

**DAVIS COUNTY BOARD OF HEALTH**

**FOOD SERVICE SANITATION REGULATION**



**Davis**

---

**C O U N T Y**

**H E A L T H**

**D E P A R T M E N T**

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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 standards for providing food that is safe, unadulterated, and honestly presented.

## 2.0 SCOPE

This regulation is applicable to all persons and establishments offering food intended for immediate consumption to the public, within all incorporated and unincorporated areas of Davis County.

## 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 Utah Administrative Code:

Chapter R392-100. Food Service Sanitation;

Chapter R392-101. Food Safety Manager Certification;

Chapter R392-102. ~~Food Truck~~Mobile Food Business Sanitation;

Chapter R392-103. Food Handler Training and Certificate;

Chapter R392-104. Feeding Disadvantaged Groups;

Chapter R392-105. Agritourism Food Establishment Sanitation; and,

Chapter R392-106. Microenterprise Home Kitchen Sanitation.

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 food ~~service~~ establishment, permitted by a local health department to which a ~~food truck or limited-use food establishment~~mobile food business or flavored ice establishment operator may return regularly to perform functions necessary for sanitary operations including:
- 4.1.1 food preparation and boarding onto the ~~food truck or limited-use food establishment~~mobile food business;
  - 4.1.2 hot and cold holding of time/temperature controlled for safety (TCS) foods;
  - 4.1.3 storing and stocking of food, utensils, and equipment;
  - 4.1.4 disposal of solid and liquid wastes;
  - 4.1.5 equipment and utensil cleaning and sanitizing;
  - 4.1.6 ~~cleaning of the food truck or limited-use food establishment~~vehicle cleaning;
  - 4.1.7 refilling of water tank(s) with potable water; and
  - 4.1.8 utilizing electrical power sources.

- 4.2 DEPARTMENT: The Davis County Health Department.
- 4.3 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.
- 4.4 SERVICING AREA: A permanent facility that ~~does not qualify as a Commissary~~ is not a food establishment, to which a ~~food truck, limited-use food establishment~~ mobile food business, or flavored ice establishment returns regularly for limited operational services including:
  - 4.4.1 disposal of solid and liquid wastes;
  - 4.4.2 ~~cleaning of the food truck, limited-use food establishment or flavored ice establishment~~ vehicle cleaning;
  - 4.4.3 refilling of water tank(s) with potable water;
  - 4.4.4 utilizing electrical power sources; and
  - 4.4.5 overnight parking.

## 5.0 REGULATION

### 5.1 Right of Entry

A representative of the Department shall be allowed access to the regulated premises after providing proper identification.

### 5.2 Operating Permit

A Person shall not operate, nor advertise as, a food establishment without a valid operating permit issued by the Department.

#### 5.2.1 Validity.

Operating permits shall be valid for the following periods of time:

- 5.2.1.1 Food Establishments one year;
- 5.2.1.2 ~~Primary Food Trucks~~ Mobile Food Business Jan 1 – Dec 31;
- 5.2.1.3 ~~Limited-Use Food Establishments~~ Jan 1 – Dec 31;
- 5.2.1.4 Seasonal Food Establishments Apr 1 – Oct 31;
- 5.2.1.5 Temporary Food Establishments
  - 5.2.1.5.1 Single Event up to 14 consecutive days;
  - 5.2.1.5.2 Annual Jan 1 – Dec 31;
- 5.2.1.6 Microenterprise Home Kitchens one year.;

#### 5.2.2 Renewal.

An operating permit for a food establishment ~~food establishment~~ shall be e

renewed ~~within 30 days of expiration, or prior to operating, each year.~~ at least 30 days prior to operating each year.

5.2.3 Late Fees.

A late fee may be assessed for operating on an expired permit and every 30 days thereafter.

5.2.4 Permit Contact Information.

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

5.2.5 Permits Not Transferable.

A permit may not be transferred from one pPerson to another pPerson, from one food establishment to another, or from one type of operation to another.

**5.3 ~~Limited-Use Food Establishments~~**

~~Limited-use food establishments shall be compliant with all applicable UAC rules and the following criteria.~~

5.3.1 ~~Commissary Requirements.~~

~~A limited-use food establishment operator shall use a Commissary approved by the Department for essential food service operations.~~

5.3.1.1 ~~Location.~~

~~The limited-use food establishment operator shall use a Commissary that is conveniently located, as determined by the Department.~~

5.3.1.2 ~~Commissary Agreement.~~

~~The limited-use food establishment operator must obtain a written, signed Commissary agreement from the Commissary operator, which shall be renewed annually, and any changes to the agreement shall be approved by the Department prior to the changes being implemented.~~

5.3.1.3 ~~Frequency.~~

~~The limited-use food establishment operator shall report to their Commissary at least daily, if operating, and as often as necessary for cleaning and servicing.~~

5.3.1.4 ~~Operator Log.~~

~~The limited-use food establishment operator shall document presence at the Commissary on a log provided by the Commissary operator according to the frequency determined and approved by the Department.~~

5.3.1.4.1 ~~The limited-use food establishment operator shall record the date, time in, time out, and initials.~~

~~5.3.1.4.2 The limited-use food establishment operator shall retain Commissary records for one year, and shall make the records available for inspection upon request from the Department.~~

~~5.3.1.5 Suspension or Revocation of Permit.~~

~~If a Commissary's operating permit is suspended or revoked, the limited-use food establishment permit shall be invalidated until the Commissary's operating permit is reinstated or the limited-use food establishment operator obtains an agreement with a new Commissary approved by the Department.~~

~~5.3.1.6 Servicing Area.~~

~~A limited-use food establishment operator may use a Servicing Area approved by the Department for operations not easily provided by their Commissary.~~

### ~~5.3.2 Operations.~~

~~5.3.2.1 Time/Temperature Control for Safety (TCS).~~

~~The limited-use food establishment operator shall not cook any TCS foods prior to the day of sale.~~

~~5.3.2.2 Transport.~~

~~The limited-use food establishment operator shall transport all food and equipment, to and from the establishment, as approved by the Department.~~

~~5.3.2.3 Specialized Processing Methods.~~

~~A limited-use food establishment operator shall not prepare food requiring a HACCP plan as define in R392-100.~~

~~5.3.2.4 Operating Schedule.~~

~~The limited-use food establishment operator shall submit an operating schedule to the Department at the time of application and notify the Department of any changes to the submitted schedule prior to the change in operation.~~

~~5.3.2.5 Storage.~~

~~If the limited-use food establishment is mobile and not in use, it shall be stored at a location approved by the Department.~~

### ~~5.3.3 Structural Requirements.~~

~~5.3.3.1 Water Capacity.~~

~~A limited-use food establishment shall be equipped with a minimum capacity of ten (10) gallons of potable water.~~

~~5.3.3.2 Business Name.~~

~~A limited-use food establishment operator shall permanently~~

~~display, in printed letters of at least four (4) inches in height, the business name on the exterior of the limited-use food establishment.~~

~~5.3.3.2.1 The business name on the exterior of the limited-use food establishment shall be the same as the business name or "dba" provided on the application.~~

#### **5.4 Flavored Ice Establishments**

Flavored ice establishments are seasonal food establishments that shall be compliant with all applicable rules and the following criteria.

##### **5.4.1 Food Limitations.**

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

- 5.4.1.1 single-serve ice cream;
- 5.4.1.2 cream, milk, half and half;
- 5.4.1.3 pressurized whipped cream; and
- 5.4.1.4 sweetened condensed milk.

##### **5.4.2 Servicing Area.**

A flavored ice establishment without a permanent connection to an approved water source or sanitary sewer shall use a sServicing aArea approved by the Department.

##### **5.4.3 Frequency.**

The flavored ice establishment operator shall report to their sServicing aArea at a frequency approved by the Department.

#### **5.5 Temporary Food Establishments**

Temporary Food Establishments (TFE) shall be compliant with all applicable rules and the following criteria.

##### **5.5.1 Hand Washing Stations.**

Hand washing stations shall be provided with:

- 5.5.1.1 a minimum of five ~~(5)~~ gallons of potable water; and
- 5.5.1.2 a water source with a spigot that allows for the continuous flow of water.

##### **5.5.2 Food Preparation.**

All food shall be prepared on-site or prior to the event at a permitted food establishment.

##### **5.5.3 Waste Water Management.**

Waste water generated by the operations of the TFE shall be collected, retained, and properly disposed.

5.5.4 Event Schedule Submission.

An ~~Annual owner of an Annual~~ TFE ~~operator permit~~ shall submit a schedule ~~listing of~~ the event(s) including date(s), location(s), and time(s) where the operator plans to conduct business during the year. The Department shall be notified of any changes to the schedule at least three (3) days prior to ~~the each~~ event that is added or removed from the schedule(s).

**5.6 Commissaries**

Each commissary shall be compliant with following requirements.

5.6.1 Registration.

A commissary shall register with the Department annually.

5.6.1.1 Registration may be nullified or denied for non-compliance with the responsibilities listed in section 5.5.3.

5.6.2 Agreement.

A commissary shall enter into a signed agreement with each mobile food business or flavored ice establishment it will provide services to.

5.6.3 Responsibilities.

A commissary owner shall:

5.6.3.1 Maintain a separate sign-in/sign-out log for each business that utilizes services from their commissary;

5.6.3.2 Retain sign-in/sign out records for a minimum of one year and provide them to the Department immediately upon request;

5.6.3.3 Report any changes in the usage of the commissary to the Department;

5.6.3.3.1 Changes in the usage of a commissary includes, but is not limited to, non-usage, significant changes to the frequency of visits, and changes or termination of the commissary agreement.

5.6.3.4 Provide and maintain access to all of the services agreed upon in the commissary agreement;

5.6.3.5 Maintain the commissary and all equipment clean and in good repair; and

5.6.3.6 Prohibit the use of any commissary services to any mobile food business or flavored ice establishment without approval from the Department.

5.6.4 Capacity.

A commissary may not have agreements with more than two mobile food businesses at a time without written approval from the Department.

**5.7 Enforcement**

It is unlawful for any Person to fail to comply with this regulation or to interfere with the Department in the performance of its duties.

1.1.1 Closed to Operations.

Food establishment operations may be closed by the Department, entirely or partially, if the establishment is operating with an imminent health hazard present.

5.7.1 Follow-Up Inspection.

A follow-up inspection may be required for any notice issued by the Department.

5.7.2 Suspension of a Permit.

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

5.7.2.1 A food establishment with a suspended permit may resume operations only after receiving approval from the Department.

5.7.3 Notice of Violation.

A notice of violation may be issued to any pPerson operating a food establishment without a valid permit as required by this regulation.

5.7.4 Revocation of a Permit.

The Davis County Board of Health may revoke a permit to operate if the food establishment has violated any of the provisions of this regulation.

## 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 pPerson who is found guilty by a court of: violating any of the provisions of this regulation; or violating, disobeying, or disregarding any notice issued under this regulation is guilty of a class B misdemeanor;

6.1.2 Any pPerson 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 pPerson convicted from civil liability.

### 6.2 Civil and Administrative Penalties

6.2.1 Any pPerson who violates any of the provisions of this regulation or violates, disobeys, or disregards any notice issued under this regulation shall be subject to the payment of costs incurred in the enforcement of any violation or notice issued, including costs attributable to any involved local agencies;

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

- 6.2.3 A penalty pursuant to the provisions of UCA Section 19-5-115.
- 6.2.4 The exercise of civil and administrative penalties shall be subject to the Department’s Adjudicative Hearing Procedures Regulation.

**7.0 SEVERABILITY**

If any provision, clause, sentence, or paragraph of this regulation or the application or circumstances shall be held 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 Food Establishment Plan Review:
  - 8.1.1 Plan Review: \$~~75400~~.00
  - 8.1.2 Site Review: \$~~1,5800~~.00
  - 8.1.3 Change of Ownership / Limited-Plan Review: \$~~150300~~.00
  - 8.1.4 ~~Food Truck / Limited-Use~~ Mobile Food Business Plan or Site Review: \$~~350550~~.00
  - 8.1.5 Flavored Ice Establishment Plan or Site Review: \$50.00
  - 8.1.6 HACCP Plan Review: \$350.00
  - 8.1.7 ~~Temporary Food Establishments Plan Review:~~ ~~\$20.00~~
    - 8.1.7.1 ~~Plan Submission Late Fees:~~
      - 8.1.7.1.1 ~~Less than 2 Days Prior to Event:~~ ~~\$20.00~~
      - 8.1.7.1.2 ~~Site Review:~~ ~~\$50.00~~
- 8.2 Operating Permits:
  - 8.2.1 Food Establishment:
    - 8.2.1.1 Risk 1: \$~~170225~~.00
    - 8.2.1.2 Risk 2: \$~~260350~~.00
    - 8.2.1.3 Risk 3: \$~~345475~~.00
    - 8.2.1.4 Risk 4: \$~~430600~~.00
    - 8.2.1.5 Risk 5: \$~~6001,200~~.00
  - 8.2.2 ~~Food Truck~~ Mobile Food Business:
    - 8.2.2.1 ~~Primary Tier~~ Risk or Tier 1: \$~~200350~~.00
    - 8.2.2.2 ~~Primary Tier~~ Risk or Tier 2: \$~~350500~~.00
  - 8.2.3 ~~Limited-Use Food Establishment:~~

8.2.3.1	<del>Risk 1:</del>	<del>\$200.00</del>
8.2.3.2	<del>Risk 2:</del>	<del>\$350.00</del>
8.2.4	Seasonal Food Establishment:	
8.2.4.1	Risk 1 / Flavored Ice:	<del>\$140</del> <u>200.00</u>
8.2.4.2	Risk 2:	<del>\$260</del> <u>350.00</u>
8.2.5	Temporary Food Establishment:	
8.2.5.1	Annual Risk 1:	<del>\$105</del> <u>200.00</u>
8.2.5.2	Annual Risk 2:	<del>\$140</del> <u>275.00</u>
8.2.5.3	Single Event Risk 1:	<del>\$30</del> <u>70.00</u>
8.2.5.4	Single Event Risk 2:	<del>\$40</del> <u>100.00</u>
8.2.6	Microenterprise Home Kitchen:	\$300.00
8.3	Food Handler Permitting:	
8.3.1	Food Handler Permit:	\$15.00
8.3.2	Food Handler Permit Training:	\$10.00
8.3.3	Replacement Food Handler Permit:	\$10.00
8.4	Miscellaneous <del>Other:</del>	
8.4.1	Commissary Registration Fee:	\$25.00
8.4.2	Permit Late Fee (30 days):	\$100.00
8.4.3	Follow-Up Inspection:	\$100.00
8.4.4	<u>Residential Care Food Inspection:</u>	<u>\$85.00</u>
8.4.5	<u>Temporary Food Late Fee:</u>	
8.4.5.1	<u>Less than 2 Business Days Prior to Event:</u>	<u>\$20.00</u>
8.4.5.2	<u>Permitted On-Site:</u>	<u>\$50.00</u>

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**

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

**Revised and Amended: November 13, 2018**

**Revised and Amended: May 10, 2022**

**Revised and Amended: August 13, 2024**

Davis County Board of Health

Signed: \_\_\_\_\_

~~Scott Zigich~~Brandon Hatch

Board Chairman

Attest: \_\_\_\_\_

Brian Hatch, M.P.H.

Director of Health