

**Sections:**

8.08.010 Scope.

8.08.020 Definitions.

8.08.030 Codes and standards.

8.08.040 No smoking areas.

8.08.050 Mobile food establishments—Generally.

8.08.060 Temporary and seasonal food establishments.

8.08.070 Food sanitation certificate offered by the department.

8.08.080 Food establishment licenses.

8.08.090 Special Recognition. Violation—Penalty.

8.08.100 Micro Markets Requirements – General

8.08.110 Pet Friendly Patio Requirements – General

8.08.120 Gloves, Use Limitation

**8.08.010 Scope.** 

The 2013 FDA Food Code, 2013 FDA Food Code Annexes, and the Arizona Administrative Code, Title 9, Chapter 8, Article 1 are adopted and incorporated into this chapter by reference as if set forth in full herein and shall be in full force and effect in Pima County to the extent that the provisions of the 2013 FDA Food Code are not expressly modified by the provisions of this chapter. All food establishments in the county must comply with the general provisions in 8.04 and with the 2013 FDA Food Code to the extent it is consistent with the express provisions of this chapter, as well as those specific sections and subsections in this chapter that pertain to a particular type of food establishment.

*(Ord. 2002-23 § 3 (part), 2002)*

**8.08.020 Definitions.** 

The definitions found in Chapter 8.04 of this code, the definitions stated in the 2013 FDA Food Code, the Arizona Administrative Code – Title 9 - Chapter 8, the Arizona Revised Statute – Title 36 – Chapter 8 Pure Food Control and the following definitions apply to all food establishments:

- ~~1. "Beverage plant" means a food establishment that does the process of mixing, compounding, carbonating, bottling, canning or manufacturing of a bottled or canned beverage for public consumption.~~
2. "Farmer's Market" means an organized and department approved market or group of stalls and booths where farmers and other vendors sell their produce and/or products directly to

consumers. ~~For licensing purposes a farmer's market will be considered a temporary or seasonal event.~~

3. "Food sanitation certificate" means a certificate issued by the health officer pursuant to this chapter.
4. ~~"Ice plant Manufacturing" means a food establishment, food processing plant, or other facility business that manufactures or processes ice and stores, packages, distributes, or sells ice for human consumption or for use in contact with food, food equipment or utensils.~~
5. "Initial license" means a license to operate a food establishment that is issued by the health officer to a new food establishment..
6. "Law" includes federal, state and local statutes, ordinances, regulations and executive orders.
7. "Micro Market" means an unattended food establishment where commercially prepackaged, time/temperature control for food safety foods or ready-to-eat fruits and vegetables are vended to a limited access area for employees and guests of a defined business address.
8. "Mobile food establishment" means a food establishment that is designed to be readily moveable and mounted on a motorized vehicle frame or vehicle-drawn or a pushcart or in a structure not permanently attached to the land.
9. "New food establishment" means a new or remodeled food establishment or where there is a change of ownership of an existing food establishment or a food establishment that has been closed for six months or more.
10. "Operating permit" means a permit to operate a food establishment that is issued by the health officer when a new food establishment with an initial permit or a food establishment with a provisional permit attains compliance with the health code.
11. ~~"Permit Reinstatement" means the 30 day period after the permit expiration date in which the operator may request for the permit to be reissued for original date plus one year. The Reinstatement fee must be paid in addition to the annual permit fee. Should an operator fail to have the permit reinstated within the 30 day period, they would have to re-qualify for a new permit. This may include plan submittal should major structural challenges be present.~~
12. "Pet Friendly Patio" means a designated and permitted outside dining service area where pets may accompany their owners.
13. "Place" means the physical location of a food establishment that is attached to the land or, for an establishment approved as a mobile food establishment, the vehicle identification number or the unique identifier assigned to the mobile food establishment by the health officer.
14. "Provisional license" means a license to operate a food establishment that is issued by the health officer when the operating license is withdrawn. .
15. "Pushcart" means a non-self-propelled vehicle., limited to serving ~~foods that are not potentially hazardous or foods pre-wrapped at a food establishment that are maintained at proper temperatures, or limited to the preparation and serving of frankfurters and foods with similar characteristics as frankfurters.~~
16. "Retail food establishment" means an establishment where food and food products are offered for sale or given away to a consumer and intended for off-premises consumption, including but not limited to, markets, grocery stores, convenience stores, and food banks. Does not include establishments that handle only non-potentially hazardous prepackaged snack-type foods or roadside markets that offer only uncut fresh fruits or vegetables for sale, or restaurants as defined in [Chapter 8.50](#).

17. "Seasonal food establishment" means a temporary food establishment that operates for more than 14 but not more than 120 consecutive days in conjunction with a single event or celebration at a specific location.
18. "Temporary food establishment" means a food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration.
- ~~19. **Trans fat:** An unhealthy substance, also known as trans fatty acid, made through the chemical process of hydrogenation of oils. Hydrogenation solidifies liquid oils and increases the shelf life and the flavor stability of oils and foods that contain them.~~

*(Ord. 2002-23 § 3 (part), 2002; Ord. 1998-25 § 2 (part), 1998; Prior code § 23.08.010(B))*

### **8.08.030 Codes and standards.**

In addition to the applicable construction and zoning codes and standards, the food establishment must comply with Chapter 8.04 and this chapter.

*(Prior code § 23.08.010(D))*

### **8.08.040 No smoking areas.**

The operator of a retail food establishment must post signs in the public areas designating them as "NO SMOKING" areas. The operator must not permit smoking of tobacco in any form, or carrying of a lighted cigar, cigarette or pipe in posted areas in accordance with the requirements as established by the Arizona Smoke-free Act, A.R.S. section 36-601.01

*(Ord. 2002-23 § 5, 2002; Ord. 1987-96, 1987: prior code § 23.08.070(HH))*

### **8.08.050 Mobile food establishments—Generally.**

- A. Single-service Articles. Mobile food establishments may only provide single service articles for use by the consumer.
- B. Base of Operation.
  1. A mobile food establishment must have a fixed food establishment to use as a base of operation. The base of operation must be constructed and operated to comply with the requirements of Pima County code 8.04 and 8.08 .
  2. A mobile food establishment must operate from the base of operation and report to the base of operation as often as necessary, and at least once a day, prior to the start of each day's operations, for all supplies, all cleaning and sanitizing of food equipment and all servicing operations. Failure to report to base of operation prior to the start of each day's operation may result in a Notice of Violation, and Notice of Violation re-inspection fee. Failure to comply with the base of operation and servicing requirements of section 8.08.050 may be grounds for revoking the operating permit of the mobile mood establishment.
  3. A fixed food establishment can serve as the base of operation for a limited number of mobile food establishments. The health officer determines the maximum number of mobile food establishments that a base of operation can support.. The health officer will use guidelines developed by the department, the Food and Drug Administration or the State of Arizona, including, the menu items, the volume of food being prepared or stored, the physical size of the mobile food establishment, the capacity of the equipment at the base of operation, and the capacity of the equipment in the mobile food establishment. The base of operation

establishment must be ~~licensed and~~ permitted as “Commissary Serving Mobile Food” operations. A qualifying restaurant shall obtain an additional permit as a commissary serving mobile food. .

~~4.~~

~~5.~~ A base of operation must submit, in accordance with the schedule below, a report to the department disclosing the names, addresses and operating license numbers of all mobile food establishments using the base of operation:

a. Monthly and annually at the time of permit renewal for the base of operation;

b. Within ten business days after a base of operation adds or removes a mobile food establishment; and,

c. ~~Within ten business days of a~~ Upon a request made by the health officer.

~~6.~~ Failure to submit any report to the department required under subsection B(4) of this section is grounds for the revocation of the base of operation’s operating license.

C. Servicing Area.

1. A base of operation must provide a servicing area for the mobile food establishment. The servicing area must have overhead protection for all supply, cleaning and servicing operations. A separate area must be provided for the flushing and drainage of liquid wastes and that area must be separate and apart from both the location provided for water servicing and for the loading and unloading of food and related supplies. A mobile food establishment that sells only packaged food, or that does not contain a water retention tank, does not need to have a servicing area at the base of operation. The surfaces in the servicing area must be constructed of smooth nonabsorbent material, such as concrete or machine-laid asphalt, and must be maintained in good repair, kept free of visible dirt and debris, and graded to drain.

2. The servicing area need not have wall. If the service area has walls, they must be maintained in good condition and kept sanitary.

D. Servicing Operations.

1. Potable water servicing equipment must be installed according to plumbing and health code and must be stored and handled in a way that protects the water and equipment from contamination.

2. When a mobile food establishment uses a liquid waste retention tank, the tank must be thoroughly flushed and drained daily during the servicing operation. All liquid waste must be disposed of in accordance with chapter 13.36 of the Pima County Code.

E. Additional Requirements

1. Business name. A mobile food establishment must permanently affix the business name to at least two structural sides of the mobile food establishment in four-inch or taller lettering. The business name must be clearly visible to the consumer at the service window, at any entrance to the mobile food establishment and on at least one other side of the establishment.

2. Mobile food establishments must provide information about their daily operations to the Department. Information such as location, address and business name, time in and time out of each stop must be provided in a format prescribed by the Department. Future technology may warrant a global tracking device purchased and maintained by the operation to provide the location of the mobile unit for inspection purposes and verification of commissary usage.

3 Mobile food establishments serving Time/Temperature Control for Safety Foods (“TCS”) must maintain a log of visits to the base of operation as required by this Department. This log shall be maintained using a Department approved format and ~~maintained~~ kept with the mobile unit at all times.

6. Sanitary toilet facilities for employees' use must be readily available within 200 feet of the mobile food establishment that operates at the same site for periods of more than two hours.
7. Temporary toilets if provided must be located greater than 25 feet from the mobile food unit.
8. A hand wash sink must be at least 9 inches wide, 9 inches long and 5 inches deep on all mobile food units and push carts.
9. Time Only as a public health control as explained in ~~Chapter VIII, Section 2, 3-501.19~~ of the FDA Food Code, shall not be used for mobile food establishments.
10. Food preparation in mobile food establishments shall be simplified to reduce excessive steps where food may become contaminated. This provision does not apply to foods that have been prepared or packaged in facilities meeting the requirements of this code.
11. ~~Outdoor~~ All cooking, processing, composing, compounding, preparing, grilling, storage or service of any food or beverage ~~is prohibited~~ shall be performed from inside of the mobile food units. Operations conducted exterior to the unit except at the base of operation commissary are prohibited.
12. All ~~Time/temperature controlled for food safety~~ TCS foods prepared at or sold from a mobile food establishment shall be prepared on the same day of sale or service. TCS foods shall not be held over from a previous day's operation unless otherwise approved by the Department.

*(Ord. 2002-23 § 7, 2002; Prior code § 23.08.120)*

#### **8.08.060 Temporary, and seasonal food establishments, and farmer's markets.**



- A. Scope. All temporary, and seasonal food establishments, and farmer's markets must comply with the provisions in this chapter, except as otherwise provided in this section.
- B. Restricted Operations.
  1. A temporary, or seasonal food establishment or farmer's market vendor must obtain a permit to operate for each single event or celebration. Applicable farmer's market vendors will either be issued a temporary or seasonal permit dependent upon length of operation.
  2. The license for a temporary or seasonal food establishment is valid for the duration of the single event or celebration. The health officer need not conduct an inspection of the temporary or seasonal food establishment before issuing the permit..
  3. All food served must be prepared at the site or in a food establishment that has a current operating permit from or is otherwise approved by the county health department.
  4. The temporary or seasonal food establishment can only serve menu items that are listed on the temporary/seasonal food establishment's operating permit application. Any item not listed on the application must be approved by the health officer at the event site before the item can be served. All menu items must be transported, stored and served in a manner that meets the requirements of the health code. Menu items that do not meet the requirements of the health code will not be approved by the health officer and cannot be served to the public.
- C. Equipment.
  1. The equipment in a temporary or seasonal food establishment must be located and installed to prevent food contamination and facilitate cleaning of the equipment and the food establishment.
  2. Equipment surfaces that have contact with food must be protected from contamination from consumers and other contaminating agents. The operator must provide effective shields for the equipment to prevent contamination.
- D. Single-service Articles. A temporary or seasonal food establishment that does not have the capability to properly clean and sanitize the food equipment, , including utensils and

tableware, may not reuse the food equipment, utensils or tableware and must provide only single-service articles for use by the consumer.

- E. Water. The food establishment must maintain and have available sufficient potable water for food preparation, for cleaning and sanitizing utensils and equipment, and for hand washing. The food establishment must have a heating facility capable of producing enough hot water for these purposes on the premises. When the distribution system for the potable water is by a hose conveyance, the hose must be a "food grade" hose that has been used for no other purpose.
- F. Waste. All sewage, including liquid waste, must be disposed of according to law. A mobile unit used at a temporary event may not be hooked up to a fixed water supply by means of a hose unless the unit has the availability of a sanitary sewage disposal system. All connections must prevent the potential of cross connection.
- G. Hand Washing. A convenient hand washing facility must be available for employee hand washing. The hand washing facility must consist of one of the following:
  - 1. Warm running water, soap, individual paper towels, and a waste container; or
  - 2. Gravity flow hand wash stations must have an off/on function allowing for both hands to be washed while the water is running (i.e. a thumb press button or lever which requires constant pressure at the point of water discharge is not approved); or A wash basin containing a chlorine solution of one hundred parts per million, individual paper towels, and a waste container; or
  - 3. —
- H. Food Storage and Protection.
  - 1. Food must be protected at all times from contaminating agents.
  - 2. Wrapped food must not be stored in direct contact with ice.
  - 3. Prepackaged food must not be stored in direct contact with water.
  - 4. Ice used for food storage must either be stored in containers that drain continuously or be drained as often as necessary to prevent the accumulation of water, and to prevent the mouth contact point of any canned or bottled beverage from submersion.
- I. Floors. Floors must be constructed of concrete, asphalt, tight wood, or other cleanable material and kept in good repair. Dirt or gravel, when graded to drain, may be used as sub-flooring when covered with clean, removable platforms, or duckboards or heavy tarping material
- J. Walls and Ceilings of Food Preparation Areas.
  - 1. Ceilings must be made of wood, canvas or other material that protects the interior of the establishment from the weather. Walls and ceilings of food preparation areas must be constructed in a way that prevents the entrance of insects. Doors to food preparation areas must be solid or screened and must be self-closing. Screening materials used for walls, doors, or windows must be at least sixteen mesh to the inch.
  - 2. Counter-service openings must not be larger than necessary for the particular operation conducted. These openings must be provided with tight-fitting solid or screened doors or windows that are to be kept closed except when in actual use

or is equipped with fans installed and operated to restrict the entrance of flying insects.

K. Additional Requirements for Sampling Food Products

1. Cutting of produce, melons, vegetables, or fruits is prohibited except to show that an item is seedless, ripe, or appropriate color or other characteristic. Cut produce, vegetables, fruits, or melons must not be offered as a sample for tasting to consumers and must not be sold.
2. Food sampling is limited to non-potentially hazardous foods and those TCS foods ~~potentially hazardous foods (time/temperature control for safety foods)~~ that require limited preparation.
3. ~~Only limited quantities of sampled product may be ready for sampling at any given time~~ Sample are limited to commercially pre-packaged products or unwrapped foods with a maximum size of two (2) ounces. All unwrapped food products that have not been distributed by ~~at~~ the end of the business day must be discarded.
4. No public self-service sampling is allowed. Each sample must be prepared by the operator and handed to the customer, or placed in single service container for consumption. A physical barrier, such as an approved sneeze guard, must be in place to prevent contamination of the food. Bulk dispensers are prohibited for sampling.
5. Only single service utensils and containers may be used for preparing samples. Single service items may not be reused.
6. Each permit holder, who provides samples, must provide a lined waste container for the disposal of used single service items and other waste products that is easily accessible from their location.
7. Hand washing facilities must be available at the booth for operators use at all times when any open food or beverage product is served or sampled.

*(Ord. 2002-23 § 9, 2002; Prior code § 23.08.140)*

**8.08.070 Food safety training offered by the department.**

- A. A food safety course shall be offered by the department which will encompass techniques for the safe handling of food, statutes and ordinances regarding food handling, and the procedures used during the inspection of food establishments. The course prepares a designated person in charge (PIC) to effectively demonstrate knowledge of risk factors inherent to the food operation.
- B. To obtain a food safety training certificate of completion, a person must first complete an application, pay the applicable fee, attend a training course and pass a written examination. An individual may elect to take a challenge exam without attending the classroom training, the exam fee must be paid prior to taking the exam.
- C. Examination by the Department. The health officer will test the applicant by examination at a place designated by the department. A grade of eighty percent or more is considered passing. A certificate of successful completion will only be issued upon achievement of a score of 80 percent or higher. A grade of less than eighty percent is failing and a certificate will not be issued. A course attendee may re-test after paying the retake fee but no sooner than 24 hours from their last failure.

- D. Lost or Destroyed Certificate. If a certificate is lost or destroyed a duplicate certificate may be obtained from the health officer for a fee set forth in subsection H 2 of Section 8.04.130.
- E. Certificate Availability. The food safety certificate of completion obtained from the department must be available for inspection by the health officer as required in subsection E 1 of section 8.08.080.

~~Food sanitation certificate offered by the department.~~ 

- ~~A. Scope. All food establishments must comply with the provisions adopted in the sanitary code pertaining to the particular type of food establishments and this section. The requirements set forth in this section are in addition to the operating license requirements in Section 8.04.130~~
- ~~B. Food Sanitation Certificate Application.~~
  - ~~1. To obtain a food sanitation certificate from the department, a person must complete an application supplied by the health officer. A nonrefundable fee in an amount prescribed by Section 8.04.130 must be paid upon submission of the application.~~
  - ~~2. After an applicant submits the completed application and fee payment, the health officer will immediately issue a receipt to the applicant and as soon as possible either schedule the applicant for an examination or, if the applicant chooses, a food sanitation course.~~
- ~~C. Food Sanitation Course. A food sanitation course will be offered by the department that encompasses techniques for the sanitary handling of food, statutes and ordinances regarding food handling, and the procedures used during the inspection of food establishments. The course may be taken at the discretion of the applicant before the applicant takes the examination. The course is not a prerequisite to the applicant's first examination but is required if the applicant fails the examination.~~
- ~~D. Written Examination. The health officer will test the applicant by examination at a place designated by the health officer. A grade of seventy five percent or higher is passing.~~
- ~~E. Issuance of Certification. The health officer issues a food certificate upon the applicant's passing the written examination with a score of 75% or higher. The certificate expires three years from the date of issue.~~
- ~~F. Expiration and Renewal. Upon expiration of the food sanitation certification, the individual must follow the prescribed procedures to obtain a new food sanitation certificate or otherwise be in compliance with person in charge requirements.~~
- ~~G. Lost or Destroyed Certificates. If a certificate is lost, destroyed or misplaced, a duplicate certificate may be obtained from the health officer for a fee set forth in subsection J of Section 8.04.130.~~

~~H. Certificate Availability. An individual's food sanitation certificate must be available at all times for inspection by the health officer.~~

*(Ord. 2002-23 § 11, 2002; Ord. 1992-7 § 3, 1992; Ord. 1990-40 § 4, 1990; Ord. 1987-95 (part), 1987; Ord. 1985-166 (part), 1985; prior code § 23.08.190)*

**8.08.080 Food establishment operating permits.** 

- A. Food Establishment Operation. No person may operate a food establishment without a valid operating permit issued by the health officer. A valid operating permit must be posted in public view in every food establishment.
- B. Issuance of Permit. To obtain an operating permit the following requirements must be met, unless otherwise exempted by the provisions of this chapter:
  - 1. A person who wishes to operate a food establishment must complete a written application for an operating permit on forms provided by the health officer;
  - 2. Before a permit is issued the health officer must conduct an inspection and determine that the proposed food establishment meets the requirements of the health code; and
  - 3. If the proposed food establishment complies with the requirements of this chapter the health officer will issue an initial operating permit which will remain in effect as set forth in subsection E(1) of this section.
- C. Suspension of Permit.
  - 1. The health officer may suspend a permit to operate a food establishment, excluding temporary or seasonal food establishments, pursuant to Arizona Administrative Code R9-8-106 and R9-8-109.
  - 2. When the health officer inspects and documents eight or more priority or priority foundation items on a food safety evaluation report , the food establishment's operating permit will be suspended and the establishment must cease operation until all priority violations have been corrected or for the succeeding 24 hour period, whichever is longer.
  - 3. When the health officer determines an imminent health hazard exists at an establishment including a temporary or seasonal food establishment, the establishment must cease operations until the health officer has re-inspected and verified that an imminent health hazard no longer exists.
  - 4. When no imminent health hazard exists at a temporary or seasonal food establishment, all other violations must be corrected immediately or within twenty-four hours at the judgment of the health officer. If the violations are not corrected within twenty-four hours, the temporary or seasonal food establishment permit will be suspended and the operations must cease until the health officer has re-inspected the establishment and verified that the violations have been corrected.
- D. Reinstatement of suspended Permits.
  - 1. The health officer may end the suspension at any time if the reasons for the suspension no longer exist, and the violation(s) which caused the suspension is corrected and verified by the health officer.

E. Initial or Provisional Permit. Food establishments with an initial or provisional permit may be inspected as often as determined appropriate by the health officer.

1. Initial Permit. An initial permit issued to a new establishment pursuant to subsection B of this section is valid for up to 180 days. The health officer will conduct an on-site inspection within the first thirty days of operation to determine if the food establishment complies with the health code.

- a. The health officer will issue an operating permit if the health officer determines that the food establishment is in compliance with the health code on the inspection conducted within the first thirty days of operation or any subsequent inspection during the initial permit period.
- b. If the health officer determines that a food establishment is not in compliance with the health code on the inspection conducted within the first thirty days of operation, the initial permit will be retained until compliance is achieved, but for no longer than 180 days from the original date of issue. The food establishment will be placed on an intervention program to assist in achieving compliance.
- c. Failure to achieve compliance by the end of the 180-day initial permit period will result in the suspension or revocation of the initial permit in the manner allowed by law.

2. Provisional Permit. When a food safety evaluation inspection determines that the food establishment failed to comply with five to seven priority or priority foundation items, the operating permit will be suspended and a provisional permit issued. The correction requirements of the applicable FDA Food Code must be followed for all violations not corrected by the end of the inspection. The provisional permit fee established in 08.04 Table I, must be paid prior to the health officer will conducting a re-inspection within ten days from the issuance of the provisional permit.

- a. If upon re-inspection the health officer determines that the food establishment is in compliance with the health code, the operating permit will be reinstated.
- b. If, upon re-inspection, the health officer determines that the food establishment is not in compliance with the health code, the health officer will establish a Corrective Action Plan to assist in achieving compliance.
- c. A provisional permit is valid for no more than 180 days from the date of issuance. Failure to achieve compliance by the end of the 180-day provisional license period will result in the suspension or revocation of the food establishment's license in the manner allowed by law.

G. Food Safety Training. When a food safety evaluation report documents that the food establishment has failed to comply with five or more priority or priority foundation items and when so directed by the health officer:

1. The permit holder of the food establishment is responsible for assuring that all food employees, at the food establishment attend food safety training offered by the department as set forth in section 8.08.070. ~~Temporary food establishments are exempt from this training requirement.~~

2. The department will offer food safety training. If the permit holder of the food establishment requests the food safety training from the department, the department may, at the department's option, conduct the training at the food establishment.
3. When the permit holder of the food establishment requests food safety training from the department, a fee will be charged in the amount set forth in [Section 8.04.130](#)
4. A food sanitation certificate will not be issued to food employees at the completion of the food safety training provided by the department, without the required fee for testing and the successful completion of the test.

*(Ord. 2002-23 § 12, 2002; Ord. 1987-97 (part), 1987; prior code § 23.08.200)*

### **~~8.08.090 Special Recognition.~~**

~~The health officer will recognize publicly those food establishments that have no documented critical violations and those that are in continuous compliance with the provisions of this chapter. Public recognition will be in the form of a rating card bearing the letter "A" and may also include certificates, media notification, or any other recognition determined appropriate by the health officer. Rating cards will clearly indicate an expiration date, which is one year from date of issuance or until the next inspection, whichever is sooner.~~

*(Ord. 2002-23 § 13, 2002)*

### **8.08. 090 Violation—Penalty.**

A person violating any provision in this chapter is subject to the penalties prescribed in [Chapter 8.04](#) of this code.

*(Ord. 2002-23 § 14, 2002; Prior code § 23.08.210)*

*NEW*

### **8.08.100 Micro Markets Requirements – General**

- A. A Micro Market may only be located where access can be limited to employees and customers of the business.
- B. The permit applicant shall submit plans for review and approval. Plans must include documentation that the equipment is certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program.
- C. The area of a Micro Market in which food is displayed shall be limited to a space of three hundred (300) square feet or less.
- D. All Micro Market display units offering time/temperature controlled for safety food shall have an automatic control that prevents the equipment from opening:
  - a. When there is a power failure, mechanical failure, or other condition that results in an internal equipment temperature that cannot maintain food temperatures as

- specified under Chapter 3 of the U.S. Food and Drug Administration 2013 Code;  
and until
- b. the equipment is serviced and restocked with food that has been maintained at temperatures specified under Chapter 3 of the U.S. Food and Drug Administration 2013 Food Code.
- E. When the automatic shutoff within a display described under paragraph C. of this section is activated, the ambient temperature may not exceed 41 degrees Fahrenheit for more than thirty minutes immediately after the display is filled, serviced, or restocked.
  - F. Labeling requirements for prepackaged food items shall be met as required by the U.S. Food and Drug Administration 2013 Food Code.
  - G. Refrigerated, ready-to-eat, time/temperature controlled for safety food, displayed at a Micro Market, shall be discarded if the automatic shutoff control is activated as specified in C.1. of this section.
  - H. All Micro Market display units offering time/temperature controlled for safety food shall be equipped with a self-closing door, an automatic shut-off device, and shall comply with all applicable regulations established by the (National Automatic Merchandising Association Standard)

### **8.08.110 Pet Friendly Patio Requirements – General**

~~Pet Friendly Patio~~ In addition to the U.S. Food and Drug Administration 2013 Food Code Rule 6.501.115, no pet (except for service animals) shall be allowed in or on a food establishment premises unless the Department has issued a Pet Friendly Patio Permit to the food establishment. A Pet Friendly Patio Permit shall not be issued unless the food establishment complies with the following conditions and standards:

- A. A separate entrance shall be provided from the exterior of the food establishment to the outdoor patio so that a pet will have direct access to the patio without entering the interior of the food establishment or any playground area of the food establishment. A pet on an outdoor patio shall not be allowed within seven feet of any entrance to the interior of the food establishment, except when necessary to enter or exit the patio.
- B. A sign with at least half inch letters shall be posted at the front entrance of the food establishment so that it is easily visible to the public. The sign shall state: "Pet Friendly Patio - access only through outdoor patio. For complaints/violations, contact Pima Health Department (520) 724-7908."
- C. No food may be prepared, including mixing drinks and serving ice, in the outdoor patio area, except that a beverage glass may be filled from a pitcher or other container that has been filled or otherwise prepared inside the food establishment.
- D. The outdoor patio must be continuously maintained free of visible pet hair, dander and other pet-related waste and debris. The outdoor patio shall be hosed down or mopped with animal-friendly chemicals at the beginning of each shift during which food or beverages are served (breakfast, lunch, dinner, or late-hours). If a food establishment has continuous food or beverage service without designated shifts, then the outdoor patio shall be hosed down or

mopped with animal-friendly chemicals every six hours that the food establishment is open for business, except that such cleaning is not required if no pet has been present on the outdoor patio since the last cleaning. Waste created from a pet's bodily functions must be immediately cleaned up with animal-friendly chemicals. All pet waste shall be placed in a fly-tight container located adjacent to the patio area and disposed of outside of the food establishment in an appropriately covered waste receptacle. Equipment used to clean the outdoor patio must be kept outside of the food establishment.

E. Employees shall not touch, pet or otherwise handle any pet while serving food or beverages or handling tableware.

F. All pets shall be kept on a short leash and remain in the control of the customer at all times while in the outdoor patio area. All pets shall wear a collar or harness and have a current license (when applicable).

G. Pets shall not be allowed on any seat, chair, a patron's lap, table, countertop, or similar surface in the outdoor patio area.

H. Pets shall not be allowed to have any contact with reusable food service dishes or utensils. A pet may only have contact with disposable single service containers that provide food or water to the pet.

I. All patio surfaces shall be constructed of materials that are smooth, easily cleanable, and durable.

J. The food service establishment shall comply with all applicable local ordinances and rules.

### **8.08.120 Gloves, Use Limitation**

A. Single-use gloves shall be used for only one task, such as working with ready-to-eat food or with raw animal food.

1. Hands must be washed prior to donning a single service glove.

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

3. Single-use gloves shall be used for no other purpose, and shall be discarded when damaged or soiled or when interruptions occur in the operation.

B. Slash-resistant gloves that are used to protect the hands during operations requiring cutting, shall not be used in direct contact with food, unless that food is subsequently cooked as specified under Part 3-4 of the U.S. Food and Drug Administration 2013 Food Code, such as frozen food or a primal cut of meat.

C. Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves have a smooth, durable and nonabsorbent outer surface, or if the slash-resistant gloves are covered with a smooth, durable, nonabsorbent glove or a single-use glove.

D. Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked as specified under Part 3-4 of the U.S. Food and Drug Administration 2013 Food Code, such as frozen food or a primal cut of meat.