

DAVIS COUNTY BOARD OF HEALTH

FOOD SERVICE SANITATION REGULATION



**Davis**

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## **1.0 PURPOSE**

The purpose of this regulation is to preserve, promote, and protect the public health, safety, and general welfare of residents and visitors in Davis County by establishing minimum standards for the safe handling and dispensing of food.

## **2.0 SCOPE**

This regulation is applicable within all incorporated and unincorporated areas of Davis County and to all food products that are provided to the public, whether sold or given freely.

## **3.0 AUTHORITY AND APPLICABLE LAWS**

This regulation is adopted under the authority of the Davis County Board of Health in accordance with Utah Code Annotated (UCA) Section 26A-1-121.

The provisions of the Utah Administrative Code (UAC):  
Chapter R392-100 Food Service Sanitation;  
Chapter R392-101 Food Safety Manager Certification;  
Chapter R392-103 Food Handler Training and Certificate; and,  
Chapter R392-104 Feeding Disadvantaged Groups  
are hereby adopted by reference and incorporated herein subject to the additions, clarifications, exceptions, and modifications set forth in this regulation.

## **4.0 DEFINITIONS**

- 4.1 COMMISSARY: A facility permitted by an agency acceptable to the Division with a Servicing Area.
- 4.2 DIVISION: The Davis County Health Department Division of Environmental Health Services.
- 4.3 FLAVORED ICE FOOD ESTABLISHMENT (FIFE): A risk one food establishment limited to the food items in 5.5 Flavored Ice Food Establishments.
- 4.4 FOOD SAMPLER: Any person that provides TCS food items free of charge for the purposes of promoting a given food product.
- 4.5 LIQUID WASTE: Sewage or water carried wastes, the liquid discharges from all plumbing fixtures or equipment, or condensate drainage and other non-sewage liquids generated by food service operations.
- 4.6 MOBILE FOOD ESTABLISHMENT (MFE): A food service operation that is operated from a portable structure that can change location.
- 4.7 OWNER: Any Person who, alone, jointly, or severally with others:
  - 4.7.1 has legal title to any food establishment, with or without accompanying actual possession thereof;

- 4.7.2 has care, charge, or control of any Food Establishment, as Owner, agent of the Owner, or other Person;
  - 4.7.3 is executor, administrator, trustee, or guardian of the estate of the Owner;
  - 4.7.4 is a mortgagee in possession; or,
  - 4.7.5 is the senior officer or trustee of the association of unit Owners of a condominium.
- 4.8 **PERSON:** Any individual, firm, corporation and its officers, association, partnership, cooperative, trustee, executor of an estate, governmental agency or any other legal entity recognized by law, in the singular or plural.
- 4.9 **RESIDENTIAL TREATMENT FACILITY:** A 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board. (See §§ 62A-2-101(27)).
- 4.10 **RISK ASSESSMENT:** A prescribed methodology or process to determine a risk-based inspection frequency schedule.
- 4.11 **SERVICING AREA:** A permanent facility acting as an operating base location to which a MFE 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.
- 4.11.1 **Liquid and Solid Waste Servicing Area.**  
A limited use Servicing Area providing for the proper and legal disposal of MFE solid and Liquid Waste.

## **5.0 REGULATION**

### **5.1 Right of Entry**

A representative of the Division shall be allowed access to the regulated premises upon providing proper identification.

### **5.2 Operating Permit**

A Person may not operate a food establishment without a valid operating permit issued by the Division.

#### **5.2.1 Validity.**

Operating permits shall be valid for one calendar year, with the following exceptions.

- |                      |                 |
|----------------------|-----------------|
| 5.2.1.1 TFE standard | up to 14 days;  |
| 5.2.1.1.1 Seasonal   | Apr 1 – Oct 31; |
| 5.2.1.1.2 Annual     | Jan 1 – Dec 31; |
| 5.2.1.2 Flavored ice | Apr 1 – Oct 31. |

**5.2.2 Late Fees.**

A late fee may be assessed every 30 days.

**5.2.3 Permit Contact Information.**

A permit holder shall notify the Division in writing within ten (10) days of any change of contact information.

**5.3 Mobile Food Establishments**

MFE shall operate in compliance with UAC Chapter R392-100 Food Service Sanitation and the following criteria.

**5.3.1 Risk Category Determination.**

MFE risk categories will be determined using the MFE Risk Assessment.

**5.3.2 Commissary Requirements.**

A MFE and its Commissary or Servicing Area shall operate in compliance with UAC Chapter R392-100 Food Service Sanitation and the following items.

**5.3.2.1 Suspension or Revocation of Permit.**

A facility with a suspended or revoked permit may not operate as a Commissary.

**5.3.2.2 Servicing Frequency.**

Mobile Food Establishments shall report to their Commissary at least daily if operating and as often as necessary for cleaning and servicing.

**5.3.2.2.1 Commissary Frequency Matrix.**

A MFE may visit their Commissary or Servicing Area on a less frequent basis based on the Commissary Frequency Matrix.

**5.3.2.3 Servicing Area Separate Liquid Waste Operations.**

The Servicing Area Liquid Waste operations location provided for the flushing and drainage of Liquid Wastes shall be separate from the location provided for water servicing and for the loading and unloading of food and related supplies.

**5.3.2.4 Signed Commissary or Servicing Area Agreement.**

A signed Commissary or Servicing Area agreement shall be maintained.

**5.3.2.4.1 Division Approval for Changes Required.**

Any changes to the agreement shall be submitted to the Division for approval prior to the change in operations.

**5.3.2.4.2 Sign In-Sign Out Register**

The signed agreement shall include provisions for a sign in-sign out register for each MFE.

**5.3.2.4.2.1 The register shall be filled out by each**

operator with the date, time, and signature of

the operator each time the MFE leaves or returns to the Commissary.

5.3.2.4.2.2 The register shall be submitted monthly to the Division.

5.3.2.4.2.3 The register shall be kept at the Commissary for a period of not less than 3 years.

### 5.3.3 Operations.

MFE operations shall operate in compliance with UAC Chapter R392-100 Food Service Sanitation and the following items.

#### 5.3.3.1 Pre-Cooked or Pre-Cooled Foods.

All Time Temperature Control for Safety (TCS) food which is pre-cooked or pre-cooled either on the MFE or at the Servicing Area shall be pre-approved by the Division.

#### 5.3.3.2 Vending Route and Daily Operation Schedule.

The permit holder shall submit to the Division any changes to the vending route or daily operation schedule prior to the change in operation.

#### 5.3.3.3 Toilet Facility Agreement Required.

If a MFE is at any one location for 120 minutes or longer, a signed agreement to allow employee use of an approved permanent toilet facility shall be provided.

##### 5.3.3.3.1 Approved Permanent Toilet Facility.

The approved permanent toilet facility shall:

5.3.3.3.1.1 have a hand wash sink with hot and cold running water, soap, and a sanitary means to dry hands;

5.3.3.3.1.2 be readily accessible during all hours of operation;

5.3.3.3.1.3 be located within 500 feet of the MFE.

#### 5.3.3.4 MFE Non-Operations Storage.

Each MFE shall be stored at a location approved by the Division when not in operation.

### 5.3.4 Structural Requirements.

Each MFE shall be in compliance with the minimum structural requirements of UAC Chapter R392-100 Food Service Sanitation and the following items.

#### 5.3.4.1 Liquid Waste Outlet.

The Liquid Waste outlet connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

**5.3.4.2 Business Name.**

The business name shall be plainly posted on at least two sides of the MFE.

5.3.4.2.1 Lettering and numbers must be a minimum of 8 inches in height.

**5.4 Temporary Food Establishments**

TFE shall operate in compliance with UAC Chapter R392-100 Food Service Sanitation and the following criteria.

**5.4.1 Potable Water Capacity.**

A minimum of 10 gallons of potable water shall be readily available.

**5.4.2 Hand Washing Stations.**

Hand washing stations shall provide:

**5.4.2.1 Spigot for Continuous Flow.**

a water container with a spigot that allows for the continuous flow of water or other methods to meet UCA §§ R392-100-5-202.12; and,

**5.4.2.2 Liquid Waste Management.**

a catch basin to collect liquid waste water.

**5.4.3 Raw Animal Food Storage Restrictions.**

Each type of raw animal food held cold by ice shall be stored in a separate container to prevent cross-contamination.

**5.4.4 Canned Fuel Prohibition.**

Canned (gelled) fuel may not be used for hot holding operations. (Examples include. Sterno.)

**5.4.5 Equipment Installation.**

Equipment shall be located and installed in a way that prevents food contamination and facilitates cleaning.

**5.4.6 TFE Location Restrictions.**

TFE may not be located within a 100 foot distance from potential sources of environmental contamination. (Examples include portable toilets, animals, arenas, tracks.)

**5.4.7 Food Handler Permit.**

A TFE permit holder shall have at least one person on site that has a food handler permit accepted by the Division during all hours of operation

**5.4.8 Event Schedule Submission.**

Annual or seasonal permit holders shall submit a schedule listing the events including locations and times where the permit holder will be operating 72 hours prior to the event(s).

**5.4.9 Risk Category Determination.**

TFE risk categories will be determined using the TFE Risk Assessment.

**5.4.10 Permit Self-Assessment Form.**

Each TFE shall complete a Division provided self-assessment form with each permit.

**5.5 Flavored Ice Food Establishments**

FIFE shall operate in compliance with UAC Chapter R392-100 Food Service Sanitation and the following criteria.

**5.5.1 Food Limitations.**

Food items allowed at a flavored ice establishment are limited to ice, flavored syrups, and the following:

**5.5.1.1 Single Consumer Serving Ice Cream.**

Packaged, single consumer serving ice cream may be served if proper holding and handling is maintained.

**5.5.1.2 Pint Sized Packages.**

Pint sized or smaller packaged cream, milk, half and half, pressurized whipped cream, and sweetened condensed milk may be served if:

**5.5.1.2.1** holding temperatures of 41 degrees or lower are maintained at all times;

**5.5.1.2.2** containers are date marked with the date and time that the container was opened.

**5.5.2 Liquid Waste Discharges.**

Liquid Waste may not be discharged on the ground or into a storm drain.

**5.6 Enforcement**

It is unlawful for any Person not to comply with this regulation or to interfere with the Division in the performance of its duties.

**5.6.1 Notice of Violation.**

A notice of violation may be issued for any violation of this regulation.

**5.6.1.1** A follow up inspection may be required for any notice issued.

**5.6.2 Probation.**

A food establishment may be placed on probation for any violation of this regulation.

**5.6.2.1** The duration and conditions may be determined through an adjudicative process following criteria established by the Division.

**5.6.3 Suspension or Revocation of a Permit.**

A food establishment's operating permit may be suspended or revoked if the facility has violated any of the provisions of this regulation.

**5.6.4 Closed to Operations.**

**5.6.4.1 Closing Facilities.**

A food establishment may be closed, entirely or partially, to operations if the facility is operating:

5.6.4.1.1 with Imminent Health Hazards present;

5.6.4.1.2 without a permit;

5.6.4.1.3 on a suspended or revoked permit.

**5.6.4.2 Reopening Facilities.**

Any food establishment closed (to operations) will not be reopened until:

5.6.4.2.1 it is in compliance with this regulation;

5.6.4.2.2 the approval of the Division is given; and,

5.6.4.2.3 all placards are removed by Division staff.

**5.6.5 Site Review.**

If a food establishment fails to submit plans, a Site Review may be required.

5.6.5.1 The food establishment shall conform to current rules and regulations.

## **6.0 PENALTY**

### **6.1 Criminal Penalties Pursuant to UCA Section 26A-1-123**

Pursuant to UCA Section 26A-1-123:

6.1.1 any Person who is found guilty by a court having proper jurisdiction of: violating any of the provisions of this regulation; or, violating, disobeying, or disregarding any Notice or Order issued under this regulation is guilty of a class B misdemeanor;

6.1.2 any Person who is found guilty of a subsequent similar violation within two years of the initial violation is guilty of a class A misdemeanor;

6.1.3 each day such violation is committed or permitted to continue shall constitute a separate violation;

6.1.4 conviction under this section does not relieve the Person convicted from civil liability.

### **6.2 Civil and Administrative Penalties**

The exercise of civil and administrative penalties shall be subject to the Board of Health's Adjudicative Hearing Procedures Regulation.

6.2.1 Any Person who violates any of the provisions of this regulation or violates, disobeys, or disregards any Notice or Order issued under this regulation shall be subject to:

6.2.1.1 the payment of costs incurred in the enforcement of any violation or notice issued, including costs attributable to any involved local agencies;

6.2.1.2 a penalty pursuant to the provisions of UCA Subsection 26-23-6(2).

## **7.0 SEVERABILITY**

If any provision, clause, sentence, or paragraph of this regulation or the application or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this regulation. The valid part of any clause, sentence, or paragraph of this regulation shall be given independence from the invalid provisions or application, and to this end the provisions of this regulation are declared to be severable.

## **8.0 FEES**

### **8.1 Plan Review:**

#### **8.1.1 Food Establishment Plan Review:**

<b>8.1.1.1 Risk 1:</b>	<b>\$170.00</b>
<b>8.1.1.2 Risk 2:</b>	<b>\$255.00</b>
<b>8.1.1.3 Risk 3:</b>	<b>\$340.00</b>
<b>8.1.1.4 Risk 4:</b>	<b>\$420.00</b>

#### **8.1.2 Food Establishment Site Review:**

<b>8.1.2.1 Risk 1:</b>	<b>\$340.00</b>
<b>8.1.2.2 Risk 2:</b>	<b>\$510.00</b>
<b>8.1.2.3 Risk 3:</b>	<b>\$680.00</b>
<b>8.1.2.4 Risk 4:</b>	<b>\$840.00</b>

#### **8.1.3 MFE Plan or Site Review: \$70.00**

#### **8.1.4 TFE Plan Review: \$20.00**

##### **8.1.4.1 Plan Submission Late Fees:**

<b>8.1.4.1.1 Less than 2 Days Prior to Event:</b>	<b>\$20.00</b>
<b>8.1.4.1.2 Site Review:</b>	<b>\$50.00</b>

### **8.2 Operating Permits:**

#### **8.2.1 Food Establishment:**

<b>8.2.1.1 Risk 1:</b>	<b>\$170.00</b>
<b>8.2.1.2 Risk 2:</b>	<b>\$255.00</b>
<b>8.2.1.3 Risk 3:</b>	<b>\$340.00</b>

8.2.1.4	Risk 4:	\$420.00
8.2.2	Annual TFE:	
8.2.2.1	Risk 1:	\$200.00
8.2.2.2	Risk 2:	\$400.00
8.2.2.3	Risk 3:	\$600.00
8.2.3	Seasonal TFE:	
8.2.3.1	Risk 1:	\$140.00
8.2.3.2	Risk 2:	\$280.00
8.2.3.3	Risk 3:	\$420.00
8.2.4	Standard TFE (per day):	
8.2.4.1	Risk 1:	\$10.00
8.2.4.2	Risk 2:	\$20.00
8.2.4.3	Risk 3:	\$30.00
8.2.5	Food Sampler:	\$70.00
8.3	Certified Food Manager Registration:	\$15.00
8.4	Food Handler Permitting:	
8.4.1	Food Handler Permit:	\$15.00
8.4.2	Food Handler Permit Training:	\$10.00
8.4.3	Food Handler Permit Internet Access:	\$2.00
8.4.4	Replacement Food Handler Permit:	\$10.00
8.5	Miscellaneous Other:	
8.5.1	Required Plan Review Resubmission:	\$50.00
8.5.2	Permit Late Fee (30 days):	\$100.00
8.5.3	Requested Additional Inspection	\$100.00
8.5.4	Food Service Follow-up Inspection Fee:	\$100.00
8.5.5	Residential Treatment Facility Inspection:	\$100.00
8.5.6	Permit Reinstatement Fee:	
8.5.6.1	Suspension:	\$300.00
8.5.6.2	Revocation:	\$500.00

IN WITNESS WHEREOF, the Davis County Board of Health has passed, approved, and adopted this regulation this 23<sup>rd</sup> day of September, 1980.

**Effective date: September 23, 1980**

**Revised and Amended: May 12, 2009.**

**Revised and Amended: February 8, 2011**

**Revised and Amended: November 8, 2011**

**Revised and Amended: November 13, 2012**

**Revised and Amended: August 13, 2013**

**Revised and Amended: August 9, 2016**

Davis County Board of Health

Signed:   
Scott Zigich,  
Board Chairman

Attest:   
Brian Hatch,  
Director of Health