

MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

CHAPTER VIII

**FOOD, FOOD PRODUCTS,
FOOD HANDLING ESTABLISHMENTS**

SECTION 3

MOBILE FOOD ESTABLISHMENTS

REGULATION 1. Definitions

- a. “Mobile Food Establishment” means a food establishment offering for sale or dispensing food for human consumption from any vehicle or other temporary or itinerant station.

For the purpose of this Environmental Health Code, mobile food establishments are defined as follows:

- (1) “Mobile Food Unit” means and refers to an enclosed vehicle-mounted food establishment designated to be readily movable from which food is composed, compounded, processed, or prepared and from which the food is vended, sold or given away.
- (2) “Pushcart” means a vehicle designated to be readily movable that is limited to the serving of non-potentially hazardous foods, drinks, or individually commercially packaged potentially hazardous foods (time/temperature control for safety foods) maintained at proper temperatures, or limited to the assembling and serving of frankfurters. Unpackaged non-potentially hazardous food items approved for sale or dispensed from a pushcart shall be limited to popcorn, nuts, pretzels, and similar bakery products, shaved ice, snow cones, Italian ice, and non-potentially hazardous drinks.
- (3) “Food Peddler” means a retail food establishment in operation from a vehicle that is designated to be readily movable and is limited to the service of commercially processed and packaged foods. Food peddlers may dispense non-potentially hazardous drinks (time/temperature control for safety foods) and assemble snow cones from approved and properly installed equipment.
- (4) “Temporary Food Establishment” means an event as defined in Section 1 of this Chapter and as defined in the U.S Food and Drug Administration 2013 Food Code.
- (5) “Seasonal Food Establishment” means a food establishment that operates in conjunction with one event that operates for fifteen (15) to one hundred

twenty (120) consecutive days within any permit year. At the termination of the event, the seasonal food establishment shall be removed from the premises or shall cease operation as determined by the Department.

- (i) Class 1 – seasonally themed operations in major shopping malls as approved by the Department.
 - (ii) Class 2 – seasonal operations such as spring training, state fair, etc. or as approved by the Department
- (1) “Special Event Food Establishment” means a food establishment that operates in conjunction with one event that operates for not more than fourteen (14) consecutive days. At the termination of the special event, the special event food establishment shall be removed from the premises.
- b. “Competition Food Event” means any event that operates for not more than fourteen (14) consecutive days in which the competitors are vying with one another for profit prize, or position based on one similar type of food prepared by each competitor. Complimentary samples not to exceed 2 ounces may be given to the general public.

REGULATION 2. Compliance

- a. Every mobile food establishment shall be operated and maintained in a clean and sanitary condition in compliance with the appropriate parts of this section and with the specific provisions in Chapter VIII, Sections 1 and 2. The Department may impose additional requirements to protect against health hazards related to the conduct of the mobile food establishments , may prohibit the sale or distribution of some or all potentially hazardous foods (time/temperature control for safety foods), and when no health hazard will result, may waive or modify requirements of this section.
- b. Mobile food unit, pushcart and food peddler permit holders that desire to perform operations not allowed under their permit, while operating in conjunction with an event, shall obtain a temporary food establishment, seasonal food establishment, or special event food establishment permit. Unlike mobile food units and pushcarts, which are offered only as a one (1) year permit, peddler permits are issued for either six (6) months or one (1) year. The six (6) month peddler permit is half of the one (1) year peddler permit fee listed in the Chapter I Fee Schedule of this code.
- c. At the termination of the event, all temporary food establishment and seasonal food establishment permits shall expire.
- d. Thirty days prior to the start of an event, the property owner of the event location or his/her designee is required to complete the Department registration process.

- e. The property owner of the event location shall only allow all food service establishments to operate after having obtained all Department required permits.
- f. Promotional activities that do not require a food service permit include:
 - (1) Promotional activities in a permitted food establishment as defined in this code.
 - (2) The promotion of non-potentially hazardous food products as defined in this code.
 - (3) The cutting of raw fruits and vegetables for display and not intended for human consumption.

REGULATION 3. Permit Required

No person shall operate a mobile food establishment without a valid permit issued by this Department. The permit shall be maintained at the operating location. A separate permit is required for each establishment. Permits are nontransferable from person-to-person, place-to-place or vehicle-to-vehicle.

REGULATION 4. Approval of Plans Required

No mobile food establishment shall be constructed, nor shall any major alteration or addition be made thereto, unless detailed plans and specifications for the establishment have been provided to and approved by the Department, nor shall any construction, alteration or addition be made except in accordance with approved plans.

REGULATION 5. General Requirements

- a. For all mobile food units, pushcarts and food peddlers, the name of the establishment shall be plainly indicated on sides and rear of the exterior of the vehicle in letters of contrasting colors at least three inches high with a minimum of 3/8 inch wide. When more than one permit is issued with the same business name to the same permittee, the vehicle number shall also be plainly indicated with the business name.
- b. Compressors, auxiliary engines, generators, and similar mechanical units that are not an integral part of the food preparation or storage equipment shall be installed completely separate from the food preparation and storage areas and accessible from the exterior for all mobile food establishments.
- c. Only utensils and equipment necessary for the operation and maintenance of a mobile food establishment may be kept on the vehicle or booth enclosure.
- d. Adequate and durable waste containers of easily cleanable construction with self-closing covers shall be furnished for the use of consumers and the operator for of all mobile food establishments.

- e. Mobile food establishments shall operate from an approved commissary or other food service establishment as required by this Department, and shall report at least daily to such location for supplies, food storage, vehicle and equipment cleaning, waste disposal, and service operations.
- f. Mobile food establishments shall provide a commissary agreement to the Department upon request, at permit issuance or renewal, and as a part of the documents submitted during plan review for a new permit. Ice cream trucks that only sell or dispense individually packaged, commercially processed items are exempt from providing a commissary agreement.
- g. Mobile food establishments shall provide information about daily operations to the Department. Information such as location, address and business name, time in and time out of each stop shall be provided in a format prescribed by the Department. This information shall only be made available pursuant to the Public Records Act, A.R.S. § 39-121 et seq. and Maricopa County policy.
- h. Mobile food establishments serving potentially hazardous foods (time/temperature control for safety foods) shall maintain a log of visits to the approved commissary or food service establishment as required by this Department. This log shall be maintained using a Department approved format and maintained with the establishment at all times.
- i. Sanitary toilet facilities for use by employees shall be readily available within 200 feet of all mobile food establishments that are operated at the same site for more than a one-hour period.
- j. Temporary toilet facilities shall not be located within 25 feet of any mobile food establishment.
- k. Mobile food establishments selling or dispensing open food or beverages shall not operate without hot and cold potable water, hand washing soap, sanitary towels, and an approved sanitizer that are available for immediate use at all times.
- l. Pushcarts shall be limited to one additional ice chest for food products and one additional sales table for approved, pre-packaged foods and/or condiments.
- m. The area within which a mobile food establishment is operating shall be kept clean and free from litter, garbage, rubble, and debris at all times.
- n. A mobile food establishment shall not be constructed within 100 feet of any petting, riding or holding area for animals unless dust and runoff are controlled.

REGULATION 6. Interior Fixtures of Mobile Food Units and Pushcarts

- a. Food service openings for mobile food units shall be:

- (1) Limited to 216 square inches (such as 12 inches x 18 inches) each and equipped with a screen (16 mesh per square inch minimum) or solid door which shall be kept closed when not in use.
 - (2) Multiple service openings shall be at least 18 inches apart.
- b. The cab or driving portion of the vehicle for a mobile food unit shall be separated from the food preparation and serving area of the vehicle by a permanent solid wall partition.
 - c. Doors to the food preparation and serving area shall be effectively self-closing and kept closed for mobile food units.
 - d. A three-compartment sink equipped with an integral metal drain board shall be permanently installed in all mobile food units. Each compartment shall be at least 12 inches wide, 12 inches long and 10 inches deep or 10 inches wide, 14 inches long and 10 inches deep and each drain board shall be at least 144 square inches. A metal shelf may be used in lieu of one drain board when approved by the Department
 - e. A handwashing lavatory at least 9 inches wide, 9 inches long and 5 inches deep shall be permanently installed on all mobile food units and pushcarts.
 - f. Interior walls and ceilings of a mobile food unit shall be light in color.

REGULATION 7. Food Protection

- a. Time only as a public health control, as explained in Chapter VIII, Section 2, shall not be used for mobile food establishments.
- b. Food preparation in mobile food establishments shall be simplified to reduce excessive steps where food may become contaminated. Only minimum food preparations shall be approved. This prohibition does not apply to foods that have been prepared or packaged in facilities meeting the requirements of this code.
- c. When a mobile food establishment is in transit, all closures shall be in place and all food appropriately protected.
- d. With the exception of instant tea, all tea must be brewed with boiling water in all mobile food establishments.
- e. The Department shall approve, in writing, the procedures used by any mobile food establishment for providing samples of food to the consumer.
- f. Outdoor cooking, processing, composing, compounding, preparing, grilling, storage, or service of any food or beverage is prohibited from mobile food units.
- g. All food held for consumer self-service shall be wrapped or effectively dispensed to protect from contamination.

- h. All packaged foods shall be labeled in accordance with 21 CFR 101.
- i. All potentially hazardous foods (time/temperature control for safety foods) prepared at or sold from a mobile food establishment shall be prepared on the same day of sale or service. Potentially hazardous food (time/temperature control for safety foods) shall not be held over from a previous day's operation unless otherwise approved by the Department.
- j. Mobile food establishments shall not prepare or offer for sale any type of potentially hazardous food (time/temperature control for safety foods) that is raw or raw-marinated without proper consumer notification as identified in Chapter VIII, Section 2.
- k. Ice that is consumed or that contacts food shall be manufactured inside an approved permitted food service establishment using potable water. Ice machines certified by the national automatic merchandising association may be located outside if approved by the Department.
- l. Ice that is consumed or that contacts food shall only come into contact with clean single service containers or multiuse equipment that has been cleaned and sanitized as defined in Section 2 of this Chapter.
- m. Potentially hazardous food items sold as condiments from a pushcart are required to be stored on the pushcart at proper temperatures. The amount of potentially hazardous food condiments are limited to sufficient storage space on the pushcart.
- n. The service of all food items, excluding prepackaged non-potentially hazardous food items, must be conducted from the pushcart unit.
- o. Bacon wrapped hotdogs must be commercially precooked or cooked at the assigned commissary prior to sales from a pushcart.

REGULATION 8. Water and Wastewater

- a. A potable water system under pressure, supplying hot and cold water, of a minimum capacity of 30 gallons, shall be installed permanently in mobile food units for food preparation, utensil washing and sanitization and handwashing.
- b. Pushcarts shall have a permanently installed potable water storage tank with a minimum capacity of 5 gallons for the purpose of hand washing only.
- c. Mobile food establishments shall provide a minimum flow rate of hot and cold water to each sink basin of one-half (1/2) gallon per minute.
- d. The fixtures or connectors for the inlet on a potable water storage tank for all mobile food establishments shall not be the same size or type as fixtures or connectors used to drain wastewater tanks. Potable water system inlets shall be protected against use for any other

service and from potential contamination from any source. In addition, potable water inlet shall be no larger than ¾” unless otherwise approved by the Department.

- e. A liquid waste storage tank with a capacity at least 15% larger than the potable water storage tank is required for all mobile food establishments serving any open food or drink.
- f. All connections on the vehicle for servicing mobile food establishments waste disposal facilities shall be of different size or type than those used for supplying potable water to these vehicles. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system. In addition, wastewater outlet shall be greater than 1” unless otherwise approved by the Department.
- g. Alternative water supplies indicated in Chapter VIII, Section 2 shall not be used by mobile food establishments.
- h. Mobile food units and pushcarts shall not connect to water or waste water systems except during servicing operations at a commissary or as approved by the Department.
- i. All exterior water system connections for vehicles used on mobile food establishments shall be provided with an approved backflow prevention device.
- j. All water tanks, pumps and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse longer than 7 days. Potable water tanks shall be flushed and sanitized monthly.
- k. Wastewater holding tanks shall be emptied into an approved sewage disposal system.
- l. Mobile food establishments shall provide an approved food grade potable water hose. This hose is to be used only to fill the fresh water tank.
- m. A self contained hand wash station shall include a minimum 5 gallon potable water tank, a minimum 9x9x5” hand washing sink, a minimum flow rate of hot and cold water to the sink basin of one-half (1/2) gallon per minute, and 15% greater capacity waste tank.
- n. Grease shall be disposed in an approved manner.

REGULATION 9. Additional Requirements for Food Peddlers

- a. Food peddlers that are operating away from their vehicles shall provide a permanent sign indicating their business name in letters at least 6 inches high and 1 inch wide. The sign shall be visible to the consumer and shall be in addition to the signs used on the vehicle.
- b. All food shall be stored and displayed at least 24 inches above the ground surface.

- c. All packaged frozen foods shall be maintained frozen and sold or offered for sale to consumers frozen.
- d. Cutting of produce, melons, vegetables, or fruits is prohibited except to show that an item is seedless, ripe, of appropriate color, or other characteristic. Cut produce, vegetables, fruits, or melons shall not be offered as a sample for tasting to consumers and shall not be sold. Cutting as a method of portioning is prohibited.
- e. A food peddler may assemble snow cones from properly installed equipment, and use approved utensils to sell or dispense pickles from jars. Open beverages served by a food peddler must be prepared at the commissary and dispensed from approved equipment. In addition, when open food products are dispensed, approved hand washing facilities shall be available.
- f. Vehicles for use as a food peddler shall meet the appropriate regulations in this code if selling, dispensing or sampling any open food or beverage item. When only packaged food in sealed containers is transported by a food peddler, the carpeting in a vehicle need not be removed, but shall be covered by a smooth, durable, easily cleanable and non absorbent surface. The Department may approve exceptions for vehicles if a food peddler is operating as part of a permitted fixed food establishment and utilizes commercial equipment approved by the Department.
- g. Food peddlers shall sell properly labeled food that is obtained from approved sources only. Sale of food from other mobile food establishments or prepared at home is prohibited.
- h. Food peddlers that are operating away from the vehicle shall maintain the original permit card at the stand or booth.
- i. Food peddlers that are operating away from the vehicle shall maintain an approved hand washing station at the stand or booth, if selling or dispensing any open food or beverage items.
- j. Food peddlers that are operating away from the vehicle shall maintain the permitted food peddler vehicle on the premises.

REGULATION 10. Additional Requirements for Commissary Permits

- a. Commissary must provide facilities for the storage of food, food containers or food supplies. When food preparation is conducted, the commissary must provide equipment for the cleaning and sanitizing of food service equipment, utensils and dishware.
- b. Commissary must provide an outdoor servicing area.
- c. The outdoor servicing area shall include facilities for the sanitary disposal of liquid waste; handling and disposal of garbage, grease, and rubbish originating from the mobile

food establishment; an adequate area for washing and storage of the mobile food establishment; facilities for filling the potable water holding tank; and electrical outlets.

REGULATION 11. Additional Requirements for Temporary Food Establishments, Seasonal Food Establishments and Special Event Food Establishments

- a. All seasonal food establishments and special event food establishments operating at an event greater than 14 days shall operate in conjunction with an onsite commissary or a fixed food establishment, unless an alternate Department approval is obtained. Seasonal food establishments and special event food establishments, for which an alternative Department approval has not been granted, shall operate in conjunction with a commissary or fixed food establishment that is easily accessible and available for use at all times while in operation.
- b. Only limited food preparation, cooking and reheating of prepared foods are allowed at the event, all other food preparation shall be accomplished at an approved commissary or fixed food establishment, unless an alternate Department approval is obtained.
- c. Enough potable water shall be available in the establishment for food preparation, cleaning and sanitizing utensils and equipment and for handwashing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.
- d. Floors shall be constructed of a concrete, machine-laid asphalt, dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable approved materials that are effectively treated to control dust and mud.
- e. The booth construction shall be a ceiling and three walls (two sides and rear). Walls and ceilings shall be made of wood, canvass or other material that protects the interior of the establishment from the weather and that prevents the entrance of insects. Screening material may be used for wall construction and shall be at least 16 mesh to the inch. When screening material is used, additional wall covering must be maintained on-site in case of inclement weather.
- f. Approved ware washing facilities shall be provided for all operations where multi-use utensils are required.
- g. A convenient, easily accessible, and approved hand washing facility shall be located within 25 feet of all food service areas and available for employee hand washing. Special event food establishments must provide a self-contained hand wash station as defined in this section of the code.

REGULATION 12. Additional Requirements for Sampling Food Products

- a. Cutting produce, melons, vegetables, or fruits is prohibited except to show that an item is seedless, ripe, or appropriate color or other characteristic. Cut produce, vegetables, fruits, or melons shall not be offered as a sample for tasting to consumers and shall not be sold.

- b. Food sampling is limited to non-potentially hazardous foods and those potentially hazardous foods (time/temperature control for safety foods) that require limited preparation.
- c. Only limited quantities of sampled product may be ready for sampling at any given time. All food products that have not been sampled at the end of the business day must be discarded.
- d. No public self-service sampling is allowed. Each sample shall be prepared by the operator and handed to the customer, or the samples shall be placed in single service containers for consumption. A physical barrier, such as an approved sneeze guard, must be in place to prevent contamination of the food. Bulk dispensers are prohibited for sampling.
- e. Only single service utensils and containers may be used for preparing samples. Single service items may not be reused.
- f. Each person who provides samples shall provide a lined waste container for the disposal of used single service items and other waste products that is easily accessible from their location.
- g. Hand washing facilities must be setup at all times when any open food or beverage product is served or sampled.