

PINAL COUNTY SANITARY CODE

PINAL COUNTY HEALTH DEPARTMENT

FORWARD

This Code is adopted under authority vested in the Pinal County Board of Health 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 October 5, 1987.

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CHAPTER 1
GENERAL PROVISIONS

REGULATION 1. Definitions

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

- a. “Board of Health” means the Board of Health of Pinal County.
- b. “Health Officer” shall mean the Administrator or Director of the Pinal County Health Department or his authorized agent.
- c. “Sanitary Code” means all of the Rules and Regulations which are adopted by the Board of Health and the Board of Supervisors pursuant to A.R.S. §36-184, §36-105 E and 11-251, Paragraphs 17 and 30, A.R.S., and which remain in force.
- d. “Department” means the Pinal County Health Department”.
- e. “Municipality” means any incorporated area within Pinal County.
- f. “Permit” means a written permit, stamp or seal of approval issued by the Pinal County Health Department.
- g. “Rating Card” means a placard issued by the Pinal County Health Department, designating the sanitary level of the establishment at the time of inspection.
- h. “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.
- I. “Approved” means acceptable to the Department and so stated in writing.
- j. “Regulations” means the regulations in this Sanitary Code.
- k. “Non-Conforming Food Establishment” means a food establishment that does not comply with current rules and regulations.

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 Rule and Regulations in this Sanitary 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, or otherwise than in compliance with the rules and regulations of this Sanitary Code.
- 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 until a complete sanitary inspection has been made and all sanitary deficiencies corrected. The applicant shall demonstrate to the Department compliance with pertinent state and municipal health laws, regulations and ordinances before a permit will be issued.
- d. In cases where the submission of plans and specifications is required, no construction shall commence unless the required plans have been approved. Construction shall be in conformance with the approved plans and specifications.
- e. 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.
- f. 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 Sanitary Code. No permit is transferable from person to person or place to place.

- g.** Every permit must at all times be kept on the premises or vehicle designated and displayed in a conspicuous place 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.
- h.** 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 Attachment #1)

REGULATION 5. Rejection of Application – Right to Hearings

A person who has been denied a permit may make written request for a hearing before the Board of Health to show cause why a permit should be issued.

REGULATION 6. Violation

The violation of any of the Rules and Regulations of this Sanitary Code shall be punished as provided by law, including injunctive relief, fine and imprisonment.

REGULATION 7. Constitutionality or Validity

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

CHAPTER II

FOOD, FOOD PRODUCTS FOOD PROTECTION CERTIFICATION, OPERATING PERMITS AND RATING CARDS

REGULATION 1. Definitions

- a. "Certified" means a person who has obtained a valid Food Protection Certificate.
- b. "Food Service Establishment" means an establishment which prepares food intended for individual portion service, but does not include private homes where food is prepared for individual family consumption, retail food stores, food vending machines and supply vehicles.
- c. "Manager" means a person designated by the owner or manager to be in charge of a food service establishment during his/her shift.

REGULATION 2. Approval of Plans Required

- a. 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 Health Department; nor shall any construction, alteration, or addition be made, except in accordance with approved plans and specifications.
- b. The approval shall expire at the end of one year unless the project contemplated in the approved plans is substantially under construction by that time.
- c. Should it be necessary or desirable to make any material change in the approved plans and specifications, revised plans and specifications, together with written statement of the reasons for such change, shall be submitted to the Department for review, and approval shall be obtained before the work affected by the change is undertaken. Structural changes or minor revisions not affecting health and sanitation will be permitted during construction without further approval.

REGULATION 3. Refuse

All refuse shall be stored and disposed of in accordance with the Health Department's Regulations governing the storage, collection, transportation and disposal of refuse and other objectionable wastes.

REGULATION 4. Sanitary Premises and Equipment

The floors, walls, ceilings, receptacles, implements, machinery and equipment of every food establishment, and all vehicles used in transportation of food, shall not be kept or permitted to remain in an unclean, unhealthful, or unsanitary condition.

REGULATION 5. Examination and Condemnation of Unwholesome Food or Drink

Samples of food or drink may be taken and examined by the Health Officer as often as he deems necessary for the detection of unwholesomeness or adulteration. The Health Officer shall, at his discretion, condemn and forbid the sale of, or cause to be removed or destroyed, food or drink which he deems unwholesome or adulterated.

REGULATION 6. Admittance of Health Officer

No person shall refuse to admit the Health Officer, at any reasonable time, upon his request, to any part of the establishment for the purpose of inspection, and shall permit the copying of any or all records of food purchased or disposed of.

REGULATION 7. Food Handlers

a. Certification Requirement

No food service establishment owner or food service manager shall operate a food service establishment unless there is at least one (1) person per shift who is certified, full time, on site supervisory employee.

b. Food Protection Certificate Application; Temporary Certification

A person desiring a Food Protection Certificate must complete a Food Protection Application form. Which may be obtained from a Health Officer, and submit the completed application to the Pinal County Department of Health Services. The application must be accompanied by a fee, in the amount of _____dollars (\$_____). Upon receipt of the application and fee, the Health Officer shall immediately issue a temporary Food Protection Certification Card to the applicant, which shall be valid as a Food Protection Certificate for sixty (60) days after the date of issuance.

c. Testing Procedures

A holder of a temporary Food Protection Certification Card may obtain a Food Protection Certificate by:

1. Receiving a passing score on the Pinal County Department of Public Health Food Protection Certification Test: or,
2. Receiving a passing score on the Food Protection Certification Test administered by the Educational Testing Service/Center for Occupational and Professional Assessment. The applicant may, in the alternative, provide proof of passing such examination within one (1) year of the date of issuance of the Temporary Food Protection Certification Card.

Appropriate locations in the County and dates for administering the Pinal County Department of Public Health Food Protection Certification Test shall be established by the Health Department. In cases of hardship, at the Health Officer's discretion, the applicant may be tested at the food service establishment. For purposes of this section, a hardship exists where the owner must close the food service establishment in order to take the examination.

At the applicant's request, special arrangements may be made. At the Health Officer's discretion, to provide the test in a language other than English.

The Health Officer shall provide interested applicants with locations and dates for the administration of the Educational Testing Service Food Protection Certification Test.

d. Food Protection Course

A food protection course dealing with the sanitary handling of food, shall be offered on a regular basis by the Health Department. The course may be taken at the applicant's option. At the applicant's request, special arrangements may be made, at the Health Officer's discretion, to provide such course in a language other than English.

e. Issuance of Certification

The Health Officer shall issue a Food Protection Certificate to each applicant receiving a passing score on any test described in subsection C. A food protection certificate shall be valid for two (2) years from date of issuance and is not transferrable.

f. Renewal

The Health Officer shall review a Food Protection Certificate if the applicant submits an application for renewal within thirty (30) days before expiration of the current certification card with a fee in the amount of _____ dollars (\$_____).

g. Certification of New Employees

In the event that a Certified Supervisory Employee resigns, is transferred or is terminated, so that there is no one certified for a given shift of operation, the manager shall employ another certified employee within thirty (30) days of the effective date of resignation, transfer or termination of the certified person or require that the replacing supervisory employee make application to take the certification test within sixty (60) days of the date of hiring and become certified pursuant to this section.

h. Public Display

The Food Protection Certificate shall be available at all times for inspection by the Health Officer and posted for public view in the food service establishment.

i. Additional Permits

The requirements of this section are in addition to the operating permits required under Regulation 8 of this chapter.

REGULATION 8. Operating Permits

a. Permits to Operate a Food Establishment

No person shall operate a food service establishment unless an Operating Permit and a Food Protection Certificate has been issued by the Health Officer.

b. Public Display

The operating permit shall be posted at all times in a conspicuous place on the premises of the food services establishment.

REGULATION 9. Rating and Rating Cards

a. Ratings indicate the sanitary level of the establishment at the time of the inspection. The rating scores on the Food Service Establishment Report (Form FDA 2420) are determined by subtracting the weight of the items violated from one hundred (100). Rating scores and sanitation levels are grouped as follows:

<u>Rating Score</u>	<u>Sanitation Level</u>	<u>Adjective Rating</u>
90-100	I	Excellent
80-89	II	Good
70-79	III	Acceptable
60-69	IV	Marginal
0-59	V	Inadequate

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.

REGULATION 10. Non-conforming Food Establishments

Any food establishment, or portion thereof, that has been closed for at least 120 calendar day must be updated to comply with the current food and drink regulations before a permit to operate will be issued.

REGULATION 11. Food Additives

a. When conditioners, whiteners, fresheners, antioxidants or other such substances are added to food, they shall be used according to the labeled directions

b. When any food additive is used which may or can cause severe adverse reactions in sensitive individuals, the patrons shall be notified by means of a clearly visible sign or signs, not smaller than eight inches by eleven inches. Signs shall be posted as directed by Health Officer. Warning statements may be printed on the menu in addition to the posted signs. Signs and statements shall identify, in layman's terms, the ingredient being used.

CHAPTER III

COMMUNICABLE DISEASE CONTROL

REGULATION 1. Communicable Disease

- a. If the communicable disease is determined to be of such nature, and circumstances are such that the patient cannot be held in isolation and/or quarantine in the home, and cannot provide other suitable quarters so as to fully protect the family and/or public from infection, the Health Officer shall make an isolation and/or quarantine order in writing. Said isolation and/or quarantine order shall state the name and address of the person to be isolated, the period of time and conditions as may be necessary to the protection of the public health. A copy of said order is to be served upon the person named in the order.
- b. Any person who may have been exposed to a communicable disease is subject to the control of the Health Officer for such examinations and control measures as the Health Officer may deem necessary and proper for the protection of public health and the prevention of the spreading of disease.

CHAPTER IV

ANIMALS, BIRDS, FOWLS, RODENTS AND FLY BREEDING CONTROL

REGULATION 1. Definitions

1. The term “animal” shall include all mammals (excepting man), birds, fowls, and rodents.
2. For the purpose of this regulation, a populous district shall be a neighborhood with an average density of two (2) or more families per acre.

REGULATION 2. Keeping of Animals

- a. All animals shall be kept and maintained in such a manner as to not disturb the peace, comfort or health of any person residing within the county.
- b. Whenever animals are kept within the county without food, water and proper care, it shall be in the duty of the humane officer to take into custody such animals which are so kept.
- c. No person shall keep or maintain any poisonous reptiles or dangerous, carnivorous, wild animals without first having registered such animals or reptiles with humane officer. The humane officer may prescribe regulations to insure the safe penning or caging of such animals or reptiles.
- d. Piggeries -- (1) No pigsty or 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 pigs, all unconsumed garbage shall be removed daily and disposed of by burial or incineration.; (3) no organic material furnishing food 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 or mineral oil shall be used daily in sufficient quantities to prevent offensive odors and the breeding of flies.

REGULATION 3. Sanitary Regulations

- a. Any person, firm or corporation is prohibited from keeping any mammal, bird, fowl or rodent in such manner that the condition of the same shall cause fly breeding or constitute a nuisance, or which shall or does cause noxious or offensive odors.
- b. 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.

REGULATION 4. Manure 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.
- 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. Exception: In commercial animal feeding operations and chicken ranches, isolated farms and premises, the manure must be disposed of in the manner approved by the Health Department.
- c. Manure shall not be accumulated in any place where it can affect a source of drinking water.

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 precludes fly breeding and/or obnoxious odors.

CHAPTER V

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

REGULATION 2. Storage

Garbage, 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 be, or become a nuisance, prejudicial to life or health through the breeding of insects, the harboring of rodents, the pollution of water, or for any other reason.

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 prejudicial to life or health, through the breeding of insects, the harboring of rodents, the pollution of water, or for any other reason.

REGULATION 5. Storage or Removal of Garbage or Putrescible Material

- a. 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.
- b. 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. 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 permit therefore issued by the Health Officer of the Department. Permits shall be valid for one year, and applications for renewal shall be made annually. Permits shall no be transferrable. Violations of this Regulation by the permittee shall be sufficient grounds for suspension or revocation of the permit. The permittee shall be granted a hearing before the Board of Health before his permit may revoked.

CHAPTER VI
TRAILER COACH PARKS

REGULATION 1. Permits

In addition to compliance A.C.R.R. R9-8-501 through 561, of the Arizona State Department of Health Rules and Regulations governing trailer coach parks, no person shall operate a trailer coach park without obtaining and holding a permit to do so from the Department.

REGULATION 2. Weed Growth

Appropriate measures shall be taken to control weed growth in trailer coach parks to prevent harborage of insects and rodents, and to reduce fire hazard.

CHAPTER VII

SCHOOLS and FACILITIES HOUSING CHILDREN

(Pinal County Ordinance No. 42298-FHCSC adopted April 22, 1998)

Sections:

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- 7.12 Applicability
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- 7.15 Sanitation; General
- 7.16 Water Supply
- 7.17 Sanitary Facilities
- 7.18 Sewage Disposal
- 7.19 Garbage and Refuse
- 7.20 Food Handling

7.01 Purpose

The purpose of this chapter is to preserve and secure the health, comfort, welfare and safety of children who attend public, private or parochial schools, or who reside in a non-home facility, through the regulations of minimum sanitary requirements.

7.02 Applicability

The regulations contained in this chapter shall apply to all public, private, or parochial schools, and to non-home facilities maintaining juveniles on a twenty-four hour basis. **THIS CHAPTER SHALL NOT APPLY TO RESIDENCES THAT ARE EXCLUSIVELY PRIVATE FAMILY HOMES WHERE CHILDREN RESIDE WITH PARENT(S) OR LEGAL GUARDIAN(S), OR WHERE A DEPENDENT CHILD RESIDES.**

7.03 Definitions

In this chapter, the following definitions shall apply:

- (1) **“Non-home Facility”** means any place where three or more children reside, public or private, for profit or not-for-profit.
- (2) **“School”** means school as defined in A.R.S. § 15-101(3), A.R.S. § 15-101(12), and A.R.S. § 15-101(13).
- (3) **“Children”** means one or more individuals who are under the age of eighteen (18).
- (4) **“Dependent Child”** means a child who is adjudicated dependent, as defined in A.R.S. § 8-201(12).

7.04 Admittance of the Health Officer

No person shall refuse to admit the Health Office or his/her designated representative, at any reasonable time, upon request, to any part of the school or non-home facility for the purpose of inspection and verification of compliance with the regulations contained in this chapter.

7.05 Sanitation; General

- (1) Outside premises shall be free of puddles and clean.
- (2) All structures where students congregate shall be structurally sound, shall have water-tight roofs, shall have interior walls with cleanable surfaces, and shall be maintained in a sanitary condition.
- (3) Ventilation, whether natural or artificial, shall be non-noxious and controlled to prevent objectionable air currents on students and residents.
- (4) All facilities shall be in compliance with the Pinal County Building Code Ordinance as adopted by the Pinal County Board of Supervisors.

7.06 Water Supply

- (1) Each school building and non-home facility shall provide an ample supply of water, the source of which has been approved by the Department.
- (2) Drinking water shall be dispensed by means of:
 - A. An angle jet sanitary fountain with nozzle opening above the overflow rim, and producing a water stream free of contact with fixtures, or;
 - B. A sanitary cooler of a type approved by the Department, and single service cups retained in a sanitary manner.
- (3) The use of a common drinking cup and the vertical bubbler jet type fountain is prohibited.

7.07 Sanitary Facilities

- (1) Paper towels or other Department-approved hand-drying devices shall be provided in all lavatories. Common towels are prohibited.
- (2) Toilet paper shall be available at all times.
- (3) Lavatories with hot and cold or tempered water are required and shall be located in toilet rooms or immediately adjacent thereto.

7.08 Sewage Disposal

- (1) All liquid wastes originating from any building shall be discharged into a sewage disposal system which has been approved by the Department.
- (2) All plumbing shall comply with the requirements of the *Uniform Plumbing Code*, as adopted by this jurisdiction.

7.09 Garbage and Refuse

- (1) Fly-proof and water-tight metal or plastic containers shall be provided for garbage. Garbage containers shall be emptied at least twice per week (once per week in rural areas may be permissible) and the contents removed to an approved disposal site.
- (2) Garbage and refuse shall be handled, stored, transported, and disposed of in a manner which creates neither a nuisance nor a menace to health.

7.10 Food Handling

- (1) The handling and storage of food shall conform to the requirements contained in the *Arizona Administrative Code*, Title 9, Chapter 8, Article 1.

CHAPTER VIII

CAMPS AND CAMPGROUNDS

REGULATION 1. Permit

- a. The owner, operator, manager, or person-in-charge of any camp or campground shall have a permit to operate the camp or campground from the Department.
- b. Operations conducted at the camp or campground, for which there are separate regulations, require an individual permit for each operation.

REGULATION 2. Right of Entry

No person shall refuse to admit the Health Officer, at any reasonable time, upon request of the latter, to any part of the camp or campground for the purpose of inspection.

REGULATION 3. Inspection

- a. Camps and campgrounds shall be inspected by the Health Officer at least once each year during the operation of the camp or campground to insure compliance with A.C.R.R. R9-8-611 et. seq. and the provisions of this chapter.

REGULATION 4. Exclusions

Camps and campgrounds operated by the federal or state governments are excluded from the regulations of this chapter.

**CHAPTER IX
PUBLIC AND SEMI-PUBLIC
BATHING PLACES**

REGULATION 1. Definitions

- a. “Public bathing places” means an artificially constructed body of water, admission to which may be gained by the general public with or without payment of a fee.
- b. “Semi-public bathing places” means an artificially constructed body of water where admission to the use of the bathing place is included in the fee, or consideration paid or given for or the primary use of the premises.
- c. “Spa, hot tub” means a non-diving shallow semi-public or public pool with circulation and filtration equipment designed for therapeutic and recreational use, at temperatures greater than or equal to ninety (90) degrees Fahrenheit.
- d. “Special use therapy pool” means a shallow, non-diving semi-public or public pool with less than six (6) feet in depth intended for use as an exercise or therapy pool at temperatures less than ninety (90) degrees Fahrenheit.

REGULATION 2. Right of Entry

No person shall refuse to admit the Health Officer, at any reasonable time, upon request of the latter, to any part of the bathing place for the purpose of inspection.

REGULATION 3. Permits

Permits are required for the operation of all bathing places as defined in A.C.R.R. R9-8-811 (B).

REGULATION 4. Water Quality Standards

- a. The water quality of bathing places, hot tubs, spas shall meet the requirements of A.C.R.R. R9-8-812 except as described below.
 - 1. Whenever chlorine or chlorine compound is employed for disinfection of bathing places with temperatures less than ninety (90) degrees F., the amount of free residual chlorine in the water

as shown by the Dimethyl-P-Phenylenediamine (DPD) test shall not be less than 1.0.P.P.M. nor more than 3.0 P.P.M. Those bathing places operated at ninety (90) degrees or more shall be maintained with free chlorine residuals of 2.0.P.P.M. to 5.0.P.P.M., also measured by the DPD test.

2. Bathing places with temperatures less than ninety (90) degrees F., treated with bromine or a bromine compound for disinfection purposes, shall be maintained with not less than 1.0.P.P.M. nor more than 3.0.P.P.M. total bromine as shown by the orthotolidine “flash” test. Bathing Places in which bromine is used as a disinfection agent that are maintained at ninety (90) degrees F., or more shall contain total bromine levels of 2.0.P.P.M.

b. PH

All semi-public and public bathing places, hot tubs, and special use therapy pools shall be maintained at PH levels of 7.2 to 8.0.

REGULATION 5 Inspection

Inspections of public and semi-public bathing places shall be performed by the Health Officer not less than once each month during each month of operation and as often as necessary to insure compliance with this chapter and duly adopted A.C.R.R. R9-8-811 et, seq.

REGULATION 6. Recreational Equipment and Exercise Equipment

- a. Any permanently mounted exercise or recreational equipment that is used in connection with a public or semi-public bathing place must be approved in writing by the Health Officer before being installed.
- b. Two sets of plans, drawn to scale showing the pool, the proposed installation, walkways, and any existing equipment used in connection with the pool shall be submitted to the Health Officer for review and approval.
- c. The piece of equipment shall be located so that there is at least five feet of walkway to the sides and behind the equipment.
- d. Equipment shall be constructed of approved materials which are resistant to rust and corrosion.

- e. Equipment shall be constructed to minimize injury to users of the bathing place.
- f. Equipment shall be properly maintained to prevent injury to users.

REGULATION 7. Safety Provisions

- a. Public and semi-public bathing places and special use therapy pools equipped with self closing gate (s) and shall be kept locked when the pool is not in use.
- b. Bathing places equipped with gas chlorination shall have a separate chaining chlorine tanks to a wall or post.
- c. Ventilation fan, mounted at floor level, must be capable of producing a complete exchange of air on two (2) minutes. An approved gas mask shall be available directly outside one entrance to the chlorine room.

REGULATION 8. Design Criteria

- a. The design and construction of public or semi-public special use
- b. The design and construction of public or semi-public spas and hot tubs shall conform to the “Suggested Health and Safety Guidelines for Public Spas and Hot Tubs”, U.S. Department of Health and Human Services, Section 2.0 through 3.5, 4.4 and 5.3.3.

CHAPTER X

ON-SITE WASTEWATER TREATMENT FACILITIES

(Pinal County Ordinance No. 071906-OWTFC adopted July 19, 2006)

Sections:

10.12	Purpose
10.13	Applicability/Severability
10.14	Definitions
10.15	Permit
10.16	Site Investigation
10.17	Alternative Feature of Design, Installation or Operation
10.18	Approval to Discharge
10.19	Operational Responsibility
10.20	Appeals
10.21	Violation
10.22	Effective Date

10.01 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.

10.02 Applicability/Severability

- (1) The provisions of these regulations shall cover all matters affecting or relating to on-site wastewater treatment and disposal as set forth in this Ordinance.
- (2) Should any section or regulation of this Ordinance be judicially declared unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section or regulation so declared to be unconstitutional or invalid.

10.03 Definitions

In this chapter the following definitions shall apply:

- (1) "Department" means the Pinal County Division of Environmental Health
- (2) "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.
- (3) "Permit" means a written permit, stamp or seal of approval issued by the Pinal County Division of Environmental Health.
- (4) "Person" means a corporation, company, partnership, firm, association or society, as well as a natural person.

10.04 Permit

- (1) 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 a permit from the Department.
- (2) Before a 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 the Pinal County Planning and Development Department.
- (3) Before a 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 the Department.

10.05 Site Investigation

- (1) 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.
- (2) 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:
 - a. Arizona-registered professional engineer,
 - b. Arizona-registered geologist,
 - c. Arizona-registered sanitarian,
 - d. A certificate of training from a course recognized by the Arizona Department of Environmental Quality, or
 - e. Qualified under another category designated in writing by the Arizona Department of Environmental Quality or Pinal County Division of Environmental Health.
- (3) The results of a site investigation shall be reported on a form approved by the Department.
- (4) A person performing a subsurface characterization pursuant to any of the methods described in Arizona Administrative Code R18-9-A310(D) shall notify the department in person, by fax, or through email at least 24 hours prior to the anticipated start of the subsurface characterization activity. The notification shall include the name of the person or company that will conduct the subsurface characterization testing, the location where the testing is to occur, the time the testing is scheduled to begin, and a telephone number or other contact information for the person or company performing the testing.
- (5) After proper notification to the department, the person conducting a subsurface characterization may proceed with testing as scheduled. A representative of the department may visit the site during the test procedure. The presence of a department representative at the site is not a requirement or condition of conducting a subsurface soils characterization.

- (6) At the conclusion of the test, all test holes, pits, trenches or other excavations should be backfilled immediately to eliminate potential safety hazards.
- (7) Failure on the part of any person performing a subsurface characterization to provide notification to the department as specified in 10.05(4) may constitute grounds for rejection of those subsurface characterization test results for which the department did not receive prior and proper notice

10.06 Alternative Feature of Design, Installation or Operation

The Department 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.

10.07 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 the Department.

10.08 Operational Responsibility

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.

10.09 Appeals Process

A person may appeal any final decision made by the Department regarding the issuance or denial of a permit to install and/or discharge from an on-site wastewater treatment facility. For appeals of Department actions, administrative hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6 Administrative Procedures, A.R.S. § 41-1092 *et. seq.*, and A.A.C. R2-19-101 *et. seq.*

10.10 Violation

A person violating any provision of this chapter is guilty of a class 3 misdemeanor as provided in A.R.S. § 36-191 and may be punished accordingly. Each day of a continuing violation constitutes a separate offense.

CHAPTER XI

ADOPTION OF ADMINISTRATIVE RULES AND REGULATIONS BY REFERENCE

(A)

The Pinal County Board of Health hereby adopts by reference the following Rules and Regulations for the Arizona State Department of Health, dated June 30, 1980, and they are hereby given full force and effect as local Rules and Regulations of Pinal County Department of Public Health exceed those of the Arizona State Department of Health, and the penalties for violation thereof shall be in accordance with those set forth in this Sanitary Code:

Title 9, Chapter 6 as follows:

Article I	R9-6-111 thru R9-6-119	Control of Communicable Diseases in Man
Article III	R9-6-311	Reporting of Certain Contagious Diseases
Article IV	R9-6-411 thru R9-6-433	Tuberculosis Control

Title 9, Chapter 8 as follows:

Article I	R9-8-111 thru R9-8-191	Food and Drink
Article II	R9-8-255 thru R9-8-255 Repealed in 1978	Public or Semi-Public Water Systems
Article III	R9-8-301 thru R9-8-361	Sewage Systems and Treatment Works
Article IV	R9-8-401 thru R9-8-433	Refuse and other Objectionable Waste
Article V	R9-8-501 thru R9-8-561	Trailer Coach Parks
Article VI	R9-8-601 thru R9-8-617	Campgrounds
Article VII	R9-8-711 thru R9-8-717	Schools
Article VIII	R9-8-801 thru R9-8-852	Public and Semi-Public Bathing Places
Article X	R9-8-1001 thru R9-8-1036	Subdivisions

Article XI	R9-8-1101 thru R9-8-1111	Restrooms
Article XII	R9-8-1201 thru R9-8-1244	Human Excreta
Article XIII	R9-8-1301 thru R9-8-1338	Hotels, Motels, and Tourist Courts
Article XIV	R9-8-1401 thru R9-8-1413	Objectionable Facilities and Animals
Article XV	R9-8-1501 thru R9-8-1512	Lead Based Paint Control

CHAPTER XI

ADOPTION OF ADMINISTRATIVE RULES AND REGULATIONS

BY REFERENCE

(B)

The Pinal County Board of Health hereby adopts by reference from the United States Department of Health and Human Services “Suggested Health and Safety Guidelines for Public Spas and Hot Tubs”, dated April, 1981 (rev. January, 1985), and they are hereby given full force and effect as local rules and regulations of the Pinal County Department of Public Health, and the penalties for violation thereof shall be in accordance with those set forth in this Sanitary Code:

Section 2 as follows:

- 2.1 Materials of Manufacture
- 2.2 Structural Design
- 2.3 Dimensional Design
- 2.4 Steps, Recessed Steps, Ladders and Recessed Treads
- 2.5 Heater and Temperature Requirements
- 2.6 Electrical Requirements
- 2.7 Inlets and Outlets
- 2.8 Circulation Systems
- 2.9 Overflow Systems
- 2.10 Filters
- 2.11 Pumps and Strainers
- 2.12 Valves
- 2.13 Air Induction Systems
- 2.14 Disinfectant and Chemical Feeders
- 2.15 Sanitary Facilities
- 2.16 Ventilation

Section 3 as follows:

- 3.1 Water Supply
- 3.2 Waste Water Disposal
- 3.3 Decks
- 3.4 Deck Slope Recommendations
- 3.5 Equipment Room

Section 4.4 Signs

Section 5.3.3 Spa/Hot Tub Shells

ATTACHMENT 1
 PINAL COUNTY SANITARY CODE
 SCHEDULE OF FEES
 (Pinal County Resolution No. 10902-EHF approved January 9, 2002)

Permits, Inspections, Plans Examination

<u>Permit Required</u>	<u>Annual Fee</u>		
	FY 01-02 ¹	FY 02-03 ²	FY 03-04 ³
<i>FOOD ESTABLISHMENTS</i>			
Food Establishment	\$135	\$165	\$200
Drinking Establishment	\$135	\$165	\$200
Eating & Drinking (bar & restaurant)	\$225	\$270	\$325
Food Processor (bottled water, beverage, tortilla factory, ice manufacturing)	\$110	\$135	\$160
Mobile Food Unit	\$90	\$90	\$90
Temporary Food/Special Event (Food Booths)	\$25	\$25	\$25
Temporary Food/Special Event [501(C)(3) nonprofit]	\$0	\$0	\$0
Produce Stand	\$50	\$50	\$50
<i>OTHER FACILITIES</i>			
Liquid Waste Hauler	\$94	\$94	\$94
Refuse Hauler	\$94	\$94	\$94
Hotel/Motel	\$100	\$100	\$100
Mobile Home/RV Park	\$110	\$110	\$110
Campgrounds	\$70	\$70	\$70
Swimming Pool	\$100	\$100	\$100
Swimming Pool/Spa (one location)	\$125	\$125	\$125
Hydrotherapy Pool or Spa	\$70	\$70	\$70
<i>INDIVIDUAL ON-SITE SEWAGE DISPOSAL</i>			
	<u>Initial</u>	<u>Fee</u>	<u>Maximum</u>
Septic tank system (< 2999 gallons/day) ⁴ \$296		\$296	
Septic tank system (> 3000 gallons/day) ⁴ \$1800		\$400	
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
<i>SERVICE FEES</i>			
ADEQ Form 113 Review	\$55		\$55
ADWR Well Site Endorsement/Approval	\$55		\$55
Subdivision Plat Review \$500		\$55	

Mobile Home/RV/School Plan Review

\$55

\$500

ATTACHMENT 1 (Continued)
 PINAL COUNTY SANITARY CODE
 SCHEDULE OF FEES

Permits, Inspections, Plans Examination

<i>FOOD ESTABLISHMENT PLAN REVIEW</i>	<u>Initial</u>	<u>Fee</u>	<u>Maximum</u>
1500 sq. feet or less	\$225		\$500
1501 to 2500 sq. feet	\$225		\$500
2501 sq. feet or more	\$225		\$500
Food Processor Plan Review	\$225		\$500
Mobile Food Unit Plan Review	\$100		\$100
All other food plans (minor remodel)	\$75		\$75
 <i>MISCELLANEOUS FEES</i>			
Reinspection for unsatisfactory sanitation	\$75		
FHA/VA/Conventional Sewage-Water Approval	\$55		
Duplicated Copy	\$0.25/page		
Duplicated Permit	\$20		
 <i>DELINQUENT FEES</i>			
Permit Fee over 30 days	\$50		
Permit Fee over 60 days	\$100		
 <i>ENVIRONMENTAL HEALTH HOURLY RATE</i>		 \$55	

¹ The Fiscal Year runs from July 1, 2001 through June 30, 2002.

² The Fiscal Year runs from July 1, 2002 through June 30, 2003

³ The Fiscal Year runs from July 1, 2003 through June 30, 2004 at which time the BOS may elect to change or revise the fees for Food Establishments and Other Facilities

⁴ Includes up to two construction inspections