

DAVIS COUNTY BOARD OF HEALTH

Food Service Sanitation Regulation



Table of Contents

1.0	PURPOSE	1
2.0	SCOPE	1
3.0	AUTHORITY AND APPLICABLE LAWS	1
4.0	DEFINITIONS	1
5.0	REGULATION	2
5.1	FOOD SUPPLIES	2
5.2	FOOD PROTECTION	2
5.3	WALLS AND CEILINGS	3
5.4	MOBILE FOOD SERVICE	3
5.5	CONDITIONAL USE PERMITS FOR TEMPORARY FOOD SERVICE	6
5.6	SEASONAL FOOD SERVICE ESTABLISHMENTS	10
5.7	FLAVORED ICE FACILITIES	11
5.8	PERMITS, INSPECTIONS AND ENFORCEMENT	12
5.9	EXAMINATION AND CONDEMNATION OF FOOD -	16
5.10	FOOD ESTABLISHMENTS OUTSIDE THE JURISDICTION OF THE DAVIS COUNTY HEALTH DEPARTMENT	16
5.11	SUBMISSION OF PLANS	16
5.12	PRE-OPERATIONAL INSPECTION	16
5.13	FOOD HANDLER PERMITS	16
6.0	PENALTY	20
7.0	SEVERABILITY	20
8.0	FEES	21

1.0 PURPOSE

The purpose of this regulation is to protect the public health, safety, and welfare of residents and visitors in Davis County by establishing practices and provisions 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 Title 26-A Chapter 121 of the Utah Code

The provisions of the Utah Food Code R392-100 Food Sanitation are hereby adopted and incorporated by reference subject to the additions, modifications and exceptions set forth in this regulation.

4.0 DEFINITIONS

- 4.1 **COMMISSARY:** A catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored including any service center or base of operations directly from which cart or mobile food units are supplied, serviced or stored.
- 4.2 **DIRECTOR:** The Director of the Davis County Health Department or an authorized representative.
- 4.3 **FOOD CART:** A readily moveable vehicle that is used for food service, that is not self propelled, that operates at a single location.
- 4.4 **FOOD CONTACT SURFACE:** Those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.
- 4.5 **FOOD SERVICE SAMPLER:** Any person that provides food items free of charge for the purposes of promoting a given food product at a temporary event.
- 4.6 **HEALTH AUTHORITY:** The Davis County Health Department – Division of Environmental Health Services.

- 4.7 MOBILE FOOD UNIT: A vehicle-mounted food service establishment designed to be readily movable.
- 4.8 SOLID WASTES: Any discarded organic matter, garbage, trash, and other waste materials resulting from the operation of a food service establishment.
- 4.9 VEHICLE: Any van, truck, trailer, cab, bus, cycle, automobile, push cart, wagon, or any means of conveying food.
- 4.10 WASTEWATER: Sewage or water carried wastes, and shall include but is not limited to, the discharges from all plumbing fixtures or facilities.
- 4.11 WHOLESOME: Shall mean in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

5.0 REGULATION

5.1 FOOD SUPPLIES

- 5.1.1 Food shall be free from adulteration or other contamination and shall be safe for human consumption. Food shall be obtained from sources that comply with all laws relating to food and food labeling. Food in hermetically sealed containers which are free from major defects must be prepared in an approved food processing establishment. Home canned and home prepared foods are prohibited. The only exception allowed are those homes that comply with R70-560 Inspection and Regulation of Cottage Food Production Operations.
- 5.1.2 Imported Foods: all imported foods shall bear an English language label. Foods that do not bear such label shall be detained until the source is determined. Procedures for condemnation of such foods shall be taken if an approved source cannot be found.

5.2 FOOD PROTECTION

- 5.2.1 In the event of a fire, flood, power outage, sewage flooding or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the Director, who shall take whatever reasonable action is necessary to protect the public health.

Proper food protection measures should include:

- (1) Application of good sanitation practices in the handling of food;
- (2) Strict observation of personal hygiene by all food service employees;
- (3) Keeping potentially hazardous food refrigerated or heated to temperatures that minimize the growth of pathogenic microorganisms;

- (4) Inspecting food products as to their sanitary condition prior to acceptance at the establishment; and
 - (5) Provision of adequate equipment and facilities for the conduct of sanitary operations.
- 5.2.2 Steam tables, bainmaries, warmers, and similar hot food holding facilities are prohibited for the rapid re-heating of potentially hazardous foods.
- 5.2.3 Equipment aisles and working spaces between units of equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. All easily movable storage equipment such as pallets, racks, and dollies shall be positioned to provide accessibility to working areas.
- 5.3 WALLS AND CEILINGS - The walls, including non-supporting partitions wall coverings, and ceilings of walk-in refrigeration units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms and vestibule shall be light-colored, smooth, non-absorbent, and easily cleanable.
- 5.4 MOBILE FOOD SERVICE
- 5.4.1 Mobile food units and food carts shall comply with the requirements of this chapter, except as otherwise provided in this paragraph and in Section 5.5.9 of these regulations. The local health authority may impose additional requirements to protect against health hazards related to the conduct of the food service establishment as a mobile operation, may prohibit the sale of some or all potentially hazardous food, and when no health hazard will result, may waive or modify requirements of this chapter relating to physical facilities, except those requirements of 5.4.11, 5.4.12, 5.4.13, and 5.4.14 of these regulations.
- 5.4.2 Any person who owns or operates a mobile food unit or food cart shall submit to the Health Authority a vending route and daily operation schedule prior to operating. Owners/operators shall keep a vending route or daily operation schedule with the mobile unit or food cart and make it available for onsite inspection by the Health Authority. The route sheet or operation schedule shall include site locations, addresses and approximate time at the locations, times that the mobile food unit or food cart will be at the commissary, days and hours of operation and any other relevant information. All changes to the route sheet or operation schedule must be submitted to the Health Authority prior to change.

- 5.4.3 Each operator of a mobile food unit or food cart shall provide a signed agreement to use an approved permanent toilet facility that also has a hand wash sink with hot and cold running water, soap and a sanitary means to dry hands. The toilet facility must be readily accessible during all hours of operation. Toilets shall be located within 500 feet of the food cart. A mobile food unit operator must provide a signed agreement to use an approved toilet that also has a hand wash sink with hot and cold running water, soap, and a sanitary means to dry hands, if the mobile food unit is at any one location for 60 minutes or longer.
- 5.4.4 The business name shall be plainly posted on at least two sides of the mobile food unit or food cart. Lettering and numbers must be a minimum of 8 inches in height.
- 5.4.5 A mobile food unit and food cart shall be designed to accommodate the storage of ice chests, food equipment, and food at least 6 inches above the ground or floor.
- 5.4.6 Storage of food, equipment, and single service articles is prohibited in vehicles used for transportation.
- 5.4.7 Food and food contact surfaces shall be protected from contamination at all times including transport, operation and storage.
- 5.4.8 A mobile food unit and food cart shall operate on a surface with concrete or machine laid asphalt that is clean and in good repair.
- 5.4.9 RESTRICTED OPERATION - Mobile food units and food carts serving only food prepared, packaged in individual servings, transported and stored under conditions meeting the requirements of these regulations, or beverages that are not potentially hazardous And are dispensed from covered urns or other protected equipment, need not comply with requirements of these regulations pertaining to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at the commissary.
- 5.4.10 SINGLE-SERVICE ARTICLES - Mobile food units and food carts shall provide only single-service articles for use by the consumer.
- 5.4.11 WATER SYSTEM - A mobile food unit or food cart requiring a water system shall have a potable water system under pressure. The potable water supply tank for a food cart shall be a minimum of 10 gallons and shall be large enough to supply an adequate amount of hot and cold water when the food cart is in operation. The potable water supply tank

for a mobile food unit shall be a minimum of 30 gallons and shall be large enough to supply an adequate amount of hot and cold water when the mobile food unit is in operation. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease and it shall be kept capped unless being filled. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed in accordance with the current plumbing code and amendments as adopted by the State of Utah.

5.4.12 WASTE RETENTION - If liquid waste results from operation of a mobile food unit, or a food cart the waste shall be stored in a permanently installed retention tank that is of at least 15 percent larger capacity than the water supply tank and in any case of sufficient capacity to contain all anticipated wastewater loading. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

5.4.13 COMMISSARY

5.4.13.1 Mobile food units and food carts shall operate from an approved commissary or other fixed food service establishment. Mobile food units and food carts shall report to the commissary each night and as necessary for cleaning and servicing.

5.4.13.2 The operator of a mobile food unit or food cart shall provide a signed commissary agreement from the commissary operator outlining services that shall be performed at the commissary including cleaning, storage, preparation, etc. Changes to this agreement shall be submitted to the Health Authority prior to the change.

5.4.13.3 The commissary or other fixed food service establishment used as a base of operation for mobile food units shall be constructed and operated in compliance with all rules and regulations governing food service in Davis County.

5.4.13.4 Each commissary or fixed food service establishment shall have a sign in/sign out sheet for each mobile food unit and

food cart operator. The sign in/sign out sheet shall be filled out by each operator with the date, time, and signature of the operator each time the mobile food unit or food cart leaves or returns to the commissary or fixed food service establishment. The sign in/sign out sheet must be available for inspection by the Health Authority. The sign in/sign out sheet must be kept at the commissary for a period of not less than 3 years.

- 5.4.13.5 When a permit to operate a commissary or fixed food establishment is suspended or revoked, the mobile food unit or food cart shall cease all food service operations. The owner of the mobile food unit or food cart shall submit a commissary agreement to the Health Authority prior to operating.

5.4.14 SERVICING AREA AND OPERATIONS

- 5.4.14.1 A mobile food unit or a food cart servicing area shall be provided and shall include at least overhead protection for any supplying, cleaning, or servicing operation. Within this servicing area, there shall be a location provided for the flushing and drainage of liquid wastes separate from the location provided for water servicing and for the loading and unloading of food and related supplies. This servicing area will not be required where only packaged food is placed on the mobile food unit or where mobile food units do not contain waste retention tanks.

- 5.4.14.2 The surface of the servicing area shall be constructed of a smooth nonabsorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair, kept clean, and be graded to drain.

- 5.4.14.3 Potable water servicing equipment shall be installed according to law and shall be stored and handled in a way that protects the water and equipment from contamination.

5.5 CONDITIONAL USE PERMITS FOR TEMPORARY FOOD SERVICE

- 5.5.1 A temporary food service establishment shall comply with the requirements of these regulations, except as otherwise provided in this chapter. The local health authority may impose additional reasonable requirements to protect against health hazards related to the conduct of the temporary food service establishment, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result,

may waive or modify requirements of these regulations.

5.5.2 RESTRICTED OPERATIONS

5.5.2.1 These provisions are applicable whenever a temporary food service establishment is permitted, under the provisions of Section 5.6.1 of these regulations, to operate without complying with all the requirements of this chapter.

5.5.2.2 Temporary food service permit holders shall be limited to eight (8) potentially hazardous food items including cut, sliced, diced or chopped melons and tomatoes, meats, cooked vegetables, eggs, dairy products, reconstituted rice, beans and noodles. When a temporary food service permit holder is found operating with more than eight (8) potentially hazardous food items, the permit to operate may be suspended.

5.5.2.3 Time as a public health control cannot be used.

5.5.2.4 During all hours of operation, the temporary food service permit holder shall have at least one person on site that has a food handler permit accepted by the Davis County Health Department, Division of Environmental Health.

5.5.2.5 All other food service rules and regulations apply to the operation of the temporary food service permit holder.

5.5.2.6 The Davis County Health Department, Division of Environmental Health may impose additional reasonable requirements to protect against health hazards related to the conduct of the temporary food service.

5.5.2.7 Temporary food service must have a distance of at least 100' from potential sources of contamination including portable toilets, animals, arenas, tracks.

5.5.3 ICE - Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of these regulations. The ice shall be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice shall be held in these bags until it is dispensed in a way that protects it from contamination.

5.5.4 EQUIPMENT

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

5.5.4.2 Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided as necessary to prevent contamination.

5.5.4.2 Food storage containers and utensils shall be kept clean and sanitized until used.

5.5.4.3 Utensils/single-service items shall be stored at least six inches (6") off of the ground or floor.

5.5.4.4 All equipment including grills, utensils and other appurtenances shall be made of food grade materials.

5.5.4.4 Use of canned solid fuel is prohibited.

5.5.4.5 An acceptable method for use of utensil/scoop storage must be listed on the application. Acceptable methods include:

- (1) Stored in the product with the handle out of the product.
- (2) Multiple utensils/scoops may be kept available.
- (3) Utensils/scoops may be properly washed, rinsed, sanitized and air dried. Utensils may be reused if properly cleaned at least every hour.
- (4) Stored in water that is a minimum of 135 °F.

5.5.5 FOOD PROTECTION - Foods must be maintained at proper temperatures. Raw animal products shall be stored in separate containers. Ice used as food shall be stored separately from other products.

5.5.6 SINGLE-SERVICE ARTICLES - All temporary food service establishments without effective facilities for cleaning and sanitizing tableware shall provide only single-service articles for use by the consumer.

5.5.7 WATER - Sufficient culinary/ potable water shall be available in the establishment for food preparation, for cleaning and sanitizing utensils and equipment, and for hand washing. A heating facility capable of

producing enough hot water for these purposes shall be provided on the premises.

A food vendor that does not have a commissary must provide means for ware washing using a three compartment system of sinks or approved bins.

5.5.8 WET STORAGE - Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped foods shall not be stored in direct contact with ice.

5.5.9 WASTEWATER - All wastewater including liquid wastes shall be disposed of to a public sewer or other approved wastewater disposal systems.

5.5.10 HANDWASHING - A convenient hand washing facility shall be available for employee hand washing shall consist of running water, liquid soap and paper towels. The water container must have a spigot that allows for the continuous flow of water. A catch basin to collect water from hand wash facility is required. A hand wash station that utilizes a foot pump may be allowed. Bare hand contact with ready to eat foods is prohibited. A temporary food service must have a minimum of 5 gallons of culinary/potable water readily available in clean containers.

5.5.11 BOOTH STRUCTURE - Floors shall be constructed of concrete, asphalt, tight wood or other similar cleanable material kept in good repair. Dirt or gravel when graded to drain may be used as subflooring when covered with clean, removable platforms or duckboards, or covered with wood chips, shavings, or other suitable materials effectively treated to control dust.

Ceilings shall be made of wood, canvas, or other material that protects the interior of the establishment from the weather.

5.5.12 SOLID WASTE - Approved containers shall be provided for food operations and for patrons to dispose of wastes. They shall be routinely emptied as necessary to approved waste disposal facilities.

Grease and oil shall be disposed of properly; not on the ground or into a gutter or storm drain.

- 5.6 SEASONAL FOOD SERVICE ESTABLISHMENTS - A seasonal food service establishment shall comply with the requirements of these regulations, except as otherwise provided in this chapter. The local health authority may impose additional reasonable requirements to protect against health hazards related to the conduct of seasonal food service permit holder.
- 5.6.1 These provisions are applicable whenever a seasonal food service establishment is permitted, under the provisions of Section 5.6.1 of these regulations, to operate without complying with all the requirements of this chapter.
- 5.6.2 Seasonal food service permits shall be valid from April 1 through October 31 of the calendar year. A seasonal food service permit may not operate more than 14 consecutive days in any one location in conjunction with a single event. Seasonal food service permits cannot be used for multiple booths or sites.
- 5.6.3 All foods must be prepared in an approved facility or on-site.
- 5.6.4 Seasonal food service permit holders shall be limited to eight (8) potentially hazardous food items including cut, sliced, diced or chopped melons and tomatoes, meats, cooked vegetables, eggs, dairy products, reconstituted rice, beans and noodles. When a seasonal food service permit holder is found operating with more than eight (8) potentially hazardous food items, the permit to operate shall be suspended.
- 5.6.5 Seasonal food service permit holders shall submit a schedule listing the events where the permit holder will be operating. The list shall include locations and times to the Health Department, Division of Environmental Health, and must be submitted 72 hours prior to the event(s). A seasonal food service permit holder may call into the Health Department, Division of Environmental Health office during normal working hours and add events to their schedule prior to operation. When a seasonal food service permit holder is found at an event not on the submitted schedule, the permit to operate may be suspended.
- 5.6.6 If a seasonal food service permit is suspended, the permit may be renewed if the applicant comes into the Health Department, Division of Environmental Health and reappplies. If the seasonal permit is suspended two times during the season, the applicant will not be allowed to reapply for any food service permits for the remainder of the season. Permits may be revoked, suspended or denied for just cause at any time.

- 5.6.7 During all hours of operation, the seasonal food service permit holder shall have at least one person on site that has a valid Davis County food handler permit.
- 5.6.8 Time as a public health control cannot be used.
- 5.6.9 All other food service rules and regulations apply to the operation of the seasonal permit holder.
- 5.6.10 The Davis County Health Department, Division of Environmental Health may impose additional reasonable requirements to protect against health hazards related to the conduct of the seasonal food service.
- 5.6.11 A seasonal food permit holder must comply with other applicable provisions of the Davis County Food Service Sanitation Regulations.
- 5.7 FLAVORED ICE FACILITIES - A flavored ice establishment shall comply with the requirements of these regulations, except as otherwise provided in this chapter. The local health authority may impose additional reasonable requirements to protect against health hazards related to the conduct of establishment.
 - 5.7.1 These provisions are applicable whenever a flavored ice establishment is permitted, under the provisions of Section 5.6.1 of these regulations, to operate without complying with all the requirements of this chapter.
 - 5.7.2 A flavored ice food service permit is issued for a facility that operates at a single location from April 1 to October 31.
 - 5.7.3 Food items allowed at a flavored ice establishment are limited to ice and flavored syrups. Packaged, single use ice cream may be served if proper holding and handling is maintained. Pint sized or smaller packaged cream, milk, half and half, pressurized whipped cream, and sweetened condensed milk may be served if holding temperatures of 41 degrees or lower are maintained at all times, containers are date marked with the date and time that the container was opened, and are used or discarded within 24 hours. Absolutely NO other potentially hazardous food, drink or ingredients may be served. Any flavored ice facility that wishes to serve additional foods or ingredients other than those listed above must meet the requirements of a full service facility, cart or mobile food service permit.
 - 5.7.4 There shall be no bare hand contact with any ready to eat foods. Single-service articles must be used to dispense or mix ice cream and discarded after each use.

- 5.7.5 All individuals on-site must have current Davis County Food Handler Permits. A copy of the permits must be kept at the facility.
- 5.7.6 A three compartment sink for washing equipment and a separate sink dedicated to hand washing is required. Water must be obtained from an approved source. Hot and cold running water must be available at all sinks and wastewater must drain into an approved wastewater tank. The wastewater in the holding tank must be disposed of in a sanitary sewer. Wastewater shall not be discarded on the ground or into a storm drain.
- 5.7.7 Walls, floors, and ceilings must be light-colored, smooth, and cleanable. Lights must be shielded or shatter-proof.
- 5.7.8 Equipment must be N.S.F. approved or commercial grade.
- 5.7.9 A pre-opening inspection must be completed and the required permit fee received before the permit will be issued.
- 5.7.10 A flavored ice permit holder must comply with other applicable provisions of the Davis County Food Service Sanitation Regulations.

5.8 PERMITS, INSPECTIONS AND ENFORCEMENT

5.8.1 PERMITS - It shall be unlawful for any person to operate a food service establishment within Davis County and all cities and towns within Davis County, or its police jurisdiction, who does not possess a valid permit issued to them by the health authority. Permits are not transferrable. A valid permit shall be posted in every food service establishment. Permits are valid for the calendar year, renewable on 31st of December of that year. A 30-day grace period will be given for renewal of the permit.

5.8.2 ISSUANCE OF PERMITS

5.8.2.1 Any person desiring to operate a food service establishment shall make written application for a permit on forms provided by the health authority. Such applications shall include the applicants' full name and post office address, property owners full name and address, and whether such applicant is an individual, firm or corporation and if a partnership, the names of the partners together with their address shall be included; the location and type of proposed food service establishment; and the signature of the applicant or applicants. If the

application is for a temporary food service establishment it shall also include the inclusive dates of the proposed operation.

5.8.2.2 Prior to approval of an application for a permit the health authority shall inspect the proposed food service establishment to determine compliance with the requirements of these rules and regulations.

5.8.2.3 The health authority shall issue a permit if the inspection reveals that the food service establishment comes into compliance with these rules and regulations. Maintenance of the permit is contingent on compliance with these rules and regulations.

5.8.2.4 Issuance of the permits will be made after fees are collected according to a fee schedule adopted by the Davis County Health Council.

5.8.3 SUSPENSION OF PERMIT

5.8.3.1 The health authority may, without warning, notice, or hearing, suspend any permit to operate a food service establishment if the holder of the permit does not comply with the requirements of these rules and regulations, or if the operation of the establishment does not comply with the requirements of these rules and regulations, or if the operation of the food service establishment otherwise constitutes a substantial hazard to public health. Suspension is effective upon service of the notice required by 5.8.5 of these rules and regulations. When a permit is suspended, food service operations shall immediately cease. Whenever a permit is suspended, the holder of the permit shall be afforded an opportunity for a hearing within 10 days of receipt of a request for a hearing.

5.8.3.2 Whenever a permit is suspended, the holder of the permit or the person in charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the health authority by the holder of the permit within 10 days. If no written request for hearing is filed within 10 days, the suspension is sustained.

5.8.3.3 Any person whose permit has been suspended may, at any time, make application for a re-inspection for the purpose of reinstatement of the permit. Within 10 days following receipt of a written request, including a statement signed by the applicant that in his opinion conditions causing suspension of the permit have been corrected, the health authority shall make a re-inspection. If the applicant is complying with the requirements of these rules and regulations, the permit shall be reinstated.

5.8.4 REVOCATION OF PERMIT

5.8.4.1 The health authority may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of these rules and regulations, or for interference with the health authority in the performance of duty.

5.8.4.2 Prior to revocation, the health authority 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 10 days following service of such notice unless a written request for hearing is filed with the health authority within the 10-day period.

5.8.5 SERVICE OF NOTICES - A notice provided for in these rules and regulations 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 health authority.

5.8.6 HEARINGS - The hearings provided for in these rules and regulations shall be conducted by the health authority at a time and place designated by it. Any oral testimony given at a hearing shall be reported verbatim, and the presiding officer shall make provision for sufficient copies of the transcript. The health authority shall make a final finding based upon the complete hearing record and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the health authority.

5.8.7 APPLICATION AFTER REVOCATION - Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit. The Davis County Health Council will review all applications for new permits after revocation.

5.8.8 ACCESS

5.8.8.1 Representatives of the health authority, after proper identification, shall be permitted to enter any food service establishment within the jurisdiction of the Davis County Health Department at any reasonable time for the purpose of making inspections to determine compliance with these rules and regulations. The representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used.

5.8.8.2 Any food service establishment open for operation shall have a person in charge. If no individual is the apparent person in charge, then any employee present is the person in charge.

5.8.9 REPORT OF INSPECTIONS - Whenever an inspection of a food service establishment is made, the findings shall be recorded on the inspection report form. The inspection report form shall summarize the requirements of these rules and regulations. A signed copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

5.8.10 Failure to comply with any notice issued in accordance with these rules and regulations may result in immediate suspension of the permit.

5.8.11 An opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the health authority within the period of time established in the notice of correction.

- 5.9 EXAMINATION AND CONDEMNATION OF FOOD - Food may be examined or sampled by the health authority as often as may be necessary to determine freedom from adulteration, misbranding or being unsafe or unwholesome. The health authority may, upon written notice to the owner or person in charge, place a hold order on any food which he determines or has probable cause to believe to be unsafe, unwholesome, or otherwise adulterated or misbranded. Under a hold order food shall be permitted to be suitably stored. No person shall remove or alter a hold order, notice, or tag placed on food by the local health officer and neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the health authority.
- 5.10 FOOD ESTABLISHMENTS OUTSIDE THE JURISDICTION OF THE DAVIS COUNTY HEALTH DEPARTMENT - Food from food establishments outside the jurisdiction of the Davis County Health Department may be distributed and/or sold within Davis County if such food establishments conform to the provisions of these regulations or to substantially equivalent provisions. To determine the extent of compliance with such provision, the health authority may accept reports from responsible authorities in other jurisdictions where food establishments are located.
- 5.11 SUBMISSION OF PLANS - Whenever a food service establishment is constructed or remodeled and whenever an existing structure is converted to use as a food service establishment properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the health authority for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The health authority shall approve the plans and specifications if they meet the requirements of these rules and regulations. No food service establishment shall be constructed, remodeled, or converted except in accordance with plans and specifications approved by the health authority.
- 5.12 PRE-OPERATIONAL INSPECTION - Whenever plans and specifications are required by Section 5.11 of these rules and regulations to be submitted to the health authority, the health authority shall inspect the food service establishment prior to the start of operations, to determine compliance with the approved plans and specific actions and with the requirements of these rules and regulations.
- 5.13 FOOD HANDLER PERMITS – The provisions of the Utah Code R392-103 Food Handler Training and Certification are hereby adopted and incorporated by reference subject to the additions, modifications, and exceptions set forth in this regulation.

5.13.1 ~~Permit Required: It shall be unlawful for any person to employ another person or for any person to work as a food and beverage service worker in a food service establishment unless that person has lawfully obtained a valid Food and Beverage Service Worker Permit issued by the Division.~~

5.13.1.1 ~~A worker shall provide to the person in charge of a food service establishment, a Davis County Food Handler Permit, prior to working in the food service establishment.~~

5.13.1.2 ~~The person in charge of a food service establishment shall display the Davis County Food Handler Permits of all workers working in the food service establishment. Permits shall be available for inspection by the Division. The person in charge shall not accept expired permits.~~

5.13.1.3 ~~The person in charge shall immediately return the Davis County Food Handler Permit to the worker when the worker is no longer employed in the food service establishment.~~

5.13.1.4 ~~Davis County Food Handler Permits shall be valid in Davis County for three years from the date of issuance, and each worker shall furnish the person in charge of said food service establishment a new permit prior to the expiration of the old permit.~~

5.13.1.5 ~~Duplicate Davis County Food Handler Permits may be obtained from the Division for a fee established by the Division.~~

5.13.2 ~~Requirements for Issuance of Permits: The Division shall make available to the applicant, for a fee established by the Division, a copy of the latest edition of the Food Service Regulation.~~

5.13.2.1 ~~The Davis County Food Handler Permit will be issued and maintained on the condition that the person receiving the permit shall comply with the provisions of this regulation and other applicable laws and standards pertaining to proper food service sanitation.~~

5.13.2.2 ~~In order to qualify for issuance or renewal of a permit, the applicant shall demonstrate his/her knowledge of elementary acceptable food service practices by satisfactorily completing an examination conducted by the Division, on such subjects, based on the procedures and practices set forth in the food handler study materials.~~

5.13.2.3 ~~All permits required by this regulation shall be issued by the Division.~~

5.13.2.4 The Division will honor valid worker permits issued by other local Health Departments in Utah under the following conditions:

5.13.2.4.1 Upon receipt of suitable evidence that the permit was issued using requirements similar to those required in this regulation and that the permit is not more than three (3) years old;

5.13.2.4.2 If the permit approval was obtained before the permit holder was employed as a worker in Davis County; and

5.13.2.4.3 Prior to working in Davis County, the worker presents the permit issued by a local Health Department other than Davis County to the Division. The Division may then issue a Davis County Food Handler Permit with an expiration date the same as, but in no case more than three (3) years from the date of issuance of the non-Davis County permit to the worker. A Davis County permit must be obtained thereafter. The Division may charge a fee for the permit.

5.13.2.5 Persons showing proof of completion of the National Restaurant Association, SERVSAFE, or similar training and certification received within the previous two years and approved by the Division may receive a waiver from the testing requirement. A Davis County Food Handler Permit may be issued after payment of the required fees.

5.13.2.6 All applicants for a permit, or renewal of a permit, or a duplicate of a permit shall pay to the Division a fee established by the Division and approved by the Board of Health. Such fee shall be used by the Division to defray the expenses in the administration of the food service program including the promotion of additional sanitation education for food service workers.

5.13.3 Medical Examination May Be Required—Where circumstances indicate the necessity and having a reasonable belief that a threat to the public health exists, specified persons engaged in the preparation or service of food or beverages for public consumption shall, upon request of the Division, submit to a physical examination by a legally qualified physician acceptable

to the Division for the purpose of determining the presence of a communicable disease or infection that may be transmitted through food or which may otherwise make the worker a threat to the public and/or co-workers.

5.13.3.1 When required, the medical examination may be a prerequisite to obtaining or maintaining a Davis County Food Handler Permit.

5.13.3.2 This provision ONLY applies to those diseases and infections that are known to be transmitted through food or due to substandard food handling practices.

5.13.4 Revocation of Permit: The Davis County Food Handler Permit may be revoked by the Division:

5.13.4.1 If the worker violates any of the provisions of this regulation;

5.13.4.2 If the worker violates the provisions of other laws and/or standards pertaining to food service sanitation;

5.13.4.3 If the worker violates accepted sanitation procedures and practices in the preparation, service or storage of food or beverage offered for public consumption;

5.13.4.4 If the worker has a communicable disease in the infectious stage, or an infectious condition of potential hazard to the public or to co-workers pursuant to section V, paragraph C of this regulation;

5.13.4.5 If a worker refuses to submit to a physical examination by a physician when required by the provisions of section C of this regulation;

5.13.4.6 If a worker withholds information from the Division about a food borne illness outbreak;

5.13.4.7 If information required for issuance, renewal or approval of the permit was false; and/or

5.13.4.8 If a worker threatens, coerces, cajoles, offers a bribe, assaults, harangues, and /or stalks a Division employee pursuant to his/her duties with the Division.

5.13.5 Right to a Hearing The Division shall provide the opportunity for administrative hearings regarding the provisions of this regulation.

5.13.5.1 — A food or beverage service worker whose permit has been revoked, or a person who is aggrieved by any action or inaction of the Division may request a hearing before a hearing officer appointed by the Division.

5.13.5.1.1 — The request for the hearing must be in writing.

5.13.5.1.2 — In the case of a permit revocation, the request for a hearing must be filed with the Director of the Division within ten (10) days of revocation of the worker's permit.

5.13.5.1.3 — The hearing officer may take testimony from persons involved and shall render a decision sustaining, rescinding or modifying the revocation.

5.13.5.1.4 — The decision of the hearing officer may be appealed to the Davis County Board of Health if requested in writing within ten (10) days of the worker or other person's receipt of the decision of the hearing officer.

5.13.5.1.5 — The Board of Health may, at its discretion, choose to accept additional testimony from persons involved or may render a decision from the hearing record.

6.0 PENALTY

Any person who shall violate any provision of these rules and regulations or who shall refuse to comply with a lawful order or direction of the health authority is subject to penalties as provided by law or an injunctive action as provided by law, or both. (See Utah Code Annotated, 26-15-52.)

7.0 SEVERABILITY

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

8.0 FEES

8.1	Food Handler Permit:	\$15.00
8.2	Food Handler Permit Training:	\$10.00
8.3	Food Handler Permit Internet Access:	\$2.00
8.2	Food Handler Booklet:	\$2.00
8.4	Duplicate Food Handler Permit:	\$10.00
8.4	Transfer of Food Handler Permit:	\$10.00
8.5	Certified Food Manager Registration:	\$15.00
8.6	Food Service Permit 1:	\$170.00
8.7	Food Service Permit 2:	\$250.00
8.8	Food Service Permit 3:	\$335.00
8.9	Food Service Permit 4:	\$420.00
8.10	Seasonal Food Permit:	\$140.00
8.11	Mobile Food Service Permit (Risk Based):	\$ 170.00 - \$420.00
8.12	Cart Food Service Permit (Risk Based):	\$ 170.00 - \$420.00
8.13	Flavored Ice Permit:	\$170.00
8.14	Temporary Food Service Permit (1 week before) :	\$30.00
8.15	Temporary Food Service Permit (3 - 6 days before):	\$40.00
8.16	Temporary Food Service Permit (1 - 2 days before or day of):	\$50.00
8.17	Temporary Food Service Permit (on-site):	\$75.00
8.18	Temporary Food Service (additional days):	\$10.00
8.19	Food Service Plan Review 1:	\$170.00
8.20	Food Service Plan Review 2:	\$250.00
8.21	Food Service Plan Review 3:	\$335.00

8.22	Food Service Plan Review 4:	\$420.00
8.23	Food Service Plan/Site Review Cart or Mobile:	\$70.00
8.24	Food Service Site Review 1:	\$330.00
8.25	Food Service Site Review 2:	\$500.00
8.26	Food Service Site Review 3:	\$675.00
8.27	Food Service Site Review 4:	\$840.00
8.28	Food Service Follow-up Inspection Fee:	\$100.00
8.29	Reinstatement Fee:	\$300.00
8.30	Late Fee (30 days):	\$100.00
8.31	Food Service Sampler:	\$70.00

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

Effective date: 23rd day of September, 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

Davis County Board of Health

Signed: _____
 Brent Petersen
 Board Chairman

Attest: _____
 Lewis Garrett A.P.R.N., M.P.H.
 Director of Health