucets are required in all new construction or when an existing lavatory is remodeled.

(2) No Change

(3) No Change

f. Plumbing

(1) All plumbing shall be sound, tight, durable, and properly located, installed and maintained in good order and repair, and shall not constitute a source of contamination to food, equipment~~,~~ or utensils, or create an insanitary condition or nuisance. No plumbing fixture, pipe or device which provides, or which may provide a connection between a potable water supply and a drainage, soil~~,~~ waste or other sewer pipe so as to make possible the backflow of sewage or wastewater into the water supply system shall be installed or permitted to remain installed. All plumbing shall be installed in accordance with this code and in accordance with Arizona Administrative Code, R4-48-102

(2) Drain lines from equipment shall not discharge wastewater in such a manner as to permit the flooding of floors or the flowing of water across working or walking areas, or in difficult to clean areas~~,~~ or otherwise create an insanitary condition or nuisance.

(3) and (4) No Change

g. and h. No Change

i. Vehicles Transporting Food - All vehicles carrying food and food products shall be constructed, equipped, and maintained as to protect the purity and wholesomeness of the transported products and shall conform to the applicable general regulations found in this code.

REGULATION 9. Reserved

REGULATION 10.

No person shall sell, offer for sale, or give away any food, which is unclean, unwholesome, contaminated, unfit ,or otherwise dangerous or deleterious to health. The use of food from hermetically sealed containers which was not processed in an approved food processing establishment is prohibited.

REGULATION 11. Compliance

Representatives of the Department shall make such inspections of food establishments as necessary to assure compliance with these regulations. A copy of the report of the inspection shall be furnished to the owner, or operator, of the food establishment indicating the degree of compliance or noncompliance with the provisions of these regulations. Failure to correct any violation noted within the time limit specified shall be cause for denial, revocation, or suspension of the permit to operate.

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

FOOD, FOOD PRODUCTS,
FOOD HANDLING ESTABLISHMENTS

SECTION 2

FOOD ESTABLISHMENTS

REGULATION 1. No Change

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. No Change

REGULATION 3. No Change

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. to c. No Change

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. to j. No Change

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. No Change

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. and d. No Change

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

FOOD, FOOD PRODUCTS,
FOOD HANDLING ESTABLISHMENTS

SECTION 3

MOBILE FOOD ESTABLISHMENTS

REGULATION 1. Definitions

a. No Change

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

(1) "Mobile Food Unit" means and refers to an enclosed vehicle-mounted food establishment designated to be readily movable from which food is composed, compounded, processed**,** or prepared and from which the food is vended, sold or given away.

(2) "Pushcart" means a vehicle designated to be readily movable that is limited to the serving of non-potentially hazardous foods, drinks, or individually commercially packaged potentially hazardous foods (time/temperature control for safety foods) maintained at proper temperatures, or limited to the assembling and serving of frankfurters. Unpackaged non-potentially hazardous food items approved for sale or dispensed from a pushcart shall be limited to popcorn, nuts, pretzels**,** and similar bakery products, shaved ice, snow cones, Italian ice, and non-potentially hazardous drinks.

(3) No Change

(4) "Temporary Food Establishment" **MEANS** ~~as defined in the 2009 FDA Food Code and includes~~ an event as defined in Section **1 OF THIS CHAPTER AND AS DEFINED IN THE 2009 FDA FOOD CODE** ~~one of this Chapter~~.

(5) No Change

(6) No Change

b. "Competition Food Event" means any event that operates for not more than fourteen (14) consecutive days in which the competitors are vying with one

another for profit~~,~~ prize, or position based on one similar type of food prepared by each competitor. Complimentary samples not to exceed 2 ounces may be given to the general public.

REGULATION 2. Compliance

a. to e. No Change

f. Promotional activities that do not require a food service permit include:

(1) Promotional activities in a permitted food establishment as defined in this **C**ode.

(2) The promotion of non-potentially hazardous food products as defined in this **C**ode.

(3) The cutting of raw fruits and vegetables for **DISPLAY AND NOT INTENDED FOR HUMAN CONSUMPTION**~~immediate service to customers~~.

REGULATION 3. Permit Required

No Change

REGULATION 4. Approval of Plans Required

No mobile 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**,** nor shall any construction, alteration~~,~~ or addition be made except in accordance with approved plans.

REGULATION 5. General Requirements

a. No Change

~~c.~~ **B.** No Change

c. No Change

d. No Change

e. 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.

f.to l. No Change

m. The area within which a mobile food establishment is operating shall be kept clean and free from litter, garbage, rubble, and debris at all times.

n. No Change

REGULATION 6. Interior Fixtures of Mobile Food Units and Pushcarts

a. to c. No Change

d. A three-compartment sink equipped with an integral metal drain board shall be permanently installed in all mobile food units. Each compartment shall be at least 12 inches wide, 12 inches long~~,~~ and 10 inches deep or 10 inches wide, 14 inches long~~,~~ and 10 inches deep and each drain board shall be at least 144 square inches. A metal shelf may be used in lieu of one drain board when approved by the Department

e. A handwashing lavatory at least 9 inches wide, 9 inches long~~,~~ and 5 inches deep shall be permanently installed on all mobile food units and pushcarts.

f. No Change

REGULATION 7. Food Protection

a. No Change

b. Food preparation in mobile food establishments shall be simplified to reduce excessive steps where food may become contaminated. Only minimum food preparations shall be approved. This prohibition does not apply to foods that have been prepared or packaged in facilities meeting the requirements of this **C**ode.

c.to g. No Change.

h. All packaged foods shall be labeled in accordance with **21 CFR 101**.

i. to l. No Change

M. POTENTIALLY HAZARDOUS FOOD ITEMS SOLD AS CONDIMENTS FROM A PUSHCART ARE REQUIRED TO BE STORED ON THE PUSHCART AT PROPER TEMPERATURES. THE AMOUNT OF POTENTIALLY HAZARDOUS FOOD CONDIMENTS ARE LIMITED TO SUFFICIENT STORAGE SPACE ON THE PUSHCART.

N. THE SERVICE OF ALL FOOD ITEMS, EXCLUDING PREPACKAGED NON-POTENTIALLY HAZARDOUS FOOD ITEMS, MUST BE CONDUCTED FROM THE PUSHCART UNIT.

O. BACON WRAPPED HOTDOGS MUST BE COMMERCIALLY PRECOOKED OR COOKED AT THE ASSIGNED COMMISSARY PRIOR TO SALES FROM A PUSHCART.

REGULATION 8. Water and Wastewater

a. A potable water system under pressure, supplying hot and cold water, of a minimum capacity of 30 gallons, shall be installed permanently in mobile food units for food preparation, utensil washing and sanitization~~,~~ and handwashing.

b. to i. No Change

j. 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.

k. to n. No Change

REGULATION 9. Additional Requirements for Food Peddlers

a. No Change

b. No Change

~~b.~~ **C.** All packaged frozen foods shall be maintained frozen and sold or offered for sale to consumers frozen.

d. No Change

e. A food peddler may assemble snow cones from properly installed equipment, and use approved utensils to sell or dispense pickles from jars. Open beverages served by a food peddler must be prepared at the commissary and dispensed from approved equipment. In addition, when open food products are dispensed, approved~~,~~ hand washing facilities shall be available.

f. to j. No Change

REGULATION 10. Additional Requirements for Commissary Permits

a. Commissary 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.

b. No Change

c. No Change

REGULATION 11. Additional Requirements for Temporary Food Establishments, Seasonal Food Establishments~~,~~ and Special Event Food Establishments

a. All seasonal food establishments **AND SPECIAL EVENT FOOD ESTABLISHMENTS OPERATING AT AN EVENT GREATER THAN 14 DAYS** shall operate in conjunction with an onsite commissary or a fixed food establishment, unless an alternate Department approval is obtained. Seasonal food establishments **AND SPECIAL EVENT FOOD ESTABLISHMENTS**, for which an alternative Department approval has not been granted, shall operate in conjunction with a commissary or fixed food establishment that is easily accessible and available for use at all times ~~the seasonal food establishment is~~ **WHILE** in operation.

b. to g. No Change

REGULATION 12. No Change

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

FOOD, FOOD PRODUCTS,
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SECTION 4

VENDING MACHINES

In addition to complying with the regulations in section 1 and 2 of this Chapter, vending machine operations shall comply with the following **r**egulations.

REGULATION 1. Permit, Plan Review~~,~~ and Commissary Required

No Change

REGUALTION 2. Permit Display and Necessary Information

No Change

REGULATION 3. Sanitation, Packaging, and Dispensing

a. All foods, beverages~~,~~ and ingredients offered for sale through vending machines, shall be wholesome, free from spoilage, contamination, misbranding, and adulteration; shall be stored or packaged in clean protective containers; and shall be handled, transported and dispensed in a sanitary manner. Fruit shall be washed at a permitted commissary to remove soil and pesticides~~,~~ insecticides, or other chemicals, and allowed to air dry.

b. No Change

c. Potentially hazardous foods (time/temperature control for safety food) offered for sale through vending machines shall be dispensed to the consumer in the individual original container or wrapper in which it was placed or such products shall be dispensed into single-service containers. Where potentially hazardous foods (time/temperature control for safety food) are dispensed, bulk supplies of such foods, beverages~~,~~ or ingredients shall be transferred only to a bulk vending machine in which all food contact surfaces have been cleaned and subjected to an effective sanitization process.

d. No Change

e. No Change

REGULATION 4. Vending Machines, Automatic Shutoff

No Change

REGULATION 5. Sampling

No Change

REGULATION 6. Cleaning Of Equipment

a. All multi-use food contact surface parts of vending machines which, come into direct contact with any non-packaged food, beverage, or food ingredient shall be thoroughly cleaned and undergo a sanitization process at the permitted commissary at intervals prescribed by equipment manufacturers or as frequently as necessary to prevent food contamination, and shall be kept clean.

b. No Change

c. No Change

REGULATION 7. Single-Service Containers

All single-service containers, used to receive food or beverage in bulk from vending machines shall be kept in sanitary cartons or packages which protect the containers from contamination, stored in a clean dry place until used, and handled in a sanitary manner. Containers shall be stored in the original carton or package in which they were placed at the point of manufacture until introduced into the container magazine or dispenser of the vending machine. Single-service containers stored within the vending machine shall be protected from manual contact, dust, insects, rodents, and other contamination.

REGULATION 8. Protection and Ease of Cleaning

a. No Change.

b. Unless a vending machine is sealed to the floor so as to prevent seepage underneath, or can be manually moved with ease, one or more of the following provisions shall be utilized to facilitate cleaning operations:

(1) to (3) No Change

c. The floor area upon which vending machines are located shall be smooth, of cleanable construction~~,~~ and capable of withstanding repeated cleaning.

d. No Change

REGULATION 9. to REGULATION 12. No Change

REGULATION 13. Food Contact Surfaces

Food contact surfaces of vending machines shall be smooth, in good repair~~,~~ and free of breaks, corrosion, open seams, cracks**,** and chipped places. The design of such surfaces shall preclude routine contact between food and V-type threaded surfaces. All joints and welds in food contact surfaces shall be smooth; and all internal angles and corners of such surfaces shall be rounded to facilitate cleaning. All containers, valves, fittings, chutes, and faucets that are in contact with food or beverage shall be easily and readily removable and so fabricated as to be easily disassembled and when disassembled, all surfaces shall be visible for inspection and cleaning.

a. No Change

(1) to (4) No Change

REGULATION 14. Covers and Openings

The openings into all nonpressurized containers used for the storage of foods and ingredients, including water, shall be provided with covers, which prevent contamination from reaching the interior of containers. Such covers shall be designed to provide a flange, which overlaps the opening, and shall be sloped to provide drainage away from the cover surface. Concave covers or cover areas are prohibited. Any port opening through the cover shall be flanged upward at least 3/8" and shall be provided with a cover that overlaps the flange. Condensation or drip-deflecting aprons shall be provided on all piping, thermometers, equipment, rotary shafts and other functional parts extending into the container, unless a water-tight 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 a material, which is nontoxic, stable~~,~~ and nonabsorbent, and shall have a smooth surface. All gasket retaining grooves shall be readily cleanable.

REGULATION 15. Dispensing Equipment, Protection of Equipment and Food.

No Change

REGULATION 16. Food Storage Compartment

Every food storage compartment within vending machines dispensing packaged liquid foods~~,~~ shall be self-draining~~,~~ or shall be provided with a drain outlet, which permits

complete draining of the compartment or diversion devices and retention pans. All such drains shall be easily cleanable.

REGULATION 17. to **REGULATION 19.** No Change

REGULATION 20. Carbonated Water

a. No Change

b. No Change

c. To prevent leaching of toxic materials caused by possible interaction of carbonated water with 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 downstream from the check and vented valves.

d. No Change

REGULATION 21. Check Valves

No Change

REGULATION 22. **Storage and Removal of Waste**

a. No Change

b. Self-closing, leak-proof, readily cleanable, plainly labeled, and designated waste container or containers shall be provided in the vicinity of each machine or machines to receive used cups, cartons, wrappers, straws, closures, and other single-service items. Such waste containers shall not be located within the vending machine; provided, that an exception may be made for machines dispensing only packaged beverages with crown closures.

c. No Change

REGULATION 23. Vending Machines, Liquid Waste Products.

No Change

REGULATION 24. Protection While In Transit

Food, beverages, or ingredients while in transit to vending machine locations shall be protected from the elements, dirt, dust, and insects, rodents, and other contamination. Similar protection shall be provided for single-service containers and for food contact surfaces of equipment, containers, and devices in transit to vending machine locations.

REGULATION 25. Temperature While Delivering

No Change

REGULATION 26. Sanitary Standards for Food Employees

a. Refer to the U.S. Food and Drug Administration 2009 FDA Food Code, Regulation 3-301.12 and 3-301.11, adopted by reference.

REGULATION 27. Water Vending Machines

a. to c. No Change

d. False or misleading statements or claims on water vending machines are prohibited. Labeling shall include the statement, "This machine is connected to an approved public water supply which meets federal and state drinking water standards." Labeling shall also include a statement of any substances and/or preservatives added to the water and all major treatment processes applied thereto.

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

FOOD, FOOD PRODUCTS, FOOD HANDLING ESTABLISHMENTS

SECTION 5

MEAT ESTABLISHMENTS

REGULATION 1. Definitions

"Meat Establishment" means a store or shop at the retail level in which meat, meat products, fish, poultry, game animal, or molluscan shellfish are processed, prepared, stored, sold, or offered for sale. Preparation by means of cooking shall be limited to the production of meat, meat products, fish, poultry, game animal, and molluscan shellfish for consumption off the premises.

REGULATION 2. Permits Required

No Change

REGULATION 3. General

a. All meat, meat products, fish, poultry, game animal, and molluscan shellfish shall be considered a food as defined in Chapter ~~8~~**VIII**, Section 1, Regulation 1.

b. Live slaughter of animals, fish~~,~~ and/or birds shall not be conducted without a variance from this Department.

c. No Change

d. All processing of raw meat, meat products, fish, poultry, game animal, or molluscan shellfish shall be spatially or temporally separated from areas where ready-to-eat food products and/or food service equipment are stored, prepared~~,~~ or held for service.

e. All meat, meat products fish, poultry, game animal, and molluscan shellfish shall be from a source approved by the appropriate jurisdiction, e.g., Arizona Department of Agriculture, Animal Service Divison. The Department reserves the right to disapprove meat or meat products from uninspected sources.

f. Meat, meat products, fish, poultry, game animal, or molluscan shellfish shall not be labeled or represented in a manner which is in conflict with the Arizona Department **O**f Agriculture, Animal Service Division, meat and poultry inspection requirements or which would misrepresent the item to the consumer.

REGULATION 4. Refrigeration; Packaging; Transportation

No Change

REGULATION 5. Processed Meat and Meat Food Product Requirements for 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~~ 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~~, 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~~ 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 Section.

(3) No Change.

(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~~ 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 section.

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~~ 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 3% ~~percent~~ 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 3**%** ~~percent~~ 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~~ fat. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3**%** ~~percent~~ 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~~ 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 3**%** ~~percent~~ of the total ingredients used. Extenders or binders are limited to 3 1/2**%** ~~percent~~ of the finished sausage.

f. No Change

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~~ 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~~ 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~~ 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 sausage 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 of one or more kinds of raw skeletal muscle meat with raw meat byproducts, or not less than 15% percent 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 of the meat and meat byproducts or meat, meat byproducts, and poultry products ingredients. The finished products shall not contain more than 30 percent 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 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 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) No Change

(4) No Change

(5) With appropriate labeling such as "Frankfurter, Calcium Reduced Dried Skim Milk Added", or "Bologna, with Byproducts (or Variety Meats), Soy Flour Added", one or more of the following binders may be used in cooked sausage otherwise complying with Paragraphs (1) and (2) of this section: 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 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 nonmeat 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 beet sugar, maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup, and glucose syrup may be added.

h. Labeling

(1) All processed, blended or otherwise prepared meat, meat products, fish, poultry, game animal, or molluscan shellfish that 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:

(a) to (c) No Change

REGULATION 6. Sanitation

No Change

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

FOOD, FOOD PRODUCTS,
FOOD HANDLING ESTABLISHMENTS

SECTION 6

FOOD RELATED FACILITIES

In addition to complying with the regulations in Section 1 and 2 of this Chapter, beverage plants, damaged and salvaged food establishments, bakeries, ice manufacturing plants, refrigerated warehouses, and food catering establishments shall comply with the following regulations.

REGULATION 1. Beverage Plants

a. No Change

b. No Change

c. Chipped, cracked~~,~~ or otherwise defective containers shall not be used.

d. No Change

REGULATION 2. Salvage and Sale of Damaged Food

a. Damaged food shall be stored apart from other food and food products in a section or area of the premises clearly designated by sign as the "Damaged Foods Section."

b. No Change

c. No Change

d. Any person in charge of a food establishment wherein food has been subjected to any of the deleterious influences described **HEREIN** Chapter VIII, Section 1, definition of damaged food, shall notify the Department thereof before marketing such food.

REGULATION 3. Bakeries

No Change

REGULATION 4. Ice Manufacturing Plants

a. to e. No Change

f. Air used for water agitation shall be filtered or otherwise treated to render it free of dust, dirt, insects, and extraneous material. Air intakes shall be so located and maintained as to accomplish this. Filters shall be located upstream from the compressor and shall be easily removable for cleaning or replacement.

g. to m. No Change

n Ice used for human consumption shall not be cracked, chipped, crushed, packaged, or pulverized on delivery trucks, loading platforms, or on the ground. This operation shall be performed in an enclosed protected area.

o. All cubed or crushed ice shall be transported and delivered in clean, closed, single-service bags, cartons or containers, which shall be stored in a clean dry place until use, and shall be handled in a sanitary manner. Single-service containers shall be used once only.

p. No Change

q. No Change

r. 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.

s. No Change

REGULATION 5. Refrigerated Warehouses

a. No food shall be placed, received, or kept in a refrigerated warehouse unless such food is in a pure and wholesome condition. Food or food products marked "withheld", "embargoed", or "condemned" shall be kept in a place and under conditions which have been approved by the Department.

b. No Change

c. Period of Storage -- No person shall keep or permit to remain in any refrigerated warehouse any food beyond the time when it is sound, wholesome and fit to remain in storage. Food found to be fit for human consumption but unfit for further storage shall at once be removed from warehouse storage. No food shall be kept or permitted to remain in any refrigerated warehouse for a longer aggregate period than twenty-four (24) calendar months except by permission of the Department. Upon written application for an extension of time, the Department may approve such request if it determines that the food is sound, wholesome and fit for further storage. If any food is held longer than twenty-

four (24) months without an approved extension and neither the operator nor the Department can locate the owner of said food, after a ten (10) day notice made by registered mail to the last known address of such owners by the operator of the facility, the Department may, at its discretion, order the disposition of the food.

d. Restorage Prohibited -- No food that has once been released from storage in a refrigerated warehouse and placed on the market for sale to consumers or delivered for use by the ultimate consumer, shall again be placed or stored in a refrigerated warehouse for resale for human consumption.

e. Marks, Tags, Identification of Food -- The operator of each refrigerated warehouse shall assign to each lot of food and drink, when received for storage, a distinguishing lot number for identification purposes and shall keep an accurate record of such lot number and shall also make and keep a record of the date of the receipt and the date of removal of each lot of food and drink. No food shall be held unless plainly marked and tagged, either upon the container or upon the article itself, with the identification lot number assigned and recorded in accordance with this regulation, except that where food products are bulk-piled, palletized or piled in unit loads it will be satisfactory to have the outside of the bins in which the bulk is piled or the outside of containers marked as required.

f. Transfer -- Food may be transferred from one refrigerated warehouse to another if all prior stamping, tags and marking remain thereon and such transfer is not made for the purpose of evading the provisions of this Code.

g. Alteration Prohibited -- No person shall alter, obliterate, mutilate, destroy, remove or eradicate any stamp, tag or mark placed upon any food package, container or food to indicate that the food was received for refrigerated storage from within or from out of the County in order to evade any of the provisions of this Code.

REGULATION 6. Frozen Desserts

a. No Change

b. Method of determination -- bacteria and other counts referred to herein shall be based on recognized standard methods of analysis as prescribed in the latest edition of standard methods for the Examination of Dairy Products of the American Public Health Association, Inc.

c. No Change

REGULATION 7. Food Caterers

a. No Change

b. Food service will generally be limited only to holding and serving as well as cooking of animal proteins, soy proteins, and vegetables. approval for limited on-site re-heating and 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.

c. No Change

d. No Change

e. No Change

f. No Change

g. Where off-site food service is to occur outdoors, acceptable booth enclosure for all food activities is required per this **C**ode.

h. All sewage, including liquid waste, shall be emptied into an approved sewage disposal system.

i. All foods offered for customer self-service (i.e.**,** on a buffet or similar means) shall be protected from contamination by the use of packaging, food guards, display cases**,** or other effective means. In addition, foods that have been offered in this manner shall not be offered for human consumption upon the completion of each day.

j. to l. No Change

REGULATION 8. TRIAL REVIEW ESTABLISHMENT

(A) AREAS ELIGIBLE FOR REVIEW UNDER A TRIAL REVIEW ESTABLISHMENT PERMIT INCLUDE STRUCTURAL ITEMS, CUSTOM EQUIPMENT, UNIQUE ARCHITECTURAL DESIGNS, ALTERNATIVE EQUIPMENT SYSTEMS, OR OTHER ITEMS THE DEPARTMENT DEEMS APPROPRIATE.

(B) AREAS NOT ELIGIBLE FOR REVIEW UNDER A TRIAL REVIEW ESTABLISHMENT PERMIT INCLUDE FOOD TEMPERATURE CONTROL, PERSONAL HYGIENE CONTROL, CHEMICAL/REAGENT MATERIALS, ANY ITEM DIRECTLY RELATED TO CDC RISK FACTORS, OR ANY ITEM THE DEPARTMENT DEEMS COULD ADVERSELY IMPACT PUBLIC HEALTH.

(C) ANY ESTABLISHMENT THAT SERVES A HIGHLY SUSCEPTIBLE POPULATION MAY NOT APPLY FOR A TRIAL REVIEW ESTABLISHMENT PERMIT.

(D) AT THE END OF THE SIX MONTH PERIOD, THE DEPARTMENT WILL TRANSITION THE BUSINESS INTO AN APPLICABLE FOOD

SERVICE ESTABLISHMENT PERMIT WHERE THE OWNER WILL EITHER:

(1) MAKE ALL NECESSARY MODIFICATIONS TO MEET CURRENT MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE REGULATIONS; OR

(2) OPERATE IN COMPLIANCE WITH A DEPARTMENT APPROVED ALTERNATIVE DESIGN, EQUIPMENT AND/OR ACTIVE MANAGERIAL CONTROL PLAN.

(E) THE TRIAL REVIEW ESTABLISHMENT PLAN REVIEW FEES ARE THE SAME AS THE CHAPTER I FEE SCHEDULE "ENVIRONMENTAL HEALTH PLAN REVIEW" FEES FOR CATEGORIES "ALL OTHER FOOD ESTABLISHMENTS", "MOBILE FOOD ESTABLISHMENTS" AND "PUSHCART PLAN REVIEW". IN ADDITION, THE TRIAL REVIEW ESTABLISHMENT PERMIT FEES ARE HALF THE ANNUAL "FOOD ENVIRONMENTAL HEALTH OPERATING PERMITS" FEES BY CLASS AND SEATING CAPACITY AS LISTED IN THE CHAPTER I FEE SCHEDULE.

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

FOOD, FOOD PRODUCTS,
FOOD HANDLING ESTABLISHMENTS

SECTION 7

BOTTLED WATER

No Change

REGULATION 1. Bottled Water Rules

The provisions of A.A.C. Title 9, Chapter 8, Sections 201 through 209, excluding Sections 202 and 208, paragraph**S** a & b, shall be met.

R9-8-201. Definitions

In this article, unless the context otherwise requires:

1. to11. No Change

12. "Mineral Water" means "Natural Water" that contains not less than 500 parts per million dissolved mineral solids and whose source is approved by the **ARIZONA** Department of Environmental Quality.

13. to 20. No Change

R9-8-203. Processing Practices

a. No Change

b. No Change

c. The provisions of **R9-8-203(B)** ~~R9-8-203.b.~~ shall not apply to soft drink bottling operations processing carbonated water.

R9-8-204. Labeling Requirements

a. All bottled water processed or sold in Arizona shall conform to the requirements established in A.R.S. §36-906, and shall be labeled in compliance with one of the following standards:

1. to 4 No Change

5. Bottled water which contains carbon dioxide, other than "Naturally Carbonated or Naturally Sparkling", shall be labeled with the words "Carbonated" or "Sparkling" or "Soda Water".

6. to 9 No Change

b. Any bottler, distributor, or vendor of bottled water whose corporate name, brand name or trademark contains the words "Well", "Artesian Well", "Natural", or any derivation of these words shall label each bottle with source of the water in typeface at least equal to the size of the typeface of the corporate name or trademark if the actual source of the bottled water is different from the source stated in the corporate name, brand name or trademark.

c. No Change

d. No Change

R9-8-205. Source Water Sampling

No Change

R9-8-206. Finished Product Sampling

No Change

R9-8-207. Transportation Vehicles

a. No Change

b. All vehicles transporting bottled water shall be clean and shall protect the bottled water from dust, dirt, insects, and other vermin.

R9-8-209. Public Nuisance

a. Any water supply, label, premises, equipment, process, or vehicle which does not comply with the minimum standards of this article shall be considered a public nuisance.

b. No Change

REGULATION 2. Sanitation

Every bottled water plant in which is carried on the process of placing water from an approved source into a sealed container or package shall be operated and maintained in a clean and sanitary condition and in compliance with the appropriate parts of Chapter VIII, Section 1, the general Regulations of this Code, and with the specific provisions of this Section.

REGULATION 3. Permit Required

No Change

REGULATION 4. Water Quality and Source

No Change

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER X

RESIDENCE ACCOMMODATIONS

SECTION 1

GENERAL ~~CONSIDERATIONS~~ PROVISIONS

REGULATION 1. Definitions

a. "Transient dwelling establishment" means and includes any place such as a hotel, motel, motor hotel**, RESORT,** tourist court, tourist camp, rooming house, boarding house, inn, **HOSTEL,** and similar facilities by whatever name called, consisting of two or more dwelling units where sleeping accommodations**, LINENS, AND CLEANING SERVICES** are **PROVIDED FOR** transients or tourists; provided, however, that the term shall not be construed to include apartments, and similar facilities if occupancy of all dwelling units is on a permanent basis. **~~WHICH EXCEEDS THIRTY (30) DAYS~~.**

b. No Change

c. "Dwelling unit" means any suite, room, cottage, bedroom, or other unit established, maintained, held out**,** or offered by a transient dwelling establishment for occupancy.

D. "LICENSED PEST CONTROL APPLICATOR" MEANS A PERSON WHO IS LICENSED BY THE ARIZONA OFFICE OF PEST MANAGEMENT (OPM) TO APPLY PESTICIDES.

E. "RESIDENCE ACCOMMODATION" MEANS A PLACE OF HUMAN HABITATION, SUCH AS A TRANSIENT DWELLING ESTABLISHMENT, APARTMENT, CONDOMINIUM, HOUSE, MANUFACTURED HOME, OR TOWNHOME.

REGULATION 2. No Change

REGULATION 3. ~~Inspection of Housing~~ RIGHT OF INSPECTION

No Change

REGULATION 4 . Sanitation of Habitable Buildings

a. In every public or private building which is in whole or in part leased by the owner or his agent for habitation, or which is permitted to be used by patrons or the general public, each plumbing fixture, pipe, drain, sewer**,** and sewer connection shall be properly plumbed, of sanitary design and construction, maintained in repair and in a sanitary condition.

b. No Change

c. ~~No~~ **AN** owner or lessee of a **TRANSIENT** dwelling **ESTABLISHMENT**, ~~house~~**, RESIDENCE ACCOMMODATION,** apartment or business establishment **(COLLECTIVELY**

HEREINAFTER REFERRED TO AS "PROPERTY") shall **NOT** ~~cut or~~ turn off the water supply or cause such water supply to be ~~shut~~ **TURNED** off, except in case of necessity arising from a serious leak ~~of~~ **OR** bursting ~~of~~ pipes. In such cases, repairs shall promptly be made**, OR CAUSED TO BE MADE, BY THE PROPERTY OWNER, PROPERTY MANAGER, OR LESSEE**.

d. No Change

REGULATION 5. No Change

REGULATION 6. No Change

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER X

RESIDENCE ACCOMMODATIONS

SECTION 2

TRANSIENT DWELLING ESTABLISHMENTS

REGULATION 1. Dwelling Units

a. to h. No Change

i. All dwelling units shall be adequately heated, cooled, ventilated**,** and lighted.

j. All walkways, driveways, hallways~~,~~ **AND** passageways shall be adequately lighted at night.

k. No Change

REGULATION 2. Bedding

a. The beds, mattresses, pillows, and bed linen, including sheets, pillow slips, blankets, **AND OTHER SIMILAR TYPES OF BED LINENS**, 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 **AND PROTECTED FROM CONTAMINATION AND FILTH** when not in use.

b. No Change

c. ~~Clean linen shall be provided to each new guest and shall be changed at least once each week when occupancy exceeds this period.~~ **CLEAN LINEN SHALL BE REPLACED BY STAFF AT THE REQUEST OF A GUEST, BETWEEN GUESTS, AND AT LEAST ONCE PER WEEK.**

REGULATION 3. 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 Department and approval received prior to the start of construction. The design, construction, and operation of all such water supply systems shall comply with ~~Department regulations governing public water supplies~~. **CHAPTER V OF THIS CODE.**

REGULATION 4. Toilet; ~~Lavatory~~ ROOMS

a. Adequate and convenient toilet, ~~lavatory~~ **SINK**, and bathing facilities shall be provided at all transient dwelling establishments and shall be available to the guests at all times.

b. No Change

c. Central toilet rooms shall provide not less than one toilet, one ~~lavatory~~ **SINK**, and one tub or shower for each sex for each 10 dwelling units, or major fraction thereof, not having private or connecting baths. ~~At least one urinal shall be provided in each central toilet room designated for men.~~

d. to g. No Change

REGULATION 5. Sewage Disposal

a and b. No Change

c. Where separate sewage disposal facilities are proposed, the design construction of such system shall be in accordance with Chapter II of this **C**ode. Plans and specifications for such system shall be submitted to the Department and approval received prior to start of construction.

REGULATION 6. Drinking Water; Ice; UTENSILS

a. No Change

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 paper cups with suitable dispenser may be substituted for glasses.~~ **AFTER EACH OCCUPANCY, ALL MULTI-USE GLASSES AND OTHER MULTI-USE UTENSILS FURNISHED TO EACH DWELLING UNIT SHALL BE CLEANED AND SANITIZED IN A MANNER APPROVED BY THE DEPARTMENT. IF THESE ITEMS ARE NOT CLEANED USING AN APPROVED DISHWASHER IN THE GUEST ROOM, THEN A SINK WITH THREE (3) COMPARTMENTS AND INTEGRAL DOUBLE DRAIN BOARDS OR A DISHWASHER HAVING A FUNCTIONAL AND/OR ADEQUATE SANITIZING CYCLE SHALL BE USED IN ANOTHER APPROVED AREA OF THE TRANSIENT DWELLING ESTABLISHMENT. ALL EQUIPMENT SHALL BE CERTIFIED OR CLASSIFIED BY AN AMERICAN NATIONAL STANDARDS INSTITUTE ACCREDITED CERTIFICATION PROGRAM, OR DEEMED ACCEPTABLE BY THE DEPARTMENT. THE DEPARTMENT MAY APPROVE ANY TYPE OF DEVICE~~,~~ OR PROCEDURE FOR CLEANING AND SANITIZING TABLEWARE IF THE PROPERTY OWNER OR PROPERTY MANAGER DEMONSTRATES THE PROCEDURE IS EFFECTIVE AND RELIABLE FOR THAT PURPOSE.**

c. No Change

d. No Change

REGULATION 7. to REGULATION 9. No Change

REGULATION 10. ~~Plumbing~~ RESERVED

REGULATION 11. Notification of Disease AND OTHER HAZARDS

a. The owner or operator of a transient dwelling establishment shall **IMMEDIATELY** report to the local ~~health department~~ **BOARD OF HEALTH OR MARICOPA COUNTY DEPARTMENT OF PUBLIC HEALTH (MCDPH)** the name of any guest or employee suspected or known to have a contagious disease, in accordance with A.R.S. Title 36, Chapter 6, Article 2.

b. Every dwelling unit, after being occupied by a person known or suspected of having a contagious disease, shall be rendered non-contagious by treatment method as specified by the **MCDPH** ~~Department~~ before further occupancy.

Follow-Up Stakeholder Meeting

Proposed Revisions
Maricopa County Environmental Health Code

ES-2013-002
Misspellings/Spacing throughout the Code and Reorganizing, Updating, and Definitions/Application in Chapters 1, 8 and 10

Maricopa County Environmental Services Department
May 21, 2013

Maricopa County Environmental Services Department

Working with our community to ensure a safe and healthy environment

VISION STATEMENT:
As the recognized regional environmental leader, we will develop and foster innovative environmental health protection programs for the safety of our residents and their environment.

MISSION STATEMENT:
The mission of the Environmental Services Department is to provide safe food, water, waste disposal and vector borne disease reduction controls to the people of Maricopa County so that they may enjoy living in a healthy and safe community.

Building Relationships — Maricopa County

MARICOPA COUNTY ENHANCED REGULATORY OUTREACH PROGRAM

Maricopa County has five regulatory departments that seek to ensure the safety and well-being of our community. Because we understand that regulations and rulemaking decisions, discussions, and meetings can be confusing, we developed the Enhanced Regulatory Outreach Program that allows citizens to easily monitor and engage in the adoption and amendment of all regulations.

AIR QUALITY · ENVIRONMENTAL SERVICES · FLOOD CONTROL · PLANNING & DEVELOPMENT · TRANSPORTATION

http://www.maricopa.gov/regulations/

Follow the Regulatory Process

FOLLOW MARICOPA COUNTY'S REGULATORY ADOPTION PROCESS STEP-BY-STEP

Step 1	County Manager Briefed Board of Supervisors
Step 2	Conduct Stakeholder Workshop
Step 3	Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission
Step 4	Public Meeting to Initiate Regulatory Change
Step 5	Specific Departmental Processes
Step 6	Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission
Step 7	Public Meeting to Make Recommendation to Board of Supervisors
Step 8	Schedule BOS Public Hearing
Step 9	Board of Supervisor Public Hearing
Step 10	Item Adopted

RECEIVE UP TO DATE NOTIFICATIONS – STAY INFORMED –

Sign up today to receive notice from the five Maricopa County regulatory departments about calendar changes or where items are in the process by visiting:

http://www.maricopa.gov/regulations/Notifications.aspx

ENHANCED PUBLIC PARTICIPATION – STAY INVOLVED –

Your comments are important! Feedback is compiled and presented to every voting body to help policymakers during the decision process.

Submit comments for every proposed regulation going through this program by visiting:

http://www.maricopa.gov/regulations/comments.aspx

Case #/Title: ES-2013-002: Revisions to Maricopa County Environmental Health Code – Misspellings, **Reorganizing**, Updating, and Definitions/Application

Reorganizing – What is the Scope?

- **Chapter 1 – Fee Table**
- **Water and Waste Management Fees**
- **Old Table – by program**
- **New Table – by category**
  Water, Solid Waste, Wastewater, Pools

***** No Fee Cost Changes or New Fees*****

Fee Table New Organization

1. **Operating Permits – Annual Fees**
2. **Plan Review**
3. **All Other Water & Waste Management Fees**

New Fee Table Headings

Operating Permits – Annual Fees
Drinking Water Operating Permits
Solid Waste Operating Permits
Swimming Pool Operating Permits
Wastewater Treatment Operating Permits

New Fee Table Headings (cont'd)

Plan Review Fees
Drinking Water Projects Plan Review
Solid Waste Projects Plan Review
Swimming Pool Projects Plan Review
Wastewater Projects Plan Review
Subdivision Plan Review
All Other Water and Waste Management Fees

New Fee Table Headings

Total – 10 Headings

Current Fee Table Headings

Water and Waste Plant Review
Swimming Pool Plan Review
Swimming Pool Operation Permits
Solid Waste Operating Permits
Solid Waste Operating Permits
Drinking Water Operating Permits
Wastewater Treatment Operating Permits
Water and Waste Plan Review
Solid Waste Plan Review

Current Fee Table Headings (Cont'd)

Water Treatment Plants Plan Review
Wastewater Treatment Works Plan Review
Water and Wastewater Treatment Plan Review
Drinking Water System Site Sampling Plan...
Subdivisions Plan Review
Water and Wastewater Plan Review
Subdivisions Plan Review
Sewer Collection Systems Plan Review
On-Site Wastewater Treatment Facilities

Current Fee Table Headings (Cont'd)

All Other Water and Waste Mangement Fees
All Other Water and Waste Management Fees

Total – 20 Headings

Miscellaneous Fee Table Changes

- Rename "Refuse Hauler" to "Non-Hazardous Solid Waste Hauler" to match CH II Sec 5
- Add Plan Review Options Explanation
- Change Plan Review Columns

End of Fee Table Section

We Welcome Your Questions and Comments

-

Term Update
MCESD- Chapter 1 – Fee Table

Food Environmental Health Operating Permits
Food ~~Processor~~ Production
Food ~~Processor~~ Production
Food ~~Processor~~ Production School
Food ~~Processor~~ Production School

*** No Fee Cost Changes or New Fees***

Term Update
MCESD- Chapter 1 – Fee Table
Liquor License

Food Environmental Health Operating Permits	One Time Fee
~~Liquor License~~	~~$45.00~~

Grammar or Case Updates
MCEHC Chapter 1

GRAMMAR
The word "be" changed to "is".

CASE
The "c" and "m" below changed to upper case.
class 2 misdemeanor to Class 2 Misdemeanor

*** No Fee Cost Changes or New Fees***

Grammar Update
MCEHC Chapter 1

In cases where the Department requires the submission of plans and specifications, no person shall commence construction unless the required plans have been approved. It shall be the full responsibility of said person that construction ~~be~~is in conformance with the approved plans and specifications.

Case Updates
MCEHC Chapter 1

In addition, persons who violate a provision of this Environmental Health Code are guilty of a Class 3 Misdemeanor if the person holds a valid permit or a ~~class~~ Class 2 ~~misdemeanor~~ Misdemeanor if the person does not hold a valid permit under this article as provided in A.R.S. 36-183.03 and 36-191 and may be punished accordingly.

The recorded assessment is ~~prima~~ Prima ~~facie~~ Facie evidence of the truth of all matters recited in the Assessment Statement and of the regularity of all proceedings before recording the Assessment Statement.

Term Updates
MCESD Chapter 1
Service of Notice and Hearings

Existing "Hearing" references, ARS 41-106 and 41-1066 were moved in Regulation 9

The word "Notice" replaced "Notice of Violation + Notice of a Hearing". Also a Department record keeping statement was removed and a capital letter, was changed to lower case.

Term Update
Notice

Unless otherwise provided in this Environmental Health Code, ~~a Notice of Violation, Notice of a hearing, and~~ all ~~other n~~Notices provided for in this Environmental Health Code are deemed served and received on the date the Notice is personally delivered to the permit holder, or on the date it is sent by registered or certified mail, return receipt requested, to the permit holder's last known address or to the address shown on the permit holder's driver's license. A copy of the Notice shall be filed in the Department's records.

Term Update
Hearing

c. Hearings

(1) Hearings held pursuant to this Environmental Health Code shall be conducted in the same manner as hearings are conducted pursuant to A.R.S. §§ 41-1061 to -1066.

(2) A Notice of a hearing from the Department to a permit holder shall include:

(~~1~~a) A statement of the time, place, and nature of the hearing.

(~~2~~b) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(~~3~~c) A reference to the particular sections of the statutes and regulations involved.

(~~4~~d) A short, plain statement of the matters asserted. If the Department is unable to state the matters in detail at the time the Notice is served, then the Notice may be limited to a statement of the issues involved. If the permit holder requests a more definite statement, the Department shall, if it is able, provide a more definite and detailed statement to the permit holder prior to the hearing.

~~(5) Hearings.~~

~~(a) Hearings held pursuant to this Environmental Health Code shall be conducted in the same manner as hearings are conducted pursuant to A.R.S. §§ 41-1061 to -1066.~~

Term Updates
MCESD Chapter 1

A ~~Notice~~notice of the nonpayment of a fee is deemed served and received on the date it is sent by regular first class mail, postage prepaid, to the permit holder's last known address. ~~A copy of the Notice shall be filed in the Department's records.~~

Revision Scope

- Eating & Drinking permit classifications
- Promotional Food definition
- Pushcart permit definition & regulation changes
- Special Event Food Establishment definition
- Residence Accommodation regulation changes

E&D permit classification

Chapter 8, section 1, regulation (25)

"Eating & Drinking Establishment" is a food establishment that prepares food for service on the premises or take-out delivery directly to a consumer Examples of eating & drinking food establishments are: 0-9 seating, 10+ seating, adult daycare, assisted living, hospital food service, jail food service, nursing home, school food service, senior food service, and service kitchen.

Class 2 – quick service operations with only limited preparation of menu items **OR AS DETERMINED BY THE DEPARTMENT**.

Class 3 – quick service operations with advanced preparation of two or less menu items **OR AS DETERMINED BY THE DEPARTMENT**.

Class 4 – full service operations with advanced preparation of three or more menu items **OR AS DETERMINED BY THE DEPARTMENT**.

Class 5 – quick or full service operations where the consumers specifically include populations highly susceptible to foodborne illness **OR AS DETERMINED BY THE DEPARTMENT**.

Promotional Food

Chapter 8, section 3, regulation 2.f.

Promotional activities that do not require a food service permit include:

(1) Promotional activities in a permitted food establishment as defined in this Code.

(2) The promotion of non-potentially hazardous food products as defined in this Code.

(3) The cutting of raw fruits and vegetables for **DISPLAY AND NOT INTENDED FOR HUMAN CONSUMPTION** ~~immediate service to customers~~.

Pushcart Definition

Chapter 8, Section 1, Regulation (46)(b)
Chapter 8, Section 3, Regulation 1.a.(2)

"Pushcart" means a vehicle designated to be readily movable that is limited to the serving of non-potentially hazardous foods, drinks, or individually commercially packaged potentially hazardous foods (time/temperature control for safety foods) maintained at proper temperatures, or limited to the assembling and serving of frankfurters **AND CORN**. Unpackaged non-potentially hazardous food items approved for sale or dispensed from a pushcart shall be limited to popcorn, nuts, pretzels, and similar-bakery products**, COTTON CANDY**, shaved ice, snow cones, italian ice, and non-potentially hazardous drinks.

Pushcart Regulations

Chapter 8, section 3, regulation 7 (New Regulations)

M. POTENTIALLY HAZARDOUS FOOD ITEMS SOLD AS CONDIMENTS FROM A PUSHCART ARE REQUIRED TO BE STORED ON THE PUSHCART AT PROPER TEMPERATURES. THE AMOUNT OF POTENTIALLY HAZARDOUS FOODS CONDIMENTS ARE LIMITED TO SUFFICIENT STORAGE SPACE ON THE PUSHCART.

N. THE SERVICE OF ALL FOOD ITEMS, EXCLUDING PREPACKAGED NON- POTENTIALLY HAZARDOUS FOODS ITEMS, MUST BE CONDUCTED FROM THE PUSHCART UNIT.

O. BACON WRAPPED HOTDOGS MUST BE COMMERCIALLY PRECOOKED OR COOKED AT THE ASSIGNED COMMISSARY PRIOR TO SALES FROM A PUSHCART.

Special Event Food Establishment

Chapter 8, Section 1, Regulation (46)(f)
Chapter 8, Section 3, Regulation 1.a.(6)

"Special Event Food Establishment" means a food establishment that operates in conjunction with one event that operates for not more than **ONE HUNDRED TWENTY** ~~(14)~~ **(120)** consecutive days. At the termination of the special event, the special event food establishment shall be removed from the premises.

Special Event Food Establishment

Chapter 8, Section 3, Regulation 11.a.

All seasonal food establishments **AND SPECIAL EVENT FOOD ESTABLISHMENTS OPERATING AT AN EVENT GREATER THAN 14 DAYS** shall operate in conjunction with an onsite commissary or a fixed food establishment, unless an alternate Department approval is obtained. Seasonal food establishments **AND SPECIAL EVENT FOOD ESTABLISHMENTS**, for which an alternative Department approval has not been granted, shall operate in conjunction with a commissary or fixed food establishment that is easily accessible and available for use at all times ~~the seasonal food establishment is~~ **WHILE** in operation.

Residence Accommodations Chapter X, Section 1

SEC.1, REG 1., (**A**), Definitions Modifications were made to allow differentiating between a "Transient Dwelling" establishment and an extended stay establishment regardless of how the fees are collected (weekly or monthly).

SEC.1, REG 1., (**D, E, F**) Definitions for Licensed Pest Control Applicator and Residence Accommodation are proposed to clarify the meaning of these terms for all stakeholders.

Residence Accommodations Chapter X, Section 1

SEC.1, REG 3., ~~Inspection of Housing~~ **RIGHT OF INSPECTION**

SEC.1, REG 4., **(C) Sanitation of Habitable Buildings**

- Language was added to the regulation for clarification purposes

Residence Accommodations Chapter X, Section 2

SEC. 2, REG 2., (**A, C),** Bedding

- Language was added or reworded for clarification of Health and Sanitation in Transient Dwellings.

SEC.2, REG 3., Water Supply

- Modification was made to be clear and consistent.

Residence Accommodations Chapter X, Section 2

SEC. 2, REG 4., (**C,**) Toilet; Lavatory

- Lavatory replaced with sink to eliminate duplicity
- Urinals no longer required by MCESD

SEC. 2, REG 6., (**B,**) Drinking Water; Ice

- Language was added or reworded for clarification

Residence Accommodations Chapter X, Section 2

SEC.2, REG 10., Plumbing

- The strikeout part accounts for plumbing requirements currently enforced by building codes that fall under the jurisdiction of the Building Department.

SEC.2, REG 11.,(c)Notification of Disease **AND OTHER HAZARDS**

- Language was added to clarify who should be contacted in these situations and provides consistency with other parts of the code

Thank you for your participation. We welcome your questions and comments.

http://www.maricopa.gov/regulations/

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Report to the Board of Health

To Initiate Regulatory Change

Prepared by the Maricopa County Environmental Services Department

Environmental Services Department

Case #/Title: ES-2013-002 / Revisions to Maricopa County Environmental Health Code – Misspellings/Spacing throughout the Code and Reorganizing, Updating, and Definitions/Application in Chapters 1, 8 and 10

Meeting Date: April 22, 2013

Supervisor Districts: All Districts

Applicant: Department

Request: Revise the Maricopa County Environmental Health Code to clarify defined terms, remove unnecessary items and edit to improve readability. No fee changes are requested.

Support/Opposition: This case proposes changes that will help provide clarity and added flexibility when working with customers. Through the initial stakeholder meetings, no opposition was expressed regarding this case. Stakeholders present voiced their understanding of the proposed changes and how these changes would positively affect their industry.

Department Recommendation: **Initiate**

Discussion:

Maricopa County Environmental Health Code – All Content

- Misspellings. Currently, there are misspellings and spacing errors found throughout the Environmental Health Code. For professionalism and clarity, we will correct all misspellings and spacing errors. These revisions also will include changing the specified Food Processor permit type language to Food Production.

Chapter 1, General Provisions

- Reorganize the fee table, Water and Waste Management Division section, by annual permit categories, followed by plan review to reduce redundant fee lines. Fees used by multiple programs will be shown one time. The reorganization will ease customer ability to identify applicable fees in the code.

- Remove the reference to liquor license. The Department no longer has liquor licenses. Therefore, to prevent customer confusion, we will remove all references to liquor licenses.
- Revise the definition of "Notice," to provide consistency and clarity and eliminate confusion regarding its meaning and use. Notice currently is used both as a defined and general term.

Chapter 8, Food, Food Products, Food Handling Establishments

- Permit Classification Definitions – Revise Section 1, Regulation 1 (25) to clarify permit classification definitions. Presently, the permit classification definitions include subjective indicators, which can be replaced with objective factors, e.g., when setting food item criteria, specify "TCS/PHF." Providing objective criteria where possible, will help to more accurately and consistently determine permit fees. Some permit classification changes may be affected following criteria determination.
- Promotional Food Definition – Revise Section 3, Regulations 1 and 12 regarding the promotional food definition. Correct contradictory language and remove ambiguous regulatory language throughout Chapter 8 regarding the promotional food definition to provide clarity and consistency.
- Pushcart Definition – Revise Section 1 and Section 3, Regulation 1. Revisions would expand the definition of a pushcart to reduce the number of menu variances. Some menu items currently are being approved under a variance because of the permit definition. Since these menu items are almost always approved, incorporating them into the definition can reduce the number of variances.
- Seasonal Application of Annual Special Events Permit – Revisions to Section 1, Regulation 1 (46)(f) and Section 3, Regulation1.a.(6). Revisions would expand the use of the Special Event Food Establishment Permit for Seasonal Food Duration Events and Farmer's Markets where an onsite commissary arrangement is in place. This revision expands use of the new Special Event Annual Permit at additional events.

Chapter 10, Residence Accommodations

- Public Accommodations Definition – Revise the chapter to address the definition of public accommodations. Clarification is needed to delineate a public accommodation from an apartment or similar type of facility, including length of stay and contract information. Currently, there are facilities permitted as public accommodations which are operating as apartments or long-term stay facilities.

This proposed regulatory change will follow the Enhanced Regulatory Outreach policy and workflow process.

The County Manager briefed the Board of Supervisors in February 2013.

A stakeholder meeting was conducted on March 5, 2013.

Department Recommendation:

Staff recommends the Board of Health approve **initiation** of the proposed revision to the Maricopa County Environmental Health Code.

Presented by: **John Kolman, R.S., MBA, Director**

Attachments: Proposed Code Revision Language (27 Pages)
Presentation – Stakeholder Meeting (3/5/13) – (39 Pages)
Minutes – Stakeholder Meeting (3/5/13) – (2 Pages)

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER I

GENERAL PROVISIONS

REGULATION 1. to REGULATION 3. No Change

REGULATION 4. Permits, Service, and Other Requirements

a. to d. No Change

e. In cases where the Department requires the submission of plans and specifications, no person shall commence construction unless the required plans have been approved. It shall be the full responsibility of said person that construction ~~be~~IS in conformance with the approved plans and specifications.

f. to j. No Change

REGULATION 5. Fees

a. to c. No Change

D. FEE SCHEDULE: Fees shall be paid according to the following table:

CHAPTER I
MARICOPA COUNTY HEALTH CODE – FEE SCHEDULE

Effective August 1, 2010

ENVIRONMENTAL HEALTH DIVISION

Food Environmental Health Operating Permits	**Permit Subtype**	**1 Year Fee**
No Change	No Change	No Change
Food Environmental Health Operating Permits	**Permit Subtype**	**1 Year Fee**
Food ~~Processor~~PRODUCTION	Class 2	No Change
Food ~~Processor~~PRODUCTION	Class 4	No Change
Food ~~Processor~~PRODUCTION School	Class 2	No Change
Food ~~Processor~~PRODUCTION School	Class 4	No Change

No Change	No Change	No Change

Food Environmental Health Operating Permits	Permit Sub Type	One Time Fee
~~Liquor License~~		~~$45.00~~
No Change	No Change	No Change

Non-Food Environmental Health Operating Permits	Permit Subtype	1 Year Fee
No Change	No Change	No Change
~~Trailer Park~~		~~$200.00~~
No Change	No Change	No Change

Food Service Licensing	Fee
No Change	No Change

Environmental Health Plan Review	Subtype	Fee
No Change		

WATER & WASTE MANAGEMENT DIVISION

Water and Waste MANAGEMENT DIVISION Plan Review	
Plan Review Hourly Rate	$130.00 per hour
Investigation Hourly Rate	$130.00 per hour

Plan Review Options: (requires approval prior to project submittal)

Expedited Plan Review – For plan review of a project that requires expediting.
Phased Plan Review – For plan review of a project where the design is executed in phases and requires multiple approvals to be issued
Design/Build Plan Review — For plan review of a project that is executed using a design/build methodology.

An applicant may elect to have the project reviewed as an expedited and/or, if applicable, a phased or design/build plan review. Selecting an expedited, phased or design/build plan review option doubles the flat, initial and maximum fee amounts and the plan review hourly billing rate. Selecting an expedited plan review option in combination with a phased or design/build plan review option quadruples the flat, initial and maximum fee amounts.
The amount due when a project is initially submitted for review and approval is based on the fee item(s) flat/initial fee amount, the fee item quantities specified and the selected expedited, phased or design/build plan review options. For projects that include fee items

with initial/maximum fees (i.e. billable projects), the maximum amount that may be charged for the project is based on the fee item(s) maximum fee amount, the fee item quantities specified and the selected expedited, phased or design/build plan review options.

~~Design/Build Plan Submittal (Requires prior administration approval) Two times Plan Review Fee~~
~~Phased Plan Submittal (Requires prior administration approval) Two times Plan Review Fee~~
~~Expedited Plan Review Fee (Requires prior administration approval) Two times the fee for that Category~~

Swimming Pool PROJECTS Plan Review	**~~Subtype~~ FLAT OR INITIAL FEE**	**MAXIMUM Fee**
Swimming Pools/Special Use Pools		
≤1,000 sq. ft~~Swimming Pools/Special Use Pools~~	~~≤1,000 sq. ft~~ $770.00	~~$770.00~~ NA
1,001-2,000 sq. ft.~~Swimming Pools/Special Use Pools~~	~~1,001-2,000 sq. ft.~~ $1,180.00	~~$1,180.00~~ NA
2,001-9,999 sq. ft.~~Swimming Pools/Special Use Pools~~	~~2,001-9,999 sq. ft.~~ $2,205.00	~~$2,205.00~~ NA
10,000 sq. ft.~~Swimming Pools/Special Use Pools~~	~~10,000 sq. ft.~~ $6,460.00	~~$6,460.00~~ NA
Swimming Pool Remodel		
Simple~~Swimming Pool Remodel~~(NO BELOW GRADE PLUMBING CHANGES)	~~Simple~~ $165.00	~~$165.00~~ NA
Complex~~Swimming Pool Remodel~~(INCLUDES BELOW GRADE PLUMBING CHANGES)	~~Complex~~ $440.00	~~$440.00~~ NA
Swimming Pool Fence Remodel	$330.00	NA
Swimming Pool Pump Test Variance	$335.00	~~$335.00~~ NA
Swimming Pool Variance	$200.00	~~$200.00~~ NA
~~Swimming Pool Fence Remodel~~		~~$330.00~~

Swimming Pool Operating Permits	**Permit Subtype**	**1 Year Fee**
No Change	No Change	No Change

Solid Waste Operating Permits	**Permit Subtype**	**1 Year Fee**
Refuse Collection Variance Container Permit	No Change	No Change
~~Chemical Toilet~~		
Chemical Toilet ~~1 through 99 units~~	1 through 99 units	$5.00 per unit
Chemical Toilet ~~100 through 199 units~~	100 through 199 units	No Change
Chemical Toilet ~~200 through 349 units~~	200 through 349 units	No Change
Chemical Toilet ~~350 through 499 units~~	350 through 499 units	No Change

Chemical Toilet ~~500 through 999~~	500 through 999 units	No Change
Chemical Toilet ~~1000 through 1499~~	1000 through 1499 units	No Change
Chemical Toilet ~~1500 through 1999 units~~	1500 through 1999 units	No Change
Chemical Toilet ~~2000 through 2499 units~~	2000 through 2499 units	No Change
Chemical Toilet ~~2500 through 2999 units~~	2500 through 2999 units	No Change
Chemical Toilet ~~3000 through 3499 units~~	3000 through 3499 units	No Change
Chemical Toilet ~~3500 through 3999~~	3500 through 3999 units	No Change
Chemical Toilet ~~4000 through 4499~~	4000 through 4499 units	No Change
Chemical Toilet ~~4500 though 4999~~	4500 though 4999 units	No Change
Chemical Toilet ~~5000 and up~~	≥5000 and up units	No Change
Non-Hazardous Liquid Waste Hauler		No Change
NON-HAZARDOUS SOLID WASTE HAULER~~Refuse Hauler~~		No Change
Landfill		No Change
BIO-HAZARDOUS Medical Waste Hauler~~s~~		No Change

WATER AND WASTE MANAGEMENT DIVISION OPERATING PERMITS

Drinking Water Operating Permits	**1 Year Fee**
Community Public Water System >100,001 Population	No Change
Plus Each Well Site Addition	No Change
Plus Each Treatment FACILITY ~~Plant~~ Addition	No Change
Community Public Water System 10,001 to 100,000 Population	No Change
Plus Each Well Site Addition	No Change
Plus Each Treatment FACILITY ~~Plant~~ Addition	No Change
Community Public Water System 1,001 to 10,000 Population	No Change
Plus Each Well Site Addition	No Change
Plus Each Treatment FACILITY ~~Plant~~ Addition	No Change
Community Public Water System 101 to 1000 Population	No Change
Plus Each Well Site Addition	No Change

Drinking Water Operating Permits	1 Year Fee
Plus Each Treatment FACILITY ~~Plant~~ Addition	No Change
Community Public Water System 25 to 100 Population	No Change
Plus Each Well Site Addition	No Change
Plus Each Treatment FACILITY ~~Plant~~ Addition	No Change
Non Community Public Water System > 1,000 Population	No Change
Plus Each Well Site Addition	No Change
Plus Each Treatment FACILITY ~~Plant~~ Addition	No Change
Non Community Public Water System 25 to 1000 Population	No Change
Plus Each Well Site Addition	No Change
Plus Each Treatment FACILITY ~~Plant~~ Addition	No Change
Water Transportation (DRINKING WATER Hauler)	$240.00 per unit

Wastewater Treatment Operating Permits	1 Year Fee
Individual On-Site Treatment Plant	$100.00
Waste Treatment Works	No Change
Reuse Facility	No Change
~~Individual On-Site Treatment Plant~~	~~$100.00~~

OTHER OPERATING PERMITS	**1 Year Fee**
~~Trailer Park~~ MOBILE HOME PARK	$200.00

~~**Water and Waste Plan Review**~~
~~Design/Build Plan Submittal (Requires prior administration approval) Two times Plan Review Fee~~
~~Phased Plan Submittal (Requires prior administration approval) Two times Plan Review Fee~~
~~Expedited Plan Review Fee (Requires prior administration approval) Two times the fee for that Category~~

Solid Waste PROJECTS Plan Review	Initial Fee	Maximum Fee
Non-Hazardous Liquid Waste Transfer Facility	No Change	No Change
Solid Waste Variance Plan Review	No Change	No Change
Experimental Project Approval ~~– Solid Waste~~	No Change	No Change

Solid Waste PROJECTS Plan Review	Initial Fee	Maximum Fee
~~Investigation: Solid Waste~~		~~$130.00 per hour~~

~~Water Treatment Plants Plan Review~~	~~Initial Fee~~	~~Maximum Fee~~
~~Water Plant Includes Construction Inspection~~		
~~Treatment Plant >1 Mgd~~	~~$3,000.00~~	~~$24,000~~
~~Treatment Plant – 0.1 Mgd to 1 Mgd~~	~~$1,500.00~~	~~$15,000~~
~~Treatment Plant – <100,000 Gal/Day~~	~~$1,000.00~~	~~$10,000~~

~~Wastewater Treatment Works Plan Review~~	~~Initial Fee~~	~~Maximum Fee~~
~~Waste Treatment Works Includes Construction Inspection~~		
~~>1 Mgd~~	~~$3,000.00~~	~~$24,000~~
~~0.1 Mgd to 1 Mgd~~	~~$1,500.00~~	~~$15,000~~
~~<100,000 Gal/Day~~	~~$1,000.00~~	~~$10,000~~

~~Water and Wastewater Treatment Plan Review~~	~~Initial Fee~~	~~Maximum Fee~~
~~Water System Blending Plans~~	~~$150.00~~	~~$7,500~~
~~Alteration Plan: Treatment – Public Water~~	~~$150.00~~	~~$1,500.00~~
~~Operations & Maintenance Plan: Treatment – Public Water~~	~~$150.00~~	~~$1,500.00~~
~~Treatment System Plan: Treatment – Public Water~~	~~$150.00~~	~~$1,500.00~~
~~Treatment System Plan: Treatment – Wastewater~~	~~$150.00~~	~~$1,500.00~~
~~MAG 208 Certification~~	~~$150.00~~	~~$5,000.00~~
~~Experimental Project Approval Including Four (4) Quarterly Inspections~~	~~$300.00~~	~~$5,000.00~~
~~Waste Water Reuse – Treatment~~	~~$250.00~~	~~$3,000.00~~
~~Ground Water Recharge~~	~~$250.00~~	~~$4,000.00~~
~~All Other Plans~~	~~$150.00~~	~~$1,500.00~~

Drinking Water ~~System Site Sampling Plan, Emergency Operations Plans, Backflow Prevention Plan or Other Plans~~PROJECTS PLAN REVIEW	**FLAT OR Initial Fee**	**Maximum Fee**
Site Sampling Plan, Emergency Operations Plans, Backflow Prevention Plan or Other PUBLIC Water System Compliance Plans		
Community Water System ~~≥100,001 Population~~ 25 to 100 101 to 1000 1,001 to 10,000 10,001 to 100,000 ≥100,001 Population ~~10,001 to 100,000~~ ~~1,001 to 10,000~~ ~~101 to 1000~~ ~~25 to 100~~	~~$350.00~~ $275.00 $350.00 $350.00 $350.00 $350.00 ~~$350.00~~ ~~$350.00~~ ~~$350.00~~ ~~$275.00~~	 NA NA NA NA NA
Non Community Water System 25 to 1000 ≥ 1,001 Population ~~25 to 1000~~	 No Change No Change	 NA NA
New Source~~s~~ Approval Water Quality Review and Report	No Change	NA
Drinking Water System Compliance Review~~s~~	No Change	NA
Master Plan Review and Approval	No Change	NA
Master Plan Amendment~~: Subdivisions – Public Water~~	$150.00	$1,500.00
Review of Plan for public water supply distribution line (including extensions) and associated appurtenances ~~for a system~~ PER group of 150 connections or less. ~~The fee specified above applies to each group of 150 or less proposed connections. If a facility includes more than 150 connections, the fee applies to each multiple group of 150 of less (e.g. a facility of 200 connections would require a fee of $600.00plus $600.00for a total flat fee of $1,200.00)~~	$600.00 ~~per 150 or less proposed connections~~	NA
Water Booster Station ~~– Subdivisions~~	$675.00	NA
Storage Tank (atmosphere and/or pressurized)	$675.00	NA
Well Site Review and Approval	$675.00	NA
Disinfection System ~~Chlorination Plan: Subdivisions~~	$150.00	$1,500.00

Drinking Water ~~System Site Sampling Plan, Emergency Operations Plans, Backflow Prevention Plan or Other Plans~~PROJECTS PLAN REVIEW	FLAT OR Initial Fee	Maximum Fee
Water Treatment ~~Plants Plan Review~~ FACILITY (INCLUDES CONSTRUCTION INSPECTION) ~~Waste Plant Includes Construction Inspection~~ TREATMENT FACILITY >1.0 ~~Mgd~~ MILLION GALLONS/DAY TREATMENT FACILITY 0.1 ~~Mgd~~ MILLION GALLONS/DAY to 1 ~~Mgd~~ MILLION GALLONS/DAY TREATMENT FACILITY <100,000 ~~Gal/Day~~ GALLONS/DAY	$3,000.00 $1,500.00 $1,000.00	$24,000.00 $15,000.00 $10,000.00
~~Treatment System Plan: Treatment – Public Water~~ OTHER CONSTRUCTION PLAN REVIEW	$150.00	$1,500.00
Experimental Project Approval (INCLUDES ~~including~~ Four (4) Quarterly Inspections)	$300.00	$5,000.00
Water System Blending Plans	$150.00	$7,500.00
OTHER OPERATION PLAN – TREATMENT FACILITY ~~Operations & Maintenance Plan: Treatment – Public Water~~	$150.00	$1,500.00
~~Investigation: Drinking Water~~		~~$130.00 per hour~~
~~Approval of Sanitary facilities for a Subdivision of 150 lots or less.~~		~~$450 per 150 lots~~
~~The fee specified above applies to each phase of a Subdivision of 150 lots or less. If a Subdivision includes more than 150 lots, the fee applies to each multiple group of 150 or less (e.g., a proposal for a Subdivision of 350 lots would require a fee of $450.00 plus $450.00 and $450.00 for a total flat fee of $1,350.00)~~		
~~Trailer Coach Park facilities of 100 leased spaces or less.~~		~~$600.00 per 100 spaces~~
~~The fee specified above applies to each group of 100 spaces or less. If a facility includes more than 100 spaces, the fee applies to each multiple group of 100 or less (e.g. a facility of 300 spaces would require a fee of $600.00plus $600.00and $600.00 for a total flat fee of $1,800.00).~~		
~~Review of on-site wastewater soils and hydrology report representing a group of 50 or less proposed lots (or 40 acres) whichever, is the lesser in area.~~		~~$525.00 per 50 or less lots~~
~~The fee specified above applies to each group of 50 or less proposed lots. If a facility includes more than 50 spaces, the fee applies to each multiple group of 50 or less (e.g. a facility of 120 lots would require a fee of $525.00 plus $525.00 and $525.00 for a total flat fee of $1,575.00)~~		

Drinking Water ~~System Site Sampling Plan, Emergency Operations Plans, Backflow Prevention Plan or Other Plans~~PROJECTS PLAN REVIEW	FLAT OR Initial Fee	Maximum Fee
~~Subdivisions Plan Review~~		~~Fee~~
~~Review of plan for public water supply distribution line (including extensions) and associated appurtenances for a system of 150 connections or less.~~ ~~The fee specified above applies to each group of 150 or less proposed connections. If a facility includes more than 150 connections, the fee applies to each multiple group of 150 of less (e.g. a facility of 200 connections would require a fee of $600.00plus $600.00for a total flat fee of $1,200.00)~~	~~$600.00 per 150 or less proposed connections~~	
~~Review of entitlement plans submitted to the One Stop Shop process.~~ ~~The fee specified above applies to reviews of entitlement project submittals to ensure compliance with Maricopa County Environmental Health Code requirements for adequate potable water and management of sanitary sewage. This fee applies to preliminary plats, rezoning actions, comprehensive plan amendments, development master plans, special use permits and final plats.~~	~~$225.00~~	
~~Review of One Stop Shop process variance applications to ensure compliance with Maricopa County Environmental Health Code requirements for adequate potable water and management of sanitary sewage.~~	~~$25.00~~	
~~Review of One Stop Shop process temporary use applications (except special events) to ensure compliance with the Maricopa County Environmental Health Code requirements for adequate potable water and management of sanitary sewage.~~	~~$25.00~~	
~~Transfer of Ownership/Subdivision Name Change of Previously Approved Subdivision~~	~~$200.00~~	
~~Master Plan Review and Approval~~	~~$500.00~~	
~~Well Site Review and Approval~~	~~$675.00~~	
~~Storage Tank (Atmosphere and /or Pressurized)~~	~~$675.00~~	
~~Water Booster Station – Subdivisions~~	~~$675.00~~	
~~Sewer Lift Station – Subdivisions~~	~~$600.00~~	
~~Investigation: Subdivisions~~	~~$130.00 per Hour~~	

~~Water and~~ Wastewater PROJECTS Plan Review	Fee
~~Water Booster Station – Treatment~~	~~$675.00~~
~~Sewer Lift Station – Treatment~~	~~$600.00~~

~~Water and~~ Wastewater PROJECTS Plan Review	Fee
~~Storage Tank (Atmosphere and/or Pressurized)~~	~~$675.00~~
~~Investigation: Treatment – Public Water~~	~~$130.00 per hour~~
~~Investigation: Treatment – Wastewater~~	~~$130.00 per hour~~

~~Subdivisions Plan Review~~	~~Initial Fee~~	~~Maximum Fee~~
~~Chlorination Plan: Subdivisions~~	~~$150.00~~	~~$1,500.00~~
~~Master Plan Amendment: Subdivisions – Public Water~~	~~$150.00~~	~~$1,500.00~~
~~Master Plan Amendment: Subdivisions – Wastewater~~	~~$150.00~~	~~$1,500.00~~
~~Waste Water Reuse – Subdivisions~~	~~$250.00~~	~~$3,000.00~~
~~Water Line Waiver: Subdivisions – Wastewater~~	~~$150.00~~	~~$1,500.00~~
~~Reclaimed Water System Plan Review~~	~~$150.00~~	~~$2,600.00~~

~~Sewer Collection Systems Plan Review~~	~~Fee~~
~~Sewer Collections Systems (Including Extensions) and Associated Appurtenances~~ ~~Gravity Sewer only, with manholes~~ ~~Serving 50 or less Connections~~ ~~Serving 51 to 300 Connections~~ ~~Serving 301 or more Connections~~	 ~~$500.00~~ ~~$1000.00~~ ~~$1500.00~~
~~Sewer Collections Systems (Including Extensions) and Associated Appurtenances~~ ~~Forced mains including gravity sewer components~~ ~~Serving 50 or less Connections~~ ~~Serving 51 to 300 Connections~~ ~~Serving 301 or more Connections~~	 ~~$800.00~~ ~~$1,300.00~~ ~~$1,800.00~~

~~On-Site~~ Wastewater ~~Treatment Facilities~~PROJECTS PLAN REVIEW	FLAT OR Initial Fee	Maximum Fee
Septic Tank Conventional Disposal less than 3000 galLONS/day	No Change	NA
ON-SITE Aerobic System with surface disposal	No Change	NA
Composting Toilet less than 3000 gal/day	No Change	NA
Septic tank with one Additional Alternative Element~~*~~*	No Change	NA
~~Septic tank with >one~~EACH Additional Alternative Element*~~*~~	$~~1,050 plus~~ $250.00 ~~per additional~~	NA

~~On-Site~~ Wastewater ~~Treatment Facilities~~PROJECTS PLAN REVIEW	FLAT OR Initial Fee	Maximum Fee
	~~element~~	
* These alternative disposal elements are all for systems of less than 3000 gal./day and include the following: Pressure distribution systems; gravelless trenches; natural seal evapotranspiration beds; lined evapotranspiration beds; Wisconsin Mounds: Engineered Pad Systems; Intermittent Sand Filters; Peat Filters; Textile Filters; Ruck® Systems; sewage vaults; aerobic systems/subsurface disposal; aerobic systems/surface disposal; cap systems; constructed wetlands; sand lined trenches; disinfection devices; sequencing batch reactors; subsurface drip irrigation systems.		
On-site wastewater treatment facility with flow from 3000 gal./day to less than 24,000 gal./day (NON AEROBIC)	No Change	NA
~~*These alternative disposal elements are all for systems of less than 3000 gal./day and include the following: Pressure distribution systems; gravelless trenches; natural seal evapotranspiration beds; lined evapotranspiration beds; Wisconsin Mounds: Engineered Pad Systems; Intermittent Sand Filters; Peat Filters; Textile Filters; Ruck® Systems; sewage vaults; aerobic systems/subsurface disposal; aerobic systems/surface disposal; cap systems; constructed wetlands; sand lined trenches; disinfection devices; sequencing batch reactors; subsurface drip irrigation systems.~~		
On-Site System Site Inspection	No Change	NA
Domestic Well Drill, Deepen, Replace or Modify (No Inspection)	No Change	NA
On-Site System Alteration Permit	No Change	NA
On-Site System Alteration Permit & One Inspection	No Change	NA
On-Site System Reconnect/Remodel Review	No Change	NA
On-Site System Reconnect/Remodel Review & One Inspection	No Change	NA
On-Site System Plan Revision	No Change	NA
On-Site System Request for Alternate Design, Installation, or Operational Feature	No Change	NA
On-Site System Design Requiring Interceptor	No Change	NA
On-Site System Transfer Ownership	No Change	NA
On-Site System Abandon~~ed site~~MENT/CLOSURE	No Change	NA
~~Investigation: On-Site~~	~~$130.00 per hour~~	
On-Site Additional Inspection	No Change	NA
Planning & Development Plan Review	No Change	NA

~~On-Site~~ Wastewater ~~Treatment Facilities~~PROJECTS PLAN REVIEW	FLAT OR Initial Fee	Maximum Fee
Master Plan Review and Approval	500.00	NA
Master Plan Amendment~~: Subdivisions – Wastewater~~	$150.00	$1,500.00
Reclaimed Water System Plan Review	$150.00	$2,600.00
Sewer Collections Systems ~~(Including Extensions)~~ and Associated Appurtenances (includes extensions) Gravity Sewer Only, with Manholes Serving 50 or less Connections Serving 51 to 300 Connections Serving 301 or more Connections	 $500.00 $1000.00 $1500.00	 NA NA NA
~~Sewer Collections Systems (Including Extensions) and Associated Appurtenances~~ Force~~d~~ mains including gravity sewer components Serving 50 or less Connections Serving 51 to 300 Connections Serving 301 or more Connections	 $800.00 $1,300.00 $1,800.00	 NA NA NA
Sewer Lift Station ~~– Treatment~~	$600.00	NA
Storage Tank (atmosphere and/or pressurized)	$675.00	NA
Disinfection System ~~Chlorination Plan: Subdivisions~~	$150.00	$1,500.00
WasteWATER Treatment ~~Works~~ FACILITY (includes construction inspection) <100,000 ~~Gal/Day~~ GALLONS/DAY 0.1 ~~Mgd~~ MILLION GALLONS/DAY to 1.0 ~~Mgd~~ MILLION GALLONS/DAY >1.0 ~~Mgd~~ MILLION GALLONS/DAY	 $1,000.00 $1,500.00 $3,000.00	 $10,000 $15,000 $24,000
OTHER CONSTRUCTION PLAN~~S~~ REVIEW~~S Treatment System Plan: Treatment – Wastewater~~	$150.00	$1,500.00
Non-Hazardous Liquid Waste Transfer Facility	$150.00	$2,600.00
RECLAIMED WATER CONVEYANCE ~~Wastewater Reuse–Subdivisions~~	$250.00	$3,000.00
RECLAIMED Water Booster Station ~~-Subdivisions~~	$675.00	NA
RECLAIMED WATER Storage Tank (atmosphere and/or pressurized)	$675.00	NA
Ground Water Recharge	$250.00	$4,000.00

On Site Wastewater Treatment FacilitiesPROJECTS PLAN REVIEW	FLAT OR Initial Fee	Maximum Fee
Waste Water Reuse – Treatment Reuse Facility	$250.00	$3,000.00
Experimental Project Approval (INCLUDES including Four (4) Quarterly Inspections)	$300.00	$5,000.00
MAG 208 Certification	$150.00	$5,000.00
OTHER OPERATIONAL PLAN – TREATMENT FACILITY All Other Plans	$150.00	$1,500.00

Subdivisions Sanitary Facilities for Infrastructure Plan Review	FLAT OR Initial Fee	Maximum Fee
Approval of Sanitary facilities for a Subdivision of PER 150 lots or less. The fee specified above applies to each phase of a Subdivision of 150 lots or less. If a Subdivision includes more than 150 lots, the fee applies to each multiple group of 150 or less (e.g., a proposal for a Subdivision of 350 lots would require a fee of $450.00 plus $450.00 and $450.00 for a total flat fee of $1,350.00).	$450 per 150 lots	NA
Trailer Coach MOBILE HOME Park facilities of PER 100 leased spaces or less. The fee specified above applies to each group of 100 spaces or less. If a facility includes more than 100 spaces, the fee applies to each multiple group of 100 or less (e.g. a facility of 300 spaces would require a fee of $600.00plus $600.00and $600.00 for a total flat fee of $1,800.00).	$600.00 per 100 spaces	NA
Review of on-site wastewater soils and hydrology report representing a group of PER 50 or less proposed lots (or 40 acres) whichever, is the lesser in area. The fee specified above applies to each group of 50 or less proposed lots. If a facility includes more than 50 lots, the fee applies to each multiple group of 50 or less (e.g. a facility of 120 lots would require a fee of $525.00 plus $525.00 and $525.00 for a total flat fee of $1,575.00)	$525.00 per 50 or less lots	NA
Transfer of Ownership/Subdivision Name Change of Previously Approved Subdivision	$200.00	NA

~~Subdivisions~~ Sanitary Facilities for Infrastructure Plan Review	FLAT OR Initial Fee	Maximum Fee
Transfer of Ownership/Subdivision Name Change of Previously Approved Subdivision	$200.00	NA
~~Water Line~~ WATER OR WASTEWATER PLAN REVIEW Waiver: ~~Subdivisions – Wastewater~~	$150.00	$1,500.00
Review of entitlement plans submitted to the One Stop Shop process. The fee specified above applies to reviews of entitlement project submittals to ensure compliance with Maricopa County Environmental Health Code requirements for adequate potable water and management of sanitary sewage. This fee applies to preliminary plats, rezoning actions, comprehensive plan amendments, development master plans, special use permits and final plats.	$225.00	NA
Review of One Stop Shop process variance applications to ensure compliance with Maricopa County Environmental Health Code requirements for adequate potable water and management of sanitary sewage.	$25.00	NA
Review of One Stop Shop process temporary use applications (except special events) to ensure compliance with the Maricopa County Environmental Health Code requirements for adequate potable water and management of sanitary sewage.	$25.00	NA

All Other Water and Waste Management Fees	Fee
All Other Plans	No Change
Dye Test	No Change
Observe Percolation Test	No Change
Domestic Well Location Approval (ADWR Form)	No Change
~~Water & Waste Management Division Hourly Rate~~	~~$130.00 per hour~~

MARICOPA COUNTY HEALTH CODE – CHAPTER I – FEE SCHEDULE

ALL OTHER ENVIRONMENTAL SERVICES CHARGES/FEES

All Other Environmental Services Charges/Fees	Charge/Fee
No Change	No Change

REGULATION 6. to REGULATION 8 No Change

REGULATION 9. Service of Notice and Hearings

Unless otherwise provided in this Environmental Health Code, ~~a Notice of Violation, Notice of a hearing, and~~ all ~~other n~~Notices provided for in this Environmental Health Code are deemed served and received on the date the Notice is personally delivered to the permit holder, or on the date it is sent by registered or certified mail, return receipt requested, to the permit holder's last known address or to the address shown on the permit holder's driver's license. A copy of the Notice shall be filed in the Department's records.

a. A notice of the nonpayment of a fee is deemed served and received on the date it is sent by regular first class mail, postage prepaid, to the permit holder's last known address. ~~A copy of the Notice shall be filed in the Department's records.~~

b. No Change

c. Hearings

(1) Hearings held pursuant to this Environmental Health Code shall be conducted in the same manner as hearings are conducted pursuant to A.R.S. §§ 41-1061 to -1066.

(2) A Notice of a hearing from the Department to a permit holder shall include:

~~(1)~~ (a) A statement of the time, place, and nature of the hearing.

~~(2)~~ (b) A statement of the legal authority and jurisdiction under which the hearing is to be held.

~~(3)~~ (c) A reference to the particular sections of the statutes and regulations involved.

~~(4)~~ (d) A short, plain statement of the matters asserted. If the Department is unable to state the matters in detail at the time the Notice is served, then the Notice may be limited to a statement of the issues involved. If the permit holder requests a more definite statement, the Department shall, if it is able, provide a more definite and detailed statement to the permit holder prior to the hearing.

~~(5) Hearings.~~

~~(a) Hearings held pursuant to this Environmental Health Code shall be conducted in the same manner as hearings are conducted pursuant to A.R.S. §§ 41-1061 to -1066.~~

REGULATION 10. to REGULATION 12 No Change

REGULATION 13. Posting of Notices ~~of Violation~~

No Change

REGULATION 14. No Change

MCEHC, REGULATION 5. D. - FEE SCHEDULE
WATER AND WASTE MANAGEMENT DIVISION HEADERS/SUB-HEADER ORDER

Water and Waste Management Division Operating Permits

- Drinking Water Operating Permits
- Solid Waste Operating Permits
- Swimming Pool Operating Permits
- Wastewater Treatment Operating Permits
- Other Operating Permits

Water and Waste Management Division Plan Review

- Drinking Water Projects Plan Review
- Solid Waste Projects Plan Review
- Swimming Pool Projects Plan Review
- Wastewater Projects Plan Review
- Sanitary Facilities for Infrastructure Plan Review
- All Other Water and Waste Management Fees

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

FOOD, FOOD PRODUCTS, FOOD HANDLING ESTABLISHMENTS

SECTION 1

GENERAL PROVISIONS

REGULATION 1. Definitions

(1) to (24) No Change

(25) "Eating & Drinking Establishment" is a food establishment that prepares food for service on the premises or take-out delivery directly to a consumer. Examples of eating & drinking food establishments are: 0-9 seating, 10+ seating, adult daycare, assisted living, hospital food service, jail food service, nursing home, school food service, senior food service, and service kitchen.

Class 2 – quick service operations with only limited preparation of menu items OR AS APPROVED BY THE DEPARTMENT.

Class 3 – quick service operations with advanced preparation of two or less menu items OR AS APPROVED BY THE DEPARTMENT.

Class 4 – full service operations with advanced preparation of three or more menu items OR AS APPROVED BY THE DEPARTMENT.

Class 5 – quick or full service operations where the consumers specifically include populations highly susceptible to foodborne illness OR AS APPROVED BY THE DEPARTMENT.

(26) to (45) No Change

(46) "Mobile Food Establishment" means a food establishment selling, offering for sale or dispensing food for human consumption from any vehicle or other temporary or itinerant station. For the purpose of this Environmental Health Code, mobile food establishments are defined as follows:

(a) No Change

(b) "Pushcart" means a vehicle designated to be readily movable that is limited to the serving of non-potentially hazardous foods, drinks, or individually commercially packaged potentially hazardous foods (time/temperature control for safety foods) maintained at proper temperatures, or limited to the assembling and serving of frankfurters AND CORN. Unpackaged non-potentially hazardous food items approved for sale or dispensed from a pushcart shall be limited to popcorn, nuts, pretzels and similar bakery products**,** COTTON CANDY, shaved ice, snow cones, ~~i~~Italian ice, and non-potentially hazardous drinks.

(c) No Change

(d) No Change

(e) No Change

(f) "Special Event Food Establishment" means a food establishment that operates in conjunction with one event that operates for not more than ~~fourteen~~ ONE HUNDRED TWENTY ~~(14)~~ (120) consecutive days. At the termination of the special event, the special event food establishment shall be removed from the premises.

(47) to (72) No Change

REGULATION 2. to REGULATION 11. No Change

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

FOOD, FOOD PRODUCTS,
FOOD HANDLING ESTABLISHMENTS

SECTION 3

MOBILE FOOD ESTABLISHMENTS

REGULATION 1. **Definitions**

a. No Change

REGULATION 2. Compliance

a. to e. No Change

f. Promotional activities that do not require a food service permit include:

(1) Promotional activities in a permitted food establishment as defined in this Code.

(2) The promotion of non-potentially hazardous food products as defined in this Code.

(3) The cutting of raw fruits and vegetables for DISPLAY AND NOT INTENDED FOR HUMAN CONSUMPTION~~immediate service to customers~~.

REGULATION 3. to **REGULATION 6**. No Change

REGULATION 7. Food Protection

a. to l. No Change

M. POTENTIALLY HAZARDOUS FOOD ITEMS SOLD AS CONDIMENTS FROM A PUSHCART ARE REQUIRED TO BE STORED ON THE PUSHCART AT PROPER TEMPERATURES. THE AMOUNT OF POTENTIALLY HAZARDOUS FOOD CONDIMENTS ARE LIMITED TO SUFFICIENT STORAGE SPACE ON THE PUSHCART.

N. THE SERVICE OF ALL FOOD ITEMS, EXCLUDING PREPACKAGED NON-POTENTIALLY HAZARDOUS FOOD ITEMS, MUST BE CONDUCTED FROM THE PUSHCART UNIT.

O. BACON WRAPPED HOTDOGS MUST BE COMMERCIALLY PRECOOKED OR COOKED AT THE ASSIGNED COMMISSARY PRIOR TO SALES FROM A PUSHCART.

REGULATION 8. to **REGULATION 10**. No Change

REGULATION 11. Additional Requirements for Temporary Food Establishments, Seasonal Food Establishments, and Special Event Food Establishments

a. All seasonal food establishments AND SPECIAL EVENT FOOD ESTABLISHMENTS OPERATING AT AN EVENT GREATER THAN 14 DAYS shall operate in conjunction with an onsite commissary or a fixed food establishment, unless an alternate Department approval is obtained. Seasonal food establishments AND SPECIAL EVENT FOOD ESTABLISHMENTS, for which an alternative Department approval has not been granted, shall operate in conjunction with a commissary or fixed food establishment that is easily accessible and available for use at all times ~~the seasonal food establishment is~~ WHILE in operation.

b. to g. No Change

REGULATION 12. No Change

MARICOPA COUNTY HEALTH CODE

CHAPTER X

RESIDENCE ACCOMMODATIONS

SECTION 1

GENERAL ~~CONSIDERATION~~ PROVISIONS

REGULATION 1. Definitions

a. "Transient dwelling establishment" means and includes any place such as a hotel, motel, motor hotel**,** **RESORT,** tourist court, tourist camp, rooming house, boarding house, inn, **HOSTEL,** and similar facilities by whatever name called, consisting of two or more dwelling units where sleeping accommodations are available to transients or tourists **ON A DAILY OR WEEKLY BASIS FOR PERIODS NOT TO EXCEED THIRTY (30) CONSECUTIVE DAYS**; provided, however, that the term shall not be construed to include apartments, and similar facilities if occupancy of all dwelling units is on a permanent basis **WHICH EXCEEDS THIRTY (30) DAYS.**

b. No Change

c. No Change

D. "FOOT-CANDLE" MEANS A UNIT OF MEASURE OF THE INTENSITY OF LIGHT FALLING UPON A SURFACE, EQUAL TO ONE LUMEN PER SQUARE FOOT AND ORIGINALLY DEFINED WITH REFERENCE TO A STANDARDIZED CANDLE BURNING AT ONE FOOT FROM A GIVEN SURFACE.

E. "LICENSED PEST CONTROL APPLICATOR" MEANS A PERSON WHO IS LICENSED BY THE ARIZONA OFFICE OF PEST MANAGEMENT (OPM) TO APPLY PESTICIDES

F. "RESIDENCE ACCOMMODATION" MEANS A PLACE OF HUMAN HABITATION, SUCH AS A TRANSIENT DWELLING ESTABLISHMENT, APARTMENT, CONDOMINIUM, HOUSE, MANUFACTURED HOME, OR TOWNHOME.

REGULATION 2. No Change

REGULATION 3. ~~Inspection of Housing~~ RIGHT OF INSPECTION

No Change

REGULATION 4 . Sanitation of Habitable Buildings

a. No Change

b. No Change

c. ~~No~~ **AN** owner or lessee of a **TRANSIENT** dwelling **ESTABLISHMENT**, ~~house,~~ **RESIDENCE ACCOMMODATION,** ~~apartment~~ or business establishment **(COLLECTIVELY HEREINAFTER REFERRED TO AS "PROPERTY")** shall **NOT** ~~cut or~~ turn off the water supply or cause such water supply to be ~~shut~~ **TURNED** off, except in case of necessity arising from a serious leak ~~of~~ **OR** bursting ~~of~~ pipes. In such cases, repairs shall promptly be made**, OR CAUSED TO BE MADE, BY THE PROPERTY OWNER, PROPERTY MANAGER, OR LESSEE**.

d. No Change

REGULATION 5. No Change

REGULATION 6. No Change

MARICOPA COUNTY HEALTH CODE

CHAPTER X

RESIDENCE ACCOMMODATIONS

SECTION 2

TRANSIENT DWELLING ESTABLISHMENTS

REGULATION 1. Dwelling Units

a. to k No Change

L. THE PROPERTY OWNER SHALL ENSURE THAT THE DWELLING UNITS ARE CLEANED AT LEAST ONCE PER WEEK AND BETWEEN GUESTS.

M. ALL PESTICIDE APPLICATIONS SHALL BE PERFORMED BY A LICENSED PEST CONTROL APPLICATOR

N. AT LEAST FIFTEEN (15) FOOT- CANDLES OF LIGHT SHALL BE PROVIDED IN ANY AREA USED FOR LIVING OR SLEEPING.

O. ALL SLEEPING ROOMS, BATHROOMS, AND TOILET ROOMS SHALL BE CAPABLE OF BEING MAINTAINED AT A TEMPERATURE BETWEEN 68°F (20°C) AND 80°F (26.7°C) WHILE BEING USED BY GUESTS.

P. THE USE OF PORTABLE SPACE HEATERS IS PROHIBITED IN GUEST ROOMS.

REGULATION 2. 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 **AND PROTECTED FROM CONTAMINATION AND FILTH** when not in use.

b. No Change

c. ~~Clean linen shall be provided to each new guest and shall be changed at least once each week when occupancy exceeds this period.~~ **CLEAN LINEN SHALL BE REPLACED AT THE REQUEST OF A GUEST, BETWEEN GUESTS, AND AT LEAST ONCE PER WEEK.**

D. CLEAN LINEN SHALL NOT BE STORED OR TRANSPORTED IN LAUNDRY BAGS, LAUNDRY CARTS, OR OTHER CONTAINERS THAT HAVE BEEN USED FOR SOILED LINEN, UNLESS THE OWNER OR MANAGER OF THE TRANSIENT DWELLING ESTABLISHMENT DEMONSTRATES TO THE DEPARTMENT THAT THE

CONTAINERS ARE, OR CAN BE, PROPERLY CLEANED AND THEIR SURFACES SANITIZED. ALL CLEAN LINEN SHALL BE STORED AT LEAST SIX (6) INCHES ABOVE FLOOR. LINEN STORAGE SHELVES OR CABINETS SHALL BE CONSTRUCTED OF SMOOTH, NON-POROUS, CORROSION, AND WATER DAMAGE-RESISTANT MATERIAL.

E. EACH CART USED FOR COMBINED DELIVERY OF CLEAN ARTICLES AND REMOVAL OF ITEMS FOR LAUNDERING SHALL HAVE A SEPARATE STORAGE BIN OR BAG FOR THE SOILED ARTICLES. THE STORAGE BIN SHALL BE MADE OF A CLEANABLE, SMOOTH, AND IMPERVIOUS MATERIAL. STORAGE BAGS SHALL BE MADE OF A DURABLE MATERIAL THAT IS MACHINE WASHABLE, UNLESS THE BAG IS FOR SINGLE USE ONLY.

F. USED LINEN AND BEDDING MAY NOT BE RECOVERED FROM ANY LANDFILL, DUMP, DUMPSTER, OR OTHER WASTE DISPOSAL, JUNKYARD, OR HOSPITAL FOR THE PURPOSE OF REUSE IN A TRANSIENT DWELLING ESTABLISHMENT EVEN IF THE BEDDING IS STERILIZED AT AN APPROVED STERILIZATION PLANT.

REGULATION 3. 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 Department and approval received prior to the start of construction. The design, construction, and operation of all such water supply systems shall comply with ~~Department regulations governing public water supplies~~. **CHAPTER V OF THIS CODE.**

REGULATION 4. Toilet; ~~Lavatory~~ ROOMS

a. Adequate and convenient toilet, ~~lavatory~~ **SINK**, and bathing facilities shall be provided at all transient dwelling establishments and shall be available to the guests at all times.

b. No Change

c. Central toilet rooms shall provide not less than one toilet, one ~~lavatory~~ **SINK**, and one tub or shower for each sex for each 10 dwelling units, or major fraction thereof, not having private or connecting baths. ~~At least one urinal shall be provided in each central toilet room designated for men.~~

d. to g. No Change

H. COMMON TOILET ROOMS SERVICING GUEST ROOMS ARE PROHIBITED IN ALL TRANSIENT DWELLING ESTABLISHMENTS THAT ARE BUILT OR REMODELED ONE (1) YEAR OR LATER AFTER THE EFFECTIVE DATE OF THESE REGULATIONS.

I. EACH GUEST ROOM IN A TRANSIENT DWELLING ESTABLISHMENT THAT IS BUILT ONE (1) YEAR OR LATER AFTER THE EFFECTIVE DATE OF THESE REGULATIONS SHALL CONTAIN, AT A MINIMUM, ONE (1) TOILET, ONE (1) SINK, AND ONE (1) SHOWER AND/OR BATHTUB, WHICH MAY INCLUDE A BATHTUB/SHOWER COMBINATION.

REGULATION 5. No Change

REGULATION 6. Drinking Water; Ice

a. No Change

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 paper cups with suitable dispenser may be substituted for glasses.~~ **AFTER EACH OCCUPANCY, ALL GLASSES AND OTHER MULTI-USE UTENSILS FURNISHED TO EACH DWELLING UNIT SHALL BE CLEANED AND SANITIZED IN MANNER APPROVED BY THE DEPARTMENT. IF THESE ITEMS ARE NOT CLEANED USING AN APPROVED DISHWASHER IN THE GUEST ROOM, THEN A SINK WITH THREE (3) COMPARTMENTS AND INTEGRAL DOUBLE DRAIN BOARDS OR A DISHWASHER HAVING A FUNCTIONAL AND/OR ADEQUATE SANITIZING CYCLE SHALL BE USED IN ANOTHER APPROVED AREA OF THE TRANSIENT DWELLING ESTABLISHMENT. ALL EQUIPMENT SHALL BE CERTIFIED BY THE NATIONAL SANITATION FOUNDATION OR EQUIVALENT THIRD PARTY CERTIFICATION ORGANIZATION. THE DEPARTMENT MAY APPROVE ANY TYPE OF DEVICE~~,~~ OR PROCEDURE FOR CLEANING AND SANITIZING TABLEWARE IF THE PROPERTY OWNER OR PROPERTY MANAGER DEMONSTRATES THE PROCEDURE IS EFFECTIVE AND RELIABLE FOR THAT PURPOSE.**

c. No Change

d. No Change

E. ALL ICE-MAKING MACHINES SHALL BE CERTIFIED BY THE NATIONAL SANITATION FOUNDATION OR AN EQUIVALENT THIRD PARTY CERTIFICATION ORGANIZATION AND LOCATED, INSTALLED, OPERATED, AND MAINTAINED SO AS TO PREVENT CONTAMINATION OF THE ICE. ALL ICE MACHINES PROVIDED FOR CUSTOMER SELF-SERVICE AND/OR EXPOSED TO ENVIRONMENTAL ELEMENTS SHALL POSSESS A CERTIFICATION FROM THE NATIONAL AUTOMATED MERCHANDISING ASSOCIATION (NAMA).

F. ALL ICE MACHINES SHALL BE MAINTAINED IN ACCORDANCE WITH REQUIREMENTS OF CHAPTER VIII OF THIS CODE.

G. ICE BUCKETS, ICE SCOOPS, AND OTHER CONTAINERS AND UTENSILS USED FOR ICE, UNLESS A SINGLE-USE TYPE, SHALL BE MADE OF A SMOOTH, IMPERVIOUS MATERIAL AND DESIGNED TO PERMIT EFFECTIVE CLEANING AND SHALL BE STORED AND HANDLED IN A SANITARY MANNER.

H. NEW, SINGLE-USE, FOOD-GRADE PLASTIC ICE BUCKET LINERS SHALL BE PROVIDED EACH DAY THAT THE GUEST ROOM IS OCCUPIED, EXCEPT WHEN SINGLE-USE ICE BUCKETS ARE BEING PROVIDED.

REGULATION 7. to REGULATION 9. No Change

REGULATION 10. ~~Plumbing~~ RESERVED

REGULATION 11. Notification of Disease AND OTHER HAZARDS

a. The owner or operator of a transient dwelling establishment shall **IMMEDIATELY** report to the local ~~health department~~ **BOARD OF HEALTH OR MARICOPA COUNTY DEPARTMENT OF PUBLIC HEALTH (MCDPH)** the name of any guest or employee suspected or known to have a contagious disease, in accordance with A.R.S. Title 36, Chapter 6, Article 2.

b. Every dwelling unit, after being occupied by a person known or suspected of having a contagious disease, shall be rendered non-contagious by treatment method as specified by the **MCDPH** ~~Department~~ before further occupancy.

Initial Stakeholder Meeting

Proposed Revisions
Maricopa County Environmental Health Code

ES-2013-002
Misspellings/Spacing throughout the Code and Reorganizing, Updating, and Definitions/Application in Chapters 1, 8 and 10

Maricopa County Environmental Services Department

March 5, 2013

Maricopa County
Environmental Services Department

Working with our community
to ensure a safe and healthy environment

VISION STATEMENT:
As the recognized regional environmental leader, we will develop and foster innovative environmental health protection programs for the safety of our residents and their environment.

MISSION STATEMENT:
The mission of the Environmental Services Department is to provide safe food, water, waste disposal and vector borne disease reduction controls to the people of Maricopa County so that they may enjoy living in a healthy and safe community.

MARICOPA COUNTY
ENHANCED REGULATORY OUTREACH PROGRAM

Maricopa County has five regulatory departments that seek to ensure the safety and well-being of our community. Because we understand that regulations and rulemaking decisions, discussions, and meetings can be confusing, we developed the Enhanced Regulatory Outreach Program that allows citizens to easily monitor and engage in the adoption and amendment of all regulations.

AIR QUALITY • ENVIRONMENTAL SERVICES • FLOOD CONTROL • PLANNING & DEVELOPMENT • TRANSPORTATION

http://www.maricopa.gov/regulations/

FOLLOW MARICOPA COUNTY'S REGULATORY ADOPTION PROCESS STEP-BY-STEP

Step 1 County Manager Briefed Board of Supervisors

Step 2 Conduct Stakeholder Workshop

Step 3 Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission

Step 4 Public Meeting to Initiate Regulatory Change

Step 5 Specific Departmental Processes

Step 6 Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission

Step 7 Public Meeting to Make Recommendation to Board of Supervisors

Step 8 Schedule BOS Public Hearing

Step 9 Board of Supervisor Public Hearing

Step 10 Item Adopted

RECEIVE UP TO DATE NOTIFICATIONS
– STAY INFORMED –

Sign up today to receive notice from the five Maricopa County regulatory departments about calendar changes or where items are in the process by visiting:

http://www.maricopa.gov/regulations/Notifications.aspx

ENHANCED PUBLIC PARTICIPATION
– STAY INVOLVED –

Your comments are important! Feedback is compiled and presented to every voting body to help policymakers during the decision process.

Submit comments for every proposed regulation going through this program by visiting:

http://www.maricopa.gov/regulations/comments.aspx

Case #/Title: ES-2013-002: Revisions to Maricopa County Environmental Health Code – Misspellings, **Reorganizing**, Updating, and Definitions/Application

Reorganizing – What is the Scope?

- Chapter 1 – Fee Table
- Water and Waste Management Fees
- Old Table – by program
- New Table – by category

  Water, Solid Waste, Wastewater, Pools

*** No Fee Cost Changes or New Fees***

Fee Table New Organization

1. Operating Permits – Annual Fees

2. Plan Review

3. All Other Water & Waste Management Fees

New Fee Table Headings

Operating Permits – Annual Fees

Drinking Water Operating Permits
Solid Waste Operating Permits
Swimming Pool Operating Permits
Wastewater Treatment Operating Permits

New Fee Table Headings (cont'd)

Plan Review Fees

Drinking Water Projects Plan Review
Solid Waste Projects Plan Review
Swimming Pool Projects Plan Review
Wastewater Projects Plan Review
Subdivision Plan Review
All Other Water and Waste Management Fees

New Fee Table Headings

<u>Total – 10 Headings</u>

Current Fee Table Headings

Water and Waste Plant Review

Swimming Pool Plan Review

Swimming Pool Operation Permits

Solid Waste Operating Permits

Solid Waste Operating Permits

Drinking Water Operating Permits

Wastewater Treatment Operating Permits

Water and Waste Plan Review

Solid Waste Plan Review

Current Fee Table Headings (Cont'd)

Water Treatment Plants Plan Review

Wastewater Treatment Works Plan Review

Water and Wastewater Treatment Plan Review

Drinking Water System Site Sampling Plan…

Subdivisions Plan Review

Water and Wastewater Plan Review

Subdivisions Plan Review

Sewer Collection Systems Plan Review

On-Site Wastewater Treatment Facilities

Current Fee Table Headings (Cont'd)

All Other Water and Waste Mangement Fees

All Other Water and Waste Management Fees

Total – 20 Headings

Miscellaneous Fee Table Changes

- Rename “Refuse Hauler” to “Non-Hazardous Solid Waste Hauler” to match CH ll Sec 5
- Add Plan Review Options Explanation
- Change Plan Review Columns

End of Fee Table Section

We Welcome Your Questions and Comments

-

Term Update
MCESD- Chapter 1 – Fee Table

Food Environmental Health Operating Permits
Food ~~Processor~~Production
Food ~~Processor~~Production
Food ~~Processor~~Production School
Food ~~Processor~~Production School

*** No Fee Cost Changes or New Fees***

Term Update
MCESD- Chapter 1 – Fee Table
Liquor License

Food Environmental Health Operating Permits	One Time Fee
~~Liquor License~~	~~$45.00~~

Grammar or Case Updates
MCEHC Chapter 1

GRAMMAR

The word "be" changed to "is".

CASE

The "c" and "m" below changed to upper case.

class 2 misdemeanor to Class 2 Misdemeanor

*** No Fee Cost Changes or New Fees***

Grammar Update
MCEHC Chapter 1

In cases where the Department requires the submission of plans and specifications, no person shall commence construction unless the required plans have been approved. It shall be the full responsibility of said person that construction ~~be~~is in conformance with the approved plans and specifications.

Case Updates
MCEHC Chapter 1

In addition, persons who violate a provision of this Environmental Health Code are guilty of a Class 3 Misdemeanor if the person holds a valid permit or a ~~class~~ Class 2 ~~misdemeanor~~ Misdemeanor if the person does not hold a valid permit under this article as provided in A.R.S. 36-183.03 and 36-191 and may be punished accordingly.

The recorded assessment is ~~prima~~ Prima ~~facie~~ Facie evidence of the truth of all matters recited in the Assessment Statement and of the regularity of all proceedings before recording the Assessment Statement.

Term Updates
MCESD Chapter 1
Service of Notice and Hearings

Existing “Hearing” references, ARS 41-106 and 41-1066 were moved in Regulation 9

The word “Notice” replaced “Notice of Violation + Notice of a Hearing”. Also a Department record keeping statement was removed and a capital letter, was changed to lower case.

Term Update
Notice

Unless otherwise provided in this Environmental Health Code, ~~a Notice of Violation, Notice of a hearing, and~~ all ~~other n~~Notices provided for in this Environmental Health Code are deemed served and received on the date the Notice is personally delivered to the permit holder, or on the date it is sent by registered or certified mail, return receipt requested, to the permit holder's last known address or to the address shown on the permit holder's driver's license. A copy of the Notice shall be filed in the Department's records.

Term Update
Hearing

c. Hearings

(1) Hearings held pursuant to this Environmental Health Code shall be conducted in the same manner as hearings are conducted pursuant to A.R.S. §§ 41-1061 to -1066.

(2) A Notice of a hearing from the Department to a permit holder shall include:

(~~1~~a) A statement of the time, place, and nature of the hearing.

(~~2~~b) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(~~3~~c) A reference to the particular sections of the statutes and regulations involved.

(~~4~~d) A short, plain statement of the matters asserted. If the Department is unable to state the matters in detail at the time the Notice is served, then the Notice may be limited to a statement of the issues involved. If the permit holder requests a more definite statement, the Department shall, if it is able, provide a more definite and detailed statement to the permit holder prior to the hearing.

~~(5) Hearings.~~

~~(a) Hearings held pursuant to this Environmental Health Code shall be conducted in the same manner as hearings are conducted pursuant to A.R.S. §§ 41-1061 to -1066.~~

Term Updates
MCESD Chapter 1

A ~~Notice~~ notice of the nonpayment of a fee is deemed served and received on the date it is sent by regular first class mail, postage prepaid, to the permit holder's last known address. ~~A copy of the Notice shall be filed in the Department's records.~~

Revision Scope

- Eating & Drinking permit classifications
- Promotional Food definition
- Pushcart permit definition & regulation changes
- Special Event Food Establishment definition
- Residence Accommodation regulation changes

E&D permit classification

Chapter 8, section 1, regulation (25)

"Eating & Drinking Establishment" is a food establishment that prepares food for service on the premises or take-out delivery directly to a consumer. Examples of eating & drinking food establishments are: 0-9 seating, 10+ seating, adult daycare, assisted living, hospital food service, jail food service, nursing home, school food service, senior food service, and service kitchen.

Class 2 – quick service operations with only limited preparation of menu items **OR AS DETERMINED BY THE DEPARTMENT**.

Class 3 – quick service operations with advanced preparation of two or less menu items **OR AS DETERMINED BY THE DEPARTMENT**.

Class 4 – full service operations with advanced preparation of three or more menu items **OR AS DETERMINED BY THE DEPARTMENT**.

Class 5 – quick or full service operations where the consumers specifically include populations highly susceptible to foodborne illness **OR AS DETERMINED BY THE DEPARTMENT**.

Promotional Food

Chapter 8, section 3, regulation 2.f.

Promotional activities that do not require a food service permit include:

(1) Promotional activities in a permitted food establishment as defined in this Code.

(2) The promotion of non-potentially hazardous food products as defined in this Code.

(3) The cutting of raw fruits and vegetables for **DISPLAY AND NOT INTENDED FOR HUMAN CONSUMPTION** ~~immediate service to customers~~.

Pushcart Definition

Chapter 8, Section 1, Regulation (46)(b)

Chapter 8, Section 3, Regulation 1.a.(2)

"Pushcart" means a vehicle designated to be readily movable that is limited to the serving of non-potentially hazardous foods, drinks, or individually commercially packaged potentially hazardous foods (time/temperature control for safety foods) maintained at proper temperatures, or limited to the assembling and serving of frankfurters **AND CORN**. Unpackaged non-potentially hazardous food items approved for sale or dispensed from a pushcart shall be limited to popcorn, nuts, pretzels, and similar-bakery products**, COTTON CANDY**, shaved ice, snow cones, italian ice, and non-potentially hazardous drinks.

Pushcart Regulations

Chapter 8, section 3, regulation 7 (New Regulations)

M. POTENTIALLY HAZARDOUS FOOD ITEMS SOLD AS CONDIMENTS FROM A PUSHCART ARE REQUIRED TO BE STORED ON THE PUSHCART AT PROPER TEMPERATURES. THE AMOUNT OF POTENTIALLY HAZARDOUS FOODS CONDIMENTS ARE LIMITED TO SUFFICIENT STORAGE SPACE ON THE PUSHCART.

N. THE SERVICE OF ALL FOOD ITEMS, EXCLUDING PREPACKAGED NON- POTENTIALLY HAZARDOUS FOODS ITEMS, MUST BE CONDUCTED FROM THE PUSHCART UNIT.

O. BACON WRAPPED HOTDOGS MUST BE COMMERCIALLY PRECOOKED OR COOKED AT THE ASSIGNED COMMISSARY PRIOR TO SALES FROM A PUSHCART.

Special Event Food Establishment

Chapter 8, Section 1, Regulation (46)(f)

Chapter 8, Section 3, Regulation 1.a.(6)

"Special Event Food Establishment" means a food establishment that operates in conjunction with one event that operates for not more than **ONE HUNDRED TWENTY** ~~(14)~~ **(120)** consecutive days. At the termination of the special event, the special event food establishment shall be removed from the premises.

Special Event Food Establishment

Chapter 8, Section 3, Regulation 11.a.

All seasonal food establishments **AND SPECIAL EVENT FOOD ESTABLISHMENTS OPERATING AT AN EVENT GREATER THAN 14 DAYS** shall operate in conjunction with an onsite commissary or a fixed food establishment, unless an alternate Department approval is obtained. Seasonal food establishments **AND SPECIAL EVENT FOOD ESTABLISHMENTS**, for which an alternative Department approval has not been granted, shall operate in conjunction with a commissary or fixed food establishment that is easily accessible and available for use at all times ~~the seasonal food establishment is~~ **WHILE** in operation.

Residence Accommodations Chapter X, Section 1

SEC.1, REG 1., (**A**), Definitions Modifications were made to allow differentiating between a “Transient Dwelling” establishment and an extended stay establishment regardless of how the fees are collected (weekly or monthly).

SEC.1, REG 1., (**D, E, F**) Definitions for Licensed Pest Control Applicator, Foot Candle, and Residence Accommodation are proposed to clarify the meaning of these terms for all stakeholders.

Residence Accommodations Chapter X, Section 1

SEC.1, REG 3., ~~Inspection of Housing~~ **RIGHT OF INSPECTION**

SEC.1, REG 4., **(C, 1, 2, 3) Sanitation of Habitable Buildings**

- Regulations are needed to resolve operational problems with water outages and to clearly outline responsibilities for the responsible person during water outages.

Residence Accommodations Chapter X, Section 2

SEC.2, REG 1., **(L, M , N , O, P**), Dwelling Units

- Modifications were made to improve Health, Sanitation and safety in a Transient Dwelling.

SEC. 2, REG 2., (**A, C, D, E, F),** Bedding

- Modifications were made to improve Health and Sanitation in Transient Dwelling.

SEC.2, REG 3., Water Supply

- Modification was made to be clear and consistent.

Residence Accommodations Chapter X, Section 2

SEC. 2, REG 4., (**C, H, I**), Toilet; Lavatory

- No longer required by MCESD.

SEC. 2, REG 6., (**B, E, F, G, H**), Drinking Water; Ice

- Modifications were added to improve public health protections for multiuse utensils, water and ice handling

Residence Accommodations Chapter X, Section 2

SEC.2, REG 10., Plumbing

- The strikeout part accounts for plumbing requirements currently enforced by building codes that fall under the jurisdiction of the Building Department.

SEC.2, REG 11.,(c)Notification of Disease **AND OTHER HAZARDS**

- Modifications are proposed to improve public health protection and provide the correct agency to contact if needed.

Thank you for your participation. We welcome your questions and comments.

http://www.maricopa.gov/regulations/

Caroline Oppleman, M.S.P.H., R.S.
Kevin Chadwick, P.E.
Hether Krause, R.S.
Robert Stratman, M.S., R.S.
Bryan Hare, M.M., R.S.
Maricopa County Environmental Services Department
1001 N. Central Ave.
Phoenix, AZ 85004

Stakeholder Meeting
ES-2013-002 Revisions to Maricopa County Health Code
Tuesday March 5, 2013 6pm

Stakeholder Present: John Ramirez – Glenwood Foods.

Staff Present: Kevin Chadwick – Water & Waste Management Division Manager, Robert Stratman – Environmental Health Operation Supervisor, Bryan Hare – Environmental Health Operation Supervisor, Hether Krause – Enforcement Operation Supervisor, Caroline Oppleman – Quality & Compliance Management Analyst, Lene Pope – Quality & Compliance Development Service Technician.

Presenters: Caroline Oppleman, Kevin Chadwick, Robert Stratman, Hether Krause

Minutes*:
Caroline Oppleman started the meeting off with a brief presentation of the EROP process; the stakeholder mentioned that he was already signed up to receive alerts. Since there was only one stakeholder present, it was decided that only the topics that would be of interest to him should be presented.
Kevin Chadwick made a brief overview of the few changes to the Water & Waste Management fee tables in chapter 1 of the Health Code. It was stated that the changes only includes reorganization and not fee changes.
Robert Stratman presented on some of the changes proposed to chapter 8 in the Health Code which are related to food. Some of the E&D permit classifications will be updated to remain current; they will allow the Department to be more flexible. Change to the definition of promotional activities that do not require a food service permit was discussed and explained.
Two more items will be added to the "pushcart" definition. They include: Corn and Cotton Candy. By adding those items to the menu, it will make it easier for the permit holder and will become more current to what is being sold on today's market. It will also eliminate the need for many variances currently issued to pushcarts.

- So you will now be able to have and sell corn on a pushcart?
  - That's correct. You have been able to sell corn at a pushcart in the past, but you would need to apply for a variance in order to do so. Now we are proposing to eliminate the need for that by incorporating it into the definition.

Another common item that currently requires a variance is; "Bacon Wrapped Hotdogs". With new language added to the code, you will be able to sell them as well. They must however be commercially precooked or cooked at the assigned commissary prior to sales from a pushcart.

- If you buy prepared bacon from shamrock foods (example), will that be allowed?
  - If there is any assembly involved it comes down to that they must be prepared at the assigned commissary before being put on the pushcart. It is the same thing as other "advanced preparation" items.

These definitions are really just being expanded to allow more items for the permit holder.
The definition for Special events food establishment will be changed to allow more time. Currently the code states not more than 14 days, we are proposing not more than 120 days depending on the permit type needed. It would allow the permit holder to use it for both special events and seasonal events.
There will be some minor changes to the current "seasonal event" definition.
Some minor changes to the chapter 1 fee table for food are also being proposed. Liquor License is being removed; it is now handled by the cities.
Hether talked about some of the other minor changes to chapter 1. Mainly the Department is cleaning up the wording to make it more clear while keeping the intent the same.
The stakeholder had no interest in public accommodations, so those proposed changes were not presented.
No further questions or comments were received from the stakeholder present.

Meeting adjourned.

*In order for the minutes to be relevant; only those questions and comments that were applicable to the topic presented were recorded. All other questions and comments not relevant to the topic were addressed either at the time of the meeting or shortly thereafter.

Report to the Board of Health

To Make Recommendations To Board of Supervisors

Prepared by the Maricopa County Environmental Services Department

Environmental Services Department

Case #/Title:	ES-2013-003/Revision to Maricopa County Environmental Health Code (MCEHC) – Food Service Worker
Meeting Date:	July 22, 2013
Supervisor Districts:	All Districts
Applicant:	Department
Request:	This code revision establishes the opportunity for those with a disability to obtain a Limited Use Food Service Worker Card; it also clarifies existing exemption language and enhances consistency with Chapter VIII terminology. No fee changes are requested.
Support/Opposition:	Attendees at the March 6, 2013 and May 21, 2013 stakeholder meetings expressed support for this proposal and one email expressing support was received via Enhanced Regulatory Outreach Program (EROP) email. No opposition has been expressed.
Department Recommendation:	**Approve**

Discussion: Proposed revisions to MCEHC Chapter VII:

- Limited Use Food Service Worker Card – Include a new Limited Use Food Service Worker Card. This card would reasonably accommodate a food service worker with disability as requested by the food establishment's food service manager. The Limited Use Food Service Worker Card expires three years from the date of issue and its fee is the same as listed in the MCEHC Chapter I fee table.

- Regulation 7: Exemptions – Correct exemption language to provide consistent enforcement for the regulation; change language from "packaged or non-potentially hazardous foods to "prepackaged foods that are not potentially hazardous (time/temperature control for safety) foods".

This proposed regulatory change is following the EROP policy and workflow process.

The County Manager briefed the Board of Supervisors in February 2013. Following passage of the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens", the County Manager authorized the Department to proceed with this case.

An initial stakeholder meeting was conducted March 6, 2013. Then on April 22, 2013, the Department presented a Staff Report for this case to the Board of Health (BOH) at which the BOH voted in support of the Department initiating this case.

The Department conducted a follow-up stakeholder meeting on May 21, 2013.

Department Recommendation: Staff recommends the Board of Health **approve** the proposed revisions to the MCEHC.

Presented by: **John Kolman, R.S., MBA, Director**

Attachments:
Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens" (2 Pages)
County Manager Case Approval (1 Page)
Proposed Code Revision Language (3 Pages)
Presentation – Stakeholder Meeting (5/21/13) – (2 Pages)
Minutes – Stakeholder Meeting (5/21/13) – (2 Pages)
Report to BOH (4/22/13) – (17 Pages)

RESOLUTION

Moratorium on Increased Regulatory Burdens

WHEREAS, creating a predictable regulatory climate that promotes job creation and a healthy economy is critical to the well-being of the county's residents and businesses; and

WHEREAS, county government plays a critical role in encouraging economic recovery; and

WHEREAS, Maricopa County is committed to full compliance with all applicable federal and state laws and regulations and enforcement of such as may be required; and

WHEREAS, Maricopa County is further committed to streamlining regulations, improving regulatory processes, and decreasing regulatory burdens while protecting the public health, safety and the environment; and

WHEREAS, the regulated community and the general public is encouraged to bring forward ideas to reduce regulatory burdens and create regulatory efficiencies; and

WHEREAS, the Board of Supervisors has previously demonstrated its commitment to regulatory fairness and transparency by adopting the Enhanced Regulatory Outreach Program, a program that provides unprecedented communication and participation regarding regulatory changes.

NOW, THEREFORE, BE IT RESOLVED, the Maricopa County Board of Supervisors, directs the following:

1. All county departments are prohibited from initiating any regulatory ordinance, rule or regulation changes except as permitted by this Resolution. It is the objective of this Resolution to eliminate any unnecessary increased regulatory burdens or costs for employers, citizens, or political subdivisions of Arizona.

2. Paragraph 1 does not apply to regulatory changes for any one or more of the following reasons:

    a. To lessen or ease a regulatory burden

    b. To prevent an immediate or significant threat to public health, peace or safety

    c. To avoid a violation of a court order or federal law that would result in sanctions by a court or the federal government for failure to make the regulatory change

d. To comply with a federal statutory or regulatory requirement or a state statutory requirement

e. Fee initiations or adjustments necessary to provide adequate, timely or required service

3. A county department shall not initiate any regulatory changes outlined in Paragraph 2, sections a – e, without written authorization from the County Manager.

4. This Resolution does not confer any rights, legal, administrative or otherwise upon any persons and shall not be used as a basis for challenges to any county ordinances, rules, regulations, approvals, denials, permits, licenses, or other County actions or inactions.

5. This Resolution shall remain in effect until 2016, unless repealed, amended or reauthorized by the Board of Supervisors.

ADOPTED by the Maricopa County Board of Supervisors, Maricopa County, Arizona, this ____ day of _____2013.

_____
Andrew Kunasek, Chairman of the Board

ATTEST:

_____
Fran McCarroll, Clerk of the Board

APPROVED AS TO FORM:

_____
Deputy County Attorney

Maricopa County

Environmental Services Department

John Kolman RS, MBA
Director
1001 N. Central Avenue #401
Phoenix, Arizona 85004
Phone: (602) 506-6623
Fax: (602) 506-5141
TDD 602 372-0622

Date: June 18, 2013

To: Tom Manos

Via: Joy Rich, AICP, Deputy County Manager

From: John Kolman, R.S., MBA, Director

Re: County Manager Approval – Enhanced Regulatory Outreach Process (EROP) Case **ES-2013-003/Revision to Maricopa County Environmental Health Code (MCEHC) – Food Service Worker**

In accordance with the newly passed Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens," the Environmental Services Department (Department) is seeking your approval to proceed with EROP Case ES-2013-003/Revision to MCEHC – Food Service Worker, initiated in February 2013. The requested changes to the MCEHC qualify for County Manager approval under the moratorium, as these changes are necessary to provide adequate service to our customers.

The Department proposes to revise MCEHC Chapter VII to establish the opportunity for those with a disability to obtain a limited use Food Service Worker Card and to clarify existing exemption language for consistency with Chapter VIII terminology. No fee changes are requested.

A summary of the requested changes to MCEHC Chapter VII follows:

- Limited Use Food Service Worker Card – Include a new Limited Use Food Service Worker Card. This card would reasonably accommodate a food service worker with disability as requested by the food establishment's food service manager. The Limited Use Food Service Worker Card expires three years from the date of issue and its fee would be the same as listed in the MCEHC Chapter I fee table.
- Regulation 7: Exemptions – Correct exemption language to provide consistent enforcement for the regulation, change language from "packaged or non-potentially hazardous foods to "prepackaged foods that are not potentially hazardous (time/temperature control for safety) foods".

This proposed regulatory change is following the EROP policy and workflow process. Attendees at the March 6, 2013 and May 21, 2013 stakeholder meetings expressed support of the proposal and one email expressing support has been received via EROP email. No opposition has been expressed. On April 22, 2013, the Department presented a Staff Report for this case to the Board of Health (BOH) at which the BOH voted in support of the Department initiating this case.

It is staff's opinion that this code revision is "necessary to provide adequate, timely, or required service." We are requesting your approval to move this proposed code revision forward in accordance with the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens."

Approved by Tom Manos, County Manager

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VII

FOOD SERVICE WORKERS/MANAGERS

REGULATION 1. Definitions

~~b.~~ A. "Food Service Manager" means any person who supervises/trains a food service worker(s) to follow all food safety regulations (Chapter VII and Chapter VIII). The manager shall be a full time employee of the individually permitted food establishment where employed

B. "FOOD SERVICE MANAGER CARD" MEANS A DOCUMENT ISSUED BY THE DEPARTMENT CERTIFYING THAT AN INDIVIDUAL HAS FULFILLED THE REQUIREMENTS TO WORK AS A FOOD SERVICE MANAGER.

~~a.~~ C. "Food Service Worker" means any person who handles, prepares, serves, sells or gives away food for consumption by persons other than his or her immediate family, or who handles utensils and equipment appurtenant thereto. The term does not include persons in establishments regulated under this Code who handle food or drink exclusively in closed crates, cartons, packages, bottles or similar containers in which no portion of the food or drink is exposed to contamination through such handling.

~~c.~~ D. "Food Service Worker Card" means a document issued by the Department certifying that an individual has fulfilled the requirements to work as a food service worker.
~~"Food Service Manager Card" means a document issued by the Department certifying that an individual has fulfilled the requirements to work as a food service manager~~.

E. "LIMITED USE FOOD SERVICE WORKER CARD" MEANS A DOCUMENT ISSUED BY THE DEPARTMENT CERTIFYING THAT AN INDIVIDUAL WITH A DISABILITY HAS FULFILLED THE REQUIREMENTS TO PERFORM SPECIFIC LOW PUBLIC HEALTH RISK ACTIVITIES.

REGULATION ~~3.~~2. Display of Food Service Worker/Manager Cards

No Change

REGULATION 3 LIMITED USE FOOD SERVICE WORKER CARDS

THE DEPARTMENT MAY ISSUE A LIMITED USE CARD WHEN REQUESTED TO REASONABLY ACCOMMODATE A PERSON WITH A DISABILITY.

A. A PERSON WITH A LIMITED USE FOOD SERVICE WORKER CARD SHALL BE UNDER DIRECT SUPERVISION OF THE FOOD ESTABLISHMENT'S FOOD SERVICE MANAGER AT ALL TIMES WHEN HANDLING FOOD OR FOOD CONTACT SURFACES.

B. THE FOOD ESTABLISHMENT'S FOOD SERVICE MANAGER SHALL BE RESPONSIBLE FOR ALL LIMITED USE FOOD SERVICE WORKER CARD APPLICANTS AND FOR REQUESTING A DEPARTMENT ONSITE VISIT TO HAVE THE DEPARTMENT OFFICIALLY DOCUMENT ANY TRAINING AND TO WITNESS THE APPLICANT'S ASSOCIATED FUNCTIONS AND DUTIES ASSIGNED BY THE FOOD SERVICE MANAGER.

C. UPON DEPARTMENT APPROVAL, THE APPLICANT WILL RECEIVE WRITTEN AUTHORIZATION TO HAVE A LIMITED USE FOOD SERVICE WORKER CARD ISSUED AT THE DEPARTMENT'S OFFICES WITH PROOF OF LAWFUL PRESENCE IN ACCORDANCE WITH ARIZONA STATE STATUTE (A.R.S. § 41-1080).

D. THE LIMITED USE FOOD SERVICE WORKER CARD SHALL EXPIRE THREE YEARS FROM THE DATE OF ISSUE AND THE FEE IS THE SAME AS LISTED IN CHAPTER I OF THIS CODE FOR FOOD SERVICE WORKER CARDS.

E. APPLICANTS MAY HAVE A LIMITED USE FOOD SERVICE WORKER CARD REISSUED BY FOLLOWING PARAGRAPHS A. THROUGH D. OF THIS REGULATION.

REGULATION 4. Food Service Manager Training

a. No Change

REGULATION ~~2.~~ 5. Food Service Worker Training

No Change

REGULATION ~~5.~~ 6. Food Service Manager's Duty

a. and b. No Change

REGULATION ~~6.~~ 7. Communicable Disease

a. to c. No Change

REGULATION ~~7.~~ 8. Exemptions

Any food establishment, AS DEFINED IN CHAPTER VIII OF THIS CODE, exclusively serving PREpackaged ~~or non-~~ FOODS THAT ARE NOT potentially hazardous ~~foods~~ (TIME/TEMPERATURE CONTROL FOR SAFETY) FOODS~~, as defined in Chapter VIII of this Code,~~ is exempt from Regulations 4 and ~~5~~ 6 of this Chapter.

Follow-Up Stakeholder Meeting

Proposed Revisions
Maricopa County Environmental Health Code

ES-2013-003
Food Service Worker

Maricopa County Environmental Services Department
May 21, 2013

Maricopa County Environmental Services Department

Working with our community to ensure a safe and healthy environment

VISION STATEMENT:
As the recognized regional environmental leader, we will develop and foster innovative environmental health protection programs for the safety of our residents and their environment.

MISSION STATEMENT:
The mission of the Environmental Services Department is to provide safe food, water, waste disposal and vector borne disease reduction controls to the people of Maricopa County so that they may enjoy living in a healthy and safe community.

Building Relationships — Maricopa County

MARICOPA COUNTY ENHANCED REGULATORY OUTREACH PROGRAM

Maricopa County has five regulatory departments that seek to ensure the safety and well-being of our community. Because we understand that regulations and rulemaking decisions, discussions, and meetings can be confusing, we developed the Enhanced Regulatory Outreach Program that allows citizens to easily monitor and engage in the adoption and amendment of all regulations.

AIR QUALITY · ENVIRONMENTAL SERVICES · FLOOD CONTROL · PLANNING & DEVELOPMENT · TRANSPORTATION

http://www.maricopa.gov/regulations/

Follow the Regulatory Process

FOLLOW MARICOPA COUNTY'S REGULATORY ADOPTION PROCESS STEP-BY-STEP

Step 1 County Manager Briefed Board of Supervisors
Step 2 Conduct Stakeholder Workshop
Step 3 Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission
Step 4 Public Meeting to Initiate Regulatory Change
Step 5 Specific Departmental Processes
Step 6 Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission
Step 7 Public Meeting to Make Recommendation to Board of Supervisors
Step 8 Schedule BOS Public Hearing
Step 9 Board of Supervisor Public Hearing
Step 10 Item Adopted

RECEIVE UP TO DATE NOTIFICATIONS – STAY INFORMED –

Sign up today to receive notice from the five Maricopa County regulatory departments about calendar changes or where items are in the process by visiting:

http://www.maricopa.gov/regulations/Notifications.aspx

ENHANCED PUBLIC PARTICIPATION – STAY INVOLVED –

Your comments are important! Feedback is compiled and presented to every voting body to help policymakers during the decision process.

Submit comments for every proposed regulation going through this program by visiting:

http://www.maricopa.gov/regulations/comments.aspx

Proposed Language

THE DEPARTMENT MAY ISSUE A LIMITED USE CARD WHEN REQUESTED TO REASONABLY ACCOMMODATE A PERSON WITH A DISABILITY.

- A PERSON WITH A LIMITED USE FOOD SERVICE WORKER CARD SHALL BE UNDER DIRECT SUPERVISION OF THE FOOD ESTABLISHMENT'S FOOD SERVICE MANAGER AT ALL TIMES WHEN HANDLING FOOD OR FOOD CONTACT SURFACES.
- THE FOOD ESTABLISHMENT'S FOOD SERVICE MANAGER SHALL BE RESPONSIBLE FOR ALL LIMITED USE FOOD SERVICE WORKER CARD APPLICANTS AND FOR REQUESTING A DEPARTMENT ONSITE VISIT TO HAVE THE DEPARTMENT OFFICIALLY DOCUMENT ANY TRAINING AND TO WITNESS THE APPLICANT'S ASSOCIATED FUNCTIONS AND DUTIES ASSIGNED BY THE FOOD SERVICE MANAGER.
- UPON DEPARTMENT APPROVAL, THE APPLICANT WILL RECEIVE WRITTEN AUTHORIZATION TO HAVE A LIMITED USE FOOD SERVICE WORKER CARD ISSUED AT THE DEPARTMENT'S OFFICES WITH PROOF OF LAWFUL PRESENCE IN ACCORDANCE WITH ARIZONA STATE STATUTE (A.R.S. § 41-1080).
- THE LIMITED USE FOOD SERVICE WORKER CARD SHALL EXPIRE THREE YEARS FROM THE DATE OF ISSUE AND THE FEE IS THE SAME AS LISTED IN CHAPTER I OF THIS CODE FOR FOOD SERVICE WORKER CARDS.
- APPLICANTS MAY HAVE A LIMITED USE FOOD SERVICE WORKER CARD REISSUED BY FOLLOWING PARAGRAPHS A. THROUGH D. OF THIS REGULATION.

CH 7, Reg. 7 Exemption

- To provide consistent enforcement of the regulation, change language from packaged "or" non-PHF to packaged "and" non-PHF.

Thank you for your participation.
We welcome your questions and comments.

http://www.maricopa.gov/regulations/

Caroline Oppleman, M.S.P.H., R.S.
Shikha Gupta, M.Sc., M.S., R.S.
Maricopa County Environmental Services Department
1001 N. Central Ave.
Phoenix, AZ 85004

Environmental Services Department

Stakeholder Meeting
ES-2013-003 Food Service Worker Limited Use Card
Tuesday, May 21, 2013 9am

Stakeholders Present: Sherry Gillespie, AZ Restaurant Association.

Staff Present: Steven Goode – Deputy Director, Ken Conklin – Quality & Compliance Division Manager, Shikha Gupta – Quality & Compliance Operation Supervisor, David Morales – Food Service Worker Program Supervisor, Caroline Oppleman – Quality & Compliance Management Analyst, Pat Valadez – Quality & Compliance Administrative Assistant, Lene Pope – Quality & Compliance Development Service Technician.

Presenter(s): Caroline Oppleman, Shikha Gupta

Minutes*:
The stakeholder present was familiar with the EROP process, so that portion of the presentation of was not shown.
The Limited Use Card presentation was explained and the main idea behind it was given.

- When you say that it is a limited use, does that mean that it can only be used a one particular restaurant or can they use it at other places as well?
  - These are the type of comments that we will address in the code if needed, but we would anticipate that they could use at other establishments as well if they have the card and as long as there is a Certified Food Service Manager (CFSM) on-site that can oversee their job.
- How is it different than the current regular card other than the testing, and what would the limitations be for this type of card?
  - An example would be if you have a person that is trained to do only dishes and nothing else. Their duties will be limited to a very specific area of the operation and they will be trained in that area only. They will not be able to switch duties and perform other duties within the establishment, such as cooking or prepping. It will be limited to what the CFSM submits the card for, and verification is done on-site with an inspector.
- What if you wanted to have that person change from doing dishes to clearing tables, do they have to go get another card?
  - We recommend that the CFSM assess in the beginning of what duties they can be limited to perform, so they can verify all the job duties with the inspector.
- Will the job duties be listed somewhere, or do we want to avoid listing them?
  - That is one item that we haven't discussed in detail yet, we are looking for input from stakeholders and the industry with that, to see how it would work best for all parties. The card itself will not have anything listed on it; it will only say "Limited Use". We want to make sure that it will be the CFSM taking full responsibility for the duties agreed to, and making sure that they will be in compliance with the Health Code.
- Will the individual be required to take the same test as the regular card?

    - No, that's the change with this card; they will not be required to take a test. A verification visit on-site will be conducted by our inspector.
- Will the cost be the same?
    - Yes, it will be the same cost.
- One of our association board members is currently hiring people with disabilities and special needs, and I would like to get his input and find out what he is doing right now with this. I will get his input and provide feedback.

Changes to Chapter 7 of the Health Code were given and explained clarifying language regarding packaged and non-Potentially Hazardous Food (PHF) items and TCS.

- What does TCS mean?
    - Time Temperature Control for Safety
- So if you are selling chips and candy bars then you are fine?
    - Yes, you do not need a permit for that, as long as it is non-PHF and pre-packaged.
- What about sandwiches and cookies?
    - The cookies would be considered a non-PHF item and would be ok.
- So you are just adding TCS to this?
    - Yes.

Items related to documenting the limited use duties were discussed, and the stakeholder will provide feedback at a later time regarding this topic. Perhaps having a Standard Operating Procedure similar to the establishments in the Cutting Edge program has for many items.

- What if during the verification visit of the Limited Use worker, the inspector sees a rat running across the floor, will they have the authority to write violations for that?
    - We are not there to look at things the establishments is doing incorrectly, only to see if the CFSM is comfortable with and what duties the worker can perform in the establishment.
- So it will be a scheduled visit?
    - Yes, we will call ahead of time to schedule with the establishment.

Having this type of card will allow people with both mental and physical disabilities to work in a restaurant and perform limited types of work. There will always be jobs they can perform as long as food safety is not compromised. That is really what our goal is with this addition to the code. It was originally suggested by the industry.

Meeting adjourned.

*The minutes document only those questions and comments applicable to the topic presented. All other questions and comments not relevant to the topic were addressed either at the time of the meeting or shortly thereafter.

Report to the Board of Health

To Initiate Regulatory Change

Prepared by the Maricopa County Environmental Services Department

Environmental Services Department

Case #/Title: ES-2013-003: Revision to Maricopa County Environmental Health Code – Food Service Worker

Meeting Date: April 22, 2013

Supervisor Districts: All Districts

Applicant: Department

Request: This code revision will establish the opportunity for those with a disability to obtain a limited use Food Service Worker Card; it also clarifies existing exemption language and enhances consistency with Chapter 8 regarding terminology. No fee changes are requested.

Support/Opposition: Attendees at the March 6th stakeholder meeting expressed support of the proposal and said it would make a positive difference for some of the students in the high school system. Stakeholders stated they would take the information back to their special education department and that this new card would open doors for some of their students who otherwise would be unable to work because of their disability.

Prior to the meeting, an email expressing support was received via EROP email. The email included a question regarding the proof of lawful presence requirement. The Department response stated that verification of lawful presence for issuance of the card still is required.

Department Recommendation: **Initiate**

Discussion:

Proposed revisions to Chapter 7:

- Limited Use Food Service Worker Card – Include a new Limited Use Food Service Worker Card. This card would reasonably accommodate a food service worker with disability who can only perform certain job duties based on their capabilities.

- Regulation 7: Exemptions – Correct exemption language. To provide consistent enforcement of the regulation, change language from packaged "or" non-PHF to packaged "and" non-PHF. The language also would include time/temperature control for safety (TCS) food.

This proposed regulatory change will follow the Enhanced Regulatory Outreach policy and workflow process.

The County Manager briefed the the Board of Supervisors in February 2013.

A stakeholder meeting was conducted on March 6, 2013.

Department Recommendation:

Staff recommends the Board of Health approve **initiation** of the proposed revision to the Maricopa County Environmental Health Code.

Presented by: **John Kolman, R.S., MBA, Director**

Attachments: Proposed Code Revision Language (3 Pages)
Presentation – Stakeholder Meeting (3/6/13) – (9 Pages)
Minutes – Stakeholder Meeting (3/6/13) – (1 Page)
Other Stakeholder Input & Department Response (copies of written/electronic) (2 Pages)

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VII

FOOD SERVICE WORKERS/MANAGERS

REGULATION 1. Definitions

~~b.~~ A. "Food Service Manager" means any person who supervises/trains a food service worker(s) to follow all food safety regulations (Chapter VII and Chapter VIII). The manager shall be a full time employee of the individually permitted food establishment where employed

B. "FOOD SERVICE MANAGER CARD" MEANS A DOCUMENT ISSUED BY THE DEPARTMENT CERTIFYING THAT AN INDIVIDUAL HAS FULFILLED THE REQUIREMENTS TO WORK AS A FOOD SERVICE MANAGER.

~~a.~~ C. "Food Service Worker" means any person who handles, prepares, serves, sells or gives away food for consumption by persons other than his or her immediate family, or who handles utensils and equipment appurtenant thereto. The term does not include persons in establishments regulated under this Code who handle food or drink exclusively in closed crates, cartons, packages, bottles or similar containers in which no portion of the food or drink is exposed to contamination through such handling.

~~c.~~ D. "Food Service Worker Card" means a document issued by the Department certifying that an individual has fulfilled the requirements to work as a food service worker.
~~"Food Service Manager Card" means a document issued by the Department certifying that an individual has fulfilled the requirements to work as a food service manager~~.

E. "LIMITED USE FOOD SERVICE WORKER CARD" MEANS A DOCUMENT ISSUED BY THE DEPARTMENT CERTIFYING THAT AN INDIVIDUAL WITH A DISABILITY HAS FULFILLED THE REQUIREMENTS TO PERFORM SPECIFIC LOW PUBLIC HEALTH RISK ACTIVITIES.

REGULATION ~~3.~~2. Display of Food Service Worker/Manager Cards

No Change

REGULATION 3 LIMITED USE FOOD SERVICE WORKER CARDS

THE DEPARTMENT MAY ISSUE A LIMITED USE CARD WHEN REQUESTED TO REASONABLY ACCOMMODATE A PERSON WITH A DISABILITY.

A. A PERSON WITH A LIMITED USE FOOD SERVICE WORKER CARD SHALL BE UNDER DIRECT SUPERVISION OF THE FOOD ESTABLISHMENT'S FOOD SERVICE MANAGER AT ALL TIMES WHEN HANDLING FOOD OR FOOD CONTACT SURFACES.

B. THE FOOD ESTABLISHMENT'S FOOD SERVICE MANAGER SHALL BE RESPONSIBLE FOR ALL LIMITED USE FOOD SERVICE WORKER CARD APPLICANTS AND FOR REQUESTING A DEPARTMENT ONSITE VISIT TO HAVE THE DEPARTMENT OFFICIALLY DOCUMENT ANY TRAINING AND TO WITNESS THE APPLICANT'S ASSOCIATED FUNCTIONS AND DUTIES ASSIGNED BY THE FOOD SERVICE MANAGER.

C. UPON DEPARTMENT APPROVAL, THE APPLICANT WILL RECEIVE WRITTEN AUTHORIZATION TO HAVE A LIMITED USE FOOD SERVICE WORKER CARD ISSUED AT THE DEPARTMENT'S OFFICES WITH PROOF OF LAWFUL PRESENCE IN ACCORDANCE WITH ARIZONA STATE STATUTE (A.R.S. § 41-1080).

D. THE LIMITED USE FOOD SERVICE WORKER CARD SHALL EXPIRE THREE YEARS FROM THE DATE OF ISSUE AND THE FEE IS THE SAME AS LISTED IN CHAPTER I OF THIS CODE FOR FOOD SERVICE WORKER CARDS.

E. APPLICANTS MAY HAVE A LIMITED USE FOOD SERVICE WORKER CARD REISSUED BY FOLLOWING PARAGRAPHS A. THROUGH D. OF THIS REGULATION.

REGULATION 4. Food Service Manager Training

a. No Change

REGULATION ~~2.~~ 5. Food Service Worker Training

No Change

REGULATION ~~5.~~ 6. Food Service Manager's Duty

a. and b. No Change

REGULATION ~~6.~~ 7. Communicable Disease

a. to c. No Change

REGULATION ~~7.~~ 8. Exemptions

Any food establishment, AS DEFINED IN CHAPTER VIII OF THIS CODE, exclusively serving packaged ~~or~~ AND ~~non-~~ NOT potentially hazardous food~~s~~ (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD)~~, as defined in Chapter VIII of this Code,~~ is exempt from Regulations 4 and ~~5~~ 6 of this Chapter.

Initial Stakeholder Meeting

Proposed Revisions
Maricopa County Environmental Health Code

ES-2013-003
Food Service Worker

Maricopa County Environmental Services Department

March 6, 2013

Maricopa County
Environmental Services Department

Working with our community
to ensure a safe and healthy environment

VISION STATEMENT:
As the recognized regional environmental leader, we will develop and foster innovative environmental health protection programs for the safety of our residents and their environment.

MISSION STATEMENT:
The mission of the Environmental Services Department is to provide safe food, water, waste disposal and vector borne disease reduction controls to the people of Maricopa County so that they may enjoy living in a healthy and safe community.

MARICOPA COUNTY
ENHANCED REGULATORY OUTREACH PROGRAM

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Step 2 Conduct Stakeholder Workshop

Step 3 Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission

Step 4 Public Meeting to Initiate Regulatory Change

Step 5 Specific Departmental Processes

Step 6 Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission

Step 7 Public Meeting to Make Recommendation to Board of Supervisors

Step 8 Schedule BOS Public Hearing

Step 9 Board of Supervisor Public Hearing

Step 10 Item Adopted

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Proposed Language

Limited Use Food Service Worker Cards

The Department may issue a limited use card when requested to reasonably accommodate a person with a disability.

1. A person applying to obtain a limited use card shall communicate to the Department which low public health risk activity(ies) (e.g. dishwashing, bussing tables, filling condiment containers) he or she will be performing.
2. The Department may require the applicant to attend the food safety training associated with the issuance of food worker cards. Onsite verification of successful execution of job duties is required for the issuance of limited use cards.
3. The fee and length of validity of limited use cards are the same as all other food service worker cards.
4. The employer should ensure that the individual is provided with information to safely perform the activity(ies) listed on the card.
5. Certified Food Manager must be present when a worker with limited use food service worker card is present in the permitted establishment.

CH 7, Reg. 7 Exemption

- To provide consistent enforcement of the regulation, change language from packaged “or” non-PHF to packaged “and” non-PHF.

Thank you for your participation. We welcome your questions and comments.

http://www.maricopa.gov/regulations/

Caroline Oppleman, M.S.P.H., R.S.
Shikha Gupta, M.Sc., M.S., R.S.
Maricopa County Environmental Services Department
1001 N. Central Ave.
Phoenix, AZ 85004

Environmental Services Department

Stakeholder Meeting
ES-2013-003 Food Service Worker Limited Use Card
Wednesday March 6, 2013 10:00 am

Stakeholders Present: Pam Richards – Phoenix Union High School District, Phyllis Kroeger – Phoenix Union High School District.

Staff Present: Shikha Gupta – Quality & Compliance Operation Supervisor, David Morales – Quality & Compliance Supervisor, Caroline Oppleman – Quality & Compliance Management Analyst, Lene Pope – Quality & Compliance Development Service Technician.

Presenter(s): Caroline Oppleman, Shikha Gupta

Minutes*:
Introductions were made. The stakeholders both work with the culinary arts programs at the high schools and mentioned that their programs have been severely impacted with some of the previous changes made to the food service worker program.
Caroline Oppleman made a brief presentation on the EROP process. Both the stakeholders signed up to receive alerts from the website.
Shikha Gupta presented the proposed language about "Limited Use Food Service Worker Cards". The idea behind this; is that there are people with special needs or special disabilities that are only able to perform certain tasks; they can only be trained in some aspects of the regular card or in the food code. This card will allow them to perform a task that is considered "a low public health risk" and be trained in a very specific area. They will attend the food service worker training, but they will not be required to take the test. The cost of the card will be the same as the regular card.

- This will make a difference for some of the students that we have in our high school system, and we will bring this information back to the special education department, so they will understand that this new card will open some doors for some of our students that otherwise would not be able to work because of their disability. So this will be a good thing for us.

The other change that we are proposing is to Chapter 7, Reg. 7 Exemption of the Maricopa County Environmental Health Code. This is to provide consistent enforcement language throughout the regulation.
No further questions or comments were received from the stakeholders present.
Other topics not relevant to the proposed change were discussed.

Meeting adjourned.

*In order for the minutes to be relevant; only those questions and comments that were applicable to the topic presented were recorded. All other questions and comments not relevant to the topic were addressed either at the time of the meeting or shortly thereafter.

Caroline Oppleman - ENVX

From: EROP Stakeholders
Sent: Monday, February 25, 2013 10:05 AM
To: wilberscheid@phoenixunion.org
Cc: Suzanne Gray - PLANDEVX
Subject: Response/ES-2013-003 – Revisions to Maricopa County Environmental Health Code – Food Service Worker

Dear Mr. Wilberscheid,

Thank you for your participation.

The Limited Use Food Service Worker Card would be required to follow A.R.S. § 41-1080 for lawful presence. Lawful presence is required to be proven for the card to be issued. It is not a temporary card.

We encourage you to attend the upcoming stakeholder workshop:

ES-2013-003 – Revisions to Maricopa County Environmental Health Code – Food Service Worker
Wednesday, March 6, 2013, 10:00 a.m.
Maricopa County Environmental Services Department
Northern Regional Office Training Room
15023 N. 75th St., Scottsdale, AZ 85260

Food Service Worker Program
Maricopa County Environmental Services Department
esd.maricopa.gov | maricopa.gov/regulations/es

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to ensure a safe and healthy environment

Environmental Services Department

From: Caroline Oppleman - ENVX
Sent: Monday, February 25, 2013 9:25 AM
To: EROP Stakeholders
Subject: FW: Regulatory Outreach

From: Suzanne Gray - PLANDEVX
Sent: Monday, February 25, 2013 7:48 AM
To: wilberscheid@phoenixunion.org
Cc: Hether Krause - ENVX; Caroline Oppleman - ENVX
Subject: RE: Regulatory Outreach

Mr. Wilberscheid –

Thank you for contacting us through Maricopa County's new regulations web-site. I've copied members of the project team who oversee the revision to the Health Code that you are inquiring about. They should respond to your question within 24 hours.

Feel free to contact me if you should need additional assistance.

Suzanne Gray
Suzanne Gray
Special Projects Manager
Office of Deputy County Manager Joy Rich
301 W. Jefferson, Suite 160
Phoenix, AZ 85003
(602) 506-7167; (602) 506-3951(fax)

From: wilberscheid@phoenixunion.org [mailto:wilberscheid@phoenixunion.org]
Sent: Saturday, February 23, 2013 2:13 PM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: ES-2013-003 – Revisions to Maricopa County Environmental Health Code – Food Service Worker

Citizen's Name: Dean wilberscheid
City: phoenix
Zip: 85015
Phone Number: 602-708-3887
Phone Type: mobile
Email: wilberscheid@phoenixunion.org

Does citizen want to be contacted: yes

Comment is regarding: express support

Comments:
This issue ES-2013-003 does this provide for our students that cannot obtain a food handler card do to legal status. Will they be able to receive a temporary card for student use only? The last 2 years has seen a dramatic decrease in enrolment in Culinary Arts where a FHC is required, to the point of canceling programs. Dean Wilberscheid Executive Chef Culinary Arts Metro Tech High School

Time of Request: 2/23/2013 2:12:35 PM

Report to the Board of Health

To Make Recommendations To Board of Supervisors

Prepared by the Maricopa County Environmental Services Department

Environmental Services Department

Case #/Title:	ES-2013-004/Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter II, Sewage and Wastes – Technical Revisions to Onsite Wastewater Rules and Clarification of Livestock Manure Storage Requirements
Meeting Date:	July 22, 2013
Supervisor Districts:	All Districts
Applicant:	Department
Request:	These code revisions provide technical clarifications for onsite wastewater systems and exempt livestock manure from unintended, cost-prohibitive refuse storage requirements. No fee changes are requested.
Support/Opposition:	No opposition has been expressed regarding this case. Stakeholder meetings were conducted on March 26, 2013 and May 22, 2013, at which no stakeholders were present. No comments have been received via the Enhanced Regulatory Outreach Program (EROP) website.
Department Recommendation:	**Approve**
Discussion:	MCEHC Chapter II, Sewage and Wastes

- Onsite Wastewater Rules – Revise the chapter to clarify protection required for waste lines between house, septic tank and disposal area, such as type of pipe or pipe sleeves. Specify minimum separation between different onsite wastewater system disposal types, such as disposal trench fields and drilled pits.

- Refuse Storage, New Livestock Exemption – In Section 1, the definition of "refuse" includes "manure". Section 3, refuse storage, requires refuse to be stored in durable containers. Storage requirements for livestock manure (horses, cattle, pigs, goats, sheep) are stated in Chapter XI. A note at the top of Section 3 referencing Chapter XI for manure and droppings is unclear. Revise Chapter II, Section 3, Regulation 1 to exempt livestock manure from that paragraph's refuse storage requirements as follows:

> "Manure from livestock (horses, cattle, pigs, goats, sheep) is exempt from the requirements of this paragraph and subject to the requirements of Chapter XI. This revision removes unintended cost-prohibitive manure storage requirements for livestock keepers.

This proposed regulatory change is following the EROP policy and workflow process.

The County Manager briefed the Board of Supervisors in February 2013. Following passage of the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens", the County Manager authorized the Department to proceed with this case.

An initial stakeholder meeting was conducted March 26, 2013 at which no stakeholders were present. Then on April 22, 2013, the Department presented a Staff Report for this case to the Board of Health (BOH) at which the BOH voted in support of the Department initiating this case.

The Department conducted a follow-up stakeholder meeting on May 22, 2013. No stakeholders attended. No comments have been received via the EROP website.

Department Recommendation: Staff recommends the Board of Health **approve** the proposed revisions to the MCEHC.

Presented by: **John Kolman, R.S., MBA, Director**

Attachments:
Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens" (2 Pages)
County Manager Case Approval (1 Page)
Proposed Code Revision Language (2 Pages)
Presentation – Stakeholder Meeting (5/22/13) – (3 Pages)
Report to BOH (4/22/13) – (21 Pages)

RESOLUTION

Moratorium on Increased Regulatory Burdens

WHEREAS, creating a predictable regulatory climate that promotes job creation and a healthy economy is critical to the well-being of the county's residents and businesses; and

WHEREAS, county government plays a critical role in encouraging economic recovery; and

WHEREAS, Maricopa County is committed to full compliance with all applicable federal and state laws and regulations and enforcement of such as may be required; and

WHEREAS, Maricopa County is further committed to streamlining regulations, improving regulatory processes, and decreasing regulatory burdens while protecting the public health, safety and the environment; and

WHEREAS, the regulated community and the general public is encouraged to bring forward ideas to reduce regulatory burdens and create regulatory efficiencies; and

WHEREAS, the Board of Supervisors has previously demonstrated its commitment to regulatory fairness and transparency by adopting the Enhanced Regulatory Outreach Program, a program that provides unprecedented communication and participation regarding regulatory changes.

NOW, THEREFORE, BE IT RESOLVED, the Maricopa County Board of Supervisors, directs the following:

1. All county departments are prohibited from initiating any regulatory ordinance, rule or regulation changes except as permitted by this Resolution. It is the objective of this Resolution to eliminate any unnecessary increased regulatory burdens or costs for employers, citizens, or political subdivisions of Arizona.

2. Paragraph 1 does not apply to regulatory changes for any one or more of the following reasons:

    a. To lessen or ease a regulatory burden

    b. To prevent an immediate or significant threat to public health, peace or safety

    c. To avoid a violation of a court order or federal law that would result in sanctions by a court or the federal government for failure to make the regulatory change

d. To comply with a federal statutory or regulatory requirement or a state statutory requirement

e. Fee initiations or adjustments necessary to provide adequate, timely or required service

3. A county department shall not initiate any regulatory changes outlined in Paragraph 2, sections a – e, without written authorization from the County Manager.

4. This Resolution does not confer any rights, legal, administrative or otherwise upon any persons and shall not be used as a basis for challenges to any county ordinances, rules, regulations, approvals, denials, permits, licenses, or other County actions or inactions.

5. This Resolution shall remain in effect until 2016, unless repealed, amended or reauthorized by the Board of Supervisors.

ADOPTED by the Maricopa County Board of Supervisors, Maricopa County, Arizona, this ____ day of _____2013.

_____
Andrew Kunasek, Chairman of the Board

ATTEST:

_____
Fran McCarroll, Clerk of the Board

APPROVED AS TO FORM:

_____
Deputy County Attorney

Maricopa County
Environmental Services Department

John Kolman RS, MBA
Director
1001 N. Central Avenue #401
Phoenix, Arizona 85004
Phone: (602) 506-6623
Fax: (602) 506-5141
TDD 602 372-0622

Date: June 18, 2013

To: Tom Manos

Via: Joy Rich, AICP, Deputy County Manager

From: John Kolman, R.S., MBA, Director

Re: County Manager Approval – Enhanced Regulatory Outreach Process (EROP) Case **ES-2013-004/Revisions to Maricopa County Environmental Health Code (MCEHC) – Chapter II, Sewage and Wastes – Technical Revisions to Onsite Wastewater Rules and Clarification of Livestock Manure Storage Requirements**

In accordance with the newly passed Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens," the Environmental Services Department (Department) is seeking your approval to proceed EROP Case ES-2013-004/Revisions to MCEHC – Chapter II, Sewage and Wastes – Technical Revisions to Onsite Wastewater Rules and Clarification of Livestock Manure Storage Requirements, initiated in February 2013. The requested changes to the MCEHC qualify for County Manager approval under the moratorium, as these changes are necessary to provide adequate service to our customers.

The Department proposes to revise MCEHC Chapter II as follows:

- Onsite Wastewater Rules – Clarify protection required for waste lines between house, septic tank and disposal area, such as type of pipe or pipe sleeves. Specify minimum separation between different onsite wastewater system disposal types, such as disposal trench fields and drilled pits.

- Refuse Storage, New Livestock Exemption – Remove unintended cost-prohibitive manure storage requirements for livestock keepers by exempting livestock manure from refuse storage requirements.

This proposed regulatory change is following the EROP policy and workflow process. No opposition has been expressed regarding this case. Stakeholder meetings were conducted on March 26, 2013 and May 22, 2013, at which no stakeholders were present. No comments have been received via the EROP website. On April 22, 2013, the Department presented a Staff Report for this case to the Board of Health (BOH) at which the BOH voted in support of the Department initiating this case.

It is staff's opinion that these code revisions are "necessary to provide adequate, timely, or required service." We are requesting your approval to move these proposed code revisions forward in accordance with the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens."

Approved by Tom Manos, County Manager

MARICOPA COUNTY HEALTH CODE

CHAPTER II

SEWAGE AND WASTES

SECTION 3

REFUSE STORAGE

~~(NOTE: For manure and droppings, see Chapter XI)~~

REGULATION l. Storage of Refuse - General

Refuse shall be kept and stored so that it may not be readily scattered or become windblown, and where practicable, in durable containers. The owner, agent or occupant of every dwelling, business establishment, or other premise where refuse accumulates shall provide a sufficient number of suitable and approved containers for receiving and storing refuse and shall keep all refuse therein except as otherwise provided by this chapter. MANURE FROM LIVESTOCK (HORSES, CATTLE, PIGS, GOATS, SHEEP) IS EXEMPT FROM THE REQUIREMENTS OF THIS PARAGRAPH AND SUBJECT TO THE REQUIREMENTS OF CHAPTER XI.

REGULATION 2. No Change

REGULATION 3. No Change

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER II

SEWAGE AND WASTES

SECTION 8

ONSITE WASTEWATER TREATMENT FACILITIES

REGULATION 1. to REGULATION 4. No Change

REGULATION 5. Minimum Requirements for the Design, Installation, Site Investigation, and Operation of Onsite Wastewater Treatment Facilities and Gray Water Disposal Systems.

a. to d. No Change

E. ONSITE WASTEWATER TREATMENT FACILITY COLLECTION AND TRANSMISSION PIPELINES SHALL BE DESIGNED AND CONSTRUCTED WITH SPECIAL PROTECTION AS FOLLOWS.

(1) BELOW ANY PARKING OR ROAD SURFACES, STRUCTURES AND IN AREAS WHERE ADDITIONAL COMPRESSIVE STRENGTH OR EROSION RESISTANCE IS REQUIRED, PVC SCHEDULE 40 OR EQUIVALENT PIPE SHALL BE USED.

(2) PIPELINES THAT CROSS OR ARE CONSTRUCTED IN A WASH, DITCH, CULVERT OR OTHER AREA THAT HAS THE POTENTIAL TO CARRY WATER FROM A STORM, FLOODING OR OTHER SURFACE RUNOFF EVENT SHALL BE PLACED AT LEAST 2 FEET BELOW THE SCOUR DEPTH AND CONSTRUCTED USING DUCTILE IRON OR OTHER MATERIAL OF EQUIVALENT OR GREATER TENSILE AND COMPRESSIVE STRENGTH, SHEAR RESISTANCE, AND SCOUR PROTECTION. IF IT IS NOT POSSIBLE TO MAINTAIN 2 FOOT DEPTH SEPARATION REQUIREMENT, THE PROCESS DESCRIBED IN R18-9-A312(G) TO PROVIDE A DESIGN SHALL BE USE TO ENSURE THAT THE LINE WILL WITHSTAND ANY LATERAL AND VERTICAL LOAD FOR THE 100-YEAR SCOUR AND BED DEGRADATION CONDITIONS.

F. THE MINIMUM SPACING MEASURED BETWEEN THE NEAREST SIDE WALLS OF DIFFERENT DISPOSAL TYPES MUST BE THE LARGEST MINIMUM SPACING REQUIRED BY R18-9-E302(C) FOR THE DIFFERENT DISPOSAL TECHNOLOGIES INVOLVED.

REGULATION 6. No Change

Follow-Up Stakeholder Meeting

Proposed Revisions
Maricopa County Environmental Health Code

ES-2013-004
Revisions to Maricopa County Environmental Health Code – Chapter 2, Sewage and Wastes – Technical Revisions to Onsite Wastewater Rules and Clarification of Livestock Manure Storage Requirements

Maricopa County Environmental Services Department
May 22, 2013

Maricopa County Environmental Services Department

Working with our community to ensure a safe and healthy environment

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Building Relationships — Maricopa County

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http://www.maricopa.gov/regulations/comments.aspx

Case #/Title: ES-2012-004
Revision to Maricopa County Environmental Health Code

Chapter 2 , Sewage and Wastes

Section 8: Onsite Wastewater Treatment Facilities Construction Requirements

Additions to Regulation 5(e)&(f)

1. Buried Pipe Protection
2. Separation of Different Disposal Types

Chapter 2, Section 8, Reg. 5 (e)

Buried Pipe Protection

i. Sch 40 under driveways
ii. DI under drainage ways

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE
CHAPTER II
SEWAGE AND WASTES
SECTION 8
ONSITE WASTEWATER TREATMENT FACILITIES

REGULATION 5. Minimum Requirements for the Design, Installation, Site Investigation, and Operation of Onsite Wastewater Treatment Facilities and Gray Water Disposal Systems.

E. Onsite wastewater treatment facility collection and transmission pipelines shall be designed and constructed with special protection as follows.

i. Below any parking or road surfaces, structures and in areas where additional compressive strength or erosion resistance is required, PVC schedule 40 or equivalent pipe shall be used.

ii. Pipelines that cross or are constructed in a wash, ditch, culvert or other area that has the potential to carry water from a storm, flooding or other surface runoff event shall be placed at least 2 feet below the scour depth and constructed using ductile iron or other material of equivalent or greater tensile and compressive strength, shear resistance, and scour protection. If it is not possible to maintain 2 foot depth separation requirement, use the process described in R18-9-A312(G) to provide a design that ensures that the line will withstand any lateral and vertical load for the 100-year scour and bed degradation conditions.

Chapter 2, Section 8, Reg. 5 (f)

Separation of Different Disposal Types

R18-9-E302(C) 2.c.10, 3.b.4, 5.c

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE
CHAPTER II
SEWAGE AND WASTES
SECTION 8
ONSITE WASTEWATER TREATMENT FACILITIES

REGULATION 5. Minimum Requirements for the Design, Installation, Site Investigation, and Operation of Onsite Wastewater Treatment Facilities and Gray Water Disposal Systems.

f. The minimum spacing measured between the nearest side walls of different disposal types must be the largest minimum spacing required by R-18-9-E302(C) for the different disposal technologies involved.

CH 2, Section 3: Refuse Storage

CH XI, Section 1: Animal Waste

Problem: Refuse Definition includes Manure

CH 2, Section 3: Refuse Storage

Refuse containers must be sealed.

Ch IX provides other options for manure.

Section 3: Refuse Storage

<u>Wording Added</u>
Manure from livestock (horses, cattle, pigs, goats, sheep) is exempt from the requirements of this paragraph and subject to the requirements of Chapter XI.

Lifestock Manure Storage

Requirements in Chapter XI Animals
Section 1, Regulation 1

Thank you for your participation.
We welcome your questions and comments.

http://www.maricopa.gov/regulations/

Caroline Oppleman, M.S.P.H., R.S.
Greg Maupin, P.E.
Maricopa County Environmental Services Department
1001 N. Central Ave.
Phoenix, AZ 85004

Report to the Board of Health

To Initiate Regulatory Change

Prepared by the Maricopa County Environmental Services Department

Environmental Services Department

Case #/Title: ES-2013-004: Revisions to Maricopa County Environmental Health Code – Chapter 2, Sewage and Wastes – Technical Revisions to Onsite Wastewater Rules and Clarification of Livestock Manure Storage Requirements

Meeting Date: April 22, 2013

Supervisor Districts: All Districts

Applicant: Department

Request: These code revisions will provide technical clarifications for onsite wastewater systems and exempt livestock manure from unintended, cost-prohibitive refuse storage requirements. No fee changes are requested.

Support/Opposition: No opposition has been expressed regarding this case. A stakeholder meeting was conducted on March 26, 2013 at which no stakeholders were present.

Department Recommendation: **Initiate**

Discussion:

Chapter 2 , Sewage and Wastes

- Onsite Wastewater Rules – Revise the chapter to clarify protection required for waste lines between house, septic tank and disposal area, such as type of pipe or pipe sleeves. Specify minimum separation between different onsite wastewater system disposal types, such as disposal trench fields and drilled pits.

- Refuse Storage, New Livestock Exemption – In Section 1, the definition of "refuse" includes "manure". Section 3, refuse storage, requires refuse to be stored in durable containers. Storage requirements for livestock manure (horses, cattle, pigs, goats, sheep) are stated in Chapter XI. A note at the top of Section 3 referencing Chapter XI for manure and droppings is unclear. Revise Chapter 2, Section 3, Regulation 1 to exempt livestock manure from that paragraph's refuse storage requirements as follows: "Manure from livestock (horses, cattle, pigs, goats, sheep) is exempt from the requirements of this paragraph and subject to the requirements of Chapter XI. This revision

will remove unintended cost-prohibitive manure storage requirements for livestock keepers.

This proposed regulatory change will follow the Enhanced Regulatory Outreach policy and workflow process.

The County Manager briefed the brief the Board of Supervisors in February 2013.

A stakeholder meeting was conducted on March 26, 2013. No stakeholders attended.

Department Recommendation:

Staff recommends the Board of Health approve **initiation** of the proposed revision to the Maricopa County Environmental Health Code.

Presented by: **John Kolman, R.S., MBA, Director**

Attachments: Proposed Code Revision Language (2 Pages)
Presentation – Stakeholder Meeting (3/26/13) – (17 Pages)

MARICOPA COUNTY HEALTH CODE

CHAPTER II

SEWAGE AND WASTES

SECTION 3

REFUSE STORAGE

~~(NOTE: For manure and droppings, see Chapter XI)~~

REGULATION l. Storage of Refuse - General

Refuse shall be kept and stored so that it may not be readily scattered or become windblown, and where practicable, in durable containers. The owner, agent or occupant of every dwelling, business establishment, or other premise where refuse accumulates shall provide a sufficient number of suitable and approved containers for receiving and storing refuse and shall keep all refuse therein except as otherwise provided by this chapter. MANURE FROM LIVESTOCK (HORSES, CATTLE, PIGS, GOATS, SHEEP) IS EXEMPT FROM THE REQUIREMENTS OF THIS PARAGRAPH AND SUBJECT TO THE REQUIREMENTS OF CHAPTER XI.

REGULATION 2. No Change

REGULATION 3. No Change

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER II

SEWAGE AND WASTES

SECTION 8

ONSITE WASTEWATER TREATMENT FACILITIES

REGULATION 1. to REGULATION 4. No Change

REGULATION 5. Minimum Requirements for the Design, Installation, Site Investigation, and Operation of Onsite Wastewater Treatment Facilities and Gray Water Disposal Systems.

a. to d. No Change

E. ONSITE WASTEWATER TREATMENT FACILITY COLLECTION AND TRANSMISSION PIPELINES SHALL BE DESIGNED AND CONSTRUCTED WITH SPECIAL PROTECTION AS FOLLOWS.

(1) BELOW ANY PARKING OR ROAD SURFACES, STRUCTURES AND IN AREAS WHERE ADDITIONAL COMPRESSIVE STRENGTH OR EROSION RESISTANCE IS REQUIRED, PVC SCHEDULE 40 OR EQUIVALENT PIPE SHALL BE USED.

(2) PIPELINES THAT CROSS OR ARE CONSTRUCTED IN A WASH, DITCH, CULVERT OR OTHER AREA THAT HAS THE POTENTIAL TO CARRY WATER FROM A STORM, FLOODING OR OTHER SURFACE RUNOFF EVENT SHALL BE PLACED AT LEAST 2 FEET BELOW THE SCOUR DEPTH AND CONSTRUCTED USING DUCTILE IRON OR OTHER MATERIAL OF EQUIVALENT OR GREATER TENSILE AND COMPRESSIVE STRENGTH, SHEAR RESISTANCE, AND SCOUR PROTECTION. IF IT IS NOT POSSIBLE TO MAINTAIN 2 FOOT DEPTH SEPARATION REQUIREMENT, THE PROCESS DESCRIBED IN R18-9-A312(G) TO PROVIDE A DESIGN SHALL BE USE TO ENSURE THAT THE LINE WILL WITHSTAND ANY LATERAL AND VERTICAL LOAD FOR THE 100-YEAR SCOUR AND BED DEGRADATION CONDITIONS.

F. THE MINIMUM SPACING MEASURED BETWEEN THE NEAREST SIDE WALLS OF DIFFERENT DISPOSAL TYPES MUST BE THE LARGEST MINIMUM SPACING REQUIRED BY R18-9-E302(C) FOR THE DIFFERENT DISPOSAL TECHNOLOGIES INVOLVED.

REGULATION 6. No Change

Initial Stakeholder Meeting

Proposed Revisions
Maricopa County Environmental Health Code

ES-2013-004

Revisions to Maricopa County Environmental Health Code – Chapter 2, Sewage and Wastes – Technical Revisions to Onsite Wastewater Rules and Clarification of Livestock Manure Storage Requirements

Maricopa County Environmental Services Department

March 26, 2013

Maricopa County
Environmental Services Department

Working with our community
to ensure a safe and healthy environment

VISION STATEMENT:
As the recognized regional environmental leader, we will develop and foster innovative environmental health protection programs for the safety of our residents and their environment.

MISSION STATEMENT:
The mission of the Environmental Services Department is to provide safe food, water, waste disposal and vector borne disease reduction controls to the people of Maricopa County so that they may enjoy living in a healthy and safe community.

MARICOPA COUNTY
ENHANCED REGULATORY OUTREACH PROGRAM

Maricopa County has five regulatory departments that seek to ensure the safety and well-being of our community. Because we understand that regulations and rulemaking decisions, discussions, and meetings can be confusing, we developed the Enhanced Regulatory Outreach Program that allows citizens to easily monitor and engage in the adoption and amendment of all regulations.

AIR QUALITY • ENVIRONMENTAL SERVICES • FLOOD CONTROL • PLANNING & DEVELOPMENT • TRANSPORTATION

http://www.maricopa.gov/regulations/

FOLLOW MARICOPA COUNTY'S REGULATORY ADOPTION PROCESS STEP-BY-STEP

Step 1 County Manager Briefed Board of Supervisors

Step 2 Conduct Stakeholder Workshop

Step 3 Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission

Step 4 Public Meeting to Initiate Regulatory Change

Step 5 Specific Departmental Processes

Step 6 Stakeholder Notification 2 Weeks Prior to Citizen's Board or Commission

Step 7 Public Meeting to Make Recommendation to Board of Supervisors

Step 8 Schedule BOS Public Hearing

Step 9 Board of Supervisor Public Hearing

Step 10 Item Adopted

RECEIVE UP TO DATE NOTIFICATIONS
– STAY INFORMED –

Sign up today to receive notice from the five Maricopa County regulatory departments about calendar changes or where items are in the process by visiting:

http://www.maricopa.gov/regulations/Notifications.aspx

ENHANCED PUBLIC PARTICIPATION
– STAY INVOLVED –

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Case #/Title: ES-2012-004
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Chapter 2 , Sewage and Wastes

Section 8: Onsite Wastewater Treatment Facilities Construction Requirements

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Chapter 2, Section 8, Reg. 5 (f)

Separation of Different Disposal Types

R18-9-E302(C) 2.c.10, 3.b.4, 5.c

REGULATION 5. Minimum Requirements for the Design, Installation, Site Investigation, and Operation of Onsite Wastewater Treatment Facilities and Gray Water Disposal Systems.

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<u>Wording Added</u>

Manure from livestock (horses, cattle, pigs, goats, sheep) is exempt from the requirements of this paragraph and subject to the requirements of Chapter XI.

Lifestock Manure Storage

Requirements in Chapter XI
Animals
Section 1, Regulation 1

Thank you for your participation. We welcome your questions and comments.

http://www.maricopa.gov/regulations/

Caroline Oppleman, M.S.P.H., R.S.
Greg Maupin, P.E.
Maricopa County Environmental Services Department
1001 N. Central Ave.
Phoenix, AZ 85004

Report to the Board of Health

ADDENDUM

Prepared by the Maricopa County Environmental Services Department

Meeting Date: July 22, 2013

Stakeholder comments and Department responses for input received after the July 1, 2013 Reports to the BOH were transmitted are attached.

From:	azshys@juno.com
To:	Regulatory
Subject:	Regulatory Outreach
Date:	Wednesday, July 17, 2013 10:39:24 AM

Citizen Comments

Issue: ES-2013-004 – Revisions to Maricopa County Environmental Health Code – Chapter 2, Sewage and Wastes

Citizen's Name: John Shy
Organization:
City: Scottsdale
Zip: 85262
Phone Number: 480-471-7667
Phone Type: mobile
Email: azshys@juno.com

Does citizen want to be contacted: no

Comment is regarding: express opposition

Comments:
I am OPPOSED to the revision to Chapter 2, Section 3, Regulation 1 to EXEMPT livestock manure from that paragraph's refuse storage requirements. I live in a rural largely residential area of expensive homes and properties. Equine facilities of all sizes are inter-dispersed throughout the community. In the past commercial horse properties in the area were required to obtain an SUP to operate in the residential zoning. All of these SUPs had this requirement; "ALL REFUSE AND ANIMAL WASTES SHALL BE STORED WITHIN AN ENCLOSED BUILDING OR WITHIN OODOR-PROOF CLOSED CONTAINERS. PRIOR TO THE ISSUANCE OF BUILDING PERMITS THE APPLICANT SHALL SUBMIT EVIDENCE THAT CONTAINERS HAVE BEEN PROVIDED FOR ADEQUATE STORAGE OF ONE WEEK'S ACCUMULATION OF MANURE. ALL MANURE SHALL BE REMOVED FROM THE SITE AT LEAST ONCE PER WEEK." Recent legislative changes have allowed such properties to operate without an SUP however they are still regulated by the Maricopa County Health Code. Taking away this requirement will subject my property to excessive flies and runoff of horse and cattle manure. Because Maricopa County saw fit to require Commercial Equine properties to store and remove their manure in the method that is prescribed by the Maricopa County Health Code I cannot see a reason that this requirement would be removed unless lobbied for by a special interest group. The area I live in sometimes referred to as the Rio Verde Foothills is 20 square miles of land that slopes to the Verde River. In at least one of the SUP cases, 28425 N. 160th Street, Scottsdale, an opposition letter was received by the Fort McDowell Tribal Council. Their fear was that animal runoff would pollute the river. I can assure you that if you exempt the removal of animal wastes from the Maricopa County Health Code it will result in tons of runoff from this area to the river.

Time of Request: 7/17/2013 10:39:22 AM

From:	azshys@juno.com
To:	Regulatory
Subject:	Regulatory Outreach
Date:	Wednesday, July 17, 2013 1:18:42 PM

Citizen Comments

Issue: ES-2013-004 – Revisions to Maricopa County Environmental Health Code – Chapter 2, Sewage and Wastes

Citizen's Name: John Shy
Organization:
City: Scottsdale
Zip: 85262
Phone Number: 480-471-7667
Phone Type: mobile
Email: azshys@juno.com

Does citizen want to be contacted: no

Comment is regarding: express opposition

Comments:
I am OPPOSED to the revision to Chapter 2, Section 3, Regulation 1 to EXEMPT livestock manure from that paragraph's refuse storage requirements. I live in a rural largely residential area of expensive homes and properties. Equine facilities of all sizes are inter-dispersed throughout the community. In the past commercial horse properties in the area were required to obtain an SUP to operate in the residential zoning. All of these SUPs had this requirement; "ALL REFUSE AND ANIMAL WASTES SHALL BE STORED WITHIN AN ENCLOSED BUILDING OR WITHIN OODOR-PROOF CLOSED CONTAINERS. PRIOR TO THE ISSUANCE OF BUILDING PERMITS THE APPLICANT SHALL SUBMIT EVIDENCE THAT CONTAINERS HAVE BEEN PROVIDED FOR ADEQUATE STORAGE OF ONE WEEK'S ACCUMULATION OF MANURE. ALL MANURE SHALL BE REMOVED FROM THE SITE AT LEAST ONCE PER WEEK." Recent legislative changes have allowed such properties to operate without an SUP however they are still regulated by the Maricopa County Health Code. Taking away this requirement will subject my property to excessive flies and runoff of horse and cattle manure. Because Maricopa County saw fit to require Commercial Equine properties to store and remove their manure in the method that is prescribed by the Maricopa County Health Code in the past I cannot see a reason that this requirement would be removed. The area I live in sometimes referred to as the Rio Verde Foothills is 20 square miles of land that slopes to the Verde River. In at least one of the SUP cases, 28425 N. 160th Street, Scottsdale, an opposition letter was received by the Fort McDowell Tribal Council. Their fear was that animal waste runoff would pollute the Verde river. I can assure you that if you exempt the removal of animal wastes from the Maricopa County Health Code it will result in tons of runoff from this area to the river.

Time of Request: 7/17/2013 1:18:41 PM

From:	EROP Stakeholders
To:	"ad@crlty.com"
Cc:	Suzanne Gray - PLANDEVX
Subject:	Response/ES-2013-004/MCEHC Ch. II Sewage & Wastes
Date:	Friday, July 19, 2013 9:47:00 AM
Attachments:	image001.png

Mr. Dorst,

Thank you for registering a comment in regards to ES-2013-004 – Revisions to Maricopa County Environmental Health Code – Chapter II, Sewage and Wastes. Please be assured that we value and consider all comments very carefully before making any final recommendations.

In this particular case the Environmental Services Department (ESD) would like to clarify several items.

- ESD is not exempting animal waste from the Maricopa County Environmental Health Code. The code citation for animal waste is and will currently remain regulated under Chapter XI, Animals; Section 1; Regulation 1.
- The existing Maricopa County Environmental Health Code- Chapter II references in a note headline under section 3, that reads as follows "(NOTE: For manure and droppings, see Chapter XI)"
- Under the existing and unchanged code citation found in Chapter XI, Animals; Section 1; Regulation 1-"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 free of health hazard or public health nuisance."

It is the intent of ESD that in removing livestock from refuse storage in Chapter II (SEWAGE AND WASTE) that ESD would reduce confusion in interpretations since Chapter II is directed to sewage and waste (garbage), while Chapter XI has always dealt with livestock and manure.

We apologize for any confusion the proposed changes may have caused. Please be assured that going forward all properties will need to continue to be in compliance with Maricopa County Environmental Health Code Chapter XI, Animals; Section 1, Regulation 1, in regards to proper manure handling and disposal.

Non-Permit Regulated Compliance
Maricopa County Environmental Services Department
esd.maricopa.gov | **maricopa.gov/regulations/es**

Working with our community
to ensure a safe and healthy environment

Environmental Services Department

From: ad@crlty.com [mailto:ad@crlty.com]
Sent: Wednesday, July 17, 2013 11:06 PM
To: Regulatory
Subject: Regulatory Outreach

Citizen Comments

Issue: ES-2013-004 – Revisions to Maricopa County Environmental Health Code – Chapter 2, Sewage and Wastes

Citizen's Name: Alex Dorst
Organization:
City: Unicorporated County
Zip: 85262
Phone Number: 480-216-9111
Phone Type: mobile
Email: ad@crlty.com

Does citizen want to be contacted: yes

Comment is regarding: express opposition

Comments:
I am OPPOSED to the revision to Chapter 2, Section 3, Regulation 1 to EXEMPT livestock manure from that paragraph's refuse storage requirements. I live in a rural largely residential area of expensive homes and properties. Equine facilities of all sizes are inter-dispersed throughout the community. In the past commercial horse properties in the area were required to obtain an SUP to operate in the residential zoning. All of these SUPs had this requirement; "ALL REFUSE AND ANIMAL WASTES SHALL BE STORED WITHIN AN ENCLOSED BUILDING OR WITHIN OODOR-PROOF CLOSED CONTAINERS. PRIOR TO THE ISSUANCE OF BUILDING PERMITS THE APPLICANT SHALL SUBMIT EVIDENCE THAT CONTAINERS HAVE BEEN PROVIDED FOR ADEQUATE STORAGE OF ONE WEEK'S ACCUMULATION OF MANURE. ALL MANURE SHALL BE REMOVED FROM THE SITE AT LEAST ONCE PER WEEK." Recent legislative changes have allowed such properties to operate without an SUP however they are still regulated by the Maricopa County Health Code. Taking away this requirement will subject my property to excessive flies and runoff of horse and cattle manure. Because Maricopa County saw fit to require Commercial Equine properties to store and remove their manure in the method that is prescribed by the Maricopa County Health Code I cannot see a reason that this requirement would be removed unless lobbied for by a special interest group. The area I live in sometimes referred to as the Rio Verde Foothills is 20 square miles of land that slopes to the Verde River. We live directly adjacent to the Mike Wood Training Facilty Parcel numbers 219-40-060 and 061E at30609 N 144 Street 85262 at 144 Street and Lowden Crt. He has chosen to keep in excess of 100 steers in a contained area of less than 1/2 acre. The flies and the steer odor makes it unbearable to live outdoors and renjoy our pool and backyard. We have lived here here since 2009. The facilty was built in 2012. Every conceivable agency has been called out to look atthe complaint issue and we were repaeatbaly told that he is in compliance. The neighbor to the east of him is inudated with maure runoff when the rains occur. I can assure you that if you exempt the removal of animal wastes from the Maricopa County Health Code it will result in tons of runoff from this area to the river.

Time of Request: 7/17/2013 11:05:45 PM

Report to the Board of Health

To Make Recommendations To Board of Supervisors

Prepared by the Maricopa County Environmental Services Department

Environmental Services Department

Case #/Title:	ES-2013-005/Revision to Maricopa County Environmental Health Code (MCEHC) Chapter VI, Bathing Places – Public and Semipublic Swimming Pools – Pool Construction Requirements
Meeting Date:	July 22, 2013
Supervisor Districts:	All Districts
Applicant:	Department
Request:	This code revision clarifies certain pool construction requirements to prevent varied interpretations. No fee changes are requested.
Support/Opposition:	No opposition has been expressed regarding this case. Stakeholder meetings were conducted on March 26, 2013 and May 22, 2013, at which no stakeholders were present. No comments have been received via the Enhanced Regulatory Outreach Program (EROP) website.
Department Recommendation:	**Approve**
Discussion:	Revise MCEHC Chapter VI, to clarify pool construction requirements language to address instances of differing code interpretations by contractors and the Department due to lack of specificity, e.g., specify placement of "no diving tiles" at each depth marker in pools and minimum of two depth markers on the deck and at the waterline in spas. Specify size, color and location of tiles that must be placed on underwater steps, replacing requirement that steps must be "clearly visible." In Section 14, Zero Depth Entry Pools, add to heading paragraph the missing references to complying with design requirements for public and semipublic pools, Sections 6 and 7. This proposed regulatory change is following the EROP policy and workflow process. The County Manager briefed the Board of Supervisors in February 2013. Following passage of the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens", the County Manager authorized the Department to proceed with this case.

An initial stakeholder meeting was conducted March 26, 2013 at which no stakeholders were present. Then on April 22, 2013, the Department presented a Staff Report for this case to the Board of Health (BOH) at which the BOH voted in support of the Department initiating this case.

The Department conducted a follow-up stakeholder meeting on May 22, 2013 at which no stakeholders were present. No comments have been received via the EROP website.

Department Recommendation: Staff recommends the Board of Health **approve** the proposed revision to the MCEHC.

Presented by: **John Kolman, R.S., MBA, Director**

Attachments:
Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens" (2 Pages)
County Manager Case Approval (1 Page)
Proposed Code Revision Language (4 Pages)
Presentation – Stakeholder Meeting (5/22/13) – (4 Pages)
Report to BOH (4/22/13) – (26 Pages)

RESOLUTION

Moratorium on Increased Regulatory Burdens

WHEREAS, creating a predictable regulatory climate that promotes job creation and a healthy economy is critical to the well-being of the county's residents and businesses; and

WHEREAS, county government plays a critical role in encouraging economic recovery; and

WHEREAS, Maricopa County is committed to full compliance with all applicable federal and state laws and regulations and enforcement of such as may be required; and

WHEREAS, Maricopa County is further committed to streamlining regulations, improving regulatory processes, and decreasing regulatory burdens while protecting the public health, safety and the environment; and

WHEREAS, the regulated community and the general public is encouraged to bring forward ideas to reduce regulatory burdens and create regulatory efficiencies; and

WHEREAS, the Board of Supervisors has previously demonstrated its commitment to regulatory fairness and transparency by adopting the Enhanced Regulatory Outreach Program, a program that provides unprecedented communication and participation regarding regulatory changes.

NOW, THEREFORE, BE IT RESOLVED, the Maricopa County Board of Supervisors, directs the following:

1. All county departments are prohibited from initiating any regulatory ordinance, rule or regulation changes except as permitted by this Resolution. It is the objective of this Resolution to eliminate any unnecessary increased regulatory burdens or costs for employers, citizens, or political subdivisions of Arizona.

2. Paragraph 1 does not apply to regulatory changes for any one or more of the following reasons:

    a. To lessen or ease a regulatory burden

    b. To prevent an immediate or significant threat to public health, peace or safety

    c. To avoid a violation of a court order or federal law that would result in sanctions by a court or the federal government for failure to make the regulatory change

d. To comply with a federal statutory or regulatory requirement or a state statutory requirement

e. Fee initiations or adjustments necessary to provide adequate, timely or required service

3. A county department shall not initiate any regulatory changes outlined in Paragraph 2, sections a – e, without written authorization from the County Manager.

4. This Resolution does not confer any rights, legal, administrative or otherwise upon any persons and shall not be used as a basis for challenges to any county ordinances, rules, regulations, approvals, denials, permits, licenses, or other County actions or inactions.

5. This Resolution shall remain in effect until 2016, unless repealed, amended or reauthorized by the Board of Supervisors.

ADOPTED by the Maricopa County Board of Supervisors, Maricopa County, Arizona, this ____ day of _____2013.

_____
Andrew Kunasek, Chairman of the Board

ATTEST:

_____
Fran McCarroll, Clerk of the Board

APPROVED AS TO FORM:

_____
Deputy County Attorney

Maricopa County

Environmental Services Department

John Kolman RS, MBA
Director
1001 N. Central Avenue #401
Phoenix, Arizona 85004
Phone: (602) 506-6623
Fax: (602) 506-5141
TDD 602 372-0622

Date: June 18, 2013

To: Tom Manos

Via: Joy Rich, AICP, Deputy County Manager

From: John Kolman, R.S., MBA, Director

Re: County Manager Approval – Enhanced Regulatory Outreach Process (EROP) Case **ES-2013-005/Revision to Maricopa County Environmental Health Code (MCEHC) Chapter VI, Bathing Places – Public and Semipublic Swimming Pools – Pool Construction Requirements**

In accordance with the newly passed Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens," the Environmental Services Department (Department) is seeking your approval to proceed with EROP Case ES-2013-005/Revision to MCEHC Chapter VI, Bathing Places – Public and Semipublic Swimming Pools – Pool Construction Requirements, initiated in February 2013. The requested changes to the MCEHC qualify for County Manager approval under the moratorium, as these changes are necessary to provide adequate service to our customers.

The Department proposes to revise MCEHC Chapter VI to clarify pool construction requirements language to address instances of differing code interpretations by contractors and the Department due to lack of specificity, e.g., specify placement of "no diving tiles" at each depth marker in pools and minimum of two depth markers on the deck and at the waterline in spas.

This proposed regulatory change is following the EROP policy and workflow process. No opposition has been expressed regarding this case. Stakeholder meetings were conducted on March 26, 2013 and May 22, 2013, at which no stakeholders were present. No comments have been received via the EROP website. On April 22, 2013, the Department presented a Staff Report for this case to the Board of Health (BOH) at which the BOH voted in support of the Department initiating this case.

It is staff's opinion that this code revision is "necessary to provide adequate, timely, or required service." We are requesting your approval to move this proposed code revision forward in accordance with the Maricopa County Resolution, "Moratorium on Increased Regulatory Burdens."

Approved by Tom Manos, County Manager

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VI

BATHING PLACES - PUBLIC AND SEMIPUBLIC SWIMMING POOLS

SECTION 3

GENERAL DESIGN STANDARDS AND SPECIFICATIONS

REGULATION 1. to REGULATION 10. No Change

REGULATION 11. Drains

a. Pools shall be equipped with at least two (2), main drains located in the deepest portion ~~that are separated by a minimum of~~ WITH CENTERS AT LEAST three (3) feet APART and that are constructed to prevent suction entrapment under all operating conditions. Each drain shall be covered by an anti-vortex cover or an approved grate that has a minimum diagonal measurement of 24 inches, which is not readily removable by bathers and has safe openings of at least four (4) times the area of the drain pipe. EACH DRAIN PIPE CONNECTION SHALL BE UNDER THE CENTER OF THE DRAIN COVER.

b. to e. No Change

REGULATION 12. to REGULATION 21. No Change

REGULATION 22. Signs

a. Diving equipment is prohibited in a public or semipublic swimming pool that does not meet the minimum requirements for a diving board in Section 6, Regulation 6, of this Code. If a public or semipublic swimming pool does not meet the dimensional requirements prescribed in Section 6, Regulation 6 of this code for diving, the owner shall prominently display at least one (1) sign that cautions users of the swimming pool that diving is prohibited. The warning sign shall state "CAUTION SHALLOW WATER NO DIVING" in letters that are four (4) inches or larger or display the international symbol for no diving. Diving from the deck of a public or semipublic swimming pool into water that is less than five (5) feet deep shall be prohibited. Warning markers indicating in words or symbols that diving is prohibited shall be placed on the deck, ADJACENT TO EACH WATER DEPTH MARKER, within 18 inches of the side of the shallow area of the swimming pool. A warning marker shall be positioned so that a person standing on the deck facing the water can read it.

b. to d. No Change

REGULATION 23. No Change

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VI

BATHING PLACES - PUBLIC AND SEMIPUBLIC SWIMMING POOLS

SECTION 6

PUBLIC SWIMMING POOLS

REGULATION 1. No Change

REGULATION 2. No Change

REGULATION 3. Ladders, Steps, and Recessed Treads

At least one (1) set of steps shall be provided in the shallow end of each swimming pool. Where the deep section is greater than 20 feet in width, two (2) ladders, located on opposite sides of the deep section are required. A minimum of two (2) means of egress will be required in all pools. There shall be at least one (1) ladder or stair for each 75 feet of perimeter. Preformed step holes and suitable handrails may be substituted for ladders. At least one (1) set of steps shall be provided in the shallow end of each swimming pool.

a. Steps must be permanently marked so as to be clearly visible from above or below the SWIMMING pool surface. THE EDGES OF THE STEPS SHALL BE CLEARLY OUTLINED WITH A SHARPLY CONTRASTING COLORED TILE OR OTHER MATERIAL THAT IS CLEARLY VISIBLE FROM THE DECK ADJACENT TO THE STEPS. THE TILE OR OTHER MATERIAL SHALL BE AT A MINIMUM, A CONTINUOUS 1-INCH BAND OR 2-INCH SQUARE CHIPS SPACED NO MORE THAN 8-INCHES APART, WHEN MEASURED BETWEEN THE EDGE OF THE CHIPS. ~~and~~STEPS shall not project into the pool in a manner, which will create a hazard. Steps may be constructed only in the shallow area of a public or semipublic swimming pool. All tread surfaces on steps shall have slip-resistant surfaces. Step treads shall have a minimum unobstructed horizontal depth of ten (10) inches. Risers shall have a maximum uniform height of 12 inches, with the bottom riser height allowed to vary plus or minus two (±2) inches from the uniform riser height. The location of stairs, ladders, and recessed treads shall not interfere with racing lanes. A set of steps shall be provided in a public or semipublic spa**.** Handrails shall be provided at one side or in the center of all stairways. Handrails shall be installed in such a way that they can be removed only with tools. A beach entry may be substituted for steps in the shallow end of the pool.

REGULATION 4. to REGULATION 14. No Change

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE
CHAPTER VI

BATHING PLACES - PUBLIC AND
SEMIPUBLIC SWIMMING POOLS

SECTION 9

SPAS

REGULATION 1. to REGULATION 9. No Change

REGULATION 10. Depth Markers

Depth markers for a public or semipublic spa shall comply with all of the following:

a. A public or semipublic spa shall have permanent depth markers with numbers that are a minimum of four (4) inches high. Depth markers shall be plainly and conspicuously visible from all points of entry.

b. The maximum depth of a public or semipublic spa shall be clearly indicated by depth markers.

c. There shall be a minimum of two (2) depth markers ON THE DECK AND TWO (2) DEPTH MARKERS AT THE WATERLINE at each public or semipublic spa.

d. to g. No Change

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VI

BATHING PLACES - PUBLIC AND SEMIPUBLIC SWIMMING POOLS

SECTION 14

D. ZERO DEPTH ENTRY POOLS

In addition to complying with the Regulations in Sections 1, 2, 3, 4, ~~and~~ 5 AND EITHER 6 (PUBLIC POOLS) OR 7 (SEMI-PUBLIC POOLS) of this Chapter, Zero Depth Entry Pools shall comply with the following Regulations:

REGULATION 1. Circulation System

a. to c. No Change

REGULATION 2. Floor

a. No Change
b. No Change

REGULATION 3. Handrails

No Change

Follow-Up Stakeholder Meeting

Proposed Revisions
Maricopa County Environmental Health Code

ES-2013-005
Revision to Maricopa County Environmental Health Code
Chapter 6, Bathing Places
Public and Semipublic Swimming Pools
Pool Construction Requirements

Maricopa County Environmental Services Department
May 22, 2013

Maricopa County Environmental Services Department

Working with our community to ensure a safe and healthy environment

VISION STATEMENT:
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MISSION STATEMENT:
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Building Relationships — Maricopa County

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Step 2	Conduct Stakeholder Workshop
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Case #/Title: ES-2012-005
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Environmental Health Code

Chapter 6 , Bathing Places – Public and
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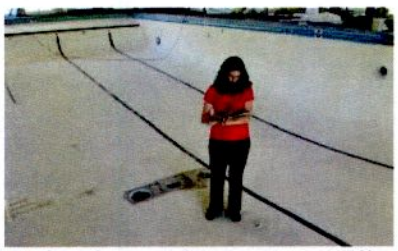
Minor Revisions to Chapter 6 to clarify pool construction requirements

Five Changes



1. Clarify That Split Drains Will Be Measured 36 Inches From Center To Center of Pipe.

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE
CHAPTER VI

BATHING PLACES - PUBLIC AND SEMIPUBLIC SWIMMING POOLS

SECTION 3

General Design Standards and Specifications

REGULATION 11. Drains

a. Pools shall be equipped with at least two (2), main drains located in the deepest portion ~~that are separated by a minimum of with centers at least~~ three (3) feet apart and that are constructed to prevent suction entrapment under all operating conditions. Each drain shall be covered by an anti-vortex cover or an approved grate that has a minimum diagonal measurement of 24 inches, which is not readily removable by bathers and has safe openings of at least four (4) times the area of the drain pipe. Each drain pipe connection shall be under the center of the drain cover.

b. Drains shall be spaced at intervals of not greater than one (1) each 20 feet of pool width in the deepest portion and not more than 15 feet from each side wall.

c. A minimum of two (2) suction outlets shall be provided for each pump in a suction outlet system for a public or semipublic pool or spa. The suction outlets shall be separated by a minimum of three (3) feet or located on two (2) different planes (i.e. one suction outlet on the bottom and one (1) on a vertical wall or one (1) suction outlet each on two (2) separate vertical walls) as long as the three (3) foot separation is always maintained. The suction outlets shall be plumbed to draw water through them simultaneously through a common line to the pump. Suction outlets shall be plumbed to eliminate the possibility of entrapping suction, and be equipped with an approved anti-vortex cover.

d. The total velocity of water through grate openings of the drain shall not exceed one and one-half (1 1/2) feet per second.

e. No check valve may be installed between a suction outlet and a pump.

2. Clarify Where No Dive Placard Shall Be Placed On Deck Surfaces.

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE
CHAPTER VI

BATHING PLACES - PUBLIC AND SEMIPUBLIC SWIMMING POOLS

SECTION 3

General Design Standards and Specifications

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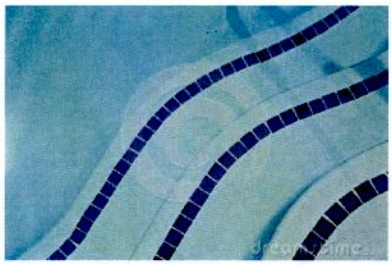
a. Diving equipment is prohibited in a public or semipublic swimming pool that does not meet the minimum requirements for a diving board in Section 6, Regulation 6, of this Code. If a public or semipublic swimming pool does not meet the dimensional requirements prescribed in Section 6, Regulation 6 of this code for diving, the owner shall prominently display at least one (1) sign that cautions users of the swimming pool that diving is prohibited. The warning sign shall state "CAUTION SHALLOW WATER NO DIVING" in letters that are four (4) inches or larger or display the international symbol for no diving. Diving from the deck of a public or semipublic swimming pool into water that is less than five (5) feet deep shall be prohibited. Warning markers indicating in words or symbols that diving is prohibited shall be placed on the deck, adjacent to each water depth marker, within 18 inches of the side of the shallow area of the swimming pool. A warning marker shall be positioned so that a person standing on the deck facing the water can read it.

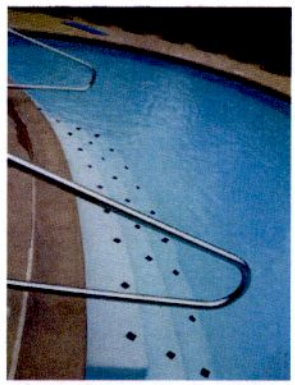
b. All persons shall be instructed before entering the pool, by means of suitable, clearly lettered signs properly located, to observe all safety regulations.

c. The maximum bathing load for a public or semipublic swimming pool or spa shall be posted.

d. When food preparation or food service equipment is allowed within the pool enclosure, a sign is required stating that no glass is allowed in the pool enclosure, that only paper and plastic service is allowed, and that no food or drink is allowed within four (4) feet of a semipublic pool or spa edge or ten (10) feet of a public pool or spa edge.



3. Clarify How Step Edges Shall Be Outlined in Pools.



MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE
CHAPTER VI

BATHING PLACES - PUBLIC AND SEMIPUBLIC SWIMMING POOLS

SECTION 6

PUBLIC SWIMMING POOLS

REGULATION 3. Ladders, Steps, and Recessed Treads

At least one (1) set of steps shall be provided in the shallow end of each swimming pool. Where the deep section is greater than 20 feet in width, two (2) ladders, located on opposite sides of the deep section are required. A minimum of two (2) means of egress will be required in all pools. There shall be at least one (1) ladder or stair for each 75 feet of perimeter. Preformed step holes and suitable handrails may be substituted for ladders. At least one (1) set of steps shall be provided in the shallow end of each swimming pool.

a. Steps must be permanently marked so as to be clearly visible from above or below the swimming pool surface. The edges of the steps shall be clearly outlined with a sharply contrasting colored tile or other material that is clearly visible from the deck adjacent to the steps. The tile or other material shall be at a minimum, a continuous 1-inch band or 2-inch square chips spaced no more than 8-inches apart, when measured between the edge of the chips. ~~and~~ Steps shall not project into the pool in a manner, which will create a hazard. Steps may be constructed only in the shallow area of a public or semipublic swimming pool. All tread surfaces on steps shall have slip-resistant surfaces. Step treads shall have a minimum unobstructed horizontal depth of ten (10) inches. Risers shall have a maximum uniform height of 12 inches, with the bottom riser height allowed to vary plus or minus two (2) inches from the uniform riser height. The location of stairs, ladders, and recessed treads shall not interfere with racing lanes. A set of steps shall be provided in a public or semipublic spa. Handrails shall be provided at one side or in the center of all stairways. Handrails shall be installed in such a way that they can be removed only with tools. A beach entry may be substituted for steps in the shallow end of the pool.

4. Clarify How Depth Markers Shall Be Installed in Spas.

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE
CHAPTER VI

BATHING PLACES - PUBLIC AND SEMIPUBLIC SWIMMING POOLS

SECTION 9

SPAS

REGULATION 10. Depth Markers

Depth markers for a public or semipublic spa shall comply with all of the following:

a. A public or semipublic spa shall have permanent depth markers with numbers that are a minimum of four (4) inches high. Depth markers shall be plainly and conspicuously visible from all points of entry.
b. The maximum depth of a public or semipublic spa shall be clearly indicated by depth markers.
c. There shall be a minimum of two (2) depth markers on the deck and two (2) depth markers at the waterline at each public or semipublic spa.
d. Depth markers shall be spaced at no more than 25 foot intervals and shall be uniformly located around the perimeter of the spa.
e. Depth markers shall be positioned on the deck within 18 inches of the side of the spa. A depth marker shall be positioned so that a person standing on the deck facing the water can read it.
f. Depth markers that are on deck surfaces shall be made of slip-resistant material.
g. Depth markers shall be in Arabic numerals of contrasting color to the background.

5. Clarify Health Code References For Zero Depth Entry Pools.

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE
CHAPTER VI

BATHING PLACES - PUBLIC AND SEMIPUBLIC SWIMMING POOLS

SECTION 14

Zero Depth Entry Pools

In addition to complying with the Regulations in Sections 1, 2, 3, 4, and 5, and either 6 (public pools) or 7 (semi-public pools) of this Chapter, Zero Depth Entry Pools shall comply with the following Regulations:

REGULATION 1. Circulation system

a. A zero depth entry pool shall have a turnover rate for the area of the pool up to a depth of two (2) feet of at least once every hour.

b. A zero depth entry pool shall be equipped with a trench drain running the entire length of the entry. It shall be covered with a removable grate to facilitate cleaning. The trench drain shall be located so that the water surface of the pool falls no higher than the middle of the grate. The grate shall be designed to eliminate the possibility of injury to bathers.

c. There shall be a minimum of two (2) floor inlets, plumbed not more than 15 feet apart and no further than ten (10) feet from the zero depth entry.

REGULATION 2. Floor

a. At the entry, the deck/floor must slope toward the pool. The slope of the deck may not exceed one (1) foot in 12 feet.

b. All floor materials must be non-slip to a minimum depth of two (2) feet.

REGULATION 3. Handrails

Handrails shall be provided at the ends of the zero depth entry.

Thank you for your participation.
We welcome your questions and comments.

http://www.maricopa.gov/regulations/

Caroline Oppleman, M.S.P.H., R.S.
Greg Maupin, P.E.
Maricopa County Environmental Services Department
1001 N. Central Ave.
Phoenix, AZ 85004

Report to the Board of Health

To Initiate Regulatory Change

Prepared by the Maricopa County Environmental Services Department

Environmental Services Department

Case #/Title: ES-2012-005: Revision to Maricopa County Environmental Health Code, Chapter 6 , Bathing Places – Public and Semipublic Swimming Pools – Pool Construction Requirements

Meeting Date: April 22, 2013

Supervisor Districts: All Districts

Applicant: Department

Request: This code revision will clarify certain pool construction requirements to prevent varied interpretations. No fee changes are requested.

Support/Opposition: No opposition has been expressed regarding this case. A stakeholder meeting was conducted on March 26, 2013 at which no stakeholders were present.

Department Recommendation: **Initiate**

Discussion:

Revise Chapter 6, to clarify pool construction requirements language to address instances of differing code interpretations by contractors and the Department due to lack of specificity, e.g., specify placement of "no diving tiles" at each depth marker in pools and minimum of two depth markers on the deck and at the waterline in spas. Specify size, color and location of tiles that must be placed on underwater steps, replacing requirement that steps must be "clearly visible." In Section 14, Zero Depth Entry Pools, add to heading paragraph the missing references to complying with design requirements for public and semipublic pools, Sections 6 and 7.

This proposed regulatory change will follow the Enhanced Regulatory Outreach policy and workflow process.

The County Manager briefed the brief the Board of Supervisors in February 2013.

A stakeholder meeting was conducted on March 26, 2013. No stakeholders attended.

Department Recommendation:

Staff recommends the Board of Health approve **initiation** of the proposed revision to the Maricopa County Environmental Health Code.

Presented by: **John Kolman, R.S., MBA, Director**

Attachments: Proposed Code Revision Language (4 Pages)
Presentation – Stakeholder Meeting (3/26/13) – (20 Pages)

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VI

BATHING PLACES - PUBLIC AND SEMIPUBLIC SWIMMING POOLS

SECTION 3

GENERAL DESIGN STANDARDS AND SPECIFICATIONS

REGULATION 1. to REGULATION 10. No Change

REGULATION 11. Drains

a. Pools shall be equipped with at least two (2), main drains located in the deepest portion ~~that are separated by a minimum of~~ WITH CENTERS AT LEAST three (3) feet APART and that are constructed to prevent suction entrapment under all operating conditions. Each drain shall be covered by an anti-vortex cover or an approved grate that has a minimum diagonal measurement of 24 inches, which is not readily removable by bathers and has safe openings of at least four (4) times the area of the drain pipe. EACH DRAIN PIPE CONNECTION SHALL BE UNDER THE CENTER OF THE DRAIN COVER.

b. to e. No Change

REGULATION 12. to REGULATION 21. No Change

REGULATION 22. Signs

a. Diving equipment is prohibited in a public or semipublic swimming pool that does not meet the minimum requirements for a diving board in Section 6, Regulation 6, of this Code. If a public or semipublic swimming pool does not meet the dimensional requirements prescribed in Section 6, Regulation 6 of this code for diving, the owner shall prominently display at least one (1) sign that cautions users of the swimming pool that diving is prohibited. The warning sign shall state "CAUTION SHALLOW WATER NO DIVING" in letters that are four (4) inches or larger or display the international symbol for no diving. Diving from the deck of a public or semipublic swimming pool into water that is less than five (5) feet deep shall be prohibited. Warning markers indicating in words or symbols that diving is prohibited shall be placed on the deck, ADJACENT TO EACH WATER DEPTH MARKER, within 18 inches of the side of the shallow area of the swimming pool. A warning marker shall be positioned so that a person standing on the deck facing the water can read it.

b. to d. No Change

REGULATION 23. No Change

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VI

BATHING PLACES - PUBLIC AND SEMIPUBLIC SWIMMING POOLS

SECTION 6

PUBLIC SWIMMING POOLS

REGULATION 1. No Change

REGULATION 2. No Change

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REGULATION 4. to REGULATION 14. No Change

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE
CHAPTER VI

BATHING PLACES - PUBLIC AND
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SECTION 9

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REGULATION 1. to REGULATION 9. No Change

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c. There shall be a minimum of two (2) depth markers ON THE DECK AND TWO (2) DEPTH MARKERS AT THE WATERLINE at each public or semipublic spa.

d. to g. No Change

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VI

BATHING PLACES - PUBLIC AND SEMIPUBLIC SWIMMING POOLS

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REGULATION 1. Circulation System

a. to c. No Change

REGULATION 2. Floor

a. No Change
b. No Change

REGULATION 3. Handrails

No Change

Initial Stakeholder Meeting

Proposed Revisions
Maricopa County Environmental Health Code

ES-2013-005

Revision to Maricopa County Environmental Health Code
Chapter 6, Bathing Places
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Pool Construction Requirements

Maricopa County Environmental Services Department

March 26, 2013

Maricopa County
Environmental Services Department

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CHAPTER VI

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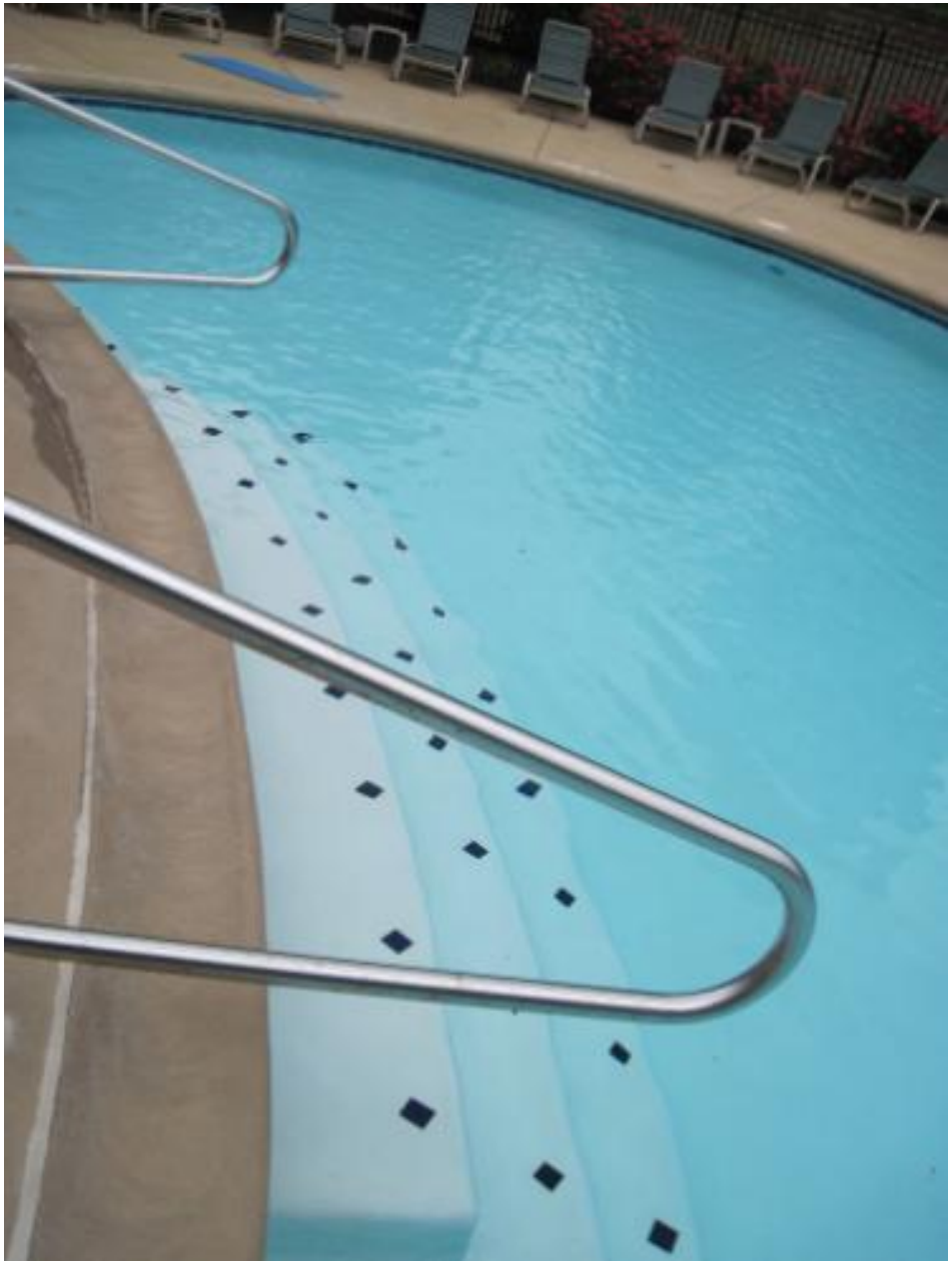
d. When food preparation or food service equipment is allowed within the pool enclosure, a sign is required stating that no glass is allowed in the pool enclosure, that only paper and plastic service is allowed, and that no food or drink is allowed within four (4) feet of a semipublic pool or spa edge or ten (10) feet of a public pool or spa edge.

3. Clarify How Step Edges Shall Be Outlined in Pools.



MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE
CHAPTER VI

BATHING PLACES - PUBLIC AND SEMIPUBLIC SWIMMING POOLS

SECTION 6

PUBLIC SWIMMING POOLS

REGULATION 3. Ladders, Steps, and Recessed Treads

At least one (1) set of steps shall be provided in the shallow end of each swimming pool. Where the deep section is greater than 20 feet in width, two (2) ladders, located on opposite sides of the deep section are required. A minimum of two (2) means of egress will be required in all pools. There shall be at least one (1) ladder or stair for each 75 feet of perimeter. Preformed step holes and suitable handrails may be substituted for ladders. At least one (1) set of steps shall be provided in the shallow end of each swimming pool.

a. Steps must be permanently marked so as to be clearly visible from above or below the swimming pool surface. The edges of the steps shall be clearly outlined with a sharply contrasting colored tile or other material that is clearly visible from the deck adjacent to the steps. The tile or other material shall be at a minimum, a continuous 1-inch band or 2-inch square chips spaced no more than 8-inches apart, when measured between the edge of the chips. ~~and~~ Steps shall not project into the pool in a manner, which will create a hazard. Steps may be constructed only in the shallow area of a public or semipublic swimming pool. All tread surfaces on steps shall have slip-resistant surfaces. Step treads shall have a minimum unobstructed horizontal depth of ten (10) inches. Risers shall have a maximum uniform height of 12 inches, with the bottom riser height allowed to vary plus or minus two (2) inches from the uniform riser height. The location of stairs, ladders, and recessed treads shall not interfere with racing lanes. A set of steps shall be provided in a public or semipublic spa**.** Handrails shall be provided at one side or in the center of all stairways. Handrails shall be installed in such a way that they can be removed only with tools. A beach entry may be substituted for steps in the shallow end of the pool.

4. Clarify How Depth Markers Shall Be Installed in Spas.

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE
CHAPTER VI

BATHING PLACES - PUBLIC AND SEMIPUBLIC SWIMMING POOLS

SECTION 9

SPAS

REGULATION 10. Depth Markers

Depth markers for a public or semipublic spa shall comply with all of the following:

a. A public or semipublic spa shall have permanent depth markers with numbers that are a minimum of four (4) inches high. Depth markers shall be plainly and conspicuously visible from all points of entry.

b. The maximum depth of a public or semipublic spa shall be clearly indicated by depth markers.

c. There shall be a minimum of two (2) depth markers on the deck and two (2) depth markers at the waterline at each public or semipublic spa.

d. Depth markers shall be spaced at no more than 25 foot intervals and shall be uniformly located around the perimeter of the spa.

e. Depth markers shall be positioned on the deck within 18 inches of the side of the spa. A depth marker shall be positioned so that a person standing on the deck facing the water can read it.

f. Depth markers that are on deck surfaces shall be made of slip-resistant material.

g. Depth markers shall be in Arabic numerals of contrasting color to the background.

5. Clarify Health Code References For Zero Depth Entry Pools.

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE
CHAPTER VI

BATHING PLACES - PUBLIC AND SEMIPUBLIC SWIMMING POOLS

SECTION 14

Zero Depth Entry Pools

In addition to complying with the Regulations in Sections 1, 2, 3, 4, ~~and~~ 5, and either 6 (public pools) or 7 (semi-public pools) of this Chapter, Zero Depth Entry Pools shall comply with the following Regulations:

REGULATION 1. Circulation system

a. A zero depth entry pool shall have a turnover rate for the area of the pool up to a depth of two (2) feet of at least once every hour.

b. A zero depth entry pool shall be equipped with a trench drain running the entire length of the entry. It shall be covered with a removable grate to facilitate cleaning. The trench drain shall be located so that the water surface of the pool falls no higher than the middle of the grate. The grate shall be designed to eliminate the possibility of injury to bathers.

c. There shall be a minimum of two (2) floor inlets, plumbed not more than 15 feet apart and no further than ten (10) feet from the zero depth entry.

REGULATION 2. Floor

a. At the entry, the deck/floor must slope toward the pool. The slope of the deck may not exceed one (1) foot in 12 feet.

b. All floor materials must be non-slip to a minimum depth of two (2) feet.

REGULATION 3. Handrails

Handrails shall be provided at the ends of the zero depth entry.

Thank you for your participation. We welcome your questions and comments.

http://www.maricopa.gov/regulations/

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