2003-05560
Page 1 of 5
Requested By: BOARD OF SUPERVISORS
Navajo County Recorder - Laurette Justman
03-11-2003 10:15 AM Recording Fee $0.00

ORDINANCE NO. PHSD 01-03

PUBLIC HEALTH SERVICES DISTRICT LICENSING FEES ORDINANCE

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT, ESTABLISHING THE FEES TO BE CHARGED FOR REVIEWING PLANS AND ISSUING OPERATING PERMITS TO FOOD ESTABLISHMENTS, PUBLIC AND SEMIPUBLIC BATHING PLACES, AND WATER HAULERS; AND PROHIBITING THE OPERATION OF SUCH A FACILITY WITHOUT A LICENSE.

1. PURPOSE / AUTHORITY / SCOPE

The Arizona Department of Health Services ("ADHS") regulates certain Food Establishments and Public and Semipublic Bathing Places pursuant to its authority under Title 36 of the Arizona Revised Statutes and related provisions of the Arizona Administrative Code. The Arizona Department of Environmental Quality ("ADEQ") regulates certain Water Haulers pursuant to its authority under Title 49 of the Arizona Revised Statutes and related provisions of the Arizona Administrative Code. The Navajo County Public Health Services District ("the District"), a special taxing district established pursuant to Title 48, Chapter 33 of the Arizona Revised Statutes, regulates such facilities pursuant to its own statutory authority and the authority delegated to it by ADHS and ADEQ. The District is administered by the Director of Public Health ("the Director") appointed by the Board of Directors of the District ("the Board").

A.R.S. § 36-187 authorizes the Board to adopt a schedule of reasonable fees to be charged by the District for issuing or renewing licenses or permits and performing other statutory and regulatory duties. This ordinance establishes the fees to be charged by the District for (1) reviewing plans and specifications for regulated Food Establishments, and (2) issuing and renewing Licenses to Operate to regulated Food Establishments, Public and Semipublic Bathing Places, and Water Haulers. It also specifies late charges for failure to pay such fees when due and authorizes the District to take enforcement action to ensure payment. The fees established herein are based on the expenses incurred by the District in administering the state statutes and regulations and performing related reviews and inspections.

This ordinance applies throughout Navajo County (including incorporated cities and towns), with the exception of land under Tribal sovereignty. The provisions of this ordinance are in addition to those set forth in the provisions of the Arizona Revised Statutes and Arizona Administrative Code applicable to Food Establishments, Public and Semipublic Bathing Places, and Water Haulers.

2. FOOD ESTABLISHMENTS

A. PLAN REVIEW AND APPROVAL

Food Establishments that are subject to regulation under the Arizona Food Code (Title 8, Chapter 8, Article 1 of the Arizona Administrative Code) must submit plans and specifications for their facilities to the District for review and approval pursuant to subparts 8-201.11 through 8-201.14 of the code. The fee for the District to review plans and specifications depends on the nature and size of the Food Establishment. The fees are shown in Table 1 of this ordinance. The applicable fee shall be paid when the required plans and specifications are submitted for review and approval. The plans and specifications shall be approved when all applicable requirements of the Food Code have been met, as evidenced by the Director's issuance of a Permit to Construct.

Table 1

PLAN REVIEWS		
• Fixed Establishments (under 30 seats)	PR-1	$100.00
• Fixed Establishment (30 to 100 seats)	PR-2	$150.00
• Fixed Establishment (over 100 seats)	PR-3	$200.00
• Fixed Establishment Remodel	PR-4	$100.00
• Mobile Food Service	PR-5	$75.00
• Other (Retail less than 2000 sq. ft)	PR-6	$100.00
• Other (Retail greater than 2000 sq. ft.)	PR-7	$200.00

B. LICENSE TO OPERATE

Part 8-3 of the Food Code requires each Food Establishment that is subject to regulation under the code to obtain and post in public view a current License to Operate from the District. The annual fee for a License to Operate depends on the nature and size of the Food Establishment. The fees are shown in Table 2 of this ordinance. The issuance of a License to Operate and each renewal thereof shall be conditioned upon compliance with all applicable requirements of the Food Code, as determined by the District.

Table 2

TYPE OF ESTABLISHMENT	CODE	1 YEAR FEE	2 YR FEE
FOOD SERVICE ESTABLISHMENTS (RESTAURANTS)			
• Under 30 Seats	FSR-1	$75.00	$150.00
• Over 30 Seats	FSR-2	$100.00	$200.00
• Mobile	FSR-3	$50.00	$100.00
• Temporary (5 days or less)	FSR-4	$30.00	N/A

• Temporary (5 to 14 days)	FSR-5	$50.00	N/A
FOOD SERVICE ESTABLISHMENTS (OTHER)			
• Bed and Breakfast	FSO-1	$50.00	$100.00
• Caterer/Commissary	FSO-2	$75.00	$150.00
• Daycare (Sanitation)	FSO-3	$50.00	$100.00
• Food Warehouse	FSO-4	$75.00	$150.00
• Mobile Food Vendor	FSO-5	$50.00	$100.00
• Bar/Lounge	FSO-6	$50.00	$100.00
• Bar/Lounge in a restaurant	FSO-7	$50.00	$100.00
RETAIL FOOD ESTABLISHMENTS			
• Less than 2000 sq. feet	RFE-1	$75.00	$150.00
• More than 2000 sq. feet	RFE-2	$100.00	$200.00
• Meat Establishment	RFE-3	$75.00	$150.00
• Bakery	RFE-4	$50.00	$100.00
• Delicatessen	RFE-5	$75.00	$150.00
• Seasonal Produce	RFE-6	$50.00	$100.00
• Limited Retail	RFE-7	$35.00	$70.00

3. PUBLIC AND SEMIPUBLIC BATHING PLACES: LICENSE TO OPERATE

Each Public or Semipublic Bathing Place that is subject to regulation under Title 9, Chapter 8, Article 8 of the Arizona Administrative Code shall obtain and post in public view a current License to Operate from the District. The annual fee for a License to Operate is $50. The issuance of a License to Operate and each renewal thereof shall be conditioned upon compliance with all applicable requirements of Title 9, Chapter 8, Article 8 of the Arizona Administrative Code, as determined by the District.

4. WATER HAULERS: LICENSE TO OPERATE

Each Water Hauler that is subject to regulation under Title 18, Chapter 4, Article 1, R18-4-125 of the Arizona Administrative Code shall obtain and keep in the primary transport vehicle a current License to Operate from the District. The annual fee for a License to Operate is $50. The issuance of a License to Operate and each renewal thereof shall be conditioned upon compliance with all applicable requirements of Title 18, Chapter 4, Article 1, R18-4-125 of the Arizona Administrative Code, as determined by the District.

5. PAYMENT

The fee for a License to Operate issued pursuant to Section 2.B, 3 or 4 of this ordinance is an annual fee. All such fees are based on a calendar year from July 1 to June 30. The initial fee will be prorated as shown in Table 3 of this ordinance.

Table 3. Prorated fee schedule for 'Permit to Operate'

ANNUAL FEE	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY
$35.00	32	29	26	23	21	18	15	12	9	6	3	35
$50.00	46	42	38	34	29	25	21	17	13	8	4	50
$75.00	69	62	56	50	44	38	31	25	19	13	6	75
$100.00	92	83	75	67	58	50	41	33	25	17	8	100

The District will mail a renewal notice to the license holder on or before June 1. If the renewal fee is not paid by the due date, a $25 late charge shall also be paid. The license holder is responsible for timely payment of the renewal fee regardless of whether the renewal notice is received, but the Director may waive the late charge in appropriate circumstances.

The fee to replace a lost or destroyed License to Operate is $10.

All fees must be paid by check or money order payable to the "Navajo County Public Health Services District."

6. WAIVER

Fees imposed by this Ordinance may be waived if the Director is satisfied that the applicant is a bona fide non-profit entity. An applicant requesting a waiver shall provide all such information as the Director may reasonably require in order to verify the applicant's non-profit status.

7. NON-TRANSFERABILITY OF LICENSES

A License to Operate issued pursuant to Section 2.B, 3 or 4 of this ordinance shall be non-transferable from person to person or facility to facility.

8. DELIVERY OF NOTICES

Notices and other written communications from the District to an applicant or license holder may be personally delivered to a responsible individual at the licensed facility or mailed to the applicant or license holder at the mailing address stated in the original application (or in a subsequent written change-of-address notice provided to the Director by the license holder).

9. PROHIBITION / ENFORCEMENT

No Food Establishment, Public or Semipublic Bathing Place, or Water Hauler that is required to obtain a License to Operate shall be operated without the required license. The Director may order the immediate closure of any facility for which a required license has not been obtained and may pursue all available legal remedies to enforce such order. The County Attorney is hereby authorized to assist the Director in the enforcement of this ordinance.

If the renewal fee for a License to Operate issued pursuant to Section 2.B, 3 or 4 of this Ordinance is not paid (together with the applicable late charge, unless waived by the Director) within 30 calendar days after the due date, the Director may suspend the License to Operate until payment is made. The Director shall notify the license holder in writing at least ten calendar days before the effective date of any such suspension. The facility shall be deemed unlicensed, and the operation thereof shall immediately cease, upon the effective date of the suspension and until the Director has reinstated the license in writing.

SO ORDAINED by the Navajo County Board of Supervisors in its statutory capacity as the Board of Directors of the Navajo County Public Health Services District on March 10, 2003.

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT

By _____
Pete Shumway
Chairman of the Board of Directors

ATTEST:

Kathy Hub for
Judy Jones
Clerk of the Board