

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. "Approved" or "approval" means acceptable to the Department and so stated in writing.
- b. "Board" means the Maricopa County Board of Supervisors.
- c. "Board of Health" means the Board of Health of Maricopa County.
- d. "Chairman" means the Chairman of the Maricopa County Board of Supervisors.
- e. "Clerk" means the Clerk of the Maricopa County Board of Supervisors.
- f. "Counsel" means an attorney licensed to practice law in the State of Arizona.
- g. "County" means Maricopa County.
- h. "Department" means the Maricopa County Environmental Services Department.
- 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), 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. "Municipality" means an incorporated area within Maricopa County.
- l. "Notice" means an enforcement Notice issued by the Environmental Health Officer.
- m. "Parties" means the Defendant and the County.
- n. "Permit" means a written permit to operate, issued by the Maricopa County Environmental Services Department.

- 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. “Public Water System Site” means the location where an actual or planned potable water system structure or set of structures are or will be operated and maintained by a public water system. Typical structures at a drinking water system site may include, but are not limited to, wells, treatment facilities, chlorinators, storage tanks, and pressure regulating facilities. Distribution system appurtenances, such as valves, fire hydrants, sampling ports, meters, service lines, and piping, may be a part of a drinking water system site, but do not in themselves constitute a drinking water system site.
- 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

The rules and regulations adopted and contained herein, and the enforcement thereof by the Department, are designed and intended to provide minimum standards for the protection of the health of the people of Maricopa County and to prevent the creation or maintenance of unhealthful, unsanitary conditions or public health nuisances, and shall be liberally construed to accomplish these purposes.

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 person shall refuse to allow the Department to inspect fully any and all premises or facilities at any reasonable time, and no person shall molest or resist the Department in the discharge of its duties whether in inspections for application approval or for the enforcement of this Environmental Health Code.

REGULATION 4. Permits, Service and Other Requirements

- a. No person shall conduct an operation or operate an establishment for which a permit is required without holding the necessary and valid permit to do so, unless otherwise specified in this Environmental Health Code.

- b. Permit application shall be made on forms provided by the Department and shall be completed in all pertinent details.
- c.
 - (1) No application for permit shall receive approval and no permit shall be issued and no facility for which a permit is required shall be placed in operation until the applicant demonstrates to the Department full compliance with the provisions of this Environmental Health Code, unless otherwise specified in this Environmental Health Code.
 - (2) The Environmental Health Officer may refuse to issue a permit to any person if the person fails to demonstrate sufficient reliability, expertise, integrity and competence to fulfill the requirements for permit and comply with applicable rules and regulations of this Environmental Health Code.
- d. Any person denied a permit based on Regulation 4.c.(2) of this Chapter may exercise the following options:
 - (1) Request, in writing, that the Environmental Health Officer specify conditions necessary to provide reasonable assurance that full compliance with provisions of this Environmental Health Code will be achieved. The Environmental Health Officer within five (5) working days of the request shall specify said conditions; or
 - (2) Request in writing a hearing before the Environmental Health Officer as specified in Chapter 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 is in conformance with the approved plans and specifications.
- f. The approval of plans and specifications shall lapse and become invalid one year from the date of approval unless a substantial portion of the work described in the plans and specifications has commenced by such anniversary date.

An approval of plans and specifications can be renewed for one year if an application for renewal is submitted within 180 days prior to expiration and a fee equal to one-half (1/2) of the flat fee or initial plan review fee is paid. The approval will be effective for one year from the date of expiration.
- g.
 - (1) Permits are valid for one calendar year from the initial issue date unless revoked by the Department. All permit fees are nonrefundable.

- (2) Annual permit fees are due on the date the permit expires. If the annual permit fee is not paid on or prior to the due date, the permit shall be automatically extended for 30 days on the condition the annual permit fee and a permit reinstatement fee are paid within 30 days after the date the permit expired. If the permit holder fails to pay the annual permit fee and the permit reinstatement fee within the 30-day extension period, the permit shall be deemed expired and void. Each establishment, premises or vehicle that has not paid the annual permit fee and reinstatement fee within the 30-day extension period, shall immediately cease operating and may apply for a new permit pursuant to Regulation 4 of this chapter.
- (3) A permit reinstatement fee becomes due for failure to pay the permit fee within one calendar month of the permit fee due date.
- h. No permit is transferable from person-to-person or place-to-place.
- i. Each permit certificate shall be kept at the establishment, premise 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. Permit fees are nonrefundable.

REGULATION 5. Fees

- a. No permit shall be issued, and no permit is valid, until the permit fee is received by the Department, except that the operator of a charitable nonprofit establishment (which operates to provide relief solely for the poor, distressed or under-privileged) may apply to the Board of Health for a waiver of permit fee. A waiver of fee may be granted only to the operator of an establishment, which maintains a current 501(c)(3) tax exempt designation from the Department of the Treasury, Internal Revenue Service, who demonstrates to the Board of Health that payment of said fee will cause financial hardship. Board of Health granted fee waivers expire pursuant to the required permit listing in section c. of this regulation. Application for a permit fee waiver shall be made using forms provided by the Department.
 - (1) A waiver of fees associated with the administering and issuance of a food employee certificate in compliance with A.R.S. § 41-1080, may be granted to the operator of an establishment, which maintains a current 501(c)(3) tax exempt designation from the Department of the Treasury, Internal Revenue Service and must demonstrate to the Board of Health that payment of said fees will cause financial hardship.
 - (2) Or to a current student, enrolled in a K-12 culinary arts school program or other similar curriculum based programs requiring a food employee certificate from their students to be in compliance with this code. The

sponsoring school district must demonstrate to the Board of Health that payment of said fee will cause financial hardship.

b. Investigation Fees:

If any work for which a permit is required has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The fee shall be calculated at a rate of \$130.00 per hour. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the Environmental Health Code or the regulations of the Arizona Department of Health Services or Arizona Department of Environmental Quality or from any penalty prescribed by law.

c. Plan Review Fees:

Plan review fees shall be determined based on a flat fee or an initial fee plus an hourly rate.

- (1) Where it applies, if the actual cost of processing the application for a plan review is greater than the initial fee, the Department shall send the Applicant a final itemized bill for the difference between the initial fee and the actual cost of processing the application except that the final bill shall not exceed the applicable maximum fee. Such a difference shall be paid in full before issuance of the permit.
- (2) In determining a flat fee or an hourly rate for services, the fee shall not exceed the reasonable cost of providing the services required as established by A.R.S. § 36 187.C.2.
- (3) From the effective date of this regulation the hourly rate shall be \$130.00 dollars per hour based on the Department's cost for a full fiscal year. Expedited, design/build and phased plan reviews shall be assessed at two times the flat fee or hourly rate. The Board of Supervisors may amend the flat fee or hourly rate annually

d. Fee Schedule: Fees shall be paid according to the following table:

**CHAPTER I
MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE – FEE SCHEDULE**

Effective March 21, 2018

ENVIRONMENTAL HEALTH DIVISION

Food Environmental Health Operating Permits	Permit Subtype	1 Year Fee
Adventure Food Service	Class 4	\$585.00
Bakery	Class 2	\$310.00
Bakery (School)	Class 2	\$245.00
Boarding Home	Class 2	\$275.00
Boarding Home	Class 5	\$760.00
Bottled Water and Beverage Plants	Class 2	\$305.00
Commissary	Class 2	\$1,020.00
Commissary	Class 4	\$1,540.00
Damaged Food	Class 4	\$620.00
Daycare Foodservice	Class 3	\$390.00
E&D 0-9 Seating	Class 2	\$260.00
E&D 0-9 Seating	Class 3	\$455.00
E&D 0-9 Seating	Class 4	\$695.00
E&D 0-9 Seating	Class 5	\$610.00
E&D Adult Daycare	Class 3	\$100.00
E&D Assisted Living	Class 5	\$670.00
E&D Hospital Food Service	Class 5	\$1,010.00
E&D Jail Food Service	Class 5	\$1,030.00
E&D Nursing Home	Class 5	\$690.00
E&D School Foodservice	Class 2	\$285.00
E&D School Foodservice	Class 3	\$515.00
E&D School Foodservice	Class 4	\$735.00

Food Environmental Health Operating Permits	Permit Subtype	1 Year Fee
E&D Senior Food Service	Class 3	\$475.00
E&D Service Kitchen	Class 2	\$230.00
E&D 10+ Seating	Class 2	\$315.00
E&D 10+ Seating	Class 3	\$650.00
E&D 10+ Seating	Class 4	\$1,030.00
E&D 10+ Seating	Class 5	\$1,020.00
Food Bank	Class 2	\$260.00
Food Catering	Class 5	\$530.00
School Food Catering	Class 5	\$465.00
Food Jobber	Class 2	\$255.00
Food Jobber School	Class 2	\$255.00
Food Production	Class 2	\$260.00
Food Production	Class 4	\$590.00
Food Production School	Class 2	\$210.00
Food Production School	Class 4	\$490.00
Ice Manufacturing	Class 2	\$175.00
Meat Market	Class 4	\$610.00
Micro Market	Class 1	\$155.00
Refrigerated Warehouse/Locker	Class 2	\$265.00
Retail Food Establishment	Class 3	\$505.00
Retail Food Establishment	Class 2	\$235.00
Vending Machines: 1-29 Units	Class 2	\$220.00
Vending Machines: 30-59 Units	Class 2	\$220.00
Vending Machines: 60-89 Units	Class 2	\$220.00
Vending Machines: 90 Or More Units	Class 2	\$220.00

Mobile Food Establishment Operating Permits	Permit Subtype	Fee
Mobile Food Type I – 1 Year	Class 2	\$120.00

Mobile Food Establishment Operating Permits	Permit Subtype	Fee
Mobile Food Type I – 6 Months	Class 2	\$60.00
Mobile Food Type II – 1 Year	Class 3	\$240.00
Mobile Food Type III – 1 Year	Class 4	\$610.00
Seasonal Food Establishment/Annual Event Food Establishment	Class 2	\$180.00
Seasonal Permit Late Fee Application Received <7 Days Prior to Event		Greater of \$50 or 5% of permit fee charged
Temporary Food Establishment		\$85.00
Temporary Food Establishment Late Fee Application Received <7 Days Prior To Event		Greater of \$50 or 5% of permit fee charged

Food Environmental Health Operating Permits	Permit Sub Type	One Time Fee
Bare Hand Contact Exemption		\$135.00
HACCP Plans		\$205.00
Inspection upon Request	Eating and Drinking	\$240.00
New Permit Inspection	Eating and Drinking	\$315.00
Variance	Eating and Drinking	\$200.00
Variance	Mobile Food Establishments	\$60.00

Non-Food Environmental Health Operating Permits	Permit Subtype	1 Year Fee
Campground		\$165.00
Jail Complex		\$1,085.00
Public Accommodations		\$105.00
School Grounds		\$185.00

Food Service Licensing	Fee
Limited Use Food Employee Certificate – Original	\$5.00
Food Employee Limited Use Certificate - Duplicate	\$3.00

Environmental Health Plan Review	Subtype	Fee
Expedited Plan Review Fee (Requires prior administration approval) Two Times the fee for that Category		
Eating and Drinking Establishments	0-9 Seating Capacity	\$545.00
All Other Food Establishments		\$615.00
Micro Market Reference Plan		\$270.00
Mobile Food Establishments		\$75.00
Mobile Food Type II Plan Review		\$45.00
Micro Market Permit Processing Fee		20.00
Public Accommodations		\$680.00
School Facilities	Food Service	\$480.00
School Facilities	Non-Food	\$640.00
Other Minor Review		\$245.00

WATER & WASTE MANAGEMENT DIVISION

Water and Waste Management Division Operating Permits	
Drinking Water Operating Permits	1 Year Fee
Community Public Water System >100,001 Population	\$3,925.00
Plus Each Well Site Addition	\$270.00
Plus Each Treatment Facility Addition	\$1,400.00
Community Public Water System 10,001 to 100,000 Population	\$2,700.00
Plus Each Well Site Addition	\$270.00
Plus Each Treatment Facility Addition	\$1,350.00
Community Public Water System 1,001 to 10,000 Population	\$2,000.00
Plus Each Well Site Addition	\$270.00
Plus Each Treatment Facility Addition	\$1,350.00
Community Public Water System 101 to 1000 Population	\$800.00
Plus Each Well Site Addition	\$270.00
Plus Each Treatment Facility Addition	\$1,350.00

Drinking Water Operating Permits	1 Year Fee
Community Public Water System 25 to 100 Population	\$300.00
Plus Each Well Site Addition	\$270.00
Plus Each Treatment Facility Addition	\$1,100.00
Non Community Public Water System > 1,000 Population	\$700.00
Plus Each Well Site Addition	\$270.00
Plus Each Treatment Facility Addition	\$1,100.00
Non Community Public Water System 25 to 1000 Population	\$250.00
Plus Each Well Site Addition	\$270.00
Plus Each Treatment Facility Addition	\$1,100.00
Water Transportation (Drinking Water Hauler)	\$240.00 per unit

Solid Waste Operating Permits	Permit Subtype	1 Year Fee
Refuse Collection Variance Container Permit	1 to 25,000 Containers	\$2,100.00
Refuse Collection Variance Container Permit	25,001 to 50,000 Containers	\$4,000.00
Refuse Collection Variance Container Permit	50,001 to 100,000 Containers	\$7,800.00
Refuse Collection Variance Container Permit	100,001 to 200,000 Containers	\$15,500.00
Refuse Collection Variance Container Permit	200,001 to 300,000 Containers	\$23,050.00
Refuse Collection Variance Container Permit	300,001 to 400,000 Containers	\$30,700.00
Refuse Collection Variance Container Permit	400,001 to 500,000 Containers	\$38,000.00
Refuse Collection Variance Container Permit	500,001+ Containers	\$45,000.00
Chemical Toilet	1 through 99 units	\$5.00 per unit
Chemical Toilet	100 through 199 units	\$550.00
Chemical Toilet	200 through 349 units	\$1,000.00
Chemical Toilet	350 through 499 units	\$1,500.00
Chemical Toilet	500 through 999 units	\$2,500.00
Chemical Toilet	1000 through 1499 units	\$4,500.00
Chemical Toilet	1500 through 1999 units	\$6,500.00
Chemical Toilet	2000 through 2499 units	\$8,000.00

Solid Waste Operating Permits	Permit Subtype	1 Year Fee
Chemical Toilet	2500 through 2999 units	\$ 10,000.00
Chemical Toilet	3000 through 3499 units	\$12,500.00
Chemical Toilet	3500 through 3999 units	\$14,500.00
Chemical Toilet	4000 through 4499 units	\$17,000.00
Chemical Toilet	4500 through 4999 units	\$19,500.00
Chemical Toilet	≥5000 and up units	\$22,000.00
Non-Hazardous Liquid Waste Hauler		\$175.00 per vehicle
Non-Hazardous Solid Waste Hauler		\$120.00 per vehicle
Landfill		\$450.00
Bio-Hazardous Medical Waste Hauler		\$200.00 per vehicle

Swimming Pool Operating Permits	Permit Subtype	1 Year Fee
Bathing	Public	\$365.00
Bathing	Semi-Public	\$270.00
Hydrotherapy	Public	\$235.00
Hydrotherapy	Semi-Public	\$225.00
Special Use Pool	Public	\$290.00
Special Use Pool	Semi-Public	\$250.00
Wading Pool	Public	\$235.00
Wading Pool	Semi-Public	\$225.00
Inspection Upon Request	Swimming Pool Program	\$135.00
Artificial or Semi-Artificial Bathing Lake		\$375.00

Wastewater Treatment Operating Permits	1 Year Fee
Individual On-Site Treatment Plant	\$100.00
Waste Treatment Works	\$2,100.00
Reuse Facility	\$300.00

Other Operating Permits	1 Year Fee
Mobile Home Park	\$200.00

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.

Drinking Water 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		
25 to 100	\$275.00	NA
101 to 1000	\$350.00	NA
1,001 to 10,000	\$350.00	NA
10,001 to 100,000	\$350.00	NA
≥100,001 Population	\$350.00	NA
Non Community Water System		
25 to 1000	\$275.00	NA
≥ 1,001 Population	\$275.00	NA
New Source Approval Water Quality Review and Report	\$425.00	NA
Drinking Water System Compliance Review	\$250.00	NA
Master Plan Review and Approval	\$500.00	NA
Master Plan Amendment	\$150.00	\$1,500.00
Review of Plan for public water supply distribution line (including extensions) and associated appurtenances per group of 150 connections or less.	\$600.00	NA
Water Booster Station	\$675.00	NA
Storage Tank (atmosphere and/or pressurized)	\$675.00	NA
Well Site Review and Approval	\$675.00	NA

Drinking Water Projects Plan Review	Flat or Initial Fee	Maximum Fee
Disinfection System	\$150.00	\$1,500.00
Water Treatment Facility (Includes construction inspection) Treatment Facility >1.0 million gallons/day	\$3,000.00	\$24,000.00
Treatment Facility 0.1 million gallons/day to 1 million gallons/day	\$1,500.00	\$15,000.00
Treatment Facility <100,000 gallons/day	\$1,000.00	\$10,000.00
Other Construction Plan Review	\$150.00	\$1,500.00
Experimental Project Approval (Includes Four (4) Quarterly Inspections)	\$300.00	\$5,000.00
Water System Blending Plans	\$150.00	\$7,500.00
Other Operation Plan – Treatment Facility	\$150.00	\$1,500.00

Solid Waste Projects Plan Review	Initial Fee	Maximum Fee
Non-Hazardous Liquid Waste Transfer Facility	\$150.00	\$2,600.00
Solid Waste Variance Plan Review	\$150.00	\$1,560.00
Experimental Project Approval	\$150.00	\$10,400.00

Swimming Pool Projects Plan Review	Flat or Initial Fee	Maximum Fee
Swimming Pools/Special Use Pools		
≤ 1,000 sq. ft.	\$770.00	NA
1,001-2,000 sq. ft.	\$1,180.00	NA
2,001-9,999 sq. ft.	\$2,205.00	NA
10,000 sq. ft.	\$6,460.00	NA
Swimming Pool Remodel		
Simple (no below grade plumbing changes)	\$165.00	NA
Complex (includes below grade plumbing changes)	\$440.00	NA
Swimming Pool Fence Remodel	\$330.00	NA

Swimming Pool Projects Plan Review	Flat or Initial Fee	Maximum Fee
Swimming Pool Pump Test Variance	\$335.00	NA
Swimming Pool Variance	\$200.00	NA

Wastewater Projects Plan Review	Flat or Initial Fee	Maximum Fee
Septic Tank Conventional Disposal less than 3000 gallons/day	\$550.00	NA
On-Site Aerobic System with surface disposal	\$1,050.00	NA
Composting Toilet less than 3000 gal/day	\$400.00	NA
Septic tank with one Additional Alternative Element*	\$1,050.00	NA
Each Additional Alternative Element* * These alternative disposal elements are all for systems of less than 3000 gal./day and include the following: Pressure distribution systems; gravel less 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.	\$250.00	NA
On-site Wastewater Treatment Facility with flow from 3000 gal./day to less than 24,000 gal./day (non-aerobic)	\$1,800.00	NA
On-Site System Site Inspection	\$325.00	NA
Domestic Well Drill, Deepen, Replace or Modify (no inspection)	\$175.00	NA
On-Site System Alteration Permit	\$205.00	NA
On-Site System Alteration Permit & One Inspection	\$400.00	NA
On-Site System Reconnect/Remodel Review	\$205.00	NA
On-Site System Reconnect/Remodel Review & One Inspection	\$400.00	NA
On-Site System Plan Revision	\$205.00	NA
On-Site System Request for Alternate Design, Installation, or Operational Feature	\$75.00	NA
On-Site System Design Requiring Interceptor	\$200.00/per interceptor	NA
On-Site System Transfer Ownership	\$50.00	NA

Wastewater Projects Plan Review	Flat or Initial Fee	Maximum Fee
On-Site System Abandonment/Closure	\$175.00	NA
On-Site Additional Inspection	\$325.00	NA
Planning & Development Plan Review	\$80.00	NA
Master Plan Review and Approval	500.00	NA
Master Plan Amendment	\$150.00	\$1,500.00
Reclaimed Water System Plan Review	\$150.00	\$2,600.00
Sewer Collections Systems 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
Force 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
Sewer Lift Station	\$600.00	NA
Storage Tank (atmosphere and/or pressurized)	\$675.00	NA
Disinfection System	\$150.00	\$1,500.00
Wastewater Treatment Facility (includes construction inspection)		
<100,000 gallons/day	\$1,000.00	\$10,000
0.1 million gallons/day to 1.0 million gallons/day	\$1,500.00	\$15,000
>1.0 million gallons/day	\$3,000.00	\$24,000
Other Construction Plan Review	\$150.00	\$1,500.00
Non-Hazardous Liquid Waste Transfer Facility	\$150.00	\$2,600.00
Reclaimed Water Conveyance	\$250.00	\$3,000.00
Reclaimed Water Booster Station	\$675.00	NA
Reclaimed Water Storage Tank (atmosphere and/or pressurized)	\$675.00	NA

Wastewater Projects Plan Review	Flat or Initial Fee	Maximum Fee
Ground Water Recharge	\$250.00	\$4,000.00
Reuse Facility	\$250.00	\$3,000.00
Experimental Project Approval (includes four (4) quarterly inspections)	\$300.00	\$5,000.00
MAG 208 Certification	\$150.00	\$5,000.00
Other Operational Plan – Treatment Facility	\$150.00	\$1,500.00

Sanitary Facilities for Infrastructure Plan Review	Flat or Initial Fee	Maximum Fee
Approval of Sanitary Facilities for a Subdivision per 150 lots or less.	\$450	NA
Mobile Home Park Facilities per 100 leased spaces or less.	\$600.00	NA
Review of on-site wastewater soils and hydrology report per 50 or less proposed lots (or 40 acres) whichever is the lesser in area.	\$525.00	NA
Transfer of Ownership/Subdivision Name Change of Previously Approved Subdivision	\$200.00	NA
Water or Wastewater Plan Review Waiver:	\$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	Minimum \$150.00, Maximum \$2,080
Dye Test	\$120.00
Observe Percolation Test	\$150.00

All Other Water and Waste Management Fees	Fee
Domestic Well Location Approval (ADWR Form)	\$175.00

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE – CHAPTER I – FEE SCHEDULE

ALL OTHER ENVIRONMENTAL SERVICES CHARGES/FEEES

All Other Environmental Services Charges/Fees	Charge/Fee
Permit Reinstatement Fee	Greater of \$50 or 5% of amount due, charged on the day after permit expiration
Copy of Permit	\$5.00
Photocopy	.25¢ per 8½” X 11” Sheet
Plan Reproduction	\$6.00 per Sheet
Replacement Mobile Food Permit Plate	\$5.00
Records Delivery	Shipping charge of carrier (USPS, FedEx, etc.)
Payment Returned/Declined (e.g. check returned, charge declined, etc.)	\$35.00 per occurrence

REGULATION 6. Rejection of Application – Right to a Hearing

A person who has been denied a permit may within 15 days of notification thereof request a hearing before the Environmental Health Officer to show cause why a permit should be issued.

REGULATION 7. Suspension and Revocation of Permits

a. Suspension of Permit:

- (1) When the Department determines that a permit holder has failed to comply with this Environmental Health Code or that there exists on the permitted premises an imminent health hazard, the Department may summarily and immediately suspend the permit without prior notice to the permit holder. Notice of the Suspension shall be served on the permit holder by personal delivery or mailed by certified or registered mail, postage prepaid and return receipt requested, to the permit holder’s last known address.
- (2) Within fifteen days of being served with the Notice of Suspension, the permit holder may file a motion to vacate the suspension order with the Department and the Environmental Health Officer shall hear such motion within five (5) days. An order of summary suspension shall remain in effect

for no more than 25 days. If the violation is not corrected within the 25 days, the Department may issue another suspension order.

- (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) The Department shall serve written Notice on the permit holder or the person in charge stating the specific reason(s) for revoking the permit and that the permit will be revoked twenty (20) days after service of the Notice unless the permit holder files a written request for a hearing with the Department within the twenty (20) day notice period. If a request for a hearing is timely filed, the Environmental Health Officer or an independent Hearing Officer appointed by the Department shall hold a hearing as soon as practicable. After the hearing, the Environmental Health Officer shall revoke the Notice of Revocation and reinstate the permit, or revoke or modify the permit.
- (3) Application for a new permit after revocation.
 - (a) After a permit is revoked, the former permit holder may submit a written application to the Department for a new permit and shall pay all applicable fees.
 - (b) The annual fee due date for the new permit shall be determined by the date the permit is issued by the Department.
- (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. Notice to Appear

Peace officers and the Environmental Health Officer, shall have the authority to issue a Notice to appear under the same conditions and procedures as set for in A.R.S. §§ 13-3903 and 36-183.06 for any violation of this Environmental Health Code.

REGULATION 9. Service of Notice and Hearings

Unless otherwise provided in this Environmental Health Code, all 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.
- 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:
 - (a) A statement of the time, place and nature of the hearing.

- (b) A statement of the legal authority and jurisdiction under which the hearing is to be held.
- (c) A reference to the particular sections of the statutes and regulations involved.
- (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.

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 2 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 code, if the Environmental Officer has notified the source of the violation and makes a prima facie 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. Notice under this section is accomplished by the issuance of a Cease and Desist Order, Notice of Violation, Permit Revocation, or by filing a complaint in Superior Court.

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

The Environmental Health Officer may, for the purpose of notification to the public, post a warning sign at any premises or establishment describing the nature of legal action being taken against said premises or establishment under the provisions of the Environmental Health Code.

This sign will 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 and/or owner to maintain the sign in an unobstructed manner in the original location where the sign was placed by the Environmental Health Officer.

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) Notice that the property owner shall pay the assessed costs within thirty days after service of the Assessment Statement, or by such other date as may be specified for payment in the Assessment Statement, unless the property owner requests an appeal pursuant to the subsection h. below.
 - (3) Notice that the property owner may appeal the assessment to the Maricopa County Board of Health in writing within thirty days after service of the Assessment Statement.
 - (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. If the Assessment Statement is served by being left at the property or at the property owner's usual place of abode, it may be left in any manner reasonably calculated to provide actual Notice to the property owner, including a door hanger, being taped to the front door, being placed in a mail slot or mail box, and being placed under a door mat.
 - f. Service of the Assessment Statement is effective and the time for the property owner to file an appeal commences on the date it is delivered to the property owner, left at the property or at the property owner's usual place of abode, or mailed by certified or registered mail as provided in subsections c. and d. above.
 - g. On the date the Assessment Statement is served on the property owner, or as soon thereafter as is practicable, the Department shall record a copy of the Assessment Statement in the office of the Maricopa County Recorder as constructive notice to all current and future lien holders of the property. The Assessment Statement shall clearly state that it is being recorded as a Notice and not as a lien. All persons who perfect a lien on the property and all persons who acquire title to the property after

the Assessment Statement is recorded shall be subject to the Department's assessment claim against the property.

- 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) If the Board of Health upholds or modifies the Assessment Statement, the assessed costs shall be paid within thirty days of the Board of Health's decision, or by such other date as may be specified for payment by the Board of Health.
- 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. A Notice and Claim of Assessment Lien under this regulation is prior and superior to all other liens, obligations, Deeds of Trust, and other encumbrances on the property, except liens for general taxes and prior recorded mortgages.
- k. The Department may bring an action to enforce the Assessment Lien in the Superior Court in the county in which the property is located at any time after the Assessment Statement is recorded. The failure to enforce the Assessment Lien by bringing an action does not affect the lien's validity. The recorded assessment is prima 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.
- l. A prior assessment is not a bar to a subsequent assessment or assessments for and any number of Assessment Liens on the same property may be enforced in the same action.
- 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.