

**MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE**

**CHAPTER VIII**

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

**SECTION 3**

**MOBILE FOOD ESTABLISHMENTS**

**REGULATION 1. Definitions**

- a) "Mobile Food Establishment" means a food establishment 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 classified 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 and refers to a non-self-propelled vehicle designated to be readily movable which is limited to the serving of non-potentially hazardous foods or commissary-wrapped potentially hazardous foods maintained at proper temperatures, or limited to the assembling and serving of frankfurters. Unpackaged non-potentially hazardous food items approved for sale from a pushcart shall be limited to popcorn, nuts, produce, pretzels and similar bakery products, shaved ice, and snow cones.
- (3) "Food Peddler" means and refers to a retail food establishment in operation from a vehicle designated to be readily movable from which is wrapped, properly labeled non-potentially hazardous foods or packaged potentially hazardous foods held at proper temperatures, frozen or canned prepared food which, packaged, portioned, kept in ready-to-eat units or raw fruits and vegetables are vended, sold, or given away but in which establishment the food is not composed, compounded, thawed, reheated, cut, cooked, processed or prepared. Food peddlers may dispense soda fountain drinks, hot drinks, and assemble snow cones from approved and properly installed equipment.
- (4) "Temporary Food Establishment" means and refers to a food establishment that operates in conjunction with a fair, rodeo, exhibition or similar public event for not more than fourteen (14) consecutive days within any permit

year provided it is the same permittee, at the same location and the same event. At the termination of the event the temporary food establishment shall be removed from the premises.

- b) Adventure Food Establishment” means and refers to a food establishment that operates in conjunction with a trail ride, motorized tour, hiking tour or similar type activity that prepares and serves food to participants in an outdoor or non-regular setting.

### **REGULATION 2. Compliance**

- a) Every mobile food establishment, seasonal food establishment and adventure food establishment shall be operated and maintained in a clean and sanitary condition in compliance with the appropriate parts of this section and with the specific provisions in Chapter VIII, Section 1, and 2. The Department may impose additional requirements to protect against health hazards related to the conduct of the mobile food establishments, seasonal food establishments and adventure food establishments, may prohibit the sale or distribution of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of this section.
- b) Mobile food unit, pushcart and food peddler permit holders that desire to perform operations not allowed under their permit, while operating in conjunction with a fair, rodeo, parade or other type of public gathering, shall be charged the temporary food establishment fee after the operation is approved, in writing, by the Department.

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

No person shall operate a mobile food establishment, seasonal food establishment or adventure food establishment without a valid permit to do so issued by this Department. A separate permit is required for each establishment. Permits are nontransferable from person-to-person, place-to-place or vehicle-to-vehicle.

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

No mobile food unit, pushcart or seasonal 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) For all mobile food units, pushcarts and food peddlers, the name of the establishment shall be plainly indicated on sides and rear of the exterior of the vehicle in letters of contrasting colors at least three inches high with a minimum of 3/8 inch wide. When more than one permit is issued with the same business name to the same permittee, the vehicle number shall also be plainly indicated with the business name.

- b) Compressors, auxiliary engines, generators and similar mechanical units that are not an integral part of the food preparation or storage equipment shall be installed completely separated from the food preparation and storage areas and accessible from the exterior for all mobile food units and temporary establishments and seasonal food establishments.
- c) Only utensils and equipment necessary for the operation and maintenance of a mobile food establishment, seasonal food establishment or adventure food establishment shall be kept on the vehicle or booth enclosure.
- d) Adequate and durable waste containers of easily cleanable construction with self-closing covers shall be furnished for the use of consumers and the operator for of all mobile food establishments.
- e) Mobile food units, pushcarts seasonal food establishments shall operate from an approved commissary and shall report at least daily to such location for supplies, food storage, vehicle and equipment cleaning, waste disposal and service operations.
- f) Mobile food units, pushcarts and seasonal food establishments shall provide a commissary or other fixed food service establishment and report at least daily to such location for all supplies and for cleaning and service operations. Agreement to the Department upon request, at permit issue or renewal, and as a part of the documents submitted during plan review for a new permit. Food Peddlers selling potentially hazardous foods shall also provide a commissary agreement. Ice cream trucks are exempt.
- g) Mobile food units, pushcarts and food peddlers shall provide information about daily operations to the Department. Information such as location, address and business name, time in and time out of each stop shall be provided in a format prescribed by the Department. this information shall only be made available pursuant to the Public Records Act, A.R.S. § 39-121 through § 39-121.03 and Maricopa County Policy.
- h) Mobile food units, pushcarts, or food peddlers serving potentially hazardous foods shall maintain a log of visits to the approved commissary. This log shall be maintained using permanent, waterproof ink, and maintained with the unit at all times.
- i) Sanitary toilet facilities for use by employees shall be readily available within 200 feet of all mobile food establishments that are operated at the same site for more than a one-hour period.
- j) Mobile food units, pushcarts, temporary food establishments and seasonal food establishments shall not operate without hot and cold potable water, hand washing soap, sanitary towels, and an approved sanitizer which are available for immediate use at all times.

- k) Mobile food units, pushcarts, and food peddlers shall provide information such as location, address and business name, time in and time out of each stop shall be provided in a format prescribed by the Department.
- l) The area within which a mobile food establishment, seasonal food establishment or adventure food establishment is operating shall be kept clean and free from litter, garbage, rubble and debris at all times.
- m) All packaged foods shall be labeled in accordance with 21 CFR 101.
- n) All potentially hazardous foods prepared or sold from a mobile food establishment, seasonal food establishment or adventure food establishment shall be prepared on the same day of sale or service. Hold over of potentially hazardous food from a previous day's operation is prohibited.
- o) Mobile food units and pushcarts shall provide an approved potable water hose designated for drinking water use only. This hose is to be used only to fill the fresh water tank.
- p) Mobile food units, temporary food establishments and seasonal food establishments shall not prepare or offer for sale any type of potentially hazardous food that is raw or raw-marinated without proper consumer notification as identified in Chapter VIII, Section 2.
- q) All food that is held for consumer self-service shall be wrapped to protect it from contamination.
- r) Mobile food units, food peddlers and temporary food establishments or that sell potentially hazardous foods held hot or cold that are manufactured by a food processing plant shall only sell those items that bear a "Sell By" date placed on the food by the food processing plant. "Sell By" dates shall be legible and plainly presented to the consumer and not obscured in any way. All foods must be sold within 24 hours from being placed on the vehicle.

**REGULATION 6. Interior Fixtures**

- a) Food service openings for Mobile Food Units shall be:
  - (1) Limited to 216 square inches (such as 12 inches x 18 inches) each and equipped with a screen (16 mesh per square inch minimum) or solid door which shall be kept closed when not in use.
  - (2) Multiple service openings shall be at least 18 inches apart.

- b) The cab or driving portion of the vehicle for a Mobile Food Unit shall be separated from the food preparation and serving area of the vehicle by a permanent solid wall partition.
- c) Doors to the food preparation and serving area shall be effectively self-closing and kept closed for Mobile Food Units.
- 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 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) Interior walls and ceilings of a mobile food unit shall be light in color.

#### **REGULATION 7. Food Protection**

- a) Time only as a public health control, as explained in Chapter VIII, Section 2, shall not be used in Mobile Food Units, Pushcarts or Food Peddlers.
- b) Food preparation in Mobile Food Units shall be simplified to reduce excessive steps where food may become contaminated. Only minimum food preparations shall be approved.
- c) When a Mobile Food establishment is in transit, all closures shall be in place and all food appropriately protected.
- d) With the exception of instant tea, all tea must be brewed with boiling water in all Mobile Food Establishments, Seasonal Food Establishments and Adventure Food Establishments.
- e) The Department shall approve, in writing, the procedures used by any Mobile Food Establishment for providing samples of food to the consumer.
- f) Outdoor cooking, processing, composing, compounding, preparing, grilling, storage, or service of any food or beverage is prohibited from Mobile Food Units and Pushcarts.
- g) All food held for consumer self-service shall be wrapped or effectively dispensed to protect from contamination.

## **REGULATION 8. Water and Waste Water**

- 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) Pushcarts shall have a permanently installed potable water storage tank with a minimum capacity of 5 gallons for the purpose of hand washing only.
- c) Mobile food units and pushcarts shall provide a minimum flow rate of hot and cold water to each sink basin of one gallon per minute.
- d) The fixtures or connectors for the inlet on a potable water storage tank for all mobile food units and pushcarts shall not be the same size or type as fixtures or connectors used to drain wastewater tanks. Potable water system inlets shall be protected against use for any other service and from potential contamination from any source. In addition, potable water inlet shall be no larger than  $\frac{3}{4}$ " unless otherwise approved by the Department.
- e) A liquid waste storage tank with a capacity at least 15% larger than the potable water storage tank shall be installed on all mobile food units and pushcarts.
- f) All connections on the vehicle for servicing mobile food units, pushcarts, and temporary food establishment waste disposal facilities shall be of different size or type than those used for supplying potable water to these vehicles. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system. In addition, wastewater outlet shall be greater than 1" unless otherwise approved by the Department.
- g) Alternative water supplies indicated in Chapter VIII, Section 2 shall not be used by mobile food units or pushcarts.
- h) Mobile Food Units and Pushcarts shall not connect to water or waste water systems except during servicing operations at a commissary or as approved by the Department.
- i) Water and sewage piping connected to and serving mobile food establishments (when approved for mobile food units and pushcarts) and seasonal food establishments shall not exceed 50 feet in length. Mobile food establishments and seasonal food establishments connected to an approved potable water system shall also be connected to an approved sewage disposal system.
- j) "Y" type connections are prohibited on water and sewage lines for mobile food units, pushcarts, temporary food establishments and seasonal food establishments.

- k) 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.
- l) Wastewater holding tanks shall be emptied into an approved sewage disposal system.

**REGULATION 9. Additional Regulations for Food Peddlers**

- a) Food peddlers that are selling foods outside their vehicles shall provide a permanent sign indicating their business name in letters at least 6 inches high and 1 inch wide. The sign shall be visible to the consumer and shall be in addition to the signs used on the vehicle.
- b) All food shall be stored and displayed at least 24 inches above the ground surface.
- c) All packaged frozen foods shall be maintained frozen and sold or offered for sale to consumers frozen.
- d) Cutting of produce, melons, vegetables, or fruits is prohibited except to show that an item is seedless, ripe, of appropriate color, or other characteristic. Cut produce, vegetables, fruits, or melons shall not be offered as a sample for tasting to consumers and shall not be sold. Cutting as a method of portioning is prohibited.
- e) A food peddler may dispense soda fountain drinks and assemble snow cones from properly installed equipment, and using approved utensils sell pickles from jars. Open drinks served from bulk containers are prohibited for sale. In addition, when these open food products are to be distributed, approved, self-contained hand washing facilities shall be installed.
- f) Personal vehicles (passenger cars, station wagons) are prohibited for use as a food peddler. When only packaged food in sealed containers is transported by a food peddler, the carpeting in a vehicle need not be removed but shall be covered by a smooth, durable, easily cleanable and non absorbent surface.
- g) Food Peddlers shall sell properly labeled food that is obtained from approved sources only. Sale of food from other mobile food establishments or prepared at home is prohibited.

**REGULATION 10. Additional Regulation for Temporary Food Establishments**

- a) Only those food items requiring limited preparations shall be prepared. Foods requiring extensive hand contact or multiple steps shall be prohibited from sale or distribution. This prohibition does not apply to foods that have been prepared and/or packaged in facilities meeting the requirements of this Code.

- b) Ice that is consumed or that contacts food shall be obtained only in chipped, crushed or cubed form and in single-use safe plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice shall be held in these bags until it is dispensed in a way that protects it from contamination.
- c) Enough potable water shall be available in the establishment for food preparation, cleaning and sanitizing utensils and equipment and for handwashing. A heating device capable of producing enough hot water for these purposes shall be provided on the premises.
- d) Storage of packaged food in contact with water or undrained ice is prohibited.
- e) A convenient and easily accessible handwashing facility shall be available for employee handwashing. This facility shall consist of, at least, tempered running water, soap, individual paper towels and a catch container for waste.
- f) Floors in all temporary food establishments shall be constructed of concrete, machine-laid asphalt, dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable approved materials that are effectively treated to control dust and mud.
- g) The booth construction shall be a ceiling and three walls (two sides and rear). Walls and ceilings shall be made of wood, canvass or other material that protects the interior of the establishment from the weather and that prevents the entrance of insects. Screening material may be used for wall construction and shall be at least 16 mesh to the inch. When screening material is used, additional wall covering must be maintained on-site in case of inclement weather.
- h) A temporary food establishment shall not be constructed with 100 feet of any petting, ride or holding area for animals.
- i) Approved warewashing facilities shall be provided for all operations where multi-use utensils is required.

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

- a) All seasonal food establishments must operate in conjunction with an approved commissary. This commissary must be easily accessible and available for use at all times the seasonal food establishment is in operation.
- b) Only limited cooking and reheating of prepared foods will be allowed at the event. All food preparation must be accomplished at the approved commissary.
- c) Enough potable water shall be available in the establishment for food preparation, cleaning and sanitizing utensils and equipment and for handwashing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.

- d) Floors shall be constructed of concrete, machine-laid asphalt, dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable approved materials that are effectively treated to control dust and mud.
- e) The booth construction shall be a ceiling and three walls (two sides and rear). Walls and ceilings shall be made of wood, canvass or other material that protects the interior of the establishment from the weather and that prevents the entrance of insects. Screening material may be used for wall construction and shall be at least 16 mesh to the inch. When screening material is used, additional wall covering must be maintained on-site in case of inclement weather.

## **REGULATION 12. Additional Requirements for Adventure Food Establishments**

- a) All Adventure Food Establishments must operate in conjunction with an approved commissary.
- b) All foods must be prepared for same meal service only. No holdover of heated foods from meal-to-meal or day-to-day is allowed. All leftovers shall be disposed of in an approved manner.
- c) Only limited cooking and reheating of prepared foods will be allowed at the meal site. All food preparation must be accomplished at the approved commissary.
- d) Transport and storage of food and utensils.
  - 1) All potentially hazardous food products shall be transported and stored in insulated equipment whose intended use is for such activities. Transport of hot, potentially hazardous food is prohibited without prior written approval from the Department
  - 2) Raw animal products such as meat, poultry, fish, and eggs shall be stored in separate containers, away from other foods.
  - 3) All utensils and other packaged food products shall be transported and stored in approved dust free containers.
  - 4) Ice for consumption shall be maintained separately and not be used to store any food or beverage.
  - 5) All transport and storage equipment shall be fabricated to prevent the entrance of insects or animals when overnight use is required.
- e) Enough potable water shall be made available for food preparation, cleaning and sanitizing utensils and equipment and for handwashing.
- f) Defrosting or thawing of any potentially hazardous food at the meal site by means other than direct cooking is prohibited.

- g) A handwashing facility shall be available for employee handwashing while meal preparation and service is occurring. This facility shall consist of, at least, tempered running water, biodegradable soap and individual paper towels. In addition, a separate handwashing facility shall be provided for consumer handwashing prior to and during meal service.
- h) An approved sanitizer shall be available at all times.
- i) Approved warewashing facilities shall be provided for all operations where multiple meals are to be served.
- j) All wastewater and garbage disposal shall be done in accordance with the Maricopa County Environmental Health Code.