

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

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

SECTION 2

FOOD ESTABLISHMENTS

REGULATION 1. Food Establishments

- a. Effective October 6, 2021, the U.S. Food and Drug Administration 2017 Food Code, and no future editions or amendments, is adopted and incorporated by reference, except as follows:
 1. Section 3-304.15 is omitted;
 2. Paragraph 3-201.11(B) is amended to read: food prepared in a private home may not be used or offered for human consumption in a food establishment unless the food is prepared in compliance with A.R.S. § 36-136(H)(4)(g).
 3. Section 8-301.11 is amended to read: a person may not operate a food establishment without a valid permit to operate issued by the regulatory authority unless the person is operating the food establishment in compliance with Regulation 7 of this Section.
- b. A food establishment that serves or vends food directly to the consumer that has been prepared in a private home in compliance with A.R.S. § 36-136(H)(4)(g) shall ensure that the final consumer of the product served or vended receives a copy of the required package label in accordance with A.R.S. § 36-136(H)(4)(g). This includes food prepared by the food establishment that incorporates products prepared in compliance with A.R.S. § 36-136(H)(4)(g).
- c. Copies of the U.S. Food and Drug Administration 2017 Food Code incorporated by reference herein are available from the U.S. Food and Drug Administration.
- d. For the purpose of this Section, references to “Regulatory Authority” in the U.S. Food and Drug Administration 2017 Food Code mean the Maricopa County Environmental Services Department.

REGULATION 2. Plans Submitted

- a. No food establishment shall be constructed and no major alteration or addition shall be made thereto until detailed plans and specifications for such construction, alteration or addition have been submitted to and approved by the Department. Any construction, alteration, or addition shall be made in accordance with plans and specifications approved by the Department. The owner, operator or his authorized agent shall certify in writing that the plan documents comply with these regulations.
- b. The Department's approval shall expire at the end of one year, unless the construction, alteration or addition contemplated in the approved plans and specifications is substantially under construction by that time.
- c. If the owner makes any material change to the approved plans and specifications, revised plans and specifications shall be submitted to the Department for review and approval before the work affected by the change begins. Structural changes and minor revisions not affecting health and sanitation are allowed during construction without further approval.

REGULATION 3. Reserved

REGULATION 4. Dog Friendly Patio

In addition to the U.S. Food and Drug Administration 2017 Food Code Rule 6.501.115, no dog shall be allowed on a food establishment premises unless the Department has issued a Dog Friendly Patio Permit to the food establishment. A Dog Friendly Patio Permit shall not be issued unless the food establishment complies with the following conditions and standards:

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

- d. The outdoor patio must be continuously maintained free of visible dog hair, dog dander and other dog-related waste and debris. The outdoor patio shall be hosed down or mopped with animal-friendly chemicals at the beginning of each shift during which food or beverages are served (breakfast, lunch, dinner, or late-hours).

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

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

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

REGULATION 5. Gloves, Use Limitation

- a. Latex gloves may not be used in direct contact with food.

REGULATION 6. Micro Markets

- a. A Micro Market shall be located where access can be limited to employees and customers of the business.
- b. The area of a Micro Market in which food is displayed shall be limited to a space of three hundred (300) square feet or less.
- c. All Micro Market display units offering time/temperature controlled for safety food shall have an automatic control that prevents the equipment from opening:
 1. If there is a power failure, mechanical failure, or other condition that results in an internal equipment temperature that cannot maintain food temperatures as specified under Chapter 3 of the U.S. Food and Drug Administration 2017 Code; and
 2. If a condition specified under subparagraph c.1. of this regulation occurs, until the equipment is serviced and restocked with food that has been maintained at temperatures specified under Chapter 3 of the U.S. Food and Drug Administration 2017 Food Code.
- d. When the automatic shutoff within a display described under paragraph c. of this regulation is activated, the ambient temperature may not exceed 41 degrees fahrenheit for more than thirty minutes immediately after the display is filled, serviced, or restocked.
- e. Labeling requirements for prepackaged food items shall be met as required by the U.S. Food and Drug Administration 2017 Food Code.
- f. Refrigerated, ready-to-eat, time/temperature controlled for safety food, displayed at a Micro Market, shall be discarded if the automatic shutoff control is activated as specified in c.1. of this regulation.
- g. All Micro Market display units offering time/temperature controlled for safety food shall be equipped with a self-closing door, an automatic shut-off device, and shall comply with all applicable regulations of this code as determined by the Department.
- h. The permit applicant shall submit for review and approval a complete set of plans and specifications documenting the equipment is certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program.

REGULATION 7. New Owner Transition

The Department may grant the new owner of a food establishment approval to operate without a permit so long as the following requirements are met:

- a. The new owner shall apply and receive written approval from the Department prior to operating.
- b. The time between the ownership change and issuance of the required permit to operate shall not exceed 30 days.
- c. The previous owner of the food establishment shall have a valid permit at the time of the ownership change.
- d. The new owner shall agree to immediately cease operations if any of the following occur:
 1. An imminent health hazard such as fire, flood, electrical or water outage, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.
 2. Evidence of live insect and/or vermin activity.
 3. Missing or inoperable plumbing fixtures essential to facility operations, such as hand sinks and warewashing equipment.
 4. Inadequate supply of hot and cold water.
 5. Insufficient, inadequate, or unapproved food temperature control equipment.
- e. The new owner shall not conduct any food process where a variance or HACCP plan is required in accordance with the U.S. Food and Drug Administration 2017 Food Code §§ 3-502.11, 3-502.12, 8-201.13, 8-201.14 and Subpart 8-103 which has not been issued and/or approved by the Department.
- f. The new owner shall abide by the responsibilities of a permit holder as referenced in the U.S. Food and Drug Administration 2017 Food Code § 8-304.11.

REGULATION 8. Farmers' Markets

- a. The Farmers' Market Coordinator is responsible for submitting a Farmers' Market Coordinator application prior to the opening of the market for the first time and prior to the opening of the farmers' market each season.
- b. The Farmers' Market Coordinator is responsible for providing updated vendor lists to the Department upon request.
- c. A Farmers' Market Coordinator shall be present at the farmers' market during operational hours.
- d. For purposes of this section, an approved temporary hand wash station means an insulated container that is equipped with a minimum 5 gallon capacity and a spigot to allow for the continuous flow of water; an adequate supply of potable water at a minimum temperature of 38°c (100°f); a wastewater container capable of properly retaining wastewater from the hand wash station; and an adequate supply of hand soap and paper towels.