

**MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE
CHAPTER I
GENERAL PROVISIONS**

REGULATION 1. Definitions

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

- a. "Approved" or "approval" means acceptable to the Department and so stated in writing.
- b. "Board" means the Maricopa County Board of Supervisors.
- c. "Board of Health" means the Board of Health of Maricopa County.
- d. "Chairman" means the Chairman of the Maricopa County Board of Supervisors.
- e. "Clerk" means the Clerk of the Maricopa County Board of Supervisors.
- f. "Counsel" means an attorney licensed to practice law in the State of Arizona.
- g. "County" means Maricopa County.
- h. "Department" means the Maricopa County Environmental Services Department.
- i. "Environmental Health Code" means all of the rules and regulations which are adopted by the Board of Health and the Board of Supervisors pursuant to A.R.S. 36-183.02, 36-184, 36-187.C., 11-251 Paragraphs 17 and 31, 11-251.05, 11-251.08, 49-106, and 49-107, and which remain in force.
- j. "Environmental Health Officer" means the Director of the Maricopa County Environmental Services Department or his/her authorized Agents.
- k. "Municipality" means an incorporated area within Maricopa County.
- l. "Notice" means an enforcement notice issued by the Environmental Health Officer.
- m. "Parties" means the Defendant and the County.
- n. "Permit" means a written permit to operate, issued by the Maricopa County Environmental Services Department.

R 4-3-02

- o. "Person" includes any natural individual, firm, trust, partnership, association, institution, public body, corporation or any other entity and includes the plural as well as the singular, feminine as well as the masculine.
- p. "Regulation" means the regulations in this Environmental Health Code and the regulations of the Arizona Departments of Health Services and Environmental Quality.

REGULATION 2. Purpose

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

REGULATION 3. Responsibilities - Right of Inspection

- a. The owner, person in charge of control, lessee, tenant, and occupant of every building, establishment, premises, place, potable water supply, sewage works, sewerage, drainage or wastewater reclamation system has the duty to take all necessary, reasonable and usual precautions to keep, place and preserve the same in such

condition, and to conduct and maintain the same in such manner, that it shall not be dangerous or deleterious to the public or in violation of the Rules and Regulations in this Environmental Health Code or the regulations of the Arizona Departments of Health Services and Environmental Quality.

- b. No person shall refuse to allow the Department to inspect fully any and all premises or facilities at any reasonable time, and no person shall molest or resist the Department in the discharge of its duties whether in inspections for application approval or for the enforcement of this Environmental Health Code.

REGULATION 4. Permits, Service, and Other Requirements

- a. No person shall conduct an operation or an establishment for which a permit is required without holding the necessary and valid permit to do so, or otherwise than in compliance with the Rules and Regulations in this Environmental Health Code.
- b. Permit application shall be made on forms provided by the Department and shall be completed in all pertinent details.

R 2-1-95

- c. (1) No application for permit shall receive approval and no permit shall be issued and no facility for which a permit is required shall be placed in operation until the applicant demonstrates to the Department full compliance with the provisions of this Environmental Health Code.

- (2) The Environmental Health Officer may refuse to issue a permit to any person if the person fails to demonstrate sufficient reliability, expertise, integrity and competence to fulfill the requirements for permit and comply with applicable rules and regulations of this Environmental Health Code.

- d. Any person denied a permit based on Regulation 4.c.(2) of this Chapter may exercise the following options:

- (1) Request, in writing, that the Environmental Health Officer specify conditions necessary to provide reasonable assurance that full compliance with provisions of this Environmental Health Code will be achieved. The Environmental Health Officer within five (5) working days of the request shall specify said conditions; or

- (2) Request in writing a hearing before the Environmental Health Officer as specified in Chapter 1, Regulation 6.

- e. In cases where the Department requires the submission of plans and specifications, no person shall commence construction unless the required plans have been approved. It shall be the full responsibility of said person that construction be in conformance with the approved plans and specifications.

- f. The approval of plans and specifications shall lapse and become invalid one year from the date of approval unless a substantial portion of the work described in the plans and specifications has commenced by such anniversary date.

An approval of plans and specifications can be renewed for one year if an application for renewal is submitted within 180 days of expiration. A fee equal to one-half (1/2) of the flat fee or initial plan review fee is paid. The approval will be effective for one year from the date of expiration.

- g. (1) Permits are valid from the date of issuance until the date of expiration unless suspended or revoked prior thereto.

- (2) Permit renewal fees become due on such date of expiration.

- (3) A permit delinquency fee becomes due for failure to pay the permit fee within one calendar month of the permit renewal fee due date.

- h. No permit is transferable from person-to-person or place-to-place.

- i. Each permit certificate must be kept at the establishment, premises or vehicle designated, and displayed in a conspicuous

place. Where practicable, permits shall be framed and protected against soiling.

REGULATION 5. Fees

a. No permit shall be issued, and no permit is valid, until the permit fee is received by the Department, except that the operator of a charitable nonprofit establishment (which operates to provide relief solely for the poor, distressed or under-privileged) may apply to the Board of Health for a waiver of permit fee. A waiver of fee may be granted only to the operator of an establishment, which maintains a current 501(c)(3) tax exempt designation from the Department of the Treasury, Internal Revenue Service, who demonstrates to the Board of Health that payment of said fee will cause financial hardship. Application for a permit fee waiver shall be made using forms provided by the Department.

b. Investigation Fees:

If any work for which a permit is required has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The fee shall be calculated at a rate of **\$130.00** per hour. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the Environmental Health Code or the regulations of the Arizona Department of Health Services or Arizona Department of Environmental Quality or from any penalty prescribed by law.

c. Plan Review Fees:

Plan review fees shall be determined based on a flat fee or an initial fee plus an hourly rate.

- (1) Where it applies, if the actual cost of processing the application for a plan review is greater than the initial fee, the Department shall send the Applicant a final itemized bill for the difference between the initial fee and the actual cost of processing the application except that the final bill shall not exceed the applicable maximum fee. Such a difference shall be paid in full before issuance of the permit.
- (2) In determining a flat fee or an hourly rate for services, the fee shall not exceed the reasonable cost of providing the services required as established by A.R.S. 36 187.C.2.
- (3) From the effective date of this regulation the hourly rate shall be **\$130.00** dollars per hour based on the Department's cost for a full fiscal year. Expedited, design/build and phased plan reviews shall be assessed at two times the flat fee or hourly rate. The Board of Supervisors may amend the flat fee or hourly rate annually.

Fees shall be paid according to the following table:

MARICOPA COUNTY HEALTH CODE
Food Facility Operating Permit FEE SCHEDULE - Effective July 1, 2007
 Permits, Inspections

Required Permit	Permit Sub Type	1 Yr. Fee
Adventure Food Service	Class 4	\$190.00
Bakery	Class 2	\$275.00
Bakery (School)	Class 2	\$170.00
Boarding Home	Class 2	\$325.00
Boarding Home	Class 5	\$895.00
Bottled Water and Beverage Plants	Class 2	\$355.00
Damaged Food	Class 4	\$580.00
Daycare Foodservice	Class 3	\$305.00

E&D 0-9 Seating	Class 2	\$220.00
E&D 0-9 Seating	Class 3	\$350.00
E&D 0-9 Seating	Class 4	\$510.00
E&D 0-9 Seating	Class 5	\$645.00
E&D Adult Daycare	Class 3	\$335.00
E&D Assisted Living	Class 5	\$595.00
E&D Hospital Food Service	Class 5	\$895.00
E&D Jail Food Service	Class 5	\$1,970.00
E&D Nursing Home	Class 5	\$615.00
E&D School Foodservice	Class 2	\$275.00
E&D School Foodservice	Class 3	\$430.00
E&D School Foodservice	Class 4	\$575.00
E&D Senior Food Service	Class 3	\$385.00
E&D Service Kitchen	Class 2	\$175.00
E&D 10+ Seating	Class 2	\$295.00
E&D 10+ Seating	Class 3	\$520.00
E&D 10+ Seating	Class 4	\$775.00
E&D 10+ Seating	Class 5	\$765.00
Food Bank	Class 2	\$205.00
Food Catering	Class 5	\$415.00
School Food Catering	Class 5	\$455.00
Food Jobber	Class 2	\$220.00
Food Jobber School	Class 2	\$220.00
Food Peddler	Class 2	\$120.00
Required Permit	Permit Subtype	1 Yr. Fee
Food Processor	Class 2	\$235.00
Food Processor	Class 4	\$525.00
Food Processor School	Class 2	\$200.00
Food Processor School	Class 4	\$450.00
Ice Manufacturing	Class 2	\$175.00
Itinerant (Temporary)		Application received 7 days prior to Event: \$75.00 Application received < 7 days prior to Event: \$105.00
Meat Market	Class 4	\$470.00
Miscellaneous Food	Class 1	\$95.00
Mobile Food Unit	Class 4	\$385.00
Pushcart	Class 3	\$195.00
Refrigerated Warehouse/Locker	Class 2	\$265.00
Retail Food Establishment	Class 3	\$385.00
Retail Food Establishment	Class 2	\$205.00
Seasonal Food Establishment	Class 2	\$150.00
Vending Machine	Class 2	\$220.00
Liquor License		\$45.00
Commissary	Class 2	\$1,020.00
Commissary	Class 4	\$1,540.00
Variance	Mobile Food Establishments	\$255.00
Bare Hand Contact Exemption		\$245.00
Variance	Eating and Drinking	\$90.00
Inspection upon Request	Eating and Drinking	\$240.00

CHAPTER I
MARICOPA COUNTY HEALTH CODE
Food Facility Operating Permit FEE SCHEDULE - Effective July 1, 2008
Permits, Inspections

Required Permit	Permit Sub Type	1 Yr. Fee
Adventure Food Service	Class 4	\$190.00
Bakery	Class 2	\$310.00
Bakery (School)	Class 2	\$170.00
Boarding Home	Class 2	\$415.00
Boarding Home	Class 5	\$1,270.00
Bottled Water and Beverage Plants	Class 2	\$410.00
Damaged Food	Class 4	\$765.00
Daycare Foodservice	Class 3	\$390.00
E&D 0-9 Seating	Class 2	\$260.00
E&D 0-9 Seating	Class 3	\$455.00
E&D 0-9 Seating	Class 4	\$695.00
E&D 0-9 Seating	Class 5	\$895.00
E&D Adult Daycare	Class 3	\$435.00
E&D Assisted Living	Class 5	\$760.00
E&D Hospital Food Service	Class 5	\$1,215.00
E&D Jail Food Service	Class 5	\$2,825.00
E&D Nursing Home	Class 5	\$795.00
Required Permit	Permit Sub Type	1 Yr. Fee
E&D School Foodservice	Class 2	\$285.00
E&D School Foodservice	Class 3	\$515.00
E&D School Foodservice	Class 4	\$735.00
E&D Senior Food Service	Class 3	\$475.00
E&D Service Kitchen	Class 2	\$230.00
E&D 10+ Seating	Class 2	\$315.00
E&D 10+ Seating	Class 3	\$650.00
E&D 10+ Seating	Class 4	\$1,030.00
E&D 10+ Seating	Class 5	\$1,020.00
Food Bank	Class 2	\$260.00
Food Catering	Class 5	\$530.00
School Food Catering	Class 5	\$590.00
Food Jobber	Class 2	\$255.00
Food Jobber School	Class 2	\$255.00
Food Peddler	Class 2	\$120.00
Food Processor	Class 2	\$260.00
Food Processor	Class 4	\$695.00
Food Processor School	Class 2	\$210.00
Food Processor School	Class 4	\$580.00
Ice Manufacturing	Class 2	\$175.00
Itinerant (Temporary)		Application received 7 days prior to Event: \$85.00 Application received < 7 days prior to Event: \$105.00
Meat Market	Class 4	\$610.00
Miscellaneous Food	Class 1	\$105.00
Mobile Food Unit	Class 4	\$490.00

Pushcart	Class 3	\$240.00
Refrigerated Warehouse/Locker	Class 2	\$265.00
Retail Food Establishment	Class 3	\$505.00
Retail Food Establishment	Class 2	\$235.00
Seasonal Food Establishment	Class 2	\$180.00
Vending Machine	Class 2	\$285.00
Liquor License		\$45.00
Commissary	Class 2	\$1,020.00
Commissary	Class 4	\$1,540.00
Variance	Mobile Food Establishments	\$255.00
Bare Hand Contact Exemption		\$245.00
Variance	Eating and Drinking	\$90.00
Inspection upon Request	Eating and Drinking	\$240.00

**MARICOPA COUNTY HEALTH CODE
FEE SCHEDULE - Effective July 21, 2006**
Permits, Inspections, Plans Examination

Non-Food Environmental Health Operating Permits	Permit Subtype	1 Yr. Fee
Bathing	Public	\$365.00
Bathing	Semi-Public	\$190.00
Hydrotherapy	Public	\$315.00
Hydrotherapy	Semi-Public	\$140.00
Non-Food Environmental Health Operating Permits	Permit Subtype	1 Yr. Fee
Jail Complex		\$3,310.00
Mobile Pet Shop		\$20.00
Pet Shop		\$70.00
Public Accommodations		\$105.00
School Grounds		\$115.00
Special Use Pool	Public	\$215.00
Special Use Pool	Semi-Public	\$155.00
Trailer Park		\$105.00
Wading Pool	Public	\$235.00
Wading Pool	Semi-Public	\$140.00
Campground		\$60.00

Food Service Licensing	Fee
Food Service Worker License	\$16.00
Food Service Manager License	\$5.00
Food Service Worker/Manager License Renewal	\$16.00/\$5.00
Duplicate Card	\$3.00

Environmental Health Plan Review
Expedited Plan Review Fee (Requires prior administration approval) Two times the fee for that Category

Environmental Health Plan Review Type	Permit Subtype	Fee
----------------------------------------------	-----------------------	------------

Eating and Drinking Establishments	0-9 Seating Capacity	\$545.00
All Other Food Establishments		\$615.00
Mobile Food Establishments		\$145.00
Pet Shops		\$520.00
Public Accommodations		\$535.00
School Facilities	Food Service	\$570.00
School Facilities	Non-Food	\$640.00
Other Minor Review		\$415.00

Swimming Pool Plan Review	Permit Subtype	Fee
Swimming Pools/Special Use Pools	Permit Subtype 1,000 sq. ft	\$770.00
Swimming Pools/Special Use Pools	1,001-2,000 sq. ft.	\$1,180.00
Swimming Pools/Special Use Pools	2,001-9,999 sq. ft.	\$2,205.00
Swimming Pools/Special Use Pools	≥10,000 sq. ft.	\$6,460.00
Swimming Pool Remodel	Simple	\$165.00
Swimming Pool Remodel	Complex	\$250.00
Swimming Pool Pump Test Variance		\$455.00
Swimming Pool Variance		\$200.00

Water and Waste Operating Permits	Permit Subtype	1 Yr. Fee
Refuse Collection Variance Container Permit	1 to 25,000 Containers	\$2,100.00
Refuse Collection Variance Container Permit	25,001 to 50,000 Containers	\$4,000.00
Refuse Collection Variance Container Permit	50,001 to 100,000 Containers	\$7,800.00
Refuse Collection Variance Container Permit	100,001 to 200,000 Containers	\$15,500.00
Refuse Collection Variance Container Permit	200,001 to 300,000 Containers	\$23,050.00
Refuse Collection Variance Container Permit	300,001 to 400,000 Containers	\$30,700.00
Refuse Collection Variance Container Permit	400,001 to 500,000 Containers	\$38,000.00
Refuse Collection Variance Container Permit	500,001+ Containers	\$45,000.00
Chemical Toilet		\$10.00 per unit
Non-Hazardous Liquid Waste Hauler		\$175.00 per vehicle
Refuse Hauler		\$120.00 per vehicle
Landfill		\$450.00
Medical Waste Haulers		\$200.00 per vehicle

Water and Waste Operating Permits	1 Yr. Fee
Community Public Water System >100,001 Population Plus Each Well Site Addition Plus Each Treatment Plant Addition	\$3,925.00 \$270.00 \$1,400.00
Community Public Water System 10,001 to 100,000 Population Plus Each Well Site Addition Plus Each Treatment Plant Addition	\$2,700.00 \$270.00 \$1,350.00
Community Public Water System 1,001 to 10,000 Population Plus Each Well Site Addition Plus Each Treatment Plant Addition	\$2,000.00 \$270.00 \$1,350.00
Community Public Water System 101 to 1000 Population Plus Each Well Site Addition Plus Each Treatment Plant Addition	\$800.00 \$270.00 \$1,350.00
Community Public Water System 25 to 100 Population Plus Each Well Site Addition Plus Each Treatment Plant Addition	\$300.00 \$270.00 \$1,100.00

Non Community Public Water System > 1,000 Population Plus Each Well Site Addition Plus Each Treatment Plant Addition	\$700.00 \$270.00 \$1,100.00
Non Community Public Water System 25 to 1000 Population Plus Each Well Site Addition Plus Each Treatment Plant Addition	\$250.00 \$270.00 \$1,100.00
Water Transportation (Hauler)	\$240.00
Waste Treatment Works	\$2,100.00
Reuse Facility	\$300.00
Individual On-site treatment plant	\$100.00

Water and Waste Plan Review
Design/Build Plan Submittal (Requires prior administration approval) Two times Plan Review Fee
Phased Plan Submittal (Requires prior administration approval) Two times Plan Review Fee
Expedited Plan Review Fee (Requires prior administration approval) Two times the fee for that Category

Plan Review	Initial Fee	Maximum Fee
Non-Hazardous Liquid Waste Transfer Pad Plan	\$150.00	\$750
Refuse Collection Variance Plan	\$150.00	\$750
Water System Blending Plans	\$150.00	\$7,500
Water Plants		
Water Plant Includes Construction Inspection	\$3,000.00	\$24,000
Treatment Plant > 1 Mgd	\$1,500.00	\$15,000
Treatment Plant .1 Mgd to 1 Mgd	\$1,000.00	\$10,000
Treatment Plant 99,999 Gal/Day \leq		
Waste Treatment Works		
Waste Treatment Works Includes Construction Inspection		\$24,000
> 1 Mgd	\$3,000.00	\$15,000
.1 Mgd to 1 Mgd	\$1,500.00	\$10,000
<100,000 Gal/Day	\$1,000.00	

Other Plans		
MAG 208 Certification	\$150.00	\$5,000
Experimental Project Approval Including Four (4) Quarterly Inspections	\$300.00	\$5,000
Waste Water Reuse	\$250.00	\$3,000
Ground Water Recharge	\$250.00	\$4,000
All Other Plans	\$150.00	\$1,500

Water System Site Sampling Plan, Emergency Operations Plans, Backflow Prevention Plan or Other Plans	Fee
Community Water System \geq 100,001 Population	\$350.00
10,001 to 100,000	\$350.00
1,001 to 10,000	\$350.00
101 to 1000	\$350.00
25 to 100	\$275.00
Non Community Water System	
\geq 1,001 Population	\$275.00
25 to 1000	\$275.00
New Sources Approval Water Quality review and Report	\$425.00
Drinking Water System Compliance Reviews	\$250.00

Water and Waste Plan Review	Flat Fee
Approval of Sanitary facilities for a Subdivision of 150 lots or less.	\$450.00 per 150 lots
The fee specified above applies to each phase of a Subdivision of 150 lots or less. If a Subdivision includes more than 150 lots, the fee applies to each multiple group of 150 or less (e.g., a proposal for a Subdivision of 350 lots would require a fee of \$450.00 plus \$450.00 and \$450.00 for a total flat fee of \$1,350.00)	
Trailer Coach Park facilities of 100 leased spaces or less.	\$600.00 per 100 spaces
The fee specified above applies to each group of 100 spaces or less. If a facility includes more than 100 spaces, the fee applies to each multiple group of 100 or less (e.g. a facility of 300 spaces would require a fee of \$600.00 plus \$600.00 and \$600.00 for a total flat fee of \$1,800.00).	
Review of on-site wastewater soils and hydrology report representing a group of 50 or less proposed lots (or 40 acres) whichever, is the lesser in area.	\$525.00 per 50 or less lots
The fee specified above applies to each group of 50 or less proposed lots. If a facility includes more than 50 spaces, the fee applies to each multiple group of 50 or less (e.g. a facility of 120 lots would require a fee of \$525.00 plus \$525.00 and \$525.00 for a total flat fee of \$1,575.00)	
Review of plan for public water supply distribution line (including extensions) and associated appurtenances for a system group of 150 connections or less.	\$600.00 per 150 or less proposed connection
The fee specified above applies to each group of 150 or less proposed connections. If a facility includes more than 150 connections, the fee applies to each multiple group of 150 or less (e.g. a facility of 200 connections would require a fee of \$600.00 plus \$600.00 for a total flat fee of \$1,200.00)	
Transfer of Ownership/Subdivision Name Change of Previously Approved Subdivision	\$200.00
Master Plan Review and Approval	\$500.00
Well Site Review and Approval	\$675.00
Storage Tank (Atmosphere and /or Pressurized)	\$675.00
Water and Waste Plan Review	Flat Fee
Water Booster Station	\$675.00
Sewer Lift Station	\$600.00

Sewer Collection Systems Plan Review	Flat Fee
Sewer Collections Systems (Including Extensions) and Associated Appurtenances	\$500.00
Gravity Sewer only, with manholes	\$1000.00
Serving 50 or less Connections	\$1500.00
Serving 51 to 300 Connections	
Serving 301 or more Connections	
Sewer Collections Systems (Including Extensions) and Associated Appurtenances	\$800.00
Forced mains including gravity sewer components	\$1,300.00
Serving 50 or less Connections	\$1,800.00
Serving 51 to 300 Connections	
Serving 301 or more Connections	

On-Site Wastewater Treatment Facilities*	
Septic Tank Conventional Disposal Less than 3000 gal/day	\$550.00
Aerobic System with surface disposal	\$1,050.00
Composting Toilet less than 3000 gal/day	\$400.00
Septic tank with one additional alternative element**	\$1050.00
Septic tank with >one additional alternative element**	\$1050 plus \$250 per additional element
On-site wastewater treatment facility with flow from 3000 gal./day to less than 24,000 gal./day	\$1,800.00
**These alternative disposal elements are all for systems of less than 3000 gal./day and include the following: Pressure distribution systems; gravelless trenches; natural seal evapotranspiration beds; lined evapotranspiration beds; Wisconsin Mounds: Engineered Pad Systems; Intermittent Sand Filters; Peat Filters; Textile Filters; Ruck® Systems; sewage vaults; aerobic systems/subsurface disposal; aerobic systems/surface disposal; cap systems; constructed wetlands; sand lined trenches; disinfection devices; sequencing batch reactors; subsurface drip irrigation systems.	
On-Site System Site Inspection	\$325.00
On-Site System Site Inspection & Domestic Well Approval	\$375.00
On-Site System Alteration Permit	\$75.00
On-Site System Alteration Permit & One Inspection	\$400.00
On-Site System Reconnect/Remodel Review	\$135.00
On-Site System Reconnect/Remodel Review & One Inspection	\$400.00
On-Site System Plan Revision	\$100.00
On-Site System Request for Alternate Design, Installation, or Operational Feature	\$75.00
On-Site System Design Requiring Interceptor	\$200.00/ per Interceptor
On-Site System Transfer Ownership	\$50.00
On-Site System Abandoned site	\$175.00

Miscellaneous Fees	Sub-Type	Fee
Delinquency Fees (Permits) <i>*To be charged when annual permit fee is delinquent</i>	Over 30 Days	\$30.00
Delinquency Fees (Permits)	Over 60 Days	\$50.00
Duplicated Copy		.50/Sheet
Plan Reproduction		\$6.00/Sheet
VA, FHA, MHR, etc. Approval		\$30.00
All Others		\$30.00
Dye Test		\$120.00
Observe Percolation Test		\$150.00
Domestic Well Approval		\$65.00

REGULATION 6. Rejection of Application --Right to Hearing

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

REGULATION 7. Suspension and Revocation of Permits

a. Suspension of Permit:

- (1) When the Environmental Health Officer finds that a permit holder or operator has failed to comply with a notice of violation of this Code or that there exists on the permitted premises such a severe and imminent health hazard as to require emergency action, and incorporates a finding to that effect in its order, summary suspension of the permit may be ordered pending proceedings for revocation or other action.
- (2) Upon suspension of the permit, the holder of the permit may immediately move to vacate the suspension order and the Environmental Health Officer shall hear such motion within five (5) days. In no event may a

summary suspension remain in effect for more than twenty-five (25) days.

- (3) Upon suspension of the permit, the premises will thereupon be posted closed. The closure sign will be posted in a conspicuous place on the premises, clearly visible to the public, and will remain in place until removal is authorized by the Environmental Health Officer.

b. Revocation of Permit:

- (1) The Environmental Health Officer may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of this Code or for interference with the regulatory authority in the performance of duty.
- (2) Prior to revocation, the Environmental Health Officer shall notify, in writing, the holder of the permit, or the person in charge, of the specific reason(s) for which the permit is to be revoked and that the permit shall be revoked at the end of the twenty (20) days following service of such notice unless a written request for hearing is filed with the regulatory authority by the holder of the permit within such twenty (20) day period, revocation of the permit becomes final. If a request for hearing is timely filed, the hearing shall be held within twenty (20) days of receipt of the request.
- (3) Upon delivery of notice of permit revocation, the establishment will thereupon be posted with a warning sign noting that said establishment may not meet minimal health standards. This sign will be posted in a conspicuous place on the premises, clearly visible to the public, and will remain in place until removal is authorized by the Environmental Health Officer.

R 2-1-95

(4) Service of Notices.

- (a) A notice provided for in this Environmental Health Code is properly served when it is delivered to the holder of the permit, or the person in charge, or when it is sent by registered or certified-mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the regulatory authority. The notice shall comply with the provisions of A.R.S. 41-1061.B.

(5) Hearings.

- (a) Hearings held pursuant to the provisions of this article shall be conducted in accordance with the requirements of A.R.S. 41-1061 ET SEQ.

(6) Application after Revocation.

- (a) Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit.

REGULATION 8. Notice to Appear

Peace officers and the Director, shall have the authority to issue a notice to appear under the same conditions and procedures as set for in A.R.S. 13-3903 for any violation of this Code (A.R.S. 36-191).

REGULATION 9. Reserved

REGULATION 10. Severability

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

REGULATION 11. Violation

- a. Violations of this Environmental Health Code may be redressed by proceedings pursuant to A.R.S. 36-601.B., 49-142 or 49-143; by injunctive relief in Superior Court; or by any other applicable remedies provided by law. In addition, persons who violate a provision of this Environmental Health Code are guilty of a Class 3

Misdemeanor as provided in A.R.S. 36-183.02 and 36-191 and may be punished accordingly.

b. For purposes of determining the number of days of violation for which a civil penalty may be assessed under this Code, if the Environmental Officer has notified the source of the violation and makes a Prima Facie showing that the conduct or events giving rise to the violation are likely to have

~~R 2-1-95~~ continued or recurred past the date of notice, the days of violations shall be presumed to include the date of such notice and each day thereafter until the violator establishes that continuous compliance has been achieved, except to the extent that the violator can prove by a preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature.

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

R 2-1-95

REGULATION 12. Cease and Desist; Abatement

When the Environmental Health Officer has reasonable cause to believe from information furnished to such officer or from investigation made by such officer that any person is maintaining a nuisance or engaging in any practice contrary to this code, he may forthwith serve upon such person by certified mail, in person, or by designee a Cease and Desist Order requiring the person, upon receipt of the order to cease and desist from such act. Within fifteen days after receipt of the order, the person to whom the order is directed may request a hearing. The Environmental Health Officer or his designee, within a reasonable time thereafter, shall hold a hearing, to determine whether the order is reasonable and just, and the practice engaged in is contrary to this code.

Upon the failure or refusal of a person to comply with the order of the Environmental Health Officer or if a person to whom the order is directed does not request a hearing and fails or refuses to comply with the Cease and Desist Order served under the provisions of this section, the Environmental Health Officer or his designee may file an action in the Maricopa County Superior Court restraining and enjoining the person from engaging in further acts. The court shall proceed as in other actions for injunctions.

REGULATION 13. Posting of Notices of Violation

The Environmental Health Officer may, for the purpose of notification to the public, post a warning sign at any premises or establishment describing the nature of legal action being taken against said premises or establishment under the provisions of the Environmental Health Code.

REGULATION 14. Nuisance Abatement Assessment and Lien

a. After the Department, acting through its employees, contractors or both has completed the actions necessary to abate or remove a nuisance or source of filth under A.R.S. §36.602(A), the Director shall issue an Assessment Statement to the owner of the property on which such nuisance or source of filth was located.

b. The Assessment Statement shall include the following information.

- (1) A description of the assessed costs, which shall include the actual costs of the removal or abatement, incidental costs, and the costs of any additional inspections;
- (2) Notification that the property owner must pay the assessed costs within thirty days after receipt of the Assessment Statement or by such other date as may be specified for payment in the assessment statement unless an appeal is requested under Regulation 14.c. of this Chapter.
- (3) Notification that the property owner may appeal the assessment to the Maricopa Board of Health in writing within thirty days after receipt of the Assessment Statement; and
- (4) Notification that failure to pay the assessed costs may result in a lien being placed on the property on which the nuisance or source of filth was located.

c. The property owner may appeal the assessment to the Board of Health by filing a written request for a hearing within thirty days after receipt of the Assessment Statement.

- (1) After a hearing, the Board of Health may sustain, modify or revoke the Assessment Statement.

- (2) If the Board of Health sustains or modifies a cost assessment following an appeal of an Assessment Statement, the assessed costs must be paid within thirty days of the board of health's decision or by such other time as may be specifically provided by the Board of Health.
- d. If the property owner does not pay the assessed costs after the time for payment provided in Chapter 1, Regulation 14.b.(2). or 14.c.(2) has expired, the Director may assess the lots or tracts of land on which the nuisance was abated or removed.
- (1) The assessment, from the date of its recording in the office of the Maricopa County Recorder, is a lien on the lot or tract of land until paid.
 - (2) Any assessment recorded under this Regulation is prior and superior to all other liens, obligations or other encumbrances, except liens for general taxes and prior recorded mortgages.

R 4-3-02