

# **Fixed Food Establishment Starting a Food Business, Change of Ownership, and Plan Review Guidelines**

## **Do It Yourself Edition**

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# Preface

The purpose of this “Do-It-Yourself” edition is to help the first-time owner or independent operator of a food establishment complete the licensing process or plan review for food establishments in Pima County.

The Health Department strongly recommends that persons seek the professional services of a licensed architect, engineer, contractor, food service consultant or other knowledgeable individual before constructing or remodeling a building, or purchasing/fabricating food equipment.

All food establishments must be inspected before the Health Department will issue the operating license. Food establishments must comply with the regulations in *Title 8* of the Pima County Code, hereafter called the *Food Code*, before a license will be issued. (The terms that are blue hyperlinks can access the corresponding web sites if you press the Ctrl key while clicking on the link with your mouse.)

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## Fixed Food Establishments – Frequently Asked Questions

(SMALL CAPS formatting is shown the first time that a term is used that is defined in either the Pima County Code *Title 8: Health and Safety* or the *Arizona Food Code*. Hereafter, both *Title 8* and the *Arizona Food Code* will be referred to as the *Food Code*. The Health Department strongly advises all prospective LICENSE HOLDERS to become familiar with the regulations written in the *Food Code*.)

### ***How can I obtain a copy of the Food Code?***

The Health Department provides a copy of *Title 8: Health and Safety, Arizona Food Code* (hereafter called “*Food Code*”) for a small fee. The [Food Code](#) can be downloaded from the internet at the State of Arizona’s web site (<http://www.az.gov>) under the “Food Safety and Environmental Services Section” page (keyword: food safety).

### ***What are “Fixed Food Establishments”?***

FIXED FOOD ESTABLISHMENTS are FOOD ESTABLISHMENTS that are constructed to be attached to the land in a permanent structure. (In this document, fixed food establishments will be called “food establishments.”)

### ***What is a food establishment?***

The *Food Code* has a strict definition for food establishments, but in general, it is any food business that provides food to the public. This food can be sold or given away.

### ***What are examples of food establishments?***

Food establishments can include restaurants (all types), grocery stores, child care centers, schools, hospitals, caterers, jerky processors, salsa makers, frozen food purveyors, ice cream sellers, coffee houses, tortilla factories, churches, non-profit organizations, social clubs, meat markets, etc.

### ***How do I start a food establishment in Pima County?***

Depending on the type of food establishment, you can construct a new food establishment, purchase an existing food establishment, reopen a closed food establishment, or, for catering or limited food manufacturing, submit a proposal and food process documents.

### ***Must all food establishments have an operating license from the Pima County Health Department?***

Yes, all food businesses that meet the definition of a “food establishment” in the *Food Code* must have an OPERATING LICENSE from the Pima County Health Department.

### ***What governmental regulations apply to food establishments?***

Food establishments may be governed by several regulations. Listed below are several codes that have regulations about that can affect their operation. This list is not inclusive of all regulations that may apply to the food establishment.

- **Pima County Code Title 8, Health and Safety** (From this code comes the regulations that governed the construction and the food-service operation of food establishments.)
- **Building Codes** of the jurisdiction, locality, or municipality in which the food establishment will be

constructed or remodeled.

- **Zoning Codes** of the jurisdiction, locality, or municipality in which the food establishment operates. (Zoning codes usually govern where a fixed food establishment can be built.)
- **Smoking ordinances** of the jurisdiction, locality, or municipality in which the food establishment can operate. The City of Tucson, the unincorporated areas of Pima County and the Town of Oro Valley have enacted smoking ordinances. Contact the specific jurisdiction for requirements of food establishments and smoking areas. All facilities that are not constructed to meet the smoking requirements of the jurisdiction will be “non-smoking” food establishments.
- **Other local ordinances** of the jurisdiction, locality, or municipality in which the food establishment can operate. Each jurisdiction decides which business licenses are needed to sell food in its area. These licenses are in addition to the operating license from the Pima County Health Department.

### ***Do these regulations have any “grandfather” type clauses?***

The Pima County Code, *Title 8: Health and Safety* does not contain a provision for the “grandfathering” of any portion of the food-service regulations. All food establishments must be in compliance with the current code.

Other regulations may have “grandfathering” clauses. Please contact the jurisdiction to ascertain if there are “grandfathered” regulations that exist for your food establishment.

### ***What if I buy an existing food establishment? Are there special procedures to have the operating license transferred to me?***

All changes of ownerships are treated in the *Food Code* as making a “new” food establishment. New food establishments are subject to the annual operating license fee, the plan review process, final inspection and any changes that the Health Department determines is necessary to bring the food establishment into compliance with the *Food Code*.

*To summarize the process for changes of ownership:*

1. Apply and pay for the new operating license
2. Submit a menu with the license application
3. Pay an inspection fee
4. Changes of ownership may require that the plan review process be completed before the food establishment opens for business

### ***How long does it take before I can begin operating the food establishment that I have purchased?***

It depends on the condition of the food establishment and its food equipment and your resources to correct any violations of the *Food Code*. Changes of ownership can result in closing the food establishment until the food establishment is in compliance with the *Food Code*.

### ***What does “compliance” with the Food Code mean?***

Compliance means to have no critical violations present. In the *Food Code* an asterisk is used to denote a critical violation. (You can purchase copies of the *Food Code* from the Health Department or download it

from the internet at the State of Arizona's web site, [www.az.gov](http://www.az.gov).)

Food establishments must also repair, renovate, or refurbish any food equipment or area of the establishment that is in disrepair, defective or in poor working condition. Examples include repairing plumbing fixtures, replacing ceiling tiles, repairing floors and walls, cleaning and certifying food equipment before use.

### ***How can I find out if the food establishment has been cited for violations of the Food Code?***

If the food establishment is in operation or closed within the last six (6) months, then you can review the inspection history of the food establishment. You can also purchase or download a copy of the *Food Code* to make your own assessment of the establishment. The Health Department strongly recommends that first time owners or operators of food establishments employ a licensed architect, engineer, contractor, food service consultant or other knowledgeable individual to make the assessment.

### ***Will the Health Department conduct an assessment of the food establishment for me?***

The Health Department will do an assessment of the facility for an inspection fee. However, the Health Department doesn't do consultative work such as design, purchasing, or violations of any other code, i.e., building codes. Typically, the assessment report looks like this:

1. Repair the floor, if the floor is in disrepair
2. Repair the walls, if the walls have holes in them or other defects
3. All food equipment must be ANSI/NSF-approved, if food equipment is homemade or made for the domestic/residential market
4. Replace the ceiling tile, if ceiling tiles are missing
5. Install a backflow device on an unprotected waterlines, if one is missing
6. Install a hand sink, if one is not present wherever open foods or clean ware is handled
7. Install a correctly sized three-compartment sink, if the current one has compartments are too small for the kitchen or table ware that is currently being used
8. Repair food equipment, if the food equipment is not in good working condition

Consult the "Plan Review Guidelines" that are included in this document for more information about the criteria for different aspects of the food establishment.

### ***Why wasn't the food establishment closed for having these violations before I purchased it?***

Once a food establishment is approved for operating, it is inspected on a routine basis. These violations could have been noted on an inspection report, but the owner decided to sell or close the business within the time frame, as specified on the report or in the *Food Code*, for correcting these violations.

### ***What can I do to minimize any interruption of business for the food establishment that I am purchasing?***

Contact Consumer Health and Food Safety as soon as you plan to purchase a food business, and at least

thirty (30) days ahead of the proposed lease or purchase date. We can begin the process to transfer the license and help you plan for a smooth transition.

### ***What types of licenses are available for food establishments?***

All food establishments are issued either an annual or a temporary event operating license. Temporary event licensing is reserved for non permanent food establishments not to exceed 120 days. All other food establishments are issued annual operating licenses. The Health Department categorizes these licenses according to the types of food services and the complexity of food preparation and handling. These categories do not affect the fee for the operating license.

### ***How are the fees set for operating licenses?***

The fees are set according to the square footage of the food establishment. The square footage includes the kitchens, wait areas, dining areas, restrooms, food storage areas, equipment storage areas, and any space that must be inspected by the Pima County Health Department.

### ***How do I get an operating license for a food establishment in Pima County?***

All food establishments must pass an inspection before the operating license will be issued.

*Summary of steps to obtain an operating license from the Health Department:*

1. Apply for a operating license and pay the appropriate license fee and the inspection fee
2. Complete the plan review process, if required
3. Pass a final inspection before beginning to operate

### ***How do I know if I will have to complete the “plan review” process before operating?***

Call the Consumer Health and Food Safety office and speak to a supervisor. The telephone number is (520) 740-2760. Listed below are situations where the food establishment could be subject to plan review before the operating license is issued:

1. New construction
2. Remodeling
3. New caterer or food manufacturer
4. Change of menu, including adding food items to the previous menu
5. Reopening after being closed for six months or longer
6. Adding or replacing food equipment
7. Keeping the same menu but changing the way that food is prepared or handled

### ***Are tenant improvements considered “new construction”?***

Yes, tenant improvements are considered new construction.

***What kind of remodeling requires plan review?***

The *Food Code* defines REMODELING. Typically, remodeling, like adding a bar, changing the layout of the kitchen or wait areas, adding or removing food equipment, or adding or removing plumbing fixtures requires plan review. Discuss your proposed changes with the Sanitarian in your area or call the office and speak with a supervisor.

# Fixed Food Establishment – Plan Review Process

## ***What is Plan Review?***

Plan Review is the process of reviewing plans for the construction or remodeling of food establishments. The plan review process assures that all food establishments are constructed or remodeled in compliance with the *Food Code*. Plan review can minimize, through proper design of a food establishment, the potential for operational violations that are often cited during routine health inspections.

## ***Do all food establishments have to complete plan review?***

The follow categories usually complete plan review before the operating license is issued:

1. New construction
2. Remodeling
3. Change of menu, including adding food items to the previous menu
4. Reopening after being closed for six months or longer
5. Adding or replacing food equipment
6. New catering business
7. New limited food manufacturing business
8. Keeping the same menu but changing the way that food is prepared or handled

## ***How do caterers or limited food manufacturers complete the plan review process?***

Caterers and limited food manufacturers complete a “modified” plan review process before their operating licenses are issued. This process includes an inspection of the food establishment where the caterer or limited food manufacturer will work. Consult the *Catering and Limited Food Manufacturing* guidelines for more information.

## ***Is there a fee for plan review?***

The fee for plan review ranges from \$53 to \$382. The fee applies to all new food establishments and remodels of food establishments. The plan review fee includes a preliminary and a final inspection of the food establishment. If more inspections are required, the Health Department may recover the costs of these inspections by assessing additional inspection fees.

## ***Should I build or remodel my food establishment before I submit my plans?***

No, you should wait until after your plans have been reviewed and approved before building or remodeling the food establishment.

## ***When should I submit the plan to build or remodel my food establishment?***

Submit your plans at least thirty (30) days before beginning the building or the remodeling of your food establishment.

### ***How long is the plan review process?***

Plans usually take about thirty (30) days to review. However, the process can take up to ninety (90) days according to the *Food Code*. Plans are usually reviewed in the order that they are received by the Health Department.

### ***Does the Health Department ever do a “walk-thru” approval of the plan?***

In almost every case, the request for a “walk-thru” approval will be denied. Only the most basic of food establishments might be reviewed in a reasonable amount of time during an office appointment (e.g., making fudge with a simple process in a small scale operation that uses a single room for preparation, storage, packaging and retail).

First, it typically takes several hours to days to complete a review because plans are reviewed thoroughly to ensure that the construction will adhere to all requirements and regulations that are in the *Food Code*. This review time allows for the research of needed information, calculations of the various equipment or plumbing capacities, verification of equipment and materials or clarification of the plan.

Secondly, depending on the food processes that will be present in the food establishment, the review may have to research regulations written in the Title 9 and Title 21 of the [Code of Federal Regulations](http://www.access.gpo.gov/nara/cfr/) (<http://www.access.gpo.gov/nara/cfr/>), the [Plan Review Guide](http://vm.cfsan.fda.gov/~dms/prev-toc.html) (<http://vm.cfsan.fda.gov/~dms/prev-toc.html>), published by the Food and Drug Administration (FDA), or other current scientific literature such as the *Journal of Food Protection*.

Last, in order to conduct a “walk-thru” approval, all data must be present for the reviewer to make a well-informed decision. This data includes specification sheets for all food equipment, samples of interior food-contact, non food-contact finishes and some construction materials, knowing the number of employees, volume of food, hours of operation, food delivery schedule, etc.

### ***What if I constructed or remodeled my food establishment before I submitted plans?***

You will still have to submit a plan that is prepared according to the *Food Code* and departmental guidelines. The plan must show the required detail. The plan must be approved by the Health Department before a final inspection will be schedule. Persons that construct or remodel their food establishment before obtaining approval risk additional costs if the construction or remodeling requires any changes to comply with the *Food Code*.

### ***What if I don’t know how to draw the layout of a food establishment?***

The Health Department strongly recommends that plans be drawn by a professional like a licensed architect, engineer or a food service consultant.

### ***How do I choose food equipment?***

All food equipment must be approved by the American National Standards Institute (ANSI). The National Sanitation Foundation is a part of ANSI. Most food equipment will have an ANSI or NSF label or sticker on it showing that it has been approved by these organizations. Any food equipment that does not have an ANSI or NSF approval must meet the standards set by these organizations. Submit manufacturer/specification sheets for all non ANSI/NSF equipment.

### ***How do I submit plans to the Health Department?***

1. Complete a plan review packet for the food establishment that you want to license. Make sure that you include all of the information listed in the plan review requirements.
2. Complete the plan review application and pay the plan review fee at the office of Consumer Health and Food Safety.

### ***After I submit the plan, what happens next?***

**The Health Department will accept the plan for further review or reject it.**

The plan could be rejected for insufficient information or for not following the departmental guidelines. If the plan is rejected, the person listed on the plan review application will be contacted within five (5) business days to pickup the plan and to submit a revised plan. Resubmitted plans are subject to additional plan review fees. The Health Department strongly advises all persons to carefully review the plan review guidelines and submit a plan with all of the information that is required.

If the plan is not rejected, the Health Department will continue to review the plan and, if necessary, write comments on the plan to address specific issues.

These comments could address:

1. Violations of the *Food Code*
2. Selection and placement of construction materials
3. Selection and placement of food equipment
4. Problems with the design of the food establishment
5. Problems with the menu being served
6. Recommendations to make the food establishment easier to operate and comply with the *Food Code*

### ***Will the Health Department return my plan to me?***

Yes, the Health Department will return your original plan, with any comments, to you.

You have one year from the time that the plan is approved to begin construction. After one year, the approval that you received from the Health Department becomes “void” and you must begin the plan review process again.

Complete the changes to the food establishment as required by the comments on the plan. If you have any questions about the comments, contact the person who reviewed your plan.

### ***What if I don't understand or disagree with the comments on the plan? What do I do?***

If you have any questions about the comments, contact the person who reviewed your plan. If no contact is made, the Health Department holds the prospective LICENSE HOLDER (owner/operator) responsible for having the changes incorporated into the construction of the food establishment.

**Reminder: The comments are not construction “options” for the food establishment.** The comments reflect the changes required in the food establishment in order that the Health Department can issue an

operating license to it. The comments are requirements to bring the food establishment into compliance with the *Food Code*.

***What if I want to change the layout, plumbing, or equipment during construction? Do I need approval to do these changes?***

Yes, you will need to submit the changes from your approved plan to the Health Department for additional approval. The Health Department can charge additional plan review fees to recover the cost of evaluating these changes. If you change your plans without obtaining approval from the Health Department, you can fail your final inspection and be delayed in opening the food establishment.

***How should I plan for the “grand opening” of my food establishment?***

Review the “Grand Opening Checklist” that is included with this guide.

1. Carefully follow the comments on the plan review and change the construction to comply with them.
2. Allow several days to correct any deficiencies that may be noted during inspections from Building Codes and the Health Department.
3. Request a preliminary inspection at least three to seven (3 to 7) days before the date you want to begin storing food or training employees in the food establishment.
4. Request a final inspection at least seven (7) days before the anticipated opening date.

***Should I schedule a preliminary inspection before the final inspection?***

Preliminary inspections are required before you can store food or train employees. The Health Department recommends that you request a preliminary inspection, especially if this is your first food establishment.

Depending on the purpose of the inspection, food equipment may have to function properly or construction must be completed in the area being inspected.

***I have finished making the changes to my food establishment, how do I get a final inspection?***

1. Call the Health Department and make an appointment with the supervisor of the plan review program. If that person is unavailable, you will be directed to another supervisor. Usually, you can get an appointment within three (3) days of your call.
2. Apply and pay for an operating license. You can apply for the license at Consumer Health and Food Safety. We are located at 150 West Congress Street, Room 321; the office hours are from 8 am to 5 pm, Monday through Friday. You must complete the license application process before the Health Department will inspect the food establishment.

***What does the Health Department check during the final inspection?***

Review the “Grand Opening Checklist” that is included with this guide.

1. Verify that the food establishment was constructed according to the plan that was approved by the Health Department. **The plans that the Health Department approved must be at the job site, in**

**addition to the final set of construction plans that were approved by Building Codes.**

2. Verify that the food establishment is in compliance with the *Food Code*.
  - a. Verify that construction meets the requirements of the *Food Code*.
  - b. Verify that the plumbing system works.
  - c. Verify that essential food equipment works and is in compliance with the *Food Code*.
    - i. Refrigeration must be on and show an ambient (air) temperature of 40°F or less.
    - ii. Hood must be operational.

### ***Can the food establishment fail the final inspection?***

Yes.

First, the food establishment must be constructed as approved by the Health Department. Major deviations from the approved plans may require that the plan review process begin again.

Secondly, the plumbing system, the refrigeration equipment and the hood must be operating and be free from any violations of the *Food Code* for the final inspection. If this equipment is not operating, the food establishment will fail the final inspection. If other equipment is not operating, the food establishment may fail the final inspection.

### ***What happens if the food establishment fails the final inspection?***

The inspector will list the corrections that are necessary to have the food establishment pass the final inspection. When the corrections are completed, schedule another final inspection with the inspector. The Health Department can request the payment of additional inspection fees for any inspections beyond the one preliminary inspection and the one final inspection that are included in the plan review fee.

# General Plan Review Requirements for Fixed Food Establishments

## ***Frequently Asked Questions***

### ***Are there guidelines on plan review?***

First, the Health Department has guidelines for plan review. These guidelines are listed as part of this document. However, they are not inclusive of all regulations and requirements that can pertain to a food establishment.

Secondly, the [Food Code](http://www.az.gov) states food equipment and construction regulations in Chapters 4, 5 and 6. (<http://www.az.gov>)

Thirdly, the Food and Drug Administration (FDA) publishes a [Plan Review Guide](http://www.fda.gov). This guide discusses the critical design aspects for food establishments. It covers equipment placement, finish schedules, hood requirements, plumbing requirements, etc. (<http://www.fda.gov>)

Last, the [National Sanitation Foundation](http://www.nsf.org) (NSF) publishes various guides for different food equipment from small wares to cooking and ware-washing equipment. (<http://www.nsf.org>)

The Health Department uses both the *Food Code* and the FDA's *Plan Review Guide* when evaluating a plan for a food establishment. The Health Department also uses current literature and publications from scientific journals or professional organizations, such as the *Journal for Food Protection* and the National Sanitation Foundation, in evaluating plans.

### ***What if I need help in designing the layout or choosing food equipment for my food establishment? Does the Health Department provide any of these services?***

No, the role of the Health Department is to approve or reject the construction of the food establishment in fulfilling its regulatory obligation to the public.

The Health Department strongly recommends that persons seek advice from architects, engineers, food service consultants, contractors or other knowledgeable professionals in designing and constructing food establishments.

### ***How do I choose the food equipment?***

The *Food Code* requires that all food equipment be approved by the American Standards National Institute (ANSI). This organization oversees the National Sanitation Foundation (NSF). The NSF certifies that all food equipment bearing its approval meets certain characteristics. Most times you will still see food equipment with the NSF label on it and not the ANSI label.

Furthermore, the Health Department recommends that all or some food equipment is placed on casters instead of legs. Casters allow for the fitting of more food equipment into tighter spaces and for the ease of cleaning. When equipment is not on casters, then certain minimum spacing is required between each piece of equipment and the walls. Consult Part 6 of the FDA's *Plan Review Guide* for more details.

***What if my food equipment doesn't have ANSI or NSF approval?***

Some food equipment may not have ANSI or NSF approval. However, all food equipment must be commercially made, intended for use by the food industry, and meet the same standards as ANSI/NSF-approved food equipment.

***Do smoking ordinances apply to food establishments?***

The City of Tucson, Town of Oro Valley and unincorporated areas of Pima County have smoking ordinances. All food establishments must comply with the smoking ordinance in their area. Consult the City of Tucson and the Town of Oro Valley for their requirements. In unincorporated Pima County, contact the Health Department.

***What is a "variance"? How do I request one?***

A variance is when the food establishment wants to deviate from a regulation written in the *Food Code*. All requests for variances must follow the procedure stated in Chapter 8 of the *Food Code*. Requests for variances are reviewed on an individual basis and should be submitted during the plan review process.

## General Guidelines

These are guidelines for food establishments in Pima County, Arizona. They apply to the building or remodeling of a food establishment and to food establishments that have been closed for six months or longer. In addition, these guidelines can apply to food establishments that change ownership.

1. All facilities that prepare or distribute food to the public are subject to regulatory oversight and compliance with the sanitary code unless the Health Department grants a variance. No “exemptions” will be granted based on the terminology unless that terminology is defined in the sanitary code. These terms: “warming kitchen,” “serving kitchen” or “turn-key restaurant” are not defined in the sanitary code.
2. A new or remodeled food establishment or a food establishment that has been closed for six months or longer must submit plans for approval at least thirty days (30 days) before beginning construction or reopening date. Remodeled food establishments are subject to compliance with current sanitary code in all areas of the establishment.
3. Plan review can apply to establishments that change ownership. Contact Consumer Health and Food Safety to determine if plan review will be required.
4. Consult with the Development Services/Planning and Zoning and the Fire departments of the jurisdiction of where the business will be for any additional requirements, licenses or permits.
5. Food establishments that continue food service during a remodel must file an action plan that states how the establishment will comply with the sanitary code while remodeling.
6. All food establishments must have a minimum of a hand-washing sink, a food preparation sink, a utility (mop) sink and either a three-compartment sink or dishwasher. In some cases, a three-compartment sink and a dishwasher are required. Department approval is required for those establishments that want to use the sanitizing sink for food preparation purposes.
7. Plans that are submitted for remodeled food establishments must show the same information for new construction except:
  - a. The plan must label existing and new food equipment as such, so that existing equipment can be differentiated from new equipment.
  - b. Mechanical ventilation drawings can be excluded unless the remodel includes the addition or replacement of exhaust hoods or fans or the length of the cook line increases beyond the current size of the hood.
8. The Health Department must approve any changes to the submitted plan, including the number and location of plumbing fixtures, cooking or refrigeration equipment. The Health Department may require that the plan be resubmitted.
9. The Health Department must approve of all food storage at an establishment before the final inspection is completed. Contact the Health Department and arrange for a preliminary or final inspection at least seven (7) days before placing an order for food.
10. By the final inspection date, the establishment shall have staff who can comply with *Arizona Food Code* section 2-102.11. Attend an accredited food safety program, if necessary to meet the requirements in Chapter 2-102.11. [Programs](#) accepted by Pima County are listed in this guideline.

## Construction Requirements for All Food Establishments

### *Physical Plant*

- Adequate space shall be provided for storage of food, utensils, paper products, supplies and cleaning equipment. Consult the *Plan Review Guide* for Food Establishments published by the FDA at <http://vm.cfsan.fda.gov/~dms/prev-toc.html> and the *Arizona Food Code* at <http://www.hs.state.az.us/phs/oeh/rs/pdf/fc2000.pdf>
- At least one (1) toilet room with a lavatory must be provided for employees. One or more public restrooms that meet the requirements in the sanitary code can be substituted for the employee toilet room, if located within the same building/area and available to all staff. Check with the building codes or planning and zoning department of the jurisdiction in which the establishment is located for possible additional requirements. Toilet rooms must be mechanically vented to the roof.
- Floors, walls and ceilings of walk-in refrigerators, food preparation, ware washing, toilet rooms, wait stations or any area subject to splashes and spills shall be constructed of durable materials. Consult the Part 10 of the *Plan Review Guide* for guidelines on the proper interior finishes for floors, walls and ceilings.
- Finishes shall be smooth, nonabsorbent and easily cleanable. Walls and ceilings of these areas are to be light in color. Floor/wall junctures shall be sealed or provided with a coved base where water flush cleaning methods are used. Consult the *Arizona Food Code* for the definitions and the criteria for the terms: smooth, nonabsorbent and easily cleanable.

### *Plumbing*

- Hot and cold water must be provided to all sinks. Faucets shall be of the mixing type.
- The number and location of the **hand-washing** sinks shall be convenient to employees preparing or dispensing exposed food or handling clean ware, i.e., food preparation and ware washing areas. Hand-washing sinks may be required in wait areas.
  - Tempered water, if provided, shall be at least 110°F to all hand-washing sinks.
  - Meter faucets, if used, must remain on for at least 15 seconds.
  - Toilet rooms must have a hand-washing sink (lavatory) in, or immediately adjacent, to them. The Health Department recommends that hand-washing sinks (lavatories) be placed within the toilet room.
- A **food preparation or culinary sink** is required for any establishment in which food is washed or thawed. The food preparation sink must be connected indirectly to the sanitary sewer through a drain line that has an air-gap. Typically, this air-gapped, indirect connection is via piping that terminates at least 1" above a floor sink or floor drain. Department approval is required for those establishments that want to use the sanitizing sink for food preparation purposes. The Department recommends that each sink of a food preparation sink has a faucet with hot and cold water provided to it. Department approval is required for food establishments installing two or three-compartment food preparation sinks.
- No less than a **three-compartment sink** shall be provided for the washing and sanitizing of food contact equipment. The sanitizing sink must be sized to immerse the largest piece of food equipment that is placed in it. Drain boards shall be provided. The Department recommends that the sanitizing sink be indirectly drained for all establishments, in addition to any food preparation sink that is installed.
- A **service or utility (mop) sink**, preferably the "low boy" type, is required. This may be installed in a toilet room or outside, as permitted by law. It may not be located in the food

preparation area or any place where food or food equipment may become contaminated from splash. Mop sinks cannot be used as hand-washing sinks or vice versa.

- **Floor sinks or approved floor drains** are required for plumbing fixtures or food equipment requiring an indirect waste connection.
  - Floor sinks or drains:
    - shall be located where they are accessible for cleaning and be set flush with the finished floor,
    - cannot be placed inside of walk-ins, or
    - cannot be located under immovable equipment, cabinetry, or millwork where any liquid waste would be inaccessible for cleanup
  - Drain lines to floor sinks/drains shall be 6" above the floors, and whenever possible, attached to the wall before emerging above a floor sink or drain. (Drain lines can be placed in the wall before emerging above the floor sink or drain, if permitted by the plumbing code.) Drain lines should not run along the floor. Brace supports on the floor will require Departmental approval and modification as specified by the health officer to comply with the sanitary code.
  - Indirect waste connections to floor sinks or drains are required on ice machines, ice bins, evaporator condensate lines, fountain drink machines, dish machines and food preparation sinks.
- A **commercial dish machine** may be installed in addition to the three-compartment sink. The dish machine must be:
  - the dish machine is large enough for all food utensils that are placed in it,
  - it is equipped with a pre-wash/pre-scrape area, and has
  - a hose bibb to facilitate manual in-place cleaning of food equipment.Establishments are strongly advised that the three-compartment sink is sized appropriately to be able to continue operating when the dish machine is not working.
- A **pre-wash/pre-scrape area** must be provided to remove gross food particles from utensils prior to washing.
- Adequate **backflow protection** must be installed on all waterlines connected to inlets below the floor rim of equipment. This type of inlet is typically found on garbage disposals, steam tables, steamers, flatware sinks, etc. The backflow device must be visible and accessible during routine inspections without the inspector using additional aids like ladders to inspect them.
- A **reduced pressure principle assembly** (also called a **reduced pressure backflow preventer** or **reduced pressure backflow assembly (RPBA)** or **RP**) must be installed on the waterline to the carbonator for the soda fountains or other carbonated drink machines. No copper or brass tubing or fittings can be installed downstream from the RP. The RP must be tested and certified after installation. A copy of certification must be given to the Health Department before or during the final inspection.
- **Water filtration equipment** should be installed before the backflow device on the waterline to the carbonator.
- **Waterlines to the carbonator** should be split or teed before the backflow device if using copper to feed other beverage or ice-making equipment.
- Food and equipment cannot be placed under **unprotected/unshielded sewer lines, e.g., condensate lines**. However, food can be placed under potable water lines if they do not leak.
- Pima County Wastewater determines the need and the size for all **grease traps or grease interceptors**. Grease traps cannot be placed in food preparation or food storage areas or in ware washing areas that are in the same room as food preparation or food storage.

### ***Food Equipment***

- List the make and model number for all food equipment that will be installed in the establishment. Include equipment specification sheets for all specialty or unusual food equipment.
- All food equipment shall be approved by the American National Standards Institute (A.N.S.I.); non-commercially made or domestic-styled equipment cannot be installed in a food establishment, e.g., no homemade tables with wooden legs or refrigerators/freezers made for residential kitchens.
- Refrigeration units must be able to maintain a 41°F food temperature in all newly constructed food establishments and any refrigeration equipment replaced during a remodel.
- Sneeze guards must conform to FDA or NSF standards for construction, installation and use. Supply elevations of all equipment or areas using a sneeze guard or other barrier to prevent customer contamination of food.
- The Health Department recommends placing food equipment on casters whenever possible.
- Walk-in shelving shall be easily removable and be constructed of rust resistant metal or plastic. Solid shelving is not recommended because it impedes the air circulation around foods.
- Wooden cabinets, shelves, etc., shall be sealed, painted, etc., to provide a washable or cleanable finish. The type of finish is dependent on the location of the cabinetry or shelving.
- All counter top food equipment shall be easily movable, or sealed to the counter or be mounted on 4" legs.
- All floor mounted food equipment shall be easily movable, or seated and sealed to the floor or mounted on 6" legs or casters.
- Food equipment must be properly installed as described in Part 6 of the *Plan Review Guide* that is published by the FDA.

### ***Mechanical (Heating Ventilation and Air Conditioning), Hoods, Exhaust Fans***

- Smoking ordinances affect construction in the City of Tucson, the Town of Oro Valley and the unincorporated areas of Pima County. Consult the Building Code division of the corresponding municipality for more information.
- Hoods must extend 6" beyond the open side and front edges of the food equipment on the cook line. Hoods must provide sufficient movement of air to prevent excessive heat, obnoxious odors, smoke, condensation, fumes, and vapors from accumulating.
- Exhaust fans or other approved ventilation must be used for restrooms. Exhaust fans must be vented to the roof. They must run continuously at all times during building occupation or be made to run when the light switch in the restroom is activated.

### ***Waste Disposal***

- Dumpsters and compactors must be placed on concrete or asphalt surfaces.
- Food waste compactors must have a water line available and be located over a drain to the sanitary sewer.

### ***Other Codes***

- Other codes may apply to the construction of a food establishment, i.e., Uniform or International Building Code (IBC or UBC), Uniform Mechanical Code (UMC), Uniform or International Plumbing Code (IPC or UPC), National Electrical Code, American Society of Sanitary Engineering (A.S.S.E.), <http://www.asse-plumbing.org/>, et al. If there is a conflict between two or more regulations or codes, the more restrictive one applies.
- These guidelines represent only a summary of the sanitary code that may affect the construction or remodel of a food establishment. They have been prepared from *Title 8* of the Pima County Health and Safety Code, the *Arizona Food Code* published in Title 9, Chapter 8 of the Arizona Administrative Code (AAC) and the *Plan Review Guide* published by the Food and Drug Administration (FDA).

### ***Accredited Food Safety Programs***

The following programs are accredited in Pima County:

<b><u>ORGANIZATION</u></b>	<b><u>CERTIFICATE NAME</u></b>
1. Pima County Health Department <a href="http://www.pimahealth.org">http://www.pimahealth.org</a>	<a href="#">Pima County Food Sanitation Certificate</a>
2. Certifying Board for Dietary Managers <a href="http://www.dmaonline.org">http://www.dmaonline.org</a>	<a href="#">Certified Food Protection Professional (CFPP)</a>
3. Experior Assessments <a href="http://www.experioronline.com">http://www.experioronline.com</a>	<a href="#">National Certified Professional Food Manager (NCPFM)</a>
4. National Registry of Food Safety Professionals <a href="http://www.nrfsp.com">http://www.nrfsp.com</a>	<a href="#">Certified Food Safety Manager</a>
5. National Restaurant Association Education Foundation <a href="http://www.edfound.org">http://www.edfound.org</a>	<a href="#">ServSafe®</a>

**For more information, contact Consumer Health and Food Safety at:**

Telephone: 520-243-7708

Fax: 520-628-9597

Address: 3950 S. Country Club, Tucson AZ 85714

Email: [chfs@pimahealth.org](mailto:chfs@pimahealth.org)

**❖Reminder: The license holder must request a variance for all deviances from the *Food Code*. Requests for variances must be made according to the procedure stated in Chapter 8 of the *Food Code*.**

# Minimum Requirements for Plan Submittal

## All plans submitted to the Health Department must include:

1. A completed plan review application
2. One payment of \$382.00 for plan review should accompany the plan. When the facility will have multiple operating licenses, then the Health Department may assess additional plan review fees to correlate to each operating license that will be issued. An alternative plan review fee of \$53 may be assessed for limited remodeling. Contact the Health Department if are unsure as to which fee applies to your construction plan.
3. Complete menus—include all food items sold or served, even those items that may be sold or served at a future date. Describe any peculiar process if a non-traditional process is used for preparing a menu item. Some processes may require that a HACCP plan be submitted.
4. Plans that are drawn to scale on 16"x24" or larger blueprint, sepia or plain paper. Plans must include a site map that shows where the food establishment will be located.
5. Plans must show:
  - 5.1. Type of establishment—e.g., grocery, restaurant, processing plant.
  - 5.2. Layout of premises—show water/sewer connections, garbage/compactor area, toilet rooms (restrooms), etc.
  - 5.3. Layout of the building must be shown—all rooms, including walk-in refrigerators, must be identified. Room sizes must be shown.
  - 5.4. Equipment layout—Show all equipment that will be installed. State the make and model number of the equipment. Specification sheets for equipment may be requested, as needed to complete plan review. Include equipment specification sheets for any specialty or unusual equipment.
  - 5.5. All utilities
    - 5.5.i. Plumbing layout—Show sinks, floor sinks, and drains, grease interceptor and hot and cold water lines. Indicate whether the water and sewage are public or private. **All food establishments must have a minimum of a hand-washing sink, a food preparation sink, a utility (mop) sink and either a three-compartment sink or dishwasher. In some cases, a three-compartment sink and a dishwasher are required.**
    - 5.5.ii. Electrical—Show breaker boxes and receptacles
    - 5.5.iii. Lighting or reflected ceiling plan—indicate the type of lights and shielding. Specify ceiling finish. Acoustical tile ceilings require the name of the ceiling's manufacturer and the name or number of the tile.
    - 5.5.iv. Mechanical ventilation—Include hoods and exhaust fans. Check with the local jurisdiction about any applicable smoking ordinances.

- 5.6. Finish schedule—Show type of construction and finishing of floors, walls and ceilings in food preparation, utensil washing, toilet rooms (restrooms), walk-ins and wait station areas.

## **Plan Review Application Checklist Fixed Food Establishments**

### **Make sure that the plan review application is complete.**

If you do not submit a complete plan review packet with all required attachments, the Health Department may return the incomplete application to your organization for resubmission with the missing information or attachments. This will delay the plan review and could delay the beginning date of the construction, remodeling or reopening. Plans that are resubmitted to the Health Department may be charged additional plan review fees.

### **Have you submitted?**

- Plan review application and paid fees
- Plans for entire establishment drawn to scale with the:
  - Equipment layout in the establishment—Include an equipment list of the make and model - include specifications for specialty or unusual equipment
  - Complete plumbing layout—water and waste lines, grease traps or interceptors, backflow devices, shutoff valves
  - Mechanical (Ventilation):
    - Method
    - Location
    - Hood type
    - Exhaust fan, type and location
  - Reflected ceiling plan including lighting- type, location, how shielded
  - Electrical schedule
  - Finish schedule for all floors, walls and ceilings
- Menu or food product process description attached; show all foods to be served now and in the future
- Trash - storage method and location

Pima County Health Department  
Consumer Health & Food Safety  
3950 S. Country Club  
Tucson, AZ 85749





## Grand Opening/Final Inspection Checklist

### Fixed Food Establishments

- Step 1. Do you have the copy of the approved plans from the Health Department at the food establishment? The Health Department's plans have green writing on them.
- Step 2. Have you turned on power to the food establishment? All utilities must be functioning on the day of the final inspection.
- Step 3. Has the water heater been turned on and set to the proper temperature so that all sinks have hot and cold water to them? The water temperature must be at least 110°F at all hand-washing sinks and lavatories.
- Step 4. Do you have thermometers in all of the refrigerators, including the walk-in cooler? The thermometer must show 40°F or lower to have the unit approved for storing refrigerated food.
- Step 5. Have you cleaned up the debris from doing the construction or remodel? All debris must be removed from food equipment and food storage areas for these items to pass inspection.
- Step 6. Have you called the Health Department to schedule the final inspection? The Health Department requires at least 72 hours in advance notification to arrange for a final inspection.
- Step 7. Have you applied and paid for the operating license? The Health Department will only conduct final inspections if the application for the operating license is on file in the office.
- Step 8. Have you designated a "Person-in-Charge" as required by Chapter 2-102.11 of the Arizona Food Code? Attend an accredited food safety program, if necessary to meet the requirements in Chapter 2-102.11.

## Definitions from the Arizona Food Code (abbreviated listing)

An abbreviated listing of definitions from the Arizona Food Code is provided for some terms stated in this guideline.

**For a complete listing of terminology used in plan review, consult Pima County Code Title 8 published by the Pima County Clerk of the Board, the Arizona Food Code published by the Secretary of State of Arizona and the Plan Review Guide published by the Food and Drug Administration.**

(4) "Approved" means acceptable to the REGULATORY AUTHORITY or to the FOOD regulatory agency that has jurisdiction based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

(6) "Beverage" means a liquid for drinking, including water.

(14) "Consumer" means a PERSON who is a member of the public, takes possession of FOOD, is not functioning in the capacity of an operator of a FOOD ESTABLISHMENT, and does not offer the FOOD for resale.

(15) "Corrosion-resistant material" means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the FOOD to be contacted, the normal use of cleaning compounds and SANITIZING solutions, and other conditions of the use environment.

(19) Drinking Water.

(a) "Drinking water" means water that meets 40 CFR 141 National Primary Drinking Water Regulations.

(b) "Drinking water" is traditionally known as "potable water."

(c) "Drinking water" includes the term "water" except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "nondrinking" water.

(20) "Dry storage area" means a room or area designated for the storage of PACKAGED or containerized bulk FOOD that is not POTENTIALLY HAZARDOUS and dry goods such as SINGLE-SERVICE items.

(21) Easily Cleanable.

(a) "Easily cleanable" means a characteristic of a surface that:

(i) Allows effective removal of soil by normal cleaning methods;

(ii) Is dependent on the material, design, construction, and installation of the surface;  
and

(iii) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into FOOD based on the surface's APPROVED placement, purpose, and use.

(b) "Easily cleanable" includes a tiered application of the criteria that qualify the surface as EASILY CLEANABLE as specified under Subparagraph (a) of this definition to different situations in which varying degrees of cleanability are required such as:

(i) The appropriateness of stainless steel for a FOOD preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for CONSUMER dining; or

(ii) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the CONSUMER dining area.

(22) "Easily movable" means:

(a) Portable; mounted on casters, gliders, or rollers; or provided with a mechanical means to safely tilt a unit of EQUIPMENT for cleaning; and

(b) Having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the EQUIPMENT to be moved for cleaning of the EQUIPMENT and adjacent area.

(23) "Employee" means the LICENSE HOLDER, PERSON IN CHARGE, PERSON having supervisory or management duties, PERSON on the payroll, family member, volunteer, PERSON performing work under contractual agreement, or other PERSON working in a FOOD ESTABLISHMENT.

(25) Equipment.

(a) "Equipment" means an article that is used in the operation of a FOOD ESTABLISHMENT such as a freezer, grinder, hood, ice maker, MEAT block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, TEMPERATURE MEASURING DEVICE for ambient air, VENDING MACHINE, or WARE WASHING machine.

(b) *"Equipment" does not include items used for handling or storing large quantities of PACKAGED FOODS that are received from a supplier in a cased or over wrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.*

(25a) "FC" means the United States Food and Drug Administration publication, Food Code: 1999 Recommendations of the United States Public Health Service, Food and Drug Administration (1999), as modified and incorporated by reference in A.A.C. R9-8-107.

(27) "Food" means a raw, cooked, or processed edible substance, ice, BEVERAGE, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

(29) "Food-contact surface" means:

(a) A surface of EQUIPMENT or a UTENSIL with which FOOD normally comes into contact; or

(b) A surface of EQUIPMENT or a UTENSIL from which FOOD may drain, drip, or splash:

(i) Into a FOOD, or

(ii) Onto a surface normally in contact with FOOD.

(30) "Food employee" means an individual working with UNPACKAGED FOOD, FOOD EQUIPMENT or UTENSILS, or FOOD-CONTACT SURFACES.

(31) Food Establishment.

(a) "Food establishment" means an operation that stores, prepares, packages, serves, vends, or otherwise provides FOOD for human consumption:

(i) Such as a restaurant; satellite or catered feeding location; catering operation if the operation provides FOOD directly to a CONSUMER or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or FOOD bank; and

(ii) That relinquishes possession of FOOD to a CONSUMER directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(b) "Food establishment" includes:

(i) An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location *unless the vending or feeding location is PERMITTED by the REGULATORY AUTHORITY*; and

(ii) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the PREMISES; and regardless of whether there is a charge for the FOOD.

(c) "Food establishment" does not include:

(i) *An establishment that offers only prePACKAGED FOODS that are not POTENTIALLY HAZARDOUS;*

(ii) *A produce stand that only offers whole, uncut fresh fruits and vegetables;*

(iii) *A kitchen in a private home if only FOOD that is not POTENTIALLY HAZARDOUS is prepared for sale or service at a function such as a religious or charitable organization's bake sale if allowed by LAW and if the CONSUMER is informed by a clearly visible placard at the sales or service location that the FOOD is prepared in a kitchen that is not subject to regulation and inspection by the REGULATORY AUTHORITY;*

(iv) *An area where FOOD that is prepared as specified in Subparagraph (c) (iv) of this definition is sold or offered for human consumption;*

(v) *A kitchen in a private home, such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers FOOD to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 6, breakfast is the only meal offered, the number of guests served does not exceed 18, and the CONSUMER is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the FOOD is prepared in a kitchen that is not regulated and inspected by the REGULATORY AUTHORITY; or*

(vi) *A private home that receives catered or home-delivered FOOD.*

(32) Food Processing Plant.

(a) "Food processing plant" means a FOOD ESTABLISHMENT that manufactures, packages, labels, or stores FOOD for human consumption and does not provide FOOD directly to a CONSUMER.

(b) "Food processing plant" does not include a FOOD ESTABLISHMENT as defined under Subparagraph 1-201.10(B) (31).

(36) Group Residence.

(a) "Group residence" means a private or public housing corporation or institutional facility that provides living quarters and meals.

(b) "Group residence" includes a domicile for unrelated PERSONS such as a retirement home or a long-term health care facility.

(37) "HACCP plan" means a written document that delineates the formal procedures for following the HAZARD Analysis CRITICAL CONTROL POINT principles developed by The National Advisory Committee on Microbiological Criteria for Foods.

(44) "Kitchenware" means FOOD preparation and storage UTENSILS.

(45) "Law" means applicable local, state, and federal statutes, regulations, and ordinances.

(50) Packaged.

(a) "Packaged" means bottled, canned, cartoned, securely bagged, or securely wrapped.

(b) *"Packaged" does not include a wrapper, carry-out box, or other nondurable container used to containerize FOOD with the purpose of facilitating FOOD protection during service and receipt of the FOOD by the CONSUMER.*

(51) "License" means the document issued by the REGULATORY AUTHORITY that authorizes a PERSON to operate a FOOD ESTABLISHMENT.

(52) "License holder" means the entity that:

(a) Is legally responsible for the operation of the FOOD ESTABLISHMENT such as the owner, the owner's agent, or other PERSON; and

(b) Possesses a valid LICENSE to operate a FOOD ESTABLISHMENT.

(53) "Person" means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

(54) "Person in charge" means the individual present at a FOOD ESTABLISHMENT who is responsible for the operation at the time of inspection.

(57) "Physical facilities" means the structure and interior surfaces of a FOOD ESTABLISHMENT including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

(58) "Plumbing fixture" means a receptacle or device that:

(a) Is permanently or temporarily connected to the water distribution system of the PREMISES and demands a supply of water from the system; or

(b) Discharges used water, waste materials, or SEWAGE directly or indirectly to the drainage system of the PREMISES.

(59) "Plumbing system" means the water supply and distribution pipes; PLUMBING FIXTURES and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the PREMISES; and water-treating EQUIPMENT.

(60) "Poisonous or toxic materials" means substances that are not intended for ingestion and are included in 4 categories:

(a) Cleaners and SANITIZERS, which include cleaning and SANITIZING agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;

(b) Pesticides, *except* SANITIZERS, which include substances such as insecticides and rodenticides;

(c) Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and PERSONAL CARE ITEMS that may be deleterious to health; and

(d) Substances that are not necessary for the operation and maintenance of the establishment and are on the PREMISES for retail sale, such as petroleum products and paints.

(61) Potentially Hazardous Food.

(a) "Potentially hazardous food" means a FOOD that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:

- (i) The rapid and progressive growth of infectious or toxigenic microorganisms;
- (ii) The growth and toxin production of *Clostridium botulinum*; or
- (iii) In raw shell eggs, the growth of *Salmonella* Enteritidis.

(b) "Potentially hazardous food" includes an animal FOOD (a FOOD of animal origin) that is raw or heat-treated; a FOOD of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth as specified under Subparagraph (a) of this definition.

(c) "Potentially hazardous food" does not include:

(i) *An air-cooled hard-boiled egg with shell intact;*

(ii) *A FOOD with an  $a_w$  value of 0.85 or less;*

(iii) *A FOOD with a pH level of 4.6 or below when measured at 24°C (75°F);*

(iv) *A FOOD, in an unopened HERMETICALLY SEALED CONTAINER, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution;*

(v) *A FOOD for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or the growth of *S. Enteritidis* in eggs or *C. botulinum* can not occur, such as a FOOD that has an  $a_w$  and a pH that are above the levels specified under Subparagraphs (c) (ii) and (iii) of this definition and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms; or*

(vi) *A FOOD that does not support the growth of microorganisms as specified under Subparagraph (a) of this definition even though the FOOD may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause*

*illness.*

(63) "Premises" means:

(a) The physical facility, its contents, and the contiguous land or property under the control of the LICENSE HOLDER; or

(b) The physical facility, its contents, and the land or property not described under Subparagraph (a) of this definition if its facilities and contents are under the control of the LICENSE HOLDER and may impact FOOD ESTABLISHMENT personnel, facilities, or operations, and a FOOD ESTABLISHMENT is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

(63a) "Prepare" means to process commercially for human consumption by manufacturing, packaging, labeling, cooking, or assembling.

(64a) "Public health control" means a method to prevent transmission of foodborne illness to the CONSUMER.

(65) "Public water system" has the meaning stated in 40 CFR 141 National Primary Drinking Water Regulations.

(66) Ready-to-Eat Food.

(a) "Ready-to-eat food" means FOOD that is in a form that is edible without washing, cooking, or additional preparation by the FOOD ESTABLISHMENT or the CONSUMER and that is reasonably expected to be consumed in that form.

(b) "Ready-to-eat food" includes:

(i) POTENTIALLY HAZARDOUS FOOD that is UNPACKAGED and cooked to the temperature and time required for the specific FOOD under Subpart 3-401;

(ii) Raw, washed, cut fruits and vegetables;

(iii) Whole, raw fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet; and

(iv) Other FOOD presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.

(68) "Refuse" means solid waste not carried by water through the SEWAGE system.

(69) "Regulatory authority" means the Department or a local health department or public health services district operating under a delegation of authority from the Department.

(69a) "Remodel" means to change the PHYSICAL FACILITIES or PLUMBING FIXTURES in a FOOD ESTABLISHMENT'S FOOD preparation, storage, or cleaning areas through construction,

replacement, or relocation, but does not include the replacement of old EQUIPMENT with new EQUIPMENT of the same type.

(69b) "Requester" means a PERSON who requests an approval from the REGULATORY AUTHORITY, but who is not an applicant or a LICENSE HOLDER.

(71) "Safe material" means:

(a) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any FOOD;

(b) An additive that is used as specified in § 409 or 706 of the Federal Food, Drug, and Cosmetic Act; or

(c) Other materials that are not ADDITIVES and that are used in conformity with applicable regulations of the Food and Drug Administration.

(72) "Sanitization" means the application of cumulative heat or chemicals on cleaned FOOD-CONTACT SURFACES that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

(73) "Sealed" means free of cracks or other openings that allow the entry or passage of moisture.

(75) "Servicing area" means an operating base location to which a mobile FOOD ESTABLISHMENT or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding FOOD.

(76) "Sewage" means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

(80) "Single-service articles" means TABLEWARE, carry-out UTENSILS, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one PERSON use after which they are intended for discard.

(81) Single-Use Articles.

(a) "Single-use articles" means UTENSILS and bulk FOOD containers designed and constructed to be used once and discarded.

(b) "Single-use articles" includes items such as wax paper, butcher paper, plastic wrap, formed aluminum FOOD containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans which do not meet the materials, durability, strength, and cleanability specifications under §§ 4-101.11, 4-201.11, and 4-202.11 for multiuse UTENSILS.

(83) "Smooth" means:

(a) A FOOD-CONTACT SURFACE having a surface free of pits and inclusions with cleanability equal to or exceeding that of (100 grit) number 3 stainless steel;

(b) A nonFOOD-CONTACT SURFACE of EQUIPMENT having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and

(c) A floor, wall, or ceiling having an even or level surface with no roughness or projections that renders it difficult to clean.

(84) "Table-mounted equipment" means EQUIPMENT that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

(85) "Tableware" means eating, drinking, and serving UTENSILS for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.

(89) "Utensil" means a FOOD-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of FOOD, such as KITCHENWARE or TABLEWARE that is multiuse, SINGLE-SERVICE, or SINGLE-USE; gloves used in contact with FOOD; FOOD TEMPERATURE MEASURING DEVICES; and probe-type price or identification tags used in contact with FOOD.

(93) "Ware washing" means the cleaning and SANITIZING of UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT.