PINAL COUNTY ENVIRONMENTAL HEALTH CODE

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FORWARD

This Code is adopted under authority vested in the Pinal County Public Health Services District and Pinal County Board of Supervisors by A.R.S. §36-161 et.seq., A.R.S. §36-181 et seq., and A.R.S. §11-251.

The provisions of this Code are applicable to all areas within the boundaries of Pinal County EXCEPT AS PROVIDED BY LAW.

The effective date of this Health Code shall be DATE.

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CHAPTER I

GENERAL PROVISIONS

REGULATION 1. DEFINITIONS

The following definitions shall apply throughout this Environmental Health Code, unless a different meaning is clearly indicated by the context or is stated in any of the several chapters:

a. "Approved" means acceptable to the Department and so stated in writing.

b. "Department" means the Pinal County Public Health District, Environmental Health Services.

c. "District" means the Pinal County Public Health District.

d. "Environmental Health Code" or "PCEHC" means all of the Rules and Regulations which are adopted by the Pinal County Public Health District and the Pinal County Board of Supervisors pursuant to A.R.S. § 36-183.02.

e. "Health Officer" means the Director of the Pinal County Public Health District or his/her authorized agent.

f. "Law" means applicable local, state, and federal statutes, regulations, and ordinances.

g. "Municipality" means any incorporated area within Pinal County.

h. "Nuisance" means a public nuisance dangerous to the public health as declared in A.R.S. § 36-601 et seq or an environmental nuisance as declared in A.R.S. § 49-141 et seq.

i. "Permit" means a written permit, license, stamp or seal of approval issued by the Department.

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

k. "Pinal County Development Services Code" or "PCDSC" means all of the development services ordinances as codified and named the Pinal County Development Services Code. [Ord. 021010-DSC § 1].

l. "Rating Card" means a placard issued by the Department, designating the sanitary level of the establishment at the time of inspection.

m. "Regulations" means the regulations in this Environmental Health Code.

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REGULATION 2. PURPOSE

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

REGULATION 3. DUTIES

The owner, person in charge or control, lessee, tenant and occupant of every building, establishment, premises, place, potable water supply, sewerage or drainage system has the duty to and shall keep, place and preserve the same in such a condition, and to conduct and maintain the same in such a manner that it shall not be dangerous to the public health or in violation of the Rules and Regulations in this Environmental Health Code.

REGULATION 4. PERMITS AND OTHER REQUIREMENTS

a. No person shall conduct an operation for which a permit is required without holding the necessary and valid permit to do so.

b. Permit applications shall be made on forms provided by the Department and shall be completed in all pertinent detail.

c. No application for permit shall receive approval:

1. Until a Pre-Opening Inspection has been made and all sanitary deficiencies corrected to the satisfaction of the Department.
2. The applicant demonstrates compliance with law.
3. Temporary Food Booths may receive permit approval via routine inspection.

d. In cases where the submission of plans and specifications is required:

1. No construction shall commence unless the required plans have been approved.
2. Construction shall be in conformance with the approved plans and specifications.
3. Should it be necessary or desirable to make any material change in the approved plans and specifications, revised plans and specifications shall be submitted to the Department for review, and approval shall be obtained before the work affected by the change is undertaken.
4. Structural changes or minor revisions not affecting health and sanitation may be permitted during construction without further approval.

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5. The approval of plans and specifications shall lapse and become invalid one year from the date of approval if a substantial portion of the work described in the plans and specifications has not commenced by such anniversary date.

e. Permits are valid for a period of one year from the date of issuance unless suspended or revoked by the Department for violation of this Environmental Health Code. No permit is transferable from person to person or place to place. The following permits may be issued for durations as specified:

1. Temporary Food Booth permits are valid for the duration of the Department approved Special Event, not to exceed 14 consecutive days.

2. Seasonal Food Establishment permits are valid for a Department specified duration not to exceed 180 consecutive days.

f. Every permit must at all times be kept on the premises or vehicle designated and displayed in a conspicuous place, visible to the public, thereon. Where practicable, permits shall be framed and protected against soiling and shall be open to inspection by the Department. Location of posted permit shall be at the option of the Health Officer.

g. No permit shall be issued and no permit is valid until the bona fide permit fee is received by the Department. Fees shall be paid according to the attached schedule. (See Regulation 8)

h. Permit Types

1. Bathing Place – a permit to operate any artificially constructed or modified natural structure where the general public is exposed to water intended for recreational purpose, as detailed in Chapter IX of this Environmental Health Code.

   i. Pool – A permit to operate a public or semi-public pool.

   ii. Pool/Spa (one location) – A permit to operate a semi-public pool and a semi-public spa, where the pool and the spa share one enclosure.

   iii. Spa – A permit to operate a public or semi-public spa.

2. Campground– a permit to operate a tract of land where the public may camp for a fee or a camp or picnic ground as otherwise determined by the department.

3. Food Establishment – a permit to operate an establishment that stores, prepares packages, serves, or vends food directly to the consumer or otherwise provides food for human consumption as detailed in chapter II of this Environmental Health Code. This includes the following permits.

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i. Bakery – a permit to operate a food establishment that prepares exclusively bakery items for immediate service on-site, directly to a consumer, and/or for resale or redistribution by a retail merchant.\

ii. Bottled Water/Beverage Plant – a permit to operate a beverage plant or bottled water facility.

iii. Daycare Food Service – a permit to operate a food establishment which prepares food for immediate service on-site, directly to a consumer, where the consumers are the population of a child day care facility, individuals highly susceptible to foodborne illness.

iv. Drinking Establishment – a permit to operate a food establishment which is limited to preparation of open drinks and/or ice for immediate service on site, directly to a consumer. A bar (without other food).

v. Eating & Drinking Establishment – a permit to operate a food establishment which prepares food for immediate service on-site, directly to a consumer. A restaurant with a bar.

vi. Eating Establishment - a permit to operate a food establishment which prepares food for immediate service on-site, directly to a consumer. A restaurant without a bar.

vii. Food Bank - a permit to operate a food establishment in conjunction with a bona-fide charitable organization that provides foodstuffs which have been acquired through purchase or donation directly to a consumer.

viii. Food Catering – a permit to operate a food establishment where a pre-arranged amount of food is prepared at one premise for immediate service and consumption at another pre-arranged location.

ix. Food Processor – a permit to operate a food processing plant which includes wholesale food preparation and may also include some immediate service on-site, directly to a consumer.

x. Ice Manufacturer – a permit to operate a food service establishment which is an ice manufacturing plant.

xi. Mobile Food Establishment – A permit to operate a food establishment from any vehicle, trailer, or similar apparatus. Examples include food peddlers, pushcarts, and mobile food units.

xii. Retail Outlet – a permit to operate a food establishment which provides foodstuffs on-site directly to a consumer. Examples

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include grocery stores and meat markets.

xiii. School Eating – a permit to operate a food establishment, owned by a school district or similar entity which prepares food for immediate service on-site, directly to a consumer and/or which prepares food for delivery to an off-site feeding location, such as an after school or summer lunch program.

xiv. Seasonal Food Establishment – a permit to operate a food establishment that operates on a seasonal basis, less than 180 consecutive total days per year.

xv. Senior Citizen Center Food Service – a permit to operate a food establishment which prepares food for immediate service on-site, directly to a consumer, at a senior center or similar facility where the consumers are primarily senior citizens, individuals highly susceptible to foodborne illness.

xvi. Serving Kitchen – a permit to operate food service establishment which is ancillary to another food service establishment, where limited preparation occurs for service to consumers.

xvii. Temporary Events – a permit to operate a temporary food establishment (temporary food booth) at a Department approved event, such as a special event, tasting event, grand opening, fundraiser, or transitory sporting event.

xviii. Vending Machines – a permit to operate a vending machine operation.

xix. Warehouse/Locker – a permit to operate a refrigerated warehouse or similar wholesale facility where food, not manufactured on the premises, is distributed for ultimate human consumption.

4. Hotel & Motel – a permit to operate a transient dwelling establishment and includes any place where sleeping accommodations are available to transients or tourists on a temporary basis such as a hotel, motel, motor hotel, tourist court, tourist camp, rooming house, boarding house, inn, and similar facilities by whatever name called, consisting of two or more dwelling units; provided, however, that the term shall not be construed to include apartments, clubs, boarding houses, rooming houses, and similar facilities where occupancy of all dwelling units is on a permanent or semi-permanent basis.

5. Manufactured Home/RV Park – a permit to operate a Manufactured/Mobile Home Park or Recreational Vehicle (RV) Park and includes any plot of ground upon which two or more mobile homes, manufactured homes, or RVs, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation. This does not apply where all Manufactured

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Homes, Mobile Homes or RVs are occupied by the owner of the plot and his immediate family, nor does it include areas provided for recreational purposes or overnight parking by agencies of the local, state and federal governments, where posted restrictions for use of such areas are provided.

6. School Grounds – a permit to operate a public school.

REGULATION 5. REJECTION OF APPLICATION – RIGHT TO HEARING

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

REGULATION 6. SUSPENSION OF PERMITS

When the Department determines that a permit holder has failed to comply with this Environmental Health Code such that there exists on the permitted premises an imminent health hazard, the Department may summarily and immediately suspend the permit without prior notice to the permit holder.

a. Notice of Suspension shall be served on the permit holder or his representative by personal delivery or mailed by certified mail to the permit holder's last known address.

b. Within 15 days of being served with the Notice of Suspension, the permit holder may file a motion to vacate the suspension order with the Department and the Health Officer shall hear such motion within five (5) days.

c. A Notice of Suspension shall remain in effect for no more than 25 days. If the violation is not corrected to the Department's satisfaction within the 25 days the Department may issue another Notice of Suspension or pursue further enforcement action.

d. Upon suspension of a permit, the Department may close the permitted establishment and post a Department issued sign informing the public of the closure. The premises shall remain closed and the sign shall remain in place, unobstructed, in the location where originally posted until the violation is corrected to the satisfaction of the Department and the suspension order is lifted, modified, or compliance is achieved.

REGULATION 7. NOTICE TO APPEAR

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

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REGULATION 8. SERVICE OF NOTICE AND HEARINGS

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

a. When a Notice is served on the permit holder, the Department may post a Department issued sign informing the public of the Department's action. If posted, the sign shall be posted to be clearly visible to the public. The sign shall remain in place until the violation is corrected, the fee is paid, the Notice is vacated, or removal is authorized by the Department.

b. Hearings

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

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

   i. A statement of the time, place and nature of the hearing.

   ii. A statement of the legal authority and jurisdiction under which the hearing is to be held.

   iii. A reference to the particular sections of the statutes and regulations involved.

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

REGULATION 9. CONSTITUTIONALITY OR VALIDITY

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

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REGULATION 10. VIOLATION

a. Violations of this Environmental Health Code may be redressed by proceedings pursuant to A.R.S. §§ 36-183.04, 36-183.05, 36-183.06, 36-601.B, 36-602, 49-142 or 49-143; by injunctive relief in Superior Court; or by any other applicable remedies provided by law. The available remedies are cumulative. In addition, persons who violate a provision of this Environmental Health Code are guilty of a Class 3 Misdemeanor if the person holds a valid permit or a Class 2 Misdemeanor if the person does not hold a valid permit under this article as provided in A.R.S. §§ 36-183.03 and 36-191 and may be punished accordingly.

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

c. Notice under this section is accomplished by the issuance of a Cease and Desist Order, Notice of Violation, Permit Revocation, or by filing a complaint in Superior Court.

REGULATION 11. CEASE AND DESIST

a. If the Health Officer has reasonable cause to believe from information furnished to the Department or from investigation made by the Department that any person is maintaining a nuisance or engaging in any practice contrary to the health laws of this state, the Health Officer shall promptly serve on that person by certified mail a cease and desist order requiring the person, on receipt of the order, promptly to cease and desist from that act. Within fifteen days after receipt of the order, the person to whom it is directed may request the health officer to hold a hearing. The Health Officer, as soon as practicable, shall hold a hearing, and if the health officer determines the order is reasonable and just and that the practice engaged in is contrary to the health laws of this state, the Health Officer shall order the person to comply with the cease and desist order.

b. If a person fails or refuses to comply with the order of the Health Officer, or if a person to whom the order is directed does not request a hearing and fails or refuses to comply with the cease and desist order served by mail under subsection a, the Health Officer may file an action in Superior Court, restraining and enjoining the person from engaging in further acts. The court shall proceed as in other actions for injunctions.

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REGULATION 12. REMOVAL OR ABATEMENT OF NUISANCES

a. A public health official who is investigating a nuisance, source of filth or cause of sickness may issue a 24 hour Order to Comply to the property owner in accordance with A.R.S. § 36-602(A) or may issue a notice of violation and demand for compliance in accordance with A.R.S. 36-183.04.

b. The notice of violation and demand for compliance may be sent by certified or registered mail or by hand delivery to the respondent. The notice of violation and demand for compliance must state with reasonable specificity the nature of the violation and the deadline for compliance. The notice of violation shall also state that the respondent may request a hearing.

1. Should the property owner not comply within the specified deadline of the notice of violation and demand for compliance or request a hearing, a compliance order may be issued in accordance with A.R.S. 36-1 83.04.

2. Should the situation warrant, the Department, through the County Attorney, may file an action in the superior court for a temporary restraining order, a preliminary or permanent injunction or any other appropriate relief necessary to enjoin the person from further violations and to protect public health or the environment, including a lien against the property for the actual cost of removal and/or abatement, including any inspections by the Department staff and applicable recording fees, and at the discretion of the Health Officer a civil penalty pursuant to A.R.S. § 36-1 83.04.

c. The 24 hour order may be delivered to the owner or occupant personally or left at the owner or occupant's normal place of abode or served on the owner or occupant in the same manner as provided for service of process under the Arizona rules of civil procedure. The Order shall require the owner or occupant to remove or abate the nuisance, source of filth or cause of sickness within twenty-four hours at the expense of the owner or occupant.

1. Should the property owner/occupant not comply with the 24 hour Order and Pinal County needs to remove the public health nuisance, and the property owner/occupant or other person who caused the nuisance refuses to pay the cost of removal and/or abatement of the nuisance, a lien against the property for the actual cost of removal and/or abatement, including any inspections by Department staff, and applicable recording fees, and at the discretion of the Health Officer a civil penalty pursuant to A.R.S. § 36-183.04, shall be created.

2. The lien placed pursuant to A.RS. § 36-602(B) may be appealed

within 30 days of the removal of the public health nuisance before recordation with the Pinal County Recorder's office. If the lien is appealed it must be done before the Pinal County Board of Supervisors or their designee in accordance with A.R.S. § 36-602(8)(1) by filing a written appeal with the Clerk of the Board who will either place it on the agenda for the next scheduled board meeting or make arrangements for a hearing before the designee. If the lien is not appealed within 30 days of the removal it may be recorded with the Pinal County Recorder's office in accordance with A.RS. § 36-602(8).

d. Notice of a lien must be given to all lien holders of record.

e. Costs of inspections shall be assessed as a Re-inspection for Unsanitary Conditions.

f. The assessment, from the date of its recording in the office of the county recorder in the county where the lot or tract of land is located, is a lien on the lot or tract of land until paid. Any assessment recorded is prior and superior to all other liens, obligations or other encumbrances, except liens for general taxes and prior recorded mortgages.

g. The Department may bring an action to enforce the lien in the Superior Court through the County Attorney's office at any time after the recording of the assessment, but failure to enforce the lien by this action does not affect its validity. The recorded assessment is prima facie evidence of the truth of all matters recited in the assessment and of the regularity of all proceedings before the recording of the assessment.

h. A prior assessment is not a bar to a subsequent assessment or assessments for these purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

REGULATION 13. FEE SCHEDULES

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a. Environmental Health Services Fees

(Pinal County Resolution No. 120413-EHF approved December 4, 2013)

Permit Required	Type	Fee
Bakery	2	$145.00
Bathing Place - Pool	0	$192.00
Bathing Place - Pool/Spa (one location)	0	$192.00
Bathing Place - Spa	0	$192.00
Bottled Water/Beverage Plant	2	$145.00
Campground	0	$54.00
Daycare Food Service	3	$266.00
Drinking Establishment	1	$64.00
Eating & Drinking Establishment	2	$145.00
Eating & Drinking Establishment	3	$266.00
Eating Establishment	1	$64.00
Eating Establishment	2	$145.00
Eating Establishment	3	$266.00
Food Bank	1	$0.00
Food Catering	3	$266.00
Food Processor	1	$64.00
Food Processor	2	$145.00
Food Processor	3	$266.00
Ice Manufacturer	2	$145.00
Mobile Food - Food Peddler	1	$29.00
Mobile Food - Mobile Food Unit	1	$29.00
Mobile Food - Pushcart	1	$29.00
Manufactured Home/RV Park	0	$47.00
Motel & Hotel	0	$58.00
Retail Outlet (Grocery)	1	$64.00
Retail Outlet (Grocery + Meat Market)	2	$145.00
Retail Outlet (Grocery + Meat Market)	3	$266.00
School Eating	2	$145.00
School Eating	3	$266.00
School Grounds	0	$54.00

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Permit Required	Type	Fee
Seasonal Food Est. (<180 days)	2	$145.00
Senior Citizen Center Food Service	3	$0.00
Serving Kitchen	1	$64.00
Temporary Events < 2 Weeks Prior to Event	0	$0.00
Temporary Events > 2 Weeks Prior to Event	0	$0.00
Vending Machines	1	$64.00
Warehouse/Locker	1	$64.00

Plan Review Fee Schedule	Fee
Food Establishment	$185.00
Food Establishment Minor Remodel	$93.00
Food Processor	$185.00
HACCP Plan	$46.00
Mobile Food Unit - Mobile Food Unit	$185.00
Mobile Food Unit - Pushcart	$93.00
Motel/Hotel	$185.00
Other Facility Plans	$33.00
Request for Variance	$46.00

Other Services	Fee
Duplicate Permit	$25.00
Duplicated Copy (per page)	$0.00
Food Establishment Consultation	$250.00
Pre-Opening Inspection	$80.00
Re-inspection for Unsanitary Conditions	$69.00

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b. Other Fees

(Pinal County Resolution No. 10902-EHF approved January 9, 2002)

	Fee
PERMIT REQUIRED	
Liquid Waste Hauler	$94
Refuse Hauler	$94

INDIVIDUAL ON-SITE SEWAGE DISPOSAL

	Initial	Maximum
Septic tank system (<2999 gallons/day)1	$296	$296
Septic tank system (>3000 gallons/day)1	$400	$1800
Alternative On-site system	$400	$1000
Additional Construction Inspections (red tag)	$75	$75
ISDS Permit Renewal	$55	$55
ISDS Alteration	$100	$100
ISDS Permit Transfer	$50/transfer	$50/transfer
Site Investigation/Evaluation	$94	$94
Observe Percolation/Seepage Pit Performance Test	$94	$94
SERVICE FEES		
ADEQ Form 113 Review	$55	$55
ADWR Well Site Endorsement/Approval	$55	$55
Subdivision Plat Review	$55	$500
Manufactured Home/RV/School Plan Review	$55	$500
MISCELLANEOUS FEES		
FHA/VA/Conventional Sewage-Water Approval	$55	

1 Includes up to two construction inspections.

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CHAPTER II

FOOD CODE

REGULATION 1. ADOPTION OF FOOD CODE

The *2013 Recommendations of the United States Public Health Service/Food and Drug Administration* as published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration (FDA Food Code) is hereby adopted as, the Food Code of Pinal County; for regulating the design, construction, management, and operation of food establishments, and providing for plans submission and approval and the issuance of permits and collection of fees therefore, subject to the insertions and changes set forth in Regulation 2 below. Copies of the FDA Food Code are available at the offices of the Pinal County Public Health Services District, 971 N. Jason Lopez Cir. Bldg. D, Florence, AZ 85132 or on-line at www.Pinalcountyaz.gov/ehs.

REGULATION 2. INSERTIONS AND CHANGES

The material incorporated by reference in Section 1 is modified as follows:

a. Where the term “Time/Temperature Control for Safety Foods” appears, it is replaced with “Potentially Hazardous Food (Time/Temperature Control for Safety Food).”;Specific definitions noted below in Paragraph 1-201.10(B) are modified as follows: "`Food additive' has the meaning stated in A.R.S. § 36-901(7).

1. ‘Color additive' has the meaning stated in A.R.S. § 36-901(2).

2. ‘Adulterated' means possessing one or more of the conditions enumerated in A.R.S. § 36-904(A).

3. ‘Regulatory authority' means the Pinal County Public Health District, Environmental Health Services.”

b. Paragraph 2-103.11(M) is modified by adding the following at the end of the paragraph to read:

“(M) EMPLOYEES are properly trained in FOOD safety, including FOOD allergy awareness, as it relates to their assigned duties; **Pf**

(1) And Except as specified in subparagraphs (2) of this Section, within 30 days of hire, FOOD EMPLOYEES have obtained current food service worker certification by completing a food service worker sanitation course or test approved by the REGULATORY AUTHORITY, or show evidence of having completed a substantially similar course via an ACCREDITED PROGRAM.

(2) FOOD EMPLOYEES at temporary events or seasonal food establishments shall obtain current food service worker certification prior to working as FOOD EMPLOYEES.";

c. Paragraph 3-202.14(B) is modified to read: "All milk and milk products sold at the retail level in Arizona shall comply with the requirements in A.A.C. Title 3, Chapter 2, Article 8.;

d. Paragraph 3-301.11(B) is modified by replacing "SINGLE-USE gloves" with "non-latex SINGLE-USE gloves";

e. Section 3-304.15 is modified by adding a new Paragraph (E):

"(E) Latex gloves may not be used in direct contact with FOOD.";

f. Section 5-101.13 is modified to read: "BOTTLED DRINKING WATER used or sold in a FOOD ESTABLISHMENT shall be obtained from APPROVED sources, in accordance with LAW.;

g. Section 5-402.12 is modified to read:

"**5-402.12 Grease Trap**

If a grease trap is used, it shall be:

(A) Located to be easily accessible for cleaning.

(B) Located so it does not contaminate food, equipment, utensils, linens, and single-service and single-use articles.";

h. Section 6-501.116 is added to read:

"**6-501.116 Vending Machine Signs.**

The LICENSE HOLDER for a VENDING MACHINE shall affix to the VENDING MACHINE a permanent sign that includes:

(A) A unique identifier for the VENDING MACHINE, and

(B) A telephone number for CONSUMERS to contact the LICENSE HOLDER.";

i. Section 8-402.11 is modified by adding the following at the end of the Section: "The Department shall comply with A.R.S. § 41-1009 when performing inspections.";

j. Section 8-403.50 is modified by deleting "Except as specified in § 8-202.10," and capitalizing "the";

k. Section 8-404.12 is modified by adding the following at the end of the Section:

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"The REGULATORY AUTHORITY shall approve or deny resumption of operations within five days after receipt of the LICENSE HOLDER'S request to resume operations.";

l. Section 8-405.11 is modified by adding the following at the end of the Section:

"(C) The Department shall not provide the LICENSE HOLDER an opportunity to correct Priority or Priority Foundation Code violations or HACCP PLAN deviations after the date of inspection if the Department determines that the deficiencies are:

(1) Committed intentionally;

(2) Not correctable within a reasonable period of time;

(3) Evidence of a pattern of noncompliance; or

(4) A risk to any PERSON; the public health, safety, or welfare; or the environment.

(D) If the Department allows the LICENSE HOLDER an opportunity to correct violations or deviations after the date of inspection, they shall inspect the FOOD ESTABLISHMENT within 24 hours after the deadline for correction has expired. If the Department determines that the violations or deviations have not been corrected, the Department may take any enforcement action authorized by LAW, based upon those violations or deviations.

(E) A decision made under subparagraph 8-405.11(C) or subparagraph 8-405.11(D) by the Department is not an appealable agency action, as defined by A.R.S. § 41-1092.";

m. Subpart 8-407 Rating Cards is added to read:

"**8-407.11 Rating and Rating Cards**

A rating card displaying the adjective rating may be issued by the Health Officer at the conclusion of the inspection, and when issued, the rating card shall be posted and displayed as the Health Officer directs. Rating scores and sanitation levels are grouped as follows:

(A) Excellent – No priority or priority foundation items observed out of compliance at time of inspection.

(B) Satisfactory – One or more priority or priority foundation items observed out of compliance at time of inspection when all priority items corrected at the time of inspection.

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(C) Needs Improvement – One or more priority violations or priority foundation items observed out of compliance at time of inspection where at least one priority violation is not corrected at the time of inspection.

(1) When violations are corrected to the satisfaction of the Department as confirmed on a follow-up inspection, a Satisfactory rating will be given.

(D) Unsatisfactory – One or more violations observed at the time of inspection which are IMMINENT HEALTH HAZARDs as described in 8-404.11.

(1) When violations are corrected to the satisfaction of the Department as confirmed on a follow-up inspection, a Satisfactory rating will be given.

o. The following FDA Food Code Sections are deleted:

1. Section 8-202.10,
2. Section 8-402.20,
3. Section 8-402.30,
4. Section 8-402.40,
5. Section 8-403.10.

REGULATION 3. PERMIT REQUIRED

No person shall operate a food establishment without a valid permit to do so from the Department, or other than in compliance with this code and any other applicable State or County regulation.

REGULATION 4. PLANS REQUIRED

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

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CHAPTER III

AQUATIC HEALTH CODE

REGULATION 1. ADOPTION OF AQUATIC HEALTH CODE

Title 9, Article 8, Sections 801 through 813 of the Arizona Administrative Code ("A.A.C."), including all revisions, technical corrections, and supplements published as of August 19, 2014 are hereby adopted as, the Aquatic Health Code of Pinal County; for regulating management and operation of Public and Semi-Public Swimming Pools and Bathing Places and the issuance of permits and collection of fees therefore, subject to the additions, insertions and changes set forth in Regulation 2 below. Copies of the Copies of the above-described A.A.C. rules, adopted by reference herein, are available from the Arizona Secretary of State.

REGULATION 2. INSERTIONS AND CHANGES

The material incorporated by reference in Section 1 is modified as follows:

a. Specific definitions noted below in Paragraph R9-8-801 are modified or added as follows:

1. "Aquatic Facility" means a physical place that contains one or more aquatic venues and support infrastructure.

2. "Aquatic Venue" means an artificially constructed structure or modified natural structure where the general public is exposed to water intended for recreational or therapeutic purpose. Such structures do not necessarily contain standing water, so water exposure may occur via contact, ingestion, or aerosolization. Examples include public and semipublic swimming pools, wading pools, wave pools, lazy rivers, surf pools, public and semipublic spas *(including spa pools and hot tubs)*, waterslide landing pools, spray pads, and other interactive water venues.

3. "Barrier" means a fence, wall, building, or landscaping that obstructs access to an Aquatic Venue, Aquatic Facility, public or semipublic swimming pool or spa.

4. "Department" means the Pinal County Public Health District, Environmental Health Services.;

5. "Enclosure" means an uninterrupted constructed feature or obstacle used to surround and secure an area that is intended to deter or effectively prevent unpermitted, uncontrolled, and unfettered access. It is designed to resist climbing and to prevent passage through it and under it. Enclosure can apply to aquatic facilities or aquatic venues.

6. "Qualified Operator" means an individual responsible for the operation

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and maintenance of the water and air quality systems and the associated infrastructure of the aquatic facility and who has successfully completed a department-recognized operator training course to operate an aquatic facility offered by a department-recognized training agency and holds a current certificate for such training.

7. “Renovated” means a major modification to an existing public or semipublic swimming pool or spa any other condition as defined in A.A.C R18-5-203 requiring design approval.

b. Additional Regulations

1. Barriers and Enclosures

   i. General Requirements – All required barriers and enclosures shall be maintained to prevent unauthorized entry to the protected space.

   ii. Gates and Doors

      1. All primary public access gates or doors serving as part of an enclosure shall have functional self-closing and self - latching closures.

      2. Required self-closing and self-latching gates or doors serving as part of a guarded enclosure may be maintained in the open position when the Aquatic Venue is open and staffed as required.

2. Qualified Operators

   i. A qualified operator of an aquatic facility shall have completed an operator training course that is recognized by the Department.

   ii. A qualified operator shall have a current certificate or written documentation acceptable to the Department showing completion of an operator training course.

      1. Originals or copies of such certificate or documentation shall be available on site for inspection by the Department for each qualified operator employed or contracted by the site.

      2. Originals shall be made available on request by the Department.

   iii. Qualified Operator Availability

      1. A Qualified Operator shall be on site or immediately available within two hours during all hours of operation at an aquatic facility which includes:

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a. Is a public swimming pool.

b. Is a public spa.

c. Has a variance.

d. Has a history of non-compliance with this code.

2. All other aquatic facilities shall have a contract with a qualified operator for a minimum of weekly visits and assistance whenever needed.

3. Written documentation of these visits for contracted qualified operators shall be shall be made available on request by the Department.

REGULATION 3. PERMIT REQUIRED

No person shall operate a Public or Semi-Public Swimming Pool or Bathing Place without a valid permit to do so from the Department, or other than in compliance with this code and any other applicable State or County regulation.

a. Before a permit to operate is issued, the following procedures shall be completed:

1. Applicants for a permit for a newly constructed or renovated Aquatic Venue, Public or Semi-Public Swimming Pool or Bathing Place shall demonstrate compliance with Title 18, Chapter 5, Article 2, Sections 201 through 251, by providing:

i. An Engineer's Certificate of Completion, or equivalent notification, issued by the Arizona Department of Environmental Quality, or;

ii. Other Department approved means.

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CHAPTER IV

MANUFACTURED HOME / RV PARKS

REGULATION 1. DEFINITIONS

a. “Dependent Recreational Vehicle” or “Dependent RV” means a recreational vehicle or travel trailer that does not have a toilet, bathtub, shower, sink, sanitary drain or water service connection pipe.

b. “Manufactured Home” means a dwelling unit, transportable in one or more sections, manufactured after June 15, 1976, built to HUD standards with a HUD seal affixed, and does not include a recreational vehicle or mobile home or factory-built building (modular) as defined in PCDSC.

c. “Mobile Home” means a factory-assembled portable structure exceeding eight feet wide and/or 40 feet long, containing kitchen and bathroom facilities and service connections, built prior to June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used without a permanent foundation as a dwelling unit when connected to on-site utilities, except that it does not include a recreational vehicle, manufactured home or factory-built home as defined PCDSC.

d. “Manufactured Home / RV Park” means any land upon which two or more occupied Mobile Homes, Manufactured Homes or RVs used for habitation are parked, whether free of charge or for income producing purposes, including any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. This definition does not apply where all Mobile Manufactured Homes or RVs are occupied by the owner of the land and his immediate family. This definition does not apply to recreational areas or to overnight parking by agencies of local, state and federal governments, where posted restrictions for use of such areas are provided.

e. “Manufactured Home Space” means a plot of ground within a Manufactured Home / RV Park designed for the accommodation of one manufactured home, mobile home or RV together with its accessory structures or uses.

f. “Recreational Vehicle/Travel Trailer” or “RV” means a vehicular-type unit, not exceeding eight feet in width nor more than 40 feet in length, primarily designed as temporary living quarters for recreational, camping or travel use. The unit either may have its own motive power or may be mounted on or drawn by another vehicle upon the highway. The living quarters include a toilet, bathtub and/or shower, sink and sanitary drain and/or water service connection pipe.

g. "Service Building" means a permanent structure containing flush toilets, shower facilities, hand washing sinks, and utility sinks primarily for the use of recreational vehicle occupants.

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REGULATION 2. PERMIT REQUIRED

No person shall operate a Manufactured Home / RV Park without a valid permit to do so from the Department, or other than in compliance with this code and any other applicable State or County regulation.

REGULATION 3. PLANS REQUIRED

a. A permit application for approval by the Department shall be filed at the time the plans and specifications are submitted to appropriate regulatory authority (e.g. municipal agency or Pinal County Community Development Department) for approval. The application must include:

b. A park plan showing all building locations and Manufactured Home Spaces.

c. The distance to the nearest public water supply main and to a sewer main of a municipal or community system.

d. A permit for a Manufactured Home / RV Park will not be issued to a newly constructed Manufactured Home / RV Park until applicable zoning clearance and approval is verified. The applicant must be in compliance with all other regulations and requirements, including the Community Development Department's approval for unincorporated Pinal County.

e. No change or modification of water supply or sewage disposal in any existing Manufactured Home / RV Park shall be made without approval of the Department.

f. The minimum size of Manufactured Home Spaces shall be in compliance with regulations of local planning boards and other official agencies.

g. The Manufactured Home / RV Rark shall be located on a site which is properly graded to ensure rapid drainage and the elimination of standing pools of water.

REGULATION 4. WATER SUPPLY

a. The public water supply and distribution systems to the Manufactured Home Spaces and service building shall provide potable water compliant with Law.

b. The water supply system shall be so designed, constructed and maintained to provide a minimum supply demand of six fixture units at a residual pressure of not less than twenty pounds per square inch at each Manufactured Home Space requiring water in addition to the water requirements of the service building.

c. Each Manufactured Home Space shall be provided with a potable water tap at least four inches above the ground.

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d. Hot water, a minimum of 120° F, shall be provided at all times in the service building for all bathing, washing, cleaning and laundry facilities.

REGULATION 5. SEWAGE DISPOSAL SYSTEM

a. Liquid wastes from all Manufactured Homes, Mobile Homes, RVs, buildings and fixtures within the Manufactured Home / RV Park shall discharge into a public sewer system, approved private sewerage system, or approved septic tank system compliant with Law.

b. The capacity of the public sewer system, approved private sewerage system, or approved septic tank system must have adequate capacity for the load resulting from the installation of the Manufactured Home / RV Park.

c. Connections

1. The wastewater plumbing from the Manufactured Home, Mobile Home, or RV sewer connection to the public sewerage system, approved private sewerage system, or approved septic tank system is the responsibility of the owner of the Manufactured Home / RV Park.

2. Sewer connections to manufactured homes, Manufactured Home, Mobile Home, or RV shall be vapor tight and capped or plugged when not in use.

3. Vents and traps shall be provided in all sewage lines. Manufactured Home Space drain inlets may be installed without traps where the Manufactured Home, Mobile Home, or RV plumbing fixtures are effectively trapped and vented.

4. Each Manufactured Home Space shall be provided with a trapped sewer, at least three inches in diameter, which shall be connected to receive all liquid waste from the Manufactured Home, Mobile Home, or RV located in such space. A trapped sewer is not required in Manufactured Home / RV Parks restricted to Manufactured Home, Mobile Home, or RVs in which all fixtures discharge through a trap located in the Manufactured Home, Mobile Home, or RV plumbing system.

REGULATION 6. FACILITIES

a. Toilets, bathing, laundry and other sanitation facilities shall be housed in a service building which shall present easy access from all Manufactured Home Spaces by means of walkways or roadways.

b. Service buildings shall meet the following requirements:

1. They shall be permanent structures, complying with all applicable ordinances and statutes regulating building construction.

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2. They shall be well lighted.

3. They shall be ventilated with screened openings.

4. They shall be constructed of such moisture-proof material, including painted woodwork, as shall permit repeated cleaning and washing.

5. They shall be provided with properly vented heating facilities.

6. The floors of the service buildings shall be of water-impervious material and sloped to properly located floor drains.

7. Service buildings containing toilet and bathing facilities shall not be located farther than 200 feet from any Dependent RV space.

c. Toilet Facilities

1. All Manufactured Home / RV Parks accommodating Dependent RVs shall be provided with the following number of toilets, showers and other sanitation facilities:

*Number of Manufactured Home Spaces	**NUMBER OF FACILITIES REQUIRED IN SERVICE BUILDINGS**								
	TOILETS		**URINALS**	**LAVATORIES**		**SHOWERS**		****Other**	
	Men	Women	Men	Men	Women	Men	Women		
1-15	1	1	1	1	1	1	1	1 utility sink	
16-30	1	2	1	2	2	1	1		
31-45	2	2	1	3	3	1	1		
46-60	2	3	2	3	3	2	2		
61-80	3	4	2	4	4	2	2		
81-100	3	4	2	4	4	3	3		

For parking areas having more than 100 Manufactured Home Spaces there shall be provided: one additional toilet and lavatory for each sex per each additional 30 spaces; one additional shower for each sex per each additional 40 spaces; and one additional men's urinal per each additional 100 spaces.

* Parking spaces for Dependent RVs, i.e., number of facilities required per number of Dependent RV spaces.

**Additional fixtures including laundry trays, clothes washing machines (one for every 30 sites) and an ice making machine may be provided.

2. Where a Manufactured Home / RV Park is designed for and exclusively limited to use by Manufactured Homes, Mobile Homes, or RVs, emergency sanitary facilities are not required.

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3. When a Manufactured Home / RV Park requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in excess of those required by the schedule for Manufactured Home Spaces and shall be based on the total number of persons using such facilities.

REGULATION 7. COMMUNITY KITCHENS; RECREATIONAL

Manufactured Home / RV Parks which provide a community kitchen or other recreational facilities shall comply with Chapter II of this Environmental Health Code.

REGULATION 8. GARBAGE AND REFUSE

a. All solid wastes shall be stored, collected and disposed of in compliance with Chapter X of this Environmental Health Code.

b. Garbage and refuse shall be handled, stored, transported, and disposed of in a manner which creates neither a nuisance nor a menace to health.

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CHAPTER V

SCHOOLS

REGULATION 1. ADOPTION OF SCHOOL CODE

Title 9, Chapter 8, Sections 701 through 711 of the Arizona Administrative Code ("A.A.C."), including all revisions, technical corrections, and supplements published as of August 19, 2014 are hereby adopted as, the School Code of Pinal County; for regulating the design, construction, management, and operation of public school faculties and the issuance of permits and collection of fees therefore, subject to the insertions and changes set forth in Regulation 2 below. Copies of the Copies of the above-described A.A.C. rules, adopted by reference herein, are available from the Arizona Secretary of State.

REGULATION 2. INSERTIONS AND CHANGES

The material incorporated by reference in Section 1 is modified as follows:

a. Specific definitions noted below in Paragraph R9-8-701 are modified as follows:

"Department" means the Pinal County Public Health District, Environmental Health Services.

REGULATION 3. PERMIT REQUIRED

No person shall operate a school without a valid permit to do so from the Department, or other than in compliance with this code and any other applicable State or County regulation.

REGULATION 4. PLANS REQUIRED

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

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CHAPTER VI

CAMPS AND CAMPGROUNDS

REGULATION 1. ADOPTION OF CAMPGROUNDS CODE

Title 9, Chapter 8, Sections 601 through 617 of the Arizona Administrative Code ("A.A.C."), including all revisions, technical corrections, and supplements published as of August 19, 2014 are hereby adopted as, the Camps and Campgrounds Code of Pinal County; for regulating the design, construction, management, and operation of Camps and Campgrounds and the issuance of permits and collection of fees therefore, subject to the insertions and changes set forth in Regulation 2 below. Copies of the Copies of the above-described A.A.C. rules, adopted by reference herein, are available from the Arizona Secretary of State.

REGULATION 2. PERMIT REQUIRED

No person shall operate a camp or campground without a valid permit to do so from the Department, or other than in compliance with this code and any other applicable State or County regulation.

REGULATION 3. PLANS REQUIRED

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

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CHAPTER VII

HOTELS AND MOTELS

REGULATION 1. ADOPTION OF HOTELS AND MOTELS CODE

Title 9, Article 8, Sections 1301 through 1338 of the Arizona Administrative Code ("A.A.C."), including all revisions, technical corrections, and supplements published as of August 19, 2014 are hereby adopted as, the Hotels, Motels, and Tourist Courts Code of Pinal County; for regulating the design, construction, management, and operation of hotels, motels, and tourist courts and the issuance of permits and collection of fees therefore, subject to the insertions and changes set forth in Regulation 2 below. Copies of the Copies of the above-described A.A.C. rules, adopted by reference herein, are available from the Arizona Secretary of State.

REGULATION 2. INSERTIONS AND CHANGES

The material incorporated by reference in Section 1 is modified as follows:

a. Specific definitions noted below in Paragraph R9-8-1312 are modified as follows:

"Department" means the Pinal County Public Health District, Environmental Health Services.

REGULATION 3. PERMIT REQUIRED

No person shall operate a transient dwelling establishment, such as a hotel or motel, without a valid permit to do so from the Department, or other than in compliance with this code and any other applicable State or County regulation.

REGULATION 4. PLANS REQUIRED

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

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CHAPTER VIII

RODENTS, INSECTS AND VERMIN

REGULATION 1. DEFINITIONS

a. "Infestation" means that the presence of vermin is sufficient to materially affect public health and safety.

b. “Vermin” means rodents, lice, bedbugs, roaches, flies or other animals or arthropods of public health significance.

REGULATION 2. INFESTATION OR HARBORAGE

Infestation by or harborage of vermin in or about any premises is hereby declared to be dangerous to public health. Any condition or place that constitutes a feral colony of honeybees that is not currently maintained by a beekeeper and that poses a health or safety hazard to the public is hereby declared to be a public nuisance dangerous to the public health. No person shall cause, maintain, or within his control, permit such infestation or harborage. The owner, occupant, or person in control of any place or premises shall take all reasonable measures to prevent such infestation or harborage and, upon notification from the Department to do so, shall take all necessary and proper steps to eliminate the infestation or harborage and to prevent its recurrence.

REGULATION 3. MOSQUITOES

No person shall cause, maintain or, within his control, permit any accumulation of water in which mosquitoes breed or are likely to breed. The owner, occupant, or person in control of any place where mosquitoes are breeding, or which constitutes a breeding place for mosquitoes shall take all necessary and proper steps to eliminate the mosquito breeding and to prevent its recurrence through the elimination of or the institution of necessary control measures at mosquito breeding sites.

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CHAPTER IX

ANIMALS

REGULATION 1. DEFINITIONS

a. "Animal" means all mammals (excepting man), livestock, birds, fowls, and reptiles.

b. "Animal Venue" means fair, educational farm, petting zoo, or similar event where public contact with animals may occur.

c. "Piggery" means a place where swine are kept, such as a pigsty.

d. "Populous District" means a neighborhood with an average density of two or more families per acre.

REGULATION 2. KEEPING OF ANIMALS

a. All animals shall be kept and maintained in such manner that shall not constitute a nuisance.

b. Piggeries

1. No piggery shall be built or maintained on marshy ground or land subject to overflow, nor within 200 feet of any stream, canal or other or other source of water supply, nor within 300 feet of an inhabited house or public meeting house on an adjoining property;

2. When garbage is fed to swine, it must be heat treated in accordance with Law. All unconsumed garbage shall be removed daily and disposed of in accordance with law.;

3. No organic material offering harborage for flies shall be allowed to accumulate on the premises;

4. All garbage shall be handled and fed upon platforms of concrete or other impervious material;

5. Unslaked lime, hypochlorite of lime, borax, mineral oil, or other approved measures shall be used daily sufficiently to prevent nuisances.

c. In populous districts, any corral, barn enclosure or other structure for the purpose of housing, keeping or caring for any animal or animals shall be 50 feet away from all property lines unless it is a fly-tight enclosure approved by the department, and any animal weighing in excess 100 pounds shall be restricted from coming within 100 feet of any dwelling or any person or persons on adjacent properties.

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REGULATION 3. ANIMAL VENUES

a. The following species of animals are prohibited from display in an animal venue:

1. Non-human primates;

2. Deer mice, or other wild mice of the genus *Peromyscus*;

3. Wild or feral animals such as bats, skunks, raccoons, foxes, wolf-hybrids or coyotes, except when used for an educational display, as defined in R12-4-401, by a person who has complied with provisions in 12 A.A.C. 4, Article 4, obtained a permit or license issued by the Arizona Game and Fish Department, and is experienced in handling the animal.

4. Any other animal as determined by the department based on an existing public health concern.

b. All animals shall be kept and maintained in such a manner such manner that shall not constitute a nuisance.

c. Animals must have up to date vaccinations appropriate to their species.

1. If the animal is a dog, cat or ferret, it must have current immunization against rabies, as documented by:

   i. A dog license issued by a state or county agency;

   ii. A rabies immunization certificate from a veterinarian licensed under 3 A.A.C. 11;

   iii. A receipt for veterinary services, showing the administration of a rabies vaccine; or

   iv. A written statement attesting to the current immunizations of the animals against rabies.

d. Animals must be provided with adequate food and potable water.

e. Guidelines

1. The venue shall be designed with designated animal areas, non-animal areas, and transition areas.

2. Signs shall be posted in transition areas informing visitors of the following:

   i. The location of hand-washing sinks.

   ii. Contact with animals, animal areas, and/or feces may be associated with an increased risk of disease, especially for young

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children.

iii. Eating and Drinking is prohibited in animal areas.

3. Staff members shall be assigned to monitor animal contact areas.

4. Animal areas shall be kept clean to limit public contact with manure and animal bedding.

5. Feeding of animals should only occur where it can be controlled (i.e. over a barrier).

6. Hand-washing stations shall be located at the exit of animal areas and meet the following requirements:

   i. Be provided with potable water, soap, and approved hand drying devices such as disposable paper towels or air dryers.

   ii. Be accessible to children.

   iii. Approved hand sanitizer may be provided in addition to hand-washing stations, but not in lieu of hand-washing stations.

REGULATION 4. MANURE STORAGE AND DISPOSAL

a. Manure must be completely removed from stables, yards, or other animal enclosures once weekly, or as often as necessary to maintain a sanitary premise. Manure shall be disposed of by sanitary landfill, composting, incineration, or used as fertilizer in such a manner as not to create insect breeding or a nuisance.

b. Adequate fly-tight containers approved by the local Health Department must be provided for the storage of manure unless it is completely removed from the premises once weekly or in a manner approved by the Department.

c. Manure shall not be accumulated in any place where it can affect a source of drinking water or be a source of a nuisance.

REGULATION 5. WATER AND FEED

a. Drinking water troughs must be provided with overflow drainage and the overflow drainage must not constitute a nuisance.

b. Spillage and leftovers from animal feeding must be disposed of in a manner that shall not constitute a nuisance.

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REGULATION 6. DISPOSAL OF DEAD ANIMALS

Routine disposal of dead animals shall occur in accordance with A.A.C. R18-13-311. A carcass must be disposed of within seventy-two hours so as to avoid constituting a nuisance. The following are acceptable methods for the routine disposal of carcasses:

a. Burial

1. A carcass may be disposed of by burial on the property where the animal died if done with the approval of the property owner. Animals that have died off the owner's property may be moved onto the owner's property for disposal purposes.

2. A carcass must be buried to a depth so that no part of the carcass is nearer than three feet to the natural surface of the ground. Every part of the carcass must be covered with at least three feet of soil within twenty-four hours of placement in the ground.

3. Carcass burial must be:

   i. At least one hundred feet from any well, spring, or body of surface water, such as a river, stream, lake, or pond, or fifty feet from an intermittent stream;

   ii. At least one hundred feet from any residence not owned by the owner of the livestock animal;

   iii. At least fifty feet from any property line; and

   iv. Not in a low-lying area subject to seasonal flooding or within a hundred year flood plain or in a manner that will impact ground water.

   v. Each burial site is limited to one thousand pounds of carcasses or one livestock animal weighing more than one thousand pounds.

b. Rendering

c. Other Methods as Approved by the Department.

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CHAPTER X

HANDLING AND DISPOSITION OF GARBAGE, RUBBISH, AND REFUSE

REGULATION 1. DEFINITIONS

a. "Garbage" means all animal and vegetable wastes resulting from the processing, handling, preparation, cooking and serving of food or food materials.

b. "Manure" means animal excreta, including cleanings from barns, stables, corrals, pens, or conveyances used for stabling, transporting, or penning of animals or fowls.

c. "Rubbish" means non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, waste metal, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials.

d. "Refuse" means all putrescible and non-putrescible solid, and semi-solid wastes, except human excreta, but including garbage, rubbish, ashes, manure, street cleaning, dead animals, abandoned automobiles and industrial wastes.

e. "Solid Waste Permit" means a written permit, stamp or seal of approval issued by Pinal County.

REGULATION 2. STORAGE

Garbage, manure, rubbish, refuse, offal, stinking or noxious material shall be kept, stored and handled in such a manner, and by such means that it shall not affect a source of drinking water or be a source of a nuisance.

REGULATION 3. BURNING OF GARBAGE

The burning of garbage is prohibited.

REGULATION 4. DISPOSAL OF GARBAGE, RUBBISH OR REFUSE

No garbage, rubbish or refuse shall be placed or deposited along any roadside, in any ditch, river, stream, lake, pond, or on the banks thereof, or in any gulch, ravine, excavation, anywhere, where it is or becomes a nuisance or where it can affect a source of drinking water.

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REGULATION 5. STORAGE OR REMOVAL OF GARBAGE

Garbage of other putrescible material shall be stored in durable, liquid- tight containers provided with fly-tight covers. Containers shall be of size and shape such as to be lifted readily for the purposes of disposal or removal, and shall be constructed of metal or other easily cleaned material. Each container shall have a maximum capacity of 20 gallons.

a. Where facilities are available, such stored material shall be removed from the premises, or otherwise properly disposed of, at least twice a week. In other areas, where removal facilities are not readily available, such stored material shall be removed from the premises, or otherwise disposed of, at least once a week.

REGULATION 6. SOLID WASTE PERMIT REQUIRED

No person, firm or corporation shall haul, remove or dispose of garbage, rubbish or refuse as defined in this Regulation, for hire or for a consideration, without a valid solid waste permit to do so from the Department, or other than in compliance with this code and any other applicable State or County regulation.

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CHAPTER XI

ON-SITE WASTEWATER TREATMENT FACILITIES

REGULATION 1. PURPOSE

The purpose of this ordinance is to preserve the health and welfare of the citizens of Pinal County and to protect land, water, groundwater and other natural resources within Pinal County through regulation of minimum requirements related to site investigation for and proper design and installation of on-site wastewater treatment facilities.

REGULATION 2. DEFINITIONS

a. "On-site Wastewater Treatment Facility" means a conventional septic tank system or alternative system installed at a site to treat and dispose of wastewater, predominately of human origin, generated at the site.

b. "On-site Wastewater Permit" means a written permit, stamp or seal of approval issued by Pinal County.

REGULATION 3. ON-SITE WASTEWATER PERMIT REQUIRED

a. No person shall begin construction of a new on-site wastewater treatment facility or the repair or alteration of an existing on-site wastewater treatment facility without an on-site wastewater permit from Pinal County.

b. Before an on-site wastewater permit for construction of an on-site wastewater system to be located in an unincorporated area of the county is issued, zoning clearance approval must be obtained from Pinal County.

c. Before an on-site wastewater permit for construction of an on-site wastewater treatment facility to be located in an incorporated area of the county or within a community facilities district, wastewater improvement district or a sanitary district is issued, written approval from the agency or district responsible for wastewater disposal must be presented to Pinal County.

REGULATION 4. SITE INVESTIGATION

a. All site investigations, including surface and subsurface site and soil characterizations, shall be conducted in accordance with requirements contained in Arizona Administrative Code Title 18, Chapter 9, Articles 1 and 3.

b. Site investigations shall only be performed by individuals having knowledge and competence in the subject area and who are licensed in good standing or otherwise qualified in one of the following categories:

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1. Arizona-registered professional engineer,

2. Arizona-registered geologist,

3. Arizona-registered sanitarian,

4. A certificate of training from a course recognized by the Arizona Department of Environmental Quality, or

5. Qualified under another category designated in writing by the Arizona Department of Environmental Quality or the Health Officer.

c. A person performing a site investigation pursuant to the requirements contained in Arizona Administrative Code R18-9-A310 shall:

1. Notify Pinal County 48 hours prior to conducting a site investigation.

2. Provide the location of the site investigation, the time the site investigation is scheduled to begin and a telephone contact number as part of the site investigation notification.

d. Site investigation activities that are performed and reported without prior notification to Pinal County are considered invalid and cannot be used to fulfill the site investigation submittal requirements found in Arizona Administrative Code R18-9-A309(B)(1).

REGULATION 5. ALTERNATIVE SYSTEMS

Pinal County may expressly require a person requesting an alternative feature of design, installation, or operation under Arizona Administrative Code R18-9-A312(G) to submit written documentation prepared by a Professional Engineer, a Registered Geologist with a background in hydrology, or other qualified professional as necessary to Demonstrate conformance with Arizona Administrative Code Title 18, Chapter 9, Articles 1 and 3.

REGULATION 6. APPROVAL TO DISCHARGE

No on-site wastewater treatment facility shall be covered or operated until a final construction inspection has been conducted and an approval to discharge from the on-site wastewater treatment facility has been issued by Pinal County.

REGULATION 7. OPERATIONAL RESPONSIBILITY

a. A person shall operate a permitted on-site wastewater treatment facility so that:

1. Flows to the facility consist of typical sewage and do not include any motor oil, gasoline, paint, varnish, solvent, pesticide, fertilizer, or other material not generally associated with toilet flushing, food preparation,

laundry, or personal hygiene;

2. Flows to the facility do not contain hazardous wastes or hazardous substances;

3. If the sewage contains a component of nonresidential flow such as food preparation, laundry service, or other source, the sewage is adequately pretreated by an interceptor or other approved device;

4. Flow to the facility does not exceed the design flow specified in the approval to discharge;

5. The facility does not create an unsanitary condition or a public or environmental nuisance.

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