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TITLE 1 – LICENSING AND CERTIFICATION

Chapter 1 - General Provisions

Reg. 1-1-101 Definitions

A. “Annual Operating License” means a document of written approval from the Department to operate an establishment for twelve (12) months from the date of approval.

B. “Approved” means acceptable to the Health Officer.

C. “Board of Health” means the Yavapai County Board of Health as established pursuant to A.R.S § 36-183.

D. “Commissary” means a fixed and licensed food establishment that acts as a base of operation for another food operation or food vendor.

E. “Core Item” means an item not designated as a priority item or priority foundation item and includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

F. “Department” means the Yavapai County Community Health Services.

G. “Food” means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

H. Food Establishment
   1. “Food Establishment” means an operation that:
      a. stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides food for human consumption such as a restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and
      b. relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.
   2. “Food Establishment” includes:
      a. Any element or aspect of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is independently licensed and permitted by the regulatory authority; and
b. An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location where consumption is on or off the premises, regardless of whether there is a charge for the food.

3. “Food Establishment” does not include the following:
   a. An establishment that offers only prepackaged food that is not time/temperature control for safety food.
   b. A produce stand that only offers whole, uncut fresh fruits and vegetables.
   c. A kitchen in a private home if only food that is not time/temperature control for safety food is prepared for sale or service at a function such as a legally permissible religious or charitable organization’s bake sale and there is a clearly visible placard at the sales and service location advising consumer(s) that the food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority;
   d. An area where food is prepared in accordance with subparagraph (3)(c) of this definition is sold or offered for human consumption;
   e. A kitchen in a private home such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed six (6), breakfast is the only meal offered, the number of guests served does not exceed eighteen (18), and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the regulatory authority;
   f. A private home that receives catered or home-delivered food.

4. “Risk Type I Food Establishment” means a food establishment that:
   a. Only makes available or serves food that is time/temperature control for safety food that is commercially prepackaged in an approved processing facility; or
   b. Only makes available or serves a limited preparation of food, including food establishments that only serve or make available beverages, that is not time/temperature control for safety food.

5. “Risk Type II Food Establishment” means a food service that requires time/temperature control for safety food as follows:
   a. Food is prepared from raw ingredients which require only minimal assembly; or
   b. Hot or cold preparation of food is restricted to same-day service; or
   c. Food requiring preparation is obtained from an approved processing facility.

6. “Risk Type III Food Establishment” means a food service that requires time/temperature control for safety food as follows:
   a. Hot hold or cold hold food prepared more than twelve (12) hours before service; or
   b. Cooking and cooling food is part of the handling process; or
   c. Vacuumed packaging and other forms of reduced oxygen packaging are performed at the retail level; or
   d. Food is prepared for a highly susceptible population.

J. “Health Inspector” means an Environmental Health Specialist, Sanitarian, Sanitarian Aide, or Sanitarian Trainee, employed by the Department.

K. “Health Officer” means the Director or his/her authorized representative.

L. “Hearing Officer” means an individual that has been appointed by the Health Officer and then approved by the Board of Health to conduct an administrative hearing regarding the denial, suspension, or revocation of a license or permit.

M. “Hot Water” means potable water under pressure at a minimum of 110° F at the hot water spigot.

N. “Interfere” means obstructing or prohibiting the performance of a duty, giving physical or verbal abuse, using threatening actions or statements, ordering or demanding that the Health Officer or Health Inspector(s) leave the premises, or refusing the Health Officer or Health Inspector(s) access to a premises.

O. “License” or “Permit” means a written approval issued by the Department that authorizes the operation of an establishment or event.

P. “Operation” means performing work either at an establishment or in the field, including 1) equipment needed for the work; 2) activities required in the preparation or commencement of performing the work; and 3) activities in support of closing and clean-up.

Q. “Peddler License” means a food establishment that provides food products that are prepackaged and labeled and are sold at special events, farmer markets, or ongoing events, including, but not limited to, swap meets. Vendors that only provide approved source samples may also be licensed under the Peddler License (e.g. soup sampler). This includes food demonstrators who sample and conduct all food preparation onsite.

R. “Person” means the state, municipality, district, political subdivision, cooperative, institution, corporation, company, firm, partnership, association or society, legal entity, or individual/natural person.

S. “Person in Charge” means the individual present at the food establishment who is responsible for the food operation at the time of the inspection.

T. “Premises” means:
1. The physical facility, includes, but is not limited to, place, building, or structure; its contents; and the contiguous land or property where business is conducted or is under the control of the owner or owner’s representative; or
2. The physical facility, its contents, and the land or property not described in subparagraph (1) of this definition if its facilities and contents are under the control of the owner or owner’s representative and may impact food establishment personnel, facilities, or operations, and a food establishment is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

U. “Priority Item” means a provision in the Health Code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard and includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, handwashing.

V. “Priority Foundation Item” means a provision in the Health Code whose application supports, facilitates or enables one or more priority items and includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, Hazard Analysis and Critical Control Point (HACCP) principle plans, food safety plans, documentation or record keeping, and labeling.

W. “Provisional Permit” means a document of written approval from the Department to operate an establishment for ninety (90) consecutive days.

X. “Reasonable time” means normal operating hours (including the time when employees are preparing food or cleaning up) at a food establishment or premises.

Y. “Time/temperature control for safety food” means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

Reg. 1-1-201 Application for a License or Permit

A. It is the responsibility of the owner or owner’s representative, to obtain a license or permit from the Department to operate an establishment listed in Chapter 3 of the Health Code. A person who is convicted for the failure to obtain or retain a license or permit is guilty of a Class 2 misdemeanor.

B. An application for a license or permit to operate an establishment in Yavapai County, which is under the jurisdiction of the Department, must be submitted on a form provided by and approved by the Department.
   1. The application form must be complete.
   2. Information provided on the application form must be accurate and legible.

C. The Department will review the application for completeness.

D. The Department will request missing information, and if the requested missing
information is not provided, the Department may reject the application and the license or permit may be denied.

E. License or Permit Fee
1. The license or permit fees and other applicable fees must be submitted with the application.
2. All license or permit fees and other applicable fees may be paid by cash, check, money order, or credit card.
3. All license or permit fees and other applicable fees are non-refundable.

Reg. 1-1-202 License or Permit Types

A. Provisional Permit.
1. A provisional permit may be issued by the Department to any person requesting approval to operate a food establishment regulated by the Department if the person meets the requirements of the Department. Provisional inspections must be performed by a Health Inspector during the term of the provisional permit before an annual operating license will be issued. A Mobile Food Unit, processor, retail only, or limited food handling food establishment owner or owner’s representative may request a provisional permit at half of the standard fee where only one provisional inspection is required before the annual operating license is issued, and the Department may issue a provisional license accordingly at its sole discretion. If the required provisional inspection(s) cannot be performed within the 90-day period of the provisional license, the annual operating license will be denied and the owner or owner’s representative may apply for an additional provisional permit with approved applicable fees paid at the time of application.
2. A provisional permit will be issued after an opening inspection and the establishment is approved.
3. The provisional permit must be posted in a conspicuous location and be easily observed by consumer(s) and Health Inspector(s).
4. Exceptions to Provisional Permit: A provisional permit is not required under the following circumstances:
   a. A food establishment that changes location, but keeps the same menu, the same food preparation processes, the same person in charge, and remains under the same ownership.
   b. A food establishment that rebuilds on the same physical site, but keeps the same menu, the same food preparation processes, the same person in charge, and remains under the same ownership.
   c. A food establishment that is being remodeled, but keeps the same menu, the same food preparation processes, the same person in charge, and remains under the same ownership.
   d. A temporary food establishment or a mobile food establishment used in conjunction with a special event, where a Special Event License is required and obtained.
B. Annual Operating License
1. Prior to the expiration of the time specified on the provisional permit for a food establishment, the owner or owner’s representative must apply for and obtain an annual operating license.
2. Application for an annual operating license must be submitted to the Department, which has the authority to either approve or deny the application.
3. The applicant will be notified by the Department of its decision to approve or deny the application for an annual operating license.
4. The annual operating license must be posted in a conspicuous location and be easily observed by consumer(s) and Health Inspector(s).

C. Special Event License
1. A special event license application must be approved by the Department before a person may provide food and/or beverage(s) at an event or celebration.
2. A special event license is valid for the duration of the event unless it is suspended or revoked. Notwithstanding the foregoing, a special event license may not be issued for a period of more than fourteen (14) consecutive days.
3. Application for a special event license must be received by the Department at least twenty-one (21) days before the event. If an application for a special event license is received less than 21 days before the event, late fees will be assessed.
4. A non-refundable fee, including any applicable late fees, for the special event license must be paid when the application for a special event license is submitted to the Department.

Reg. 1-1-203 Renewal of Annual Operating License
A. It is the responsibility of the owner or owner’s representative to renew the annual operating license on or before the expiration date.
B. The renewal application must be approved before the license will be issued. The application must be complete and the non-refundable fee must be paid in advance.
C. All applicable and incurred fees must be paid before the issuance of a renewed annual operating license.

Reg. 1-1-204 Transferability of a License or Permit
A. An annual operating license, provisional permit, or special event license is not transferable from person to person or place to place.
B. A person who purchases a licensed establishment must apply for all required licenses or permits within five (5) business days of taking possession of the establishment or within five (5) business days after the close of escrow, whichever first occurs. Plan review and other applicable fees may be required.
C. A person who changes the format, use, or operation of an existing licensed food
establishment must apply for all required licenses or permits within 5 business days of the change. Plan review and other applicable fees may be required.

**Reg. 1-1-301 Denial of License or Permit**

A. The Health Officer may deny the issuance of a license or permit under the following circumstances:
   1. The applicant has not adequately demonstrated the knowledge or ability to operate the establishment in conformance with the requirements of the U.S. Food and Drug Administration (FDA) Food Code 2017, including the FDA Food Code Annexes; Arizona Department of Health Services regulations as set forth in Title 9, Chapter 8, Articles 1–13 of the Arizona Administrative Code (A.A.C.); or the Yavapai County Health Code.
   2. If the application is incomplete or if supplementary information is needed for a complete plan, a commissary agreement, an operating plan, or a facility improvement plan.
   3. If the license or permit fee is unpaid or declined for any reason.
   4. If all applicable fees, including late fees, are unpaid or declined for any reason.

B. The Health Officer may deny the issuance of a special event license under the following circumstances:
   1. If past inspections show a pattern of non-compliance with the Health Code or special event requirements.
   2. If an application and related fees are repeatedly received in an untimely manner.
   3. If payment for the special event license is declined for any reason.
   4. If all applicable fees have not been paid, including late fees.

C. Pursuant to A.R.S. § 41-1065, a person who has been denied a provisional permit or special event license shall be entitled to have a hearing on such denial upon filing within fifteen (15) days after receipt of notice of such refusal a written application for such hearing.

D. A person who has been denied an annual operating license must:
   1. Close the establishment within 24 hours and, pursuant to A.R.S. § 41-1065, shall be entitled to have a hearing on such denial upon filing a written application for such hearing within fifteen (15) days after receipt of notice of such denial; or
   2. Within 24 hours submits an application and payment for a provisional permit and, pursuant to A.R.S. § 41-1065, shall be entitled to have a hearing on such denial upon filing a written application for such hearing within fifteen (15) days after receipt of notice of such denial. The provisional permit will not be issued until all of the non-compliance issues have been corrected and an inspection by the Health Officer or Health Inspector is completed confirming that the non-compliance issues have been corrected.

D. If a provisional permit, an annual operating license, or a special event license is denied
by the Department, then the person requesting the hearing bears the burden of establishing good cause why the provisional permit, annual operating license, or special event license should be issued by the Department.

Reg. 1-1-302 Suspension of a License or Permit

A. When a Health Inspector determines that conditions at a licensed premises or food establishment present an imminent health hazard requiring emergency action, the Health Officer or Health Inspector may order a summary suspension of the license or permit, and may order suspension of the license or permit pending the outcome of proceedings for revocation of a license or other legal action. The summary suspension will incorporate the following findings: information supporting the emergency action, the pending proceedings for revocation, or other action as specified therein. Summary suspension of a license or permit will be for a period of not more than twenty-five (25) calendar days.

B. Upon suspension of the license or permit, the licensed premises or food establishment will cease operations and the premises may be posted “closed” by the Health Inspector. If applicable a closure sign may be posted in a conspicuous place at the premises, clearly visible to the public, and will remain in place until removal is authorized by the Health Officer or Health Inspector or until the summary suspension expires.

C. Upon suspension of the license or permit, the owner or owner’s representative thereof may immediately move to vacate the suspension order by making a written request for hearing to the Health Officer. The Hearing Officer will hear such motion within five (5) business days. In no event may a summary suspension remain in effect for more than twenty-five (25) calendar days.

D. The Health Officer or Health Inspector may vacate the suspension of the license or permit upon a finding that conditions at the licensed premises or in the food establishment no longer present an imminent health hazard.

Reg. 1-1-303 Revocation of a License

A. The Health Officer may, after providing an opportunity for hearing, revoke a license under the following circumstances:
   1. Serious, repeated, or numerous violations of any of the requirements of the FDA Food Code 2017, including the FDA Food Code Annexes; Arizona Department of Health Services regulations as set forth in Title 9, Chapter 8, Article 1 – Article 13 of the A.A.C.; or the Yavapai County Health Code.
   2. An owner, owner’s representative, operator, manager, employee, or other person interfering with the Health Officer or Health Inspector in the performance of his/her duty(ies). A person who is convicted of a violation of this section is guilty of a Class 3 misdemeanor. (Health Code Reg. 1-1-401).

B. Prior to revocation, the Health Officer will provide written notification to the owner or
owner’s representative of the licensed premises or food establishment the specific reason(s) the license is subject to being revoked and that the license will be revoked at the end of fifteen (15) days following service of such notice, unless a written request for a hearing is filed with the Department by the owner or owner’s representative within fifteen (15) days after receipt of notice.

C. If a request for a hearing is timely filed, the Hearing Officer will set a hearing pursuant to A.R.S. § 41-1061, and notice of the hearing shall be given at least twenty (20) days prior to the date set for the hearing.

Reg. 1-1-304 Hearing Procedure

A. Upon receiving an appeal and a request for a hearing regarding the denial, suspension, or revocation of a license or permit, the Health Officer will appoint a Hearing Officer to hold a hearing on the denial, suspension, or revocation.

B. The Hearing Officer will be an impartial person who is trained in the law and is knowledgeable in the area of health law. The Hearing Officer may be a Yavapai County employee.

C. The Hearing Officer will notify the person requesting the hearing and the Department that a hearing will be held at a specified time and place pursuant to A.R.S. § 41-1061.

D. Hearings will be conducted in accordance with the requirements of A.R.S. Title 41, Chapters 6 and 10 and Title 9, Chapter 8, Articles 1–13 of the A.A.C.

E. The person requesting the hearing and the Health Officer may appear on their own behalf or through legal counsel, may submit evidence in open hearing, and will have the right to confront and cross-examine witnesses. A corporation may appear only through a corporate officer or legal counsel. A company may only appear through a member or legal counsel.

F. The Hearing Officer will conduct the hearing in a manner consistent with due process. Witnesses will be sworn and their testimony will be recorded. The Hearing Officer will determine and consider relevant, probative, and material evidence and will disregard all irrelevant, immaterial, or unduly, repetitious evidence. The formal rules of evidence applicable to civil actions in superior court need not be followed. The standard of proof is preponderance of the evidence. The Hearing Officer may issue subpoenas, upon request, pursuant to A.R.S. Title 41, Chapters 6 and 10 and Title 9, Chapter 8, Articles 1–13 of the A.A.C.

Reg. 1-1-305 Decision

A. Within five (5) business days of the completion of a hearing for a license or permit denial or a license or permit revocation, the Hearing Officer will issue a written decision containing his/her findings of facts and conclusions of law that form the basis
of the Hearing Officer’s decision.

B. The decision of the Hearing Officer will become effective immediately upon service of notice as outlined in Health Code Reg. 1-1-311. If the decision of the Hearing Officer is to revoke a license, the owner or the owner’s representative must close the premises within twenty-four (24) hours of notification.

C. At its next scheduled meeting following the issuance of the Hearing Officer’s decision, the Board of Health will ratify the Hearing Officer’s decision, unless a timely request for rehearing or reconsideration is submitted to the Health Officer pursuant to Health Code Reg. 1-1-306 and A.R.S. § 36-183.04.

Reg. 1-1-306 Request for Rehearing or Reconsideration

A. A party may file a request for rehearing, review, or reconsideration through the Department with the Board of Health within thirty (30) days after service of the final administrative decision pursuant to A.R.S. § 41-1092.09.

B. The request for rehearing, review, or reconsideration may be based on any of the following causes which materially affected the party’s rights:
   1. Irregularity in the proceedings or hearing whereby the aggrieved party was deprived of a fair hearing;
   2. Misconduct of a party, the Health Officer, or the Hearing Officer;
   3. Newly discovered material evidence which, with reasonable diligence, could not have been discovered and produced at the hearing;
   4. That the decision is the result of prejudice; or
   5. That the decision is not justified by the evidence or is contrary to law.

C. At its next scheduled meeting following receipt of a request for rehearing, review, or reconsideration, the Board of Health will deny the request, grant a hearing de novo, or issue a reconsidered decision based on the evidence of record. The Board of Health’s denial, decision after a hearing de novo, or reconsidered decision will be the final decision of the Department. Notice of that denial, decision, or reconsidered decision will be personally delivered or mailed by certified mail to the party(ies).

Reg. 1-1-307 Time

A. The computation of any time limits concerning the hearing process are calculated as provided for by Arizona statutes and the Arizona Rules of Civil Procedure.

B. The time limits in these rules may be enlarged or reduced by agreement of the parties. The Hearing Officer may grant a continuance of a hearing by stipulation of the parties or when the interests of justice so require.

Reg. 1-1-309 Emergency Action
A. If an immediate and substantial public health danger exists, the Health Officer’s decision will be final, pending the request for hearing by the person whom the action adversely affects. If the request for hearing is filed in such a case, the appointment of a Hearing Officer and the request for hearing must occur within a reasonable time, and no later than the time limits described by Arizona law or the Health Code.

B. In the case of suspension of a license, the Hearing Officer will set a hearing on a motion to vacate the suspension within five (5) working days of receiving notice. At the conclusion of the hearing, the Hearing Officer will issue a final decision on behalf of and with the authority of the Board of Health. The Hearing Officer may take the matter under advisement for up to twenty-four (24) hours. A party dissatisfied with the decision of the Hearing Officer may file a request for rehearing or reconsideration with the Board of Health pursuant to Health Code Reg. 1-1-306 “Request for Rehearing or Reconsideration.”

Reg. 1-1-310 Posting of Notice(s) of Violation

The Health Officer or Health Inspector may, for purposes of notification to the public, post a sign at the premises describing the nature of any violations or legal action pending against said premises, including notification of the license suspension or license revocation proceedings.

Reg. 1-1-311 Service of Notices

A notice provided for in the Health Code for enforcement and appeals is properly served when it is hand delivered to the owner or owner’s representative, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the owner or owner’s representative. A copy of the notice will be filed in the records of the Department. The notice must comply with all legal requirements.

Reg. 1-1-401 Penalties

A. A person who violates the Yavapai County Health Code; FDA Food Code 2017, including the FDA Food Code Annexes; or A.A.C. Title 9, Chapter 8, Articles 1 - 13 may have the establishment’s license or permit suspended or revoked pursuant to the Health Code.

B. A person who violates Arizona law; the Health Code; the FDA Food Code 2017, including the FDA Food Code Annexes; A.A.C. Title 9, Chapter 8, Articles 1 – 13; a sanitary ordinance; a regulation or order; or an order issued pursuant to A.R.S. § 36-602 is guilty of a Class 3 misdemeanor if the person holds a valid permit or license, or guilty of a Class 2 misdemeanor if the person does not hold a valid permit or license. [A.R.S. § 36-183.07].

C. A person is guilty of a Class 3 misdemeanor if a person interferes in the performance of the duty of the Health Officer or Health Inspector. [Health Code Reg. 1-1-303(A)(2); A.R.S. § 36-183.07].
D. In addition to a license or permit fee, a late fee will be assessed for a license renewed more than thirty (30) days after the expiration of the license or permit.

E. An annual operating license will be classified as out of business for failure of the owner or owner's representative to renew the annual operating license within sixty (60) days after the license expires, and the owner or owner’s representative will be operating without a license or permit. A person who is convicted for failure to obtain or retain a license or permit is guilty of a Class 2 misdemeanor.

F. A compliance fee that is set by the Board of Supervisors will be assessed for program compliance re-inspections and repeat re-inspections.

G. The Department will set late fees for applications for a special event license if an application for a special event license is received less than 21 days before the event.

H. An investigation fee that is set by the Board of Supervisors will be assessed if discovery is made of a facility constructing, remodeling, or operating without prior Department approval.

I. Penalties may be assessed up to and including revocation of a license if payment of a sanctioned or incurred fee has not been paid within sixty (60) days of invoice or application for a license, whichever is sooner.

Reg. 1-1-501 Embargoed Food

The Department, having reason to suspect that any food is from an unapproved source, unwholesome, spoiled or otherwise is unsafe or unfit for human consumption, may forthwith label or seal such food as “withheld” or “embargoed.” Such labeled or sealed food must be set apart from other food and not used, sold, given away, or discarded until the Department has had reasonable opportunity to examine the food. After examination, the Department may remove the label or seal, may direct the owner, owner’s representative, or person in charge of the food to denature, remove, or destroy such food or to bring it into compliance with the requirements of the Health Code. A person who is convicted of a violation hereunder is guilty of a Class 2 misdemeanor.

Reg. 1-1-502 Condemned Equipment

If after examination, the Department determines that a food utensil or food equipment is worn, defective, unsanitary, 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 or owner’s representative to bring the condemned utensil or equipment into compliance with the requirements of the Health Code, remove it from the food establishment, or replace it with approved units. A person who is convicted of a violation hereunder is guilty of a Class 3 misdemeanor.
Reg. 1-1-503 Removal of Seal

A “withheld,” “embargoed” or “condemned” label, tag or seal, having once been affixed by the Department to food or equipment, must be removed only by the Department except as otherwise provided by law. A person who is convicted of a violation hereunder is guilty of a Class 2 misdemeanor.
Chapter 2 - Authority to Regulate

Reg. 1-2-101 Legislative Authority

A. Board of Supervisors
1. The Board of Supervisors has authority pursuant to A.R.S. §11-251(17) to “adopt provisions necessary to preserve the health of the county, and provide for the expenses thereof.”
2. The Board of Supervisors is further authorized, pursuant to A.R.S. §11-251(31), to “make and enforce all local, police, sanitary and other regulations not in conflict with general law.”
3. The Board of Supervisors is required to “…establish a county department of health or a public health services district,” pursuant to A.R.S. §36-182(A).

B. Board of Health
1. The Board of Health is charged with making “rules and regulations, not inconsistent with the rules and regulations of the department of health services, for the protection and preservation of public health,” pursuant to A.R.S. §36-184(B)(3).
2. The Board of Health is also charged with “recommending rules and regulations to the respective county Boards of Supervisors for adoption and enforcement in their respective counties,” pursuant to A.R.S. §36-184(B)(5).

C. Director of a County Health Department: the director of a county health department is mandated to “enforce and observe the rules of the director of the department of health services, the director of the department of environmental quality and the local board of health, county rules and regulations concerning health, and laws of the state pertaining to the preservation of public health and protection of the environment,” pursuant to A.R.S. §36-186(5).

D. Delegation
1. The director of the Arizona Department of Health Services is authorized, pursuant to A.R.S. §36-136(E), to “…delegate to a local health department…any functions, powers or duties that the director believes can be competently, efficiently and properly performed by the local health department…”
2. The delegation was executed by the director of the Arizona Department of Health Services and the Yavapai County Board of Supervisors.
3. A copy of the delegation agreement is on file at the Department's Prescott Environmental Health Office.
Chapter 3 - Licenses

Reg. 1-3-101 Regulated Activities and Activities Requiring a License
Table 1 lists regulated activities, activities requiring a license, the minimum inspection frequency required by Yavapai County Community Health Services, the A.A.C., and the rules and regulations governing those activities.
### Delegation Agreement No. AGR2018-034 / Table 1 – List of Regulated Activities

1. **County Delegated Responsibilities:**

<table>
<thead>
<tr>
<th>Delegated Functions and Duties</th>
<th>Applicable Rules and Statutes</th>
<th>Frequency of Inspection</th>
<th>License Required</th>
</tr>
</thead>
</table>
| Swimming Pools and Bathing Places | A.R.S. § 36-132(A)(12)  
A.A.C. Title 9, Chapter 8, Article 8. | Public pools one time each month.  
Semi-public pools one time every two months | Yes |
| Bottled Water | A.R.S. §§ 36-132(A)(13) and 36-132(A)(5),  
A.A.C. Title 9, Chapter 8, Article 2. | Not less than two times each year. | Yes |
| Campgrounds | A.R.S. § 36-136(A)(6)  
A.A.C. Title 9, Chapter 8, Article 6. | Not required. | Not required |
| Children’s Camps | A.R.S. §§ 36-3901 through 36-3915 (formerly 8-354 through 8-368) and 36-136(A)(6)  
A.A.C. Title 9, Chapter 8, Article 4. | Not less than one time each year. | Yes |
| Food establishments except for state prisons | A.R.S. §§ 36-136(A)(6)  
A.A.C. Title 9, Chapter 8, Article 1. | Risk Type I and Risk Type II Food Establishment not less than two times each year.  
Risk Type III Food Establishment not less than three times each year. | Yes |
| Hotel and Motel Sanitation | A.R.S. §§ 36-136(A)(6)  
A.A.C. Title 9, Chapter 8, Article 13. | Not less than one time each year | Yes |
| Public Nuisance Responses | A.R.S. §§ 36-136 (A)(5) and 36-601. | -- | -- |
| Public Toilet Facilities | A.R.S. § 36-136(A)(6)  
A.A.C. Title 9, Chapter 8, Article 3. | No frequency stated | No |
| Public School Sanitation | A.R.S. § 36-136(A)(6)  
A.A.C. Title 9, Chapter 8, Article 7. | Grounds not less than 1 time each year. | Yes |
| Trailer Coach Park Sanitation | A.R.S. §§ 36-136(A)(6)  
A.A.C. Title 9, Chapter 8, Article 5. | Not required. | No |
| Pure Food Control Investigations | A.R.S. §§ 36-3901 through 36-516. | | |
| Smoke-Free Arizona | A.R.S. § 36-601.01  
A.A.C. Title 9, Chapter 2, Article 1. | | |

2. **ADHS RETAINS** inspections for food establishments at state prisons not delegate to the County described in Section 1, Records, and Inspections.

3. **ADHS RETAINS** enforcement activist for reporting of violation to the Smoke-Free Arizona Act not delegated to the County in Agreement Section 2, Enforcement Actions

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Yavapai County Health Code and Ordinance – Adopted 09/5/2018
Effective 01/01/2019
Chapter 4 - Plan Review

Reg. 1-4-101 Plan Review - Building Plan

A. The establishments listed below may require plan review and approval by the Department before construction or remodeling is started. Plan review will be in accordance with the FDA Food Code 2017, including the FDA Food Code Annexes; Arizona Department of Health Services regulations as set forth in Title 9, Chapter 8, Articles 1 – 13 of the A.A.C.; and the Yavapai County Health Code.

1. Food Establishments
2. Bottled Water
3. Children’s Camps
4. Trailer Coach Parks – service buildings, toilet facilities, community kitchens
5. Camp Grounds
6. Schools
7. Hotels, Motels and Tourist Courts

B. The Department may accept the plan review and approval of plans as recommended by the Arizona Department of Environmental Quality or the Arizona Department of Health Services.

C. The Department is not obligated to accept a plan review and approval of plans issued by any jurisdiction.

D. Within ten (10) business days of the Department receiving the plans, the Department will send a notice advising the applicant of the status of the plan review.

E. The Department time frames for completion of regulatory reviews are set forth by the Arizona Department of Health Services (A.A.C. Title 9, Chapter 8, Article 1, Table 1). The Department will:
   1. Issue a written approval of the plans;
   2. Issue a written statement requesting additional information; or
   3. Issue a written denial of the submitted plans and reasons for the denial.

F. Plans must be approved when the minimum requirements of the Department are satisfied.

G. The applicant will receive a written notice of approval of the plans.

Reg. 1-4-102 Plan Review - Operation Plan (Food Safety Plan)

A. New Establishments and Operations
   1. The Health Inspector may require a meeting with the owner or owner’s representative at least thirty (30) days before opening for business to review the establishment’s operating plan.
   2. The operating plan must be in writing and must describe the following:
a. The person or position responsible for the overall operation of the establishment;
b. Identified public health hazards and how the hazards will be controlled or managed;
c. The person or position responsible for controlling or managing the public health hazard;
d. What public health hazard test(s) or measurement(s) will be taken, by whom and when;
e. Legal requirements concerning the public health hazard; and
f. Corrective action that will be taken, by whom and when, if the legal requirements are not satisfied.

3. Any additional information requested by the Health Inspector to complete the operational plan review must be submitted in writing to the Department.
4. All written information submitted by the license applicant must be legible.

B. The Health Officer may waive or modify the requirements of Health Code Reg. 1-4-102(A)(2).

C. A new owner of an existing food establishment must comply with Health Code Reg. 1-4-102.

D. A person applying for a provisional permit or an annual operating license must comply with Health Code Reg. 1-4-102.

E. The approved operating plan must be instituted on or before the day the food establishment opens for business. For change of ownership of a food establishment, this requirement may be extended; however, no extension will be granted past any ninety (90) day provisional permit.

F. Onsite documentation that the operating plan is adhered to on a daily basis must be available for the Health Inspector’s review.

G. Before initiating any changes to the operating plan, the proposed changes must be submitted to the Health Inspector, in writing, for review and approval.

H. Failure to prepare and maintain an approved operating plan under the Health Code is a priority foundation item.

Reg. 1-4-103 Approval and Provisional Permits

A. Approval to begin construction will be issued when the Department is satisfied that the proposed facility meets the minimum requirements of the Department.

B. A provisional permit will be issued when the Department is satisfied that the minimum operating requirements of the Department will be met, the establishment meets minimum construction requirements, and the provisions of Health Code Reg. 1-6-103
have been satisfied.

Reg. 1-4-104 Non-approval to Construct

The Department may refuse to issue an approval to construct under the following circumstances:
1. Failure of the applicant to submit the plan review fee;
2. Lack of information on the plan review application; or
3. Failure of the applicant to submit additional information requested by the Health Inspector.

Reg. 1-4-105 Denial of a License or Permit

The Department may deny an application for a license or provisional permit under the following circumstances:
1. Failure of the applicant to pay in full the provisional permit fee;
2. Failure of the applicant to complete the application; or
3. Failure of the owner or owner’s representative to submit an operating plan, food manager certification, or information as requested by the Health Inspector.

Reg. 1-4-106 Grease Trap and Grease Interceptor

This subsection applies to a food establishment that generates grease in the wastewater.

A. The size and need of a grease trap or grease interceptor will be determined by the appropriate jurisdiction.

B. The location of an inside grease trap must be approved by the appropriate jurisdiction. If the appropriate jurisdiction is the Department, then the Department will consider the following.
1. Preferred location is outside of the building.
2. If a grease trap needs to be installed inside of the food establishment, it must not be located in the food preparation or food service areas.
3. Based on approval of the Health Inspector, a grease trap may be installed in the dishwashing area and should be flush with the floor.

C. A grease trap or grease interceptor must be located, and installed in accordance with the requirements of the appropriate jurisdiction.
Chapter 5 - Food, Food Products, Food Establishments

Reg. 1-5-101 Cider, Juice, and Beverage Production - Definitions

A. “Product” means juice pressed from vegetables, fruits, or any other items that can be used for making fermented or unfermented beverages.

B. “Pomace” means the pulpy refuse remaining after the juice has been pressed from fruit.

C. “Beverage” means a liquid for drinking, including water.

Reg. 1-5-102 Requirements

A. Cider, juice, and beverage products must comply with all provisions of the FDA Food Code 2017, including the FDA Food Code Annexes; A.A.C. Title 9, Chapter 8, Article 1; and the Health Code.

B. Fruit must be in sound condition, free from spoilage, filth, or other contamination and must be safe for human consumption. Insect infested, decayed, damaged, or rotten fruit must not be used.

C. All fruit must be thoroughly cleaned and inspected before processing.

D. Cleaned fruit for processing must be stored in clean, sanitized, food-grade containers and held at or below 41°F. Fruit for processing must be stored in such a manner that will prevent contamination from any source, including flies and other insects, rodents, birds, and other vermin.

E. Cloths and filters used in processing must be specifically designed for the purpose for which they are used.

F. Cloths, unless disposable, must be laundered, sanitized, and dried after processing and before being reused.

G. Equipment or machine tubing must be cleaned, sanitized, and air-dried as set forth in the FDA Food Code 2017, including the FDA Food Code Annexes.

H. The following processing records must be kept daily:
   1. Number of bottled beverages produced;
   2. Amount and type of fruit processed;
   3. Origin of fruit and ingredients used; and
   4. Production code and date.

I. Bottled products must only be sold in sanitized new containers with new caps.

J. The bottled product must be rapidly cooled to 41°F or below and then maintained at or
below 41° F.

K. All labeling requirements must be satisfied according to the FDA Food Code 2017, including the FDA Food Code Annexes; A.A.C. Title 9, Chapter 8, Article 1; and the Health Code.

L. Plans must be submitted to the Department for review and approval before starting construction or remodeling pursuant to the Health Code.

M. Bottling must be done in an enclosed and approved area that has smooth, easily cleanable, light colored walls and ceiling, and a smooth, easily cleanable non-absorbent floor.

N. Fruit pressing must be done in an enclosed and approved area.

O. A cider, juice, and beverage producer must submit a written proposal for approval to the Department which includes the following information:
1. A complete list of food product(s) to be made;
2. A list of the ingredients and all steps that are used to prepare the food product;
3. A list of all food equipment that will be used;
4. A list of the types of packaging to be used and how food product will be packaged; and
5. A sample copy of all labeling to be used. All required labeling must be according to the FDA Food Code 2017, including the FDA Food Code Annexes; A.A.C. Title 9, Chapter 8, Article 1; and the Health Code.

P. Food product testing may be required by the Department to ensure the safety and shelf stability of the food products as they are packaged. The food processor will be responsible for arranging all the testing and providing the test results to the Department.

Q. All processors are required to abide by Federal, State, and County laws, regulations, and requirements pertaining to their food and beverage product.

Reg. 1-5-103 License

A. A cider, juice, or beverage food establishment must apply for a license to operate pursuant to Health Code Reg. 1-1-201 through 1-1-204.

B. The Department will include any limitations or conditions for the operation on the license or permit.

Reg. 1-5-201 Mobile Food Establishments - Definitions

A. “Mobile Food Establishment” means a food establishment or equipment for a food establishment mounted on a motorized vehicle, a trailer, a platform with wheels, or a cabinet with wheels, regardless of whether the food establishment is pushed or pulled
by a motorized vehicle or a person.

B. “Temporary Mobile Food Unit” means a mobile food establishment that operates in conjunction with a Special Event, including, but not limited to, a fair, a rodeo, an exhibition, or a similar event for not more than fourteen (14) consecutive days at the same location for the same event.

Reg. 1-5-202 Requirements

A. A mobile food establishment must comply with the FDA Food Code 2017, including the FDA Food Code Annexes; A.R.S. § 11-269.20; A.A.C. Title 9, Chapter 8, Article 1; and the Health Code.

B. A mobile food establishment must operate from an approved commissary and report to the commissary as often as necessary for food preparation, required supplies, cleaning and sanitizing of food equipment, and all servicing operations that are required to be done at or in the commissary.

1. The commissary will be limited to the number of mobile food establishments it can effectively handle. The Department will set guidelines for setting limitations to the number of mobile food establishments that can report to a commissary, including, but not limited to, criteria for the menu, the volume of food being prepared or stored, the physical size of the mobile food establishment, or the capacity of the equipment at the commissary and in the mobile food establishment.

2. The commissary must maintain reports on the premises as to the mobile food establishment’s usage of the commissary, including, but not limited to, dates, arrival times, and departure times. A commissary must present reports to the Department or Health Inspector upon request. Failure to maintain the required reports or falsification of the required reports will be grounds for revoking permission for the food establishment to act as a commissary.

3. A commissary must provide outside access to potable water for the filling of the fresh water tanks in the mobile food establishment and outside dumping station for the dumping of grey liquid waste water from the mobile food establishment. A safe alternative method may be approved for providing potable water for filling of fresh water tanks or dumping of grey water waste.

C. All mobile food establishments must be identified on three (3) sides of the unit specifying with a minimum of 4” lettering the business name and contact information.

D. All mobile food establishments will maintain a location of operation log sheet reflecting routine stops or approximate areas of operation (e.g. cross streets, construction site, etc.). Log sheets must also include approximate times of arrival and departure for each location of operation. A mobile food unit must present the required location of operation log sheet upon request of the Health Officer or Health Inspector. Failure to maintain the operation log sheet or falsification of the required location of the operation log sheet may be grounds for revocation of a license or permit.
Reg. 1-5-203 License

A. A mobile food establishment must apply for a license or permit to operate pursuant to Health Code Reg. 1-1-201 through 1-1-204 and A.R.S. § 11-269.20.

B. The Department will include any limitations or conditions for operation of the license or permit.

Reg. 1-5-204 Food Delivery and Catering

A. A mobile food establishment that transports and solicits sales of prepackaged time/temperature control for safety food to one or more location, sites, or businesses during a working day must be licensed as a mobile food establishment.

B. A mobile food establishment that delivers time/temperature control for safety food or prepares food at one or more locations, sites, or businesses during a working day must be licensed as a mobile food establishment.

C. A mobile food establishment owned and used exclusively by an approved food establishment for catering (pursuant to Health Code Reg. 1-5-301 through 1-5-304) or at a single location at the customer’s request for his/her guests may be covered under the food establishment’s annual operating license.

Reg. 1-5-301 Catering - Definitions

A. “Caterer” or “Food caterer” means a person who prepares food at an approved commissary for delivery or services a single location for a predetermined number of people and consists of at least one food item that will be cooked and/or served at the delivery location.

B. “Delivery Location” means the site to which the caterer transports the food from the commissary for limited preparation, cooking, and service.

C. “Outdoor” means a delivery location that does not have onsite equipment to maintain the catered food at a proper temperature, does not have onsite approved cooking equipment, or does not have a structure to protect the catered food from contamination.

Reg. 1-5-302 Requirements

A. A caterer or food caterer must comply with the FDA Food Code 2017, including the FDA Food Code Annexes; A.A.C. Title 9, Chapter 8, Article 1; and the Health Code.

Reg. 1-5-303 License or Permit

A. A caterer must apply for a license or permit to operate pursuant to Health Code Reg. 1-
1-201 through 1-1-204.

B. The Department will include any limitations or conditions for operation of the license or permit.

C. A licensed food establishment may submit a written request to add “Catering” to the existing license.
   1. The written request will be reviewed by the Department;
   2. The information requested by the Department must be submitted; and
   3. If approved, the license limitations and conditions will be added to the license.

Reg. 1-5-304 Delivery Location Food Preparation

A. Food requiring only limited preparation or cooking such as frankfurters, pre-formed meat patties, cuts of meat, poultry parts, or other food items as specified and approved by the Department that must be prepared for the customer at the delivery location.

B. Food cooked at the delivery location must be served directly from the master container or grill to the customer. Cooked food must not be maintained or stored at the delivery location for more than four (4) hours.

C. Food to be prepared or cooked for consumption at an outdoor delivery location must be prepared, cooked, packaged, and protected as required by the Department.

Reg. 1-5-401 Food Processor - Definitions

A. “Processor or Food Processor” means a food business that produces a simple food product or a limited food product line for the purpose of human consumption.

Reg. 1-5-402 Requirements

A. A food processor must comply with the FDA Food Code 2017, including the FDA Food Code Annexes; A.A.C. Title 9, Chapter 8, Article 1; and the Health Code.

B. All food processors must operate out of and conduct all food processing at an approved commissary or its licensed fixed food establishment.

C. A food processor operating out of an approved commissary must perform all operations of the food preparation, cleaning and sanitizing of equipment and utensils, packaging of food items, storage of equipment and all supplies, as well as anything that deals with processing of the food item.
   1. The commissary will be limited to the number of processors it can effectively handle.
   2. The Department will provide guidelines setting limitations for the number of processors that can report to a commissary, including, but not limited to, criteria concerning the menu, the volume of food being prepared or stored, and the
capacity of the equipment at the commissary or in the processor’s facility.

D. A food processor must submit a written proposal to the Department for approval as to:
   1. A complete list of food product(s) to be made;
   2. A list of the ingredients and all steps that are used to prepare the food product;
   3. A list of all food equipment that will be used;
   4. A list of the types of packaging to be used and how the food product will be packaged; and
   5. A sample copy of all labeling to be used. All required labeling must be in accordance with the FDA Food Code 2017, including the FDA Food Code Annexes; A.A.C. Title 9, Chapter 8, Article 1; and the Health Code.

E. Food product testing may be required by the Department to ensure the safety and shelf stability of the food products. The food processor will be responsible for arranging all the testing and providing the test results to the Department.

F. All processors are required to abide by Federal, State, and County laws, regulations, and requirements pertaining to their food product.

Reg. 1-5-403 License or Permit

A. A food processor must apply for a license or permit to operate pursuant to Health Code Reg. 1-1-201 through 1-1-204.

B. The Department will include any limitations or conditions for operation of the license or permit.
Chapter 6 - Food Workers

Reg. 1-6-101 Definitions

A. “Certified Manager” means a food establishment employee who has successfully completed a manager’s training course approved by the Conference for Food Protection.

B. “Food Worker” means any person who handles, prepares, serves, sells, or gives away food for consumption or any person who handles utensils and equipment pertaining to food services. The term does not include persons in food establishments regulated under the Health 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. “Manager” means a person who directs or supervises others or who carries on business of the food establishment by whatever title he/she has.

D. “Service Organization” means an organization designated as a non-profit by the IRS pursuant to Internal Revenue Code Section 501.

E. “Temporary Food Establishment” means a food establishment that operates for a period of not more than fourteen (14) consecutive days in conjunction with a single event or celebration at one location.

Reg. 1-6-102 Food Worker Certificate

A. Each person operating or applying for a license to operate a food establishment must require each food worker to obtain a food worker certificate from the Department.

B. A food worker certificate must be obtained by each food worker at a food establishment within thirty (30) days after the start of employment. The cost of the food worker certificate will be established by the Yavapai County Board of Supervisors and will be listed in the Department’s Environmental Health fee schedule.

C. The Department will issue a food worker certificate when the applicant has successfully completed a Department approved food worker certification course, which may include an Accredited Program such as the American National Standards Institute and the Conference for Food Protection.

D. Failure to obtain or maintain a food worker certificate under the Health Code is a core item.

Reg. 1-6-103 Manager Certification

A. All food establishments that store, prepare, package, serve, vend, or otherwise provide
time/temperature control for safety food or food for human consumption must employ at least one (1) certified manager that is present and available during operational hours.

B. The person in charge on-site must be a certified manager.

C. A food establishment with fewer than ten (10) employees may satisfy Health Code Reg. 1-6-103(A) by having a written Department-approved food safety plan in place and provided that a separate certified manager for each food establishment is available for a minimum of eight (8) hours each day that the food establishment is in operation or open for business.

D. Manager Certification must be current and valid.

E. Failure to obtain or maintain a manager certification under the Health Code is a priority foundation item.

F. Food Establishments exempt from manager certification requirements are as follows:
   1. Temporary food establishments:
      a. A temporary food establishment operated by a service organization;
      b. A temporary food establishment whose profits entirely go to a service organization; or
      c. A temporary food establishment that operates for less than four (4) hours per event, including time involved to prepare food for cooking or service.
   2. Limited food operation establishments that sell only commercially prepackaged food.
   3. An exempt food establishment must have at least one person who has a valid Food Worker Certificate at the premises at all times overseeing food preparation and service.

Reg. 1-6-104 Display of Food Worker Certificate and Manager Certification

In every food establishment the manager certification and food worker certificate for each person employed therein and engaged in food handling must be prominently posted where it can be seen and inspected by the Health Inspector.