

HEALTH REGULATION # 4
FOOD SERVICE ESTABLISHMENTS



Adopted by the Tooele County Board of Health

March 1, 2001

Under Authority of Section 26A-1-121
Utah Code Annotated, 1953, as amended

Certified Official Copy
Tooele County Health Department

By: _____
Director

TABLE OF CONTENTS

| | Page |
|--------------------------------|------|
| 1.0 Purpose..... | 1 |
| 2.0 Definitions | 1 |
| 3.0 Issuance of Permits..... | 2 |
| 4.0 Permits..... | 2 |
| 5.0 Suspension of Permits..... | 3 |
| 6.0 Revocation of Permits..... | 4 |
| 7.0 Enforcement | 4 |
| 8.0 Right to Appeal..... | 4 |
| 9.0 Penalties..... | 5 |
| 10.0 Severability | 5 |

**TOOELE COUNTY HEALTH DEPARTMENT
REGULATIONS FOR FOOD SERVICE ESTABLISHMENTS**

1.0 PURPOSE

The purpose of this regulation is to provide uniform regulations for food service sanitation. These regulations are deemed necessary for the promotion of public health, environmental health and the prevention of outbreaks and spread of communicable or infectious diseases.

2.0 DEFINITIONS

As used in this regulation:

- 2.1 Department means: The Tooele County Health Department.
- 2.2 Director means: The director of the Tooele County Health Department or an authorized representative.
- 2.3 Employee means: the permit holder, supervisory or management personnel, or any other person working in a retail food store or food establishment.
- 2.4 Food Service Establishment means: any place where food and/or drinks are prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare sandwiches intended for individual portion service. The term does not include private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, supply vehicles, private parties for which a membership fee is not required and religious activities when the public is not invited to attend.
- 2.5 Nuisance means: unlawfully doing any act which either annoys, injures or endangers the comfort, repose, health or safety of any person, or that renders a person insecure in life or the use of property.
- 2.6 Owner means: any person who alone, jointly, or severally with others:
 - a. has legal title to any premises, dwelling or dwelling unit, business, or food establishment, with or without accompanying actual possession thereof; or
 - b. has charge, care, or control of any premises, dwelling, dwelling unit, business, or

food establishment, as legal or equitable owner, lessee, or is an

executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.

- 2.7 Temporary Food Service Establishment means: a food service establishment that operates for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

3.0 ISSUANCE OF PERMITS

- 3.1 Any person desiring to operate a food service establishment shall make written application for a permit on forms provided by the Department. Such applications shall include the applicant's full name and street address, the property owner's full name and address, whether the applicant is an individual, firm or corporation and if a partnership, the names of the partners together with their address; 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.
- 3.2 Prior to approval of an application for a permit the Department shall inspect the proposed food service establishment to determine compliance with the requirements of these rules and regulations.
- 3.3 The Department 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.
- 3.4 New establishments, or existing establishments undergoing remodeling, shall be required to submit plans to the Department for review and approval. Persons wanting to open a food establishment in an existing building shall be required to bring the facility into compliance with current State and local food establishment codes prior to issuance of a permit.
- 3.5 All food service establishments shall comply with the Utah Indoor Clean Air Act.

4.0 PERMITS

- 4.1 It shall be unlawful for any person to operate a food service establishment within Tooele County and all cities and towns within Tooele County, or its law enforcement jurisdiction,

who does not possess a valid permit issued to him by the Department. Permits are not transferable. A valid permit shall be posted in every food service establishment. Annual permits are valid for the calendar year, renewable on the 31st of December of that year.

- 4.2 Each establishment shall submit a fee, as set by the Tooele County Board of Health, with application for each permitting period. If the permit fee and application have not been received by the 31st of December, a late fee of \$50.00 will be assessed. If the fee and application have not been received by the 30th of January, the establishment will be closed.
- 4.3 Each temporary food service establishment shall submit a fee, as set by the Tooele County Board of Health, with application for each event.
- 4.4 All food service establishments are placed into categories according to the number and type of potentially hazardous foods they serve and the risk for food-borne illness. The annual permit fee amount and the number of routine inspections are determined by the category in which an establishment is placed. The division of categories are as follows:

Category I - Low risk establishments that serve three or less potentially hazardous foods (i.e.-bars, taverns, private clubs, and service stations).

Category II - Low risk establishments that serve more than three potentially hazardous foods (i.e.-bars, taverns, private clubs, convenience stores).

Category III - These are medium risk establishments that serve more than three potentially hazardous foods (i.e.-small fast food, day care centers, and catering services).

Category IV - High-risk establishments that serve more than three potentially hazardous foods (i.e.-large fast food chain restaurants, full service restaurants, schools, grocery store deli's).

Category V - These are temporary food service establishments.

5.0 SUSPENSION OF PERMIT

- 5.1 The Department 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 requirement in Section 5.2 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.

- 5.2 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.
- 5.3 Any person whose permit has been suspended may, at any time, make application for a reinspection 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 this opinion conditions causing suspension of the permit have been corrected, the Department shall make a reinspection. If the applicant is complying with the requirements of these rules and regulations, the permit shall be reinstated.

6.0 REVOCATION OF PERMIT

- 6.1 The Department 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 Department in the performance of duty.
- 6.2 Prior to revocation, the Department 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 will be revoked at the end of 10 days following service of such notice unless a written request for hearing is filed with the Department within the 10-day period.

7.0 ENFORCEMENT

- 7.1 The Tooele County Health Department, Environmental Health Division, is charged with the enforcement of the provisions of these rules and regulations.
- 7.2 The Department may, if it determines a serious health hazard exists, order closed all or part of a food service establishment's operation(s).

8.0 RIGHT TO APPEAL

- 8.1 Within 10 calendar days after the Department has given a notice of violation(s), any person(s) aggrieved by the notice may request in writing a hearing before the Director. The hearing shall take place within 10 calendar days after the request. A written notice of the Director's determination shall be given within 10 calendar days after adjournment of the hearing. The Director may sustain, modify, or reverse the action or order.
- 8.2 Any person aggrieved by the decision of the director may file an appeal with the district court within 30 days of the date of the director's decision.

9.0 PENALTY

- 9.1 Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended. If a person is found guilty of a subsequent similar violation within two years, he is guilty of a class A misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended.
- 9.2 Each day such violation is committed or permitted to continue shall constitute a separate violation.
- 9.3 The county attorney may initiate legal action to abate any condition that exists in violation of these rules and regulations, or may file any other civil or criminal action concerning a violation of this regulation.
- 9.4 In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Department in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, or sanitation violation.

10.0 SEVERABILITY

- 10.1 If any provision, clause, sentence, or paragraph of these rules and regulations or the application thereof to any person regardless of circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of these rules and 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.

IN WITNESS WHEREOF, the Tooele County Board of Health has passed, approved and adopted this regulation this ____ day of _____, _____.

ATTEST:

TOOELE COUNTY BOARD OF HEALTH

MYRON E. BATEMAN,
Health Officer

KATHY TAYLOR,
Chairperson