



# CODE OF HEALTH

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# Chapter 1 ADMINISTRATION

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Upon the adoption by the Summit County Board of Health, this Code is hereby declared to be and shall hereafter constitute the official health code of Summit County. This code of regulations shall be known and cited as the *SUMMIT COUNTY CODE OF HEALTH* and is hereby published by authority of the Board and shall be supplemented to incorporate the most recent regulations of the Board as provided in section 1-1-5 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this Code by title in any legal documents.

**i-1-2 : Definitions.**

A. The following terms utilized within the Summit County Code of Health shall have the meanings set forth below:

1. “Administrative Enforcement Order” means an order issued by the Board. The order may include an order to abate the violation, pay civil fees and administrative costs, or take any other action as authorized or required by this Code, applicable local ordinances or state statutes.

2. “Administrative Hearing” means a hearing held pursuant to the procedures established by this Code and at the request of a Responsible Person or Entity charged with a violation.

3. “Advanced Wastewater System” means an alternative system or pressurized system as set forth in R317 of the Utah Administrative Code.

4. “Aftercare” means written instructions given to the patron, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area. These instructions will include information about when to seek medical treatment, if necessary.

5. “Antiseptic” means an agent that destroys or inhibits disease-causing micro-organisms on human skin or mucosa.

6. "Apartment house" means a building comprising four or more dwelling units designed for separate housekeeping tenements.

7. “Application” means an application form prepared by the County Health Officer for submittal by the Water Supplier that contains information identifying the system contact, water sources, system demands, source capacity reserves, and summary source data spreadsheets.

8. “Apprentice Registrant” means a person who works under an operator/technician’s permit to gain work experience to obtain a operator/technician permit.

9. “Apprenticeship” means a period of time of at least 1 year or 1500 hours supervised work experience under an approved operator/technician who has at least 5 years of documented experience.

10. “Audit” means a detailed review and investigation by the County Health Officer or agent(s) thereof, of a Water Supplier's water source production and water quality records, metered use and other demand records, ground water aquifer pumping response and trends, and any and all files relating to the Water Supplier's compliance with the requirements of these regulations and the regulations of the DDW.

11. “Basement” shall mean the portion of a building or structure that is wholly or partially below grade.

12. “Bedbugs” means any insect in the genus cimex and its eggs.

13. “Best Management Practices” (BMPs) means the schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

14. “Board” means the Summit County Board of Health established under Summit County Code §2-6-1.

15. “Body Art” means the practice of physical body adornment by permitted establishments, operators using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include

practices that are considered medical procedures by a state medical board, such as implants under the skin, which shall not be performed in a body art establishment. Nor does this definition include, for the purposes of this regulation, piercing of the outer perimeter or lobe of the ear with pre-sterilized single-use stud-and-clasp ear-piercing systems.

16. “Body Art Establishment” means any place or premise, whether public or private, temporary or permanent, in nature or location, where the practices of body art, whether or not for profit, are performed.

17. “Body Piercing” means puncturing or penetration of the skin of a person with pre-sterilized single-use needles and the insertion of the pre-sterilized jewelry or other adornment thereto in the opening, except that puncturing the outer perimeter or lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system shall not be included in this definition.

18. “Branding” means burning the skin with a heated metal wire, iron, rod or stencil with the intent of producing a permanent scar or mark.

19. “Building” means any structure, whether public or private, regardless of the type of material used in its construction, located within the boundaries of Summit County, that is adapted to occupancy as living quarters or for the transaction of business, whether vacant or occupied, including without limitation hotels, roominghouses, nightly rentals, boardinghouses, apartments, single family residences, townhomes, twin homes, condominiums, taverns, breweries, office buildings, public buildings, stores, markets, restaurants, grain elevators, abattoirs, warehouses, workshops, factories, junkyards, scrap iron businesses or places, lumberyards, coal yards, automobile tire yards, shed or buildings used for the storage of tires, and any or all similar places.

20. “Catering” means service of food at a remote location from the commercial kitchen in which it was prepared. Food will be pre-ordered with a set menu and the number of people to be served.

21. “Child resistant” means packaging that is designed or constructed to be significantly difficult for children under 5 years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

22. "Cinders" means the residue of materials burned in boilers, furnaces and heating plants of public buildings, places of business, apartment houses, hotels and manufacturing plants.

23. “Clean” shall mean the condition of being free from readily noticeable dirt, soil, stain, left-over food particles, or other materials not intended to be a part of the object in question.

24. “Clean Water Act” means the federal water pollution control act (33 USC

§§ 1251 et seq.), and any subsequent amendments thereto.

25. “Code” means the Summit County Code of Health.

26. “Commissary” means a food service establishment permitted by a Local Health Department (LHD) from which a food truck operator may perform operations including:

- a. Food preparation;
- b. Hot and cold holding of TCS foods;
- c. Disposal of solid and liquid wastes;
- d. Refilling of water tank(s) with potable water; and
- e. Utilizing electrical power sources.

27. “Commitment-of-Service-Letter” means an irrevocable, contractual commitment in letter form issued by a Water Supplier to a Customer, in consideration for payment of the Water Supplier's impact and/or connection fees. In accordance with the Summit County Code, a Customer must have a Commitment-of-Service Letter, issued by the Water Supplier and signed by the County Health Officer, prior to the issuance by Summit County of a building permit.

28. “Communicable disease” means illness due to a specific infectious agent or its toxic products which arises through transmission of that agent or its products from a reservoir to a susceptible host, either directly, as from any infected individual or animal, or indirectly, through an intermediate plant or animal host, vector, or the inanimate environment.

29. “Community locations” means but is not limited to:

- a. A public or private kindergarten, elementary, middle, junior high, or high school;
- b. A licensed child care facility or preschool;
- c. A trade or technical school;
- d. A church;
- e. A public library;
- f. A public playground;
- g. A public park;
- h. A youth center or other space used primarily for youth oriented activities;
- i. A public recreational facility; or
- j. A public arcade.

30. "Community waste" means lawn cuttings, clippings from bushes and shrubs, leaves, sweepings from yards, tin cans, boiler ashes, newspapers, magazines, cardboard cartons and stove ashes, but not building materials.

31. “Construction Activity” means the excavation, grading, filling, or otherwise disturbing of the natural environment.

32. "Containers" means Health Department and collection agency approved

metal, heavy-duty paper or plastic receptacles used for the disposal and storage of solid waste.

33. “Contaminated Waste” means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as Occupational Exposure to Bloodborne Pathogens.

34. “Contamination” shall mean a condition resulting from any alteration of the physical, chemical, or biological properties of any environmental media such as air, surface water, groundwater, and soil, or the release or discharge of any liquid, gaseous or solid substance into any waters of the state as will create a nuisance or render such waters harmful or detrimental or injurious to public health, safety, welfare, or the environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, other domesticated animals, wild animals, birds, fish or other aquatic or botanic life.

35. “Contaminant” shall mean any physical, chemical, biological or radiological substance or matter placed in the air, soil or water as a result, directly or indirectly, of human activity.

36. “Conventional System” means an underground on-site wastewater system that consists of a building sewer, a septic tank, and an absorption system utilizing absorption trenches, absorption beds, deep wall trenches or seepage pits.

37. “Cosmetic Tattooing” means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent or semi permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.

38. “Cosmetologist” shall mean an individual licensed by the State of Utah Division of Occupational and Professional Licensing to perform cosmetology; or any person engaged in the practice of cosmetology for the public generally, with or without compensation, whether as owner, operator, instructor, demonstrator, or manicurist.

39. “Cosmetology” shall mean any one or a combination of the following practices when performed upon a person for cosmetic purposes only:

- a. Cleansing, beautifying, or applying oils, creams, antiseptics, clays, lotions, or other preparations, either by hand or by mechanical or electrical appliances to the face, neck, and/or the head;
- b. Styling, arranging, dressing, curling, waving, permanent waving, cleansing, singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a person;
- c. Cutting, clipping, barbering, or trimming the hair of a person by the use of scissors, shears, clippers, or other appliances;
- d. Arching eyebrows or tinting eyebrows or eyelashes;



- e. Removing superfluous hair from the face, neck, shoulders;
- f. Manicuring and pedicuring nails;
- g. Electrolysis; or
- h. Esthetics.

40. “Cosmetology facility” shall mean any barber shop, beauty salon location, structure, dwelling, or business where cosmetology is performed.

41. “County Health Officer” means the Summit County Health Officer appointed under Summit County Code §2-6-4(A).

42. “Customer” means a lot owner or other consumer of water through a culinary water distribution system operated by a Water Supplier, and whose name or organization appear on the Commitment-of-Service letter required by these regulations and the Summit County Code.

43. “DDW” means The Utah Department of Environmental Quality, Division of Drinking Water.

44. “Dead Animal” means an animal weighing thirty-five (35) lbs. or more that is killed or dies.

45. “Decision Document” means the written decision of the County Health Officer with respect to determinations of Good Standing.

46. “Deep Well” means a well that has an effective geologic seal between the ground surface and the water bearing aquifer. Such wells are at least 100 feet in depth.

47. “Deficit Capacity” See Water Supply/Demand Status.

48. “Demand” means when evaluating demands, all system demands must be considered, including but not limited to residential, commercial, and industrial users, irrigation and snowmaking, as well as any and all contracted commitments made to other Water Suppliers, whether short- or long-term, and system water losses.

49. “Developer” means the owner or authorized agent of land proposed to be subdivided or developed who is responsible for any undertaking that requires review and/or approval of a subdivision plat, and who proposes to take water through a culinary water distribution system operated by a Water Supplier. The Developer's name appears on the Commitment-of-Service Letter required by these regulations and the Summit County Code.

50. “Dilapidated” shall mean a building or structure or part thereof that by reason of inadequate maintenance, structural deterioration, or abandonment is unsafe, unsanitary, or constitutes a hazard and is no longer fit for use as originally intended.

51. “Discharge” shall mean the accidental or intentional releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of any solid waste or solid waste constituent, including leachate, into or on any air, land, or water.

52. “Disinfection” means the destruction of disease-causing micro-organisms

on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

53. “Dust” shall mean any particulate matter from soils, minerals, ash or other material capable of being suspended in air.

54. “Dwelling” shall mean a building or structure that is intended or designed to be used, rented, leased, let or hired out for human habitation.

55. “Ectoparasites” means bedbugs, lice, and/or mites.

56. "Ectoparasite infestation" or “infested by” means the presence of bedbugs, lice and/or mites, which is indicated by observation of a living or dead bedbug, lice, or mite, their carapace, eggs or egg casings, or the typical brownish or blood spotting on linens, mattresses, or furniture.

57. “Electrolysis” shall mean the practice of removing superfluous hair from a person by use of electrical current.

58. “Electronic Cigarette Substance Manufacturing Facility” means a facility which:

- a. casts, constructs, or makes ENDS; or
- b. blends, makes, processes, or prepares an Electronic Cigarette Substance.

An Electronic Cigarette Substance Manufacturing Facility does not include a Manufacturer Sealed Electronic Cigarette Substance as defined in UCA §26-57-102(6).

59. “Electronic Cigarette Substance” any substance, including liquid containing nicotine or synthetically manufactured nicotine, used or intended for use in an ENDS.

60. “Electronic Cigarette Substance Manufacturing Facility Permit” means a permit issued by the Health Department in accordance with Section 1-9-7.

61. “Electronic Nicotine Delivery Systems (ENDS)” means any electronic oral device:

- a. that provides a vapor of nicotine or other substance;
- b. which simulates smoking through its use or through inhalation of the device;
- c. where the oral device is composed of a heating element, battery, or electronic circuit; and
- d. is marketed, manufactured, distributed, or sold as an e-cigarette, personal vaporizer, vape pen, e-cigar, e-pipe, e-hookah, Electronic Cigarette Substance, and/or any other vaping device.

62. “Electronic Smoking Device” (ESD) means an electronic and/or battery-operated device, the use of which may resemble smoking that can be used to deliver an inhaled

dose of nicotine or other substances. “Electronic Smoking Device” includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, and electronic hookah, or any other product name or descriptor.

63. “E-Liquid” means a product that is vaporized and inhaled when using an ESD. Also referred to as, but not limited to E-Juice or Smoke Juice.

64. “E-Liquid Components” means the ingredients used in making E-Liquid including, but not limited to propylene glycol (PG), vegetable glycerin (VG), nicotine, and flavorings.

65. “Enforcement Officials” means any person authorized by the Board to enforce violations of any applicable laws, including, but not limited to, the County Health Officer and Health Department inspectors.

66. “Equipment” means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances.

67. “Equivalent Residential Connection (“ERC”)” means the quantity of water a normal or average single residential connection would use. The term ERC is commonly used to quantify the number of equivalent residential service connections which non-residential type consumers will place on the system. The number of ERC’s defined for a non-residential connection is determined by dividing the DDW defined or engineering calculated demand for the specific type of connection by the ERC Demand Factor, as defined below.

68. “ERC Demand Factor” means a calculated number in gallons per minute (gpm) based on the Peak Day Demand or System Peak Demand. Herein one ERC is equivalent to a Peak Day Demand of 0.86 gpm. The ERC Demand Factor may be used in conjunction with projected growth factors to estimate future demand on a water system under these regulations. In the event that the Water Supplier obtains a lower ERC Demand Factor from DDW, than the County Health Official may lower the ERC Demand Factor pertaining to that Water Supplier for purposes of these regulations.

69. “Exposure Control Plan” means a written plan, applying to all those who perform tattooing, application of permanent cosmetics, body piercing, branding or scarification within a facility, describing how the applicable requirements of these regulations will be implemented. It is designed to eliminate or minimize employee and client exposure to blood-borne pathogens and other communicable diseases.

70. “Failing On-site Wastewater System” means an on-site waste water system which is not functioning in compliance with state regulations and this Title, and includes,

but is not limited to any of the following:

- a. Systems that cause an illicit discharge to the waters of the state.
- b. Systems that cause backflow into any portion of a building drainage system.
- c. Systems that have overflow from any of their components.
- d. Leaking septic tanks.
- e. Systems discharging effluent that does not comply with applicable state and federal effluent discharge standards.
- f. Absorption systems that have failed or are filled in by solids, or otherwise non-existent.
- g. Absorption systems that seep or flow to the surface of the ground or through saturation into the waters of the state.

71. “Food Contact Surface” means 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.

72. “Food Handler Permit” means a permit issued by the Board in accordance with 1-6-5(A).

73. “Food Safety Manager” means an individual who possesses a certification issued by the Board in accordance with 1-6-5(B).

74. “Food Service Establishment” means the operation of any commercial restaurant or other commercial venture where food service is provided and includes all permanent food service facilities, Mobile Food Service, Temporary Food Service and Seasonal Food Service.

75. “Food Truck Permit”

- a. “Primary Permit” means the Health Permit described in Section 55-104 (1) of the Enrolled Copy of S.B. 250.
- b. “Secondary Permit” means the Health Permit described in Section 55-104 (2)(a) of the Enrolled Copy of S.B. 250.

76. “Garbage” shall mean solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving, and consuming food or material intended as food and all offal (excluding useful industrial by-products, from all public and private establishments and from all residences.

77. “Good Hygienic Practices” means general activities that include, but are not limited to, washing hands, covering open wounds or abrasions, not working when experiencing signs or symptoms of an illness, keeping work areas clean and free from food and drink, etc.

78. “Good Standing” means A determination by the County Health Officer

that the Water Supplier is in substantial compliance with §1-5-2(F) of the Health Code. Good Standing authorizes the Water Supplier to issue Commitment-of-Service Letters in accordance with its Status, as set forth in the Decision Document.

79. “Groundwater” shall mean subsurface water which is in the zone of saturation, including perched groundwater.

80. “Groundwater table” shall mean the natural occurring surface of groundwater at which it is subjected to atmospheric pressure. “Groundwater table” does not include the potentiometric head level in a confined aquifer.

81. “Guest/Temporary Artist” means a person with three (3) years of documented experience who works under an operator/technicians permit for no more than thirty (30) days. The establishment shall maintain records as required by the Health Department on any guest artist who works in the establishment. Such records shall be retained for a minimum of three (3) years and shall be available to the Health Department upon request.

82. “Habitable space” shall mean a space within a building or structure intended to be used for living, sleeping, cooking, or eating. Bathrooms, laundry rooms, toilet rooms, closets, halls, storage or utility spaces, accessory buildings, and similar areas are not considered habitable spaces.

83. “Hand Sink” means a separate sink equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.

84. “Hazardous waste” shall mean a solid waste, or a combination of solid wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious or incapacitating irreversible illness, or pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed, or otherwise managed, or any solid waste listed as a hazardous waste under Utah Admin. Code §§ R315-2-10 & R315-2-11, Utah Hazardous Waste Management Rules, or any solid waste that exhibits a characteristic of a hazardous waste as defined in Utah Admin. Code § R315-2-9, Utah Hazardous Waste Management Rules. The definition for “Hazardous waste” in Utah Admin. Code § R315-2-3 is hereby incorporated by reference.

85. “Health Department” means the Summit County Health Department established in accordance with UCA §26A-1-103.

86. “High Water Table Area” means any area where the anticipated maximum ground water table, including irrigation induced water table, might be expected to rise closer than 48 inches to the elevation of the bottom of the on-site wastewater system.

87. “Hot water” shall mean water heated to a temperature of not less than 110° Fahrenheit at the outlet.

88. “Household hazardous waste” shall mean solid waste generated and

discarded from any single or multiple dwelling unit, campsite, ranger station, or other residential source that is exempt from hazardous waste regulation under Utah Admin. Code § R315-2-4, Utah Hazardous Waste Management Rules. The container size normally and reasonably associated with households and household activities is five gallons or less.

89. “Illegal or illicit discharge” means any direct or indirect non-stormwater discharge to the storm drain system, waterway or any natural body of water, except as exempted by Summit County.

90. “Industrial activity” means activities subject to NPDES industrial permits as defined in 40 CFR, §122.26 (b)(14).

91. “Infectious medical waste” shall mean a solid or liquid waste that contains pathogens of sufficient virulence and quantity that exposure to the waste of a susceptible host could result in an infectious disease. Infectious medical waste shall include but not be limited to any and all of the following:

- a. Biologic laboratory wastes, including cultures of etiologic agents, that pose a substantial threat to health due to their volume and virulence;
- b. Pathologic specimens, including human or animal tissues, blood elements, excreta, and secretions that contain etiologic agents, and attendant disposable fomites;
- c. Surgical specimens, including human or animal parts and tissues removed surgically or at autopsy that, in the opinion of the attending physician or veterinarian, contain etiologic agents, or attendant disposable fomites;
- d. Equipment, instruments, utensils, and other disposable materials that are likely to transmit etiologic agents from the rooms of humans or the enclosures of animals that have been isolated because of suspected or diagnosed communicable disease;
- e. Human dialysis waste materials including arterial lines and dialyzate membranes;
- f. Carcasses of animals infected with etiologic agents that may present a substantial hazard to public health if improperly managed;
- g. Medical sharps that are to be disposed, regardless of whether or not they have been used for injections or body fluid extractions;
- h. Chemotherapy waste, including all disposable materials that have come in contact with all cytotoxic/antineoplastic agents during preparation, handling and administration of such agents. Such waste includes but is not limited to masks, gloves, gowns, empty intravenous tubing bags and vials and other contaminated materials. The above waste shall first be classified as empty and of such quantity that it is not subject to state or federal waste management regulations prior to being handled as infectious

waste; and

- i. Any other material that can present a significant danger of infection because it may reasonably be expected to be contaminated with etiologic agents.

92. “Infectious medical waste generator” shall mean a person who generates infectious medical waste and includes any hospital, psychiatric hospital, home health agency, hospice, skilled nursing facility, intermediate care facility, intermediate care facility for the mentally retarded, residential health care facility, maternity home or birthing center, free standing ambulatory surgical center, facility owned or operated by health maintenance organization, or stage renal disease treatment center that includes a free standing hemodialysis unit. “Infectious medical waste generator” shall also include rehabilitation hospitals, alcohol and chemical dependency units, infirmaries, emergency care clinics, employee health clinics, blood banks and plasma centers, biomedical laboratories, ambulance/paramedic services, veterinary clinics, and funeral homes, or any other health care facility that the Director designates. “Infectious medical waste generator” does not include a business or single family residence that generates less than 25 pounds of infectious medical waste in a calendar month.

93. “Infectious medical waste hauler” shall mean a hauler who transports at least 50 pounds of infectious medical waste in a calendar month.

94. “Instruments Used for Body Art” means hand pieces, needles, needle bars, and other instruments that may come in contact with a patron’s body or may be exposed to bodily fluids during body art procedures.

95. “Invasive” means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture break or compromise the skin or mucosa.

96. “Jewelry” means any personal ornament inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold, niobium, titanium, or platinum; which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use. (Safety Data Sheet required on all jewelry).

97. “Junk” shall mean old, used, worn, or discarded metal, glass, paper, plastic or other material that has served its original intended purpose and that is not destined to be recycled.

98. “Liquid Chemical Germicide” means a disinfectant or sanitizer registered with the U.S. Environmental Protection Agency or an approximate 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500-ppm, 1/4 cup per gallon or two tablespoons per quart of tap water).

99. “Liquid Scavenger Operation” means any business activity or solicitation by which wastes are collected, transported, stored, or disposed of by a collection vehicle. This

shall include, but not be limited to, the cleaning out of septic tanks, sewage holding tanks, chemical toilets, and vault privies.

100. "Litter" means any quantity of uncontainerized paper, metal, plastic, glass or miscellaneous solid waste which may be classed as trash, debris, rubbish, refuse, garbage or junk.

101. "Littering" shall mean the throwing, discharging, dropping, placing, depositing, or sweeping of litter or other solid waste on any premises other than in approved storage containers.

102. "Manicuring" shall mean the practice of cutting, trimming, lacquering, polishing, coloring, cleansing the nails, massaging, cleaning, treating, applying or removing artificial finger and/or toe nails, beautifying the hands, fingers, feet, and toes of any person.

103. "Manufacturing" means a process that includes, but is not limited to, mixing, re-packaging and/or re-sizing E-Liquid.

104. "Manufacturing Facility" means any business within Summit County that manufactures, repackages, or resizes E-Liquid for sale or for resale.

105. "Market waste" means condemned or decayed or unsound vegetables, meat, fish and fruit, and all waste and offal thereof from markets, stores and factories, and all vegetable waste from such markets, stores and factories.

106. "Massage" shall mean the practice of applying systematic manual or mechanical manipulation of the soft tissues of the body, including muscles, connective tissues, tendons, ligaments, and joints.

107. "Massage Equipment" shall mean any device used in massage therapy that may come into contact with the patron's skin.

108. "Massage Facility" shall mean any location, place, area, structure, or business where either as a sole service or in conjunction with other services, massage therapy is performed. A massage facility does not include those locations, places, areas, structures, or businesses where massage is performed pursuant to a temporary massage facility permit as provided in this regulation.

109. "Massage Therapist" shall mean an individual licensed by the State of Utah Division of Professional and Occupational Licensing to perform massage therapy.

110. "Mass gathering" means an outdoor assembly of five hundred (500) or more people at a location for a purpose different from the designed used and usual type of occupancy, or an assembly occurring on roadways of more than one hundred (100) people for an event that reasonably can be expected to continue for two or more hours. A temporary mass gathering does not include an assembly of people at a location with permanent facilities designed for that specific assembly, unless the designed occupancy levels are exceeded.



111. “Minimum Legal Sales Age” means the age an individual must be before that individual can be sold cigarettes, cigars, cigarillos, smokeless tobacco products, Electronic Cigarette Substances or ENDS as established by statute, regulation, or local ordinance which in no instance shall be younger than 19 years old.

112. “Mobile Food Service” means a Food Service Establishment which provides food services by way of a Mobile Food Unit as set forth in 1-6-2(A).

113. “Mobile Food Unit” means a vehicle-mounted Food Service Establishment designed to be readily movable.

114. “National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit” means a permit issued by the EPA (or by a state under authority delegated pursuant to 33 USC §1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area wide basis.

115. “New Development” means any Project or Development for which a completed land use application has been filed with the Summit County Department of Community Development.

116. “Nicotine” means an alkaloid derived of tobacco and other plants, or produced synthetically which has addictive and other physiological effects when ingested or inhaled

117. "Night soil" means the contents from privy vaults, cesspools, septic tanks, grease tanks and water closets.

118. “Non-stormwater discharge” means any discharge to the storm drain system that is not composed entirely of stormwater.

119. “Notice of Compliance” means a document issued by the Health Department representing that a property complies with the requirements outlined in the Notice of Violation, and that all outstanding civil fees and costs have been satisfied (either by being paid in full or a subsequent administrative or judicial decision has resolved the outstanding debt).

120. “Notice of Violation” means a written notice prepared by an Enforcement Official that informs a Responsible Person or Entity of either Code violations, or violations of local ordinances or state statutes, and requires them to take certain steps to correct the violations. A Notice of Violation may be recorded against the property.

121. “Nuisance” or “Public Health Nuisance” means an activity which arises from unreasonable, unwarranted or unlawful use by a person of his own property, working obstruction or injury to right of another, or to the public, and producing such material annoyance, inconvenience and discomfort that law will presume resulting damage. Nuisance includes everything that endangers life or health, gives offense to senses, violates the laws of decency,

renders soil, air, water or food impure or unwholesome, or obstructs reasonable and comfortable use of property. Activities conducted in the normal and ordinary course of agricultural operations, as defined in UCA §78B-6-1101(7), and conducted in accordance with sound agricultural practices are presumed to be reasonable and not constitute a nuisance. Further, agricultural operations undertaken in conformity with federal, state, and local laws and regulations, including zoning ordinances, are presumed to be operating within sound agricultural practices

122. “Occupant” means the individual, partnership, or corporation that uses or occupies any buildings, or part or fraction thereof, whether as the actual owner or tenant. In case of vacant buildings or vacant portions thereof, the owner, agent or custodian shall have the responsibility of an occupant.

123. “Offal” means the viscera and trimmings of a dead animal.

124. “On-site Wastewater System” means a system utilized on-site for the sanitary management of domestic sewage or wastewater. It may be above or below ground and include any state approved system. It is not a public sewer system.

125. “Operator/Technician” means any person who controls, operates, manages, conducts, or practices body art activities at a body art establishment and who is responsible for compliance with these regulations, whether actually performing body art activities or not. The term includes technicians who work under the supervision of the operator and perform body art activities.

126. “Order of Abatement” means a written notice prepared by an Enforcement Official that informs a Responsible Person or Entity of either Code violations, or violations of local ordinances or state statutes, and requires them to take certain steps to abate the violations. An Order of Abatement is generally not recordable against the property.

127. “Owner” means the actual owner, agent or custodian of the building, whether individual, partnership, or corporation. The lessee shall be construed as the owner for the purpose of this code when business or residential building agreements hold the lessee responsible for maintenance and repairs of the premises.

128. “Peak Day Demand” means the amount of water utilized by a Water Supplier on the day of highest consumption, generally expressed in gallons per day (gpd), or gallons per minute (gpm) averaged over a peak day. Water systems are sized to deliver the Peak Day Demand to each Customer on the system plus required fire flows.

129. “Percolation test” means the method used to measure the percolation rate of water into soil as described in R317-4-1.43 or successor law.

130. “Permanent makeup” means a cosmetic technique which employs tattoos (permanent pigmentation of the dermis) as a means of producing designs that resemble makeup,

such as eyelining and other permanent enhancing colors to the skin of the face, lips, eyelids, eyebrows, or areola region of the breast.

131. “Permanent or Semi-Permanent Hole” means a hole produced by piercing or puncturing any part of the body, with instruments intended to leave an opening in body tissue(s) into which an appropriate device or apparatus may be inserted. Permanent hole would include any body part newly pierced or punctured which is undergoing a healing process; and, any piercing whether or not removal of a device or apparatus from the perforation would result in fusing or healing of the tissue or skin structures.

132. “Permit” shall mean a written form of authorization in accordance with this title.

133. “Person” means any individual, corporation, partnership, association, company or body politic, including any agency of the state of Utah and the United States government.

134. “Personal service station” shall mean a booth, table, or chair in which a personal service is provided. Examples include but are not limited to tanning booths, massage tables, and hair stylist chairs.

135. “Piercing Gun” means a handheld tool that shall be used exclusively for piercing the ear lobe and rim, into which single-use, pre-sterilized studs and clutches are placed and inserted into the ear by hand squeezed or spring loaded action to create a permanent hole. The tool must be made of plastic, stainless steel or other material that is able to be disinfected and may not be used for any other procedure.

136. "Place of business" means any place in the county in which there is conducted or carried on principally or exclusively any pursuit or occupation by any person or persons for the purpose of gaining a livelihood.

137. “Plumbing fixture” shall mean a receptacle or device that is either permanently or temporarily connected to the water distribution system of the premises and demands a supply of water therefrom; discharges wastewater, liquid-borne waste materials or sewage either directly or indirectly to the drainage system of the premises; or requires a water supply connection and a discharge to the drainage system of the premises.

138. “Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

139. “Premises” means any building, lot, parcel of land, or portion of land

whether improved or unimproved including adjacent sidewalks and parking strips.

140. "Preparation Area" means, but is not limited to the physical location in which E-Liquid Components are mixed, repackaged, or resized for sale to the consumer.

141. "Private property" means and includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations, institutions or organizations: Yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots and recreation facilities.

142. "Procedure Surface" means any surface of an inanimate object that contacts the patron's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area which may require sanitizing.

143. "Project or Development" means the Project or Development to receive water service from a Water Supplier, whether residential, commercial, or recreational in nature.

144. "Public buildings and places" means office buildings, theaters, garages, auto camps, hotels, clubs, churches, schools, hospitals or other places of similar character.

145. "Public lodging facility" shall mean a place that is maintained, advertised, offered, used, or kept to provide temporary lodging for the general public. Public lodging facility includes hotels, motels, bed and breakfasts, hostels, guest ranches, resorts, cabins, or any other structure that provides temporary lodging for guests. Included in the public lodging facility are the grounds upon which the facility is located, parking lots, recreational facilities on the grounds, and other appurtenances. A public lodging facility does not include a dormitory, boarding house, or employee living quarters. A private residence or domicile is not a place of public lodging unless it is advertised, offered, used, or kept as a place of public lodging.

146. "Public lodging unit" shall mean a room, suite, or space occupied by the general public located in and operated by a public lodging facility.

147. "Public park" means and includes publicly owned parks, public squares, ball diamonds, golf courses, soccer fields, and other recreation areas, cemeteries and trails, but not specified smoking areas designated by the city, special service district or county.

148. "Public property" means and includes, but is not limited to, the following exterior locations: Streets, street medians, roads, road medians, catch basins, sidewalks, strips between streets and sidewalks, lanes, alleys, public rights-of-way, public parking lots, school grounds, publicly owned vacant lots, parks, playgrounds and other recreational facilities, and publicly owned waterways and bodies of water.

149. "Quarantine" means the restriction of the activities of well individuals or animals who have been exposed to a communicable disease during its period of communicability

to prevent disease transmission.

150. “Rat Eradication” means the elimination or extermination of rats within buildings or premises by any or all of the accepted measures, such as poisoning, fumigation, trapping, clubbing, etc.

151. “Rat Harborage” means any condition that provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under or outside of any structure.

152. “Rat Infestation” means a state in which rats have inhabited an area or overrun such an area in numbers or quantities large enough to be harmful, threatening, or obnoxious.

153. "Refuse" means:

- a. Combustible trash, including but not limited to paper, newspapers, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding;
- b. Noncombustible trash, including but not limited to metal, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral wastes;
- c. Street rubbish, including but not limited to street sweepings, dirt, leaves, catch basin dirt, and contents of litter receptacles.

"Refuse" shall not, however, include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food-processing wastes, boiler-house cinders, lumber, scraps and shavings.

154. “Reserve Source Capacity” means the reserve requirements set forth in §1-5-2(D)(3).

155. "Residences" means buildings or dwellings comprising not more than three dwelling units designed for separate housekeeping tenements, and where no business of any kind is conducted except such home occupations as are defined in the zoning ordinances of the county. Condominiums shall be deemed residences for the purposes of this title.

156. “Responsible Person or Entity” means the person, association, corporation or the officers of the association or corporation, who are responsible for causing or maintaining a violation of this Code, applicable local ordinances or state statutes, and are liable for all costs associated with abatement, removal, destruction or eradication of any nuisance, sources of filth, cause of sickness, dead animal, health hazard or sanitation violation. In all cases, a property owner where such a violation exists shall be considered a Responsible Person or Entity.

157. “Rodent” shall mean a non-domestic commensal species of rat or mouse, including but not limited to the Norway Rat and House Mouse.

158. “Safety Precautions” means general activities that include, but are not limited to, wearing gloves, wearing eye protection, using equipment that is in good repair, cleaning up spills, access to a first aid kit, etc.

159. “Sampling” means the demonstration to the potential purchaser of an ESD how to use the device, or the customer sampling an E-Liquid sold for use in an ESD.

160. “Sanitary” shall mean the condition of being free from infective, physically hurtful diseased, poisonous, unwholesome, or otherwise unhealthful substances and being completely free from vermin, from the traces of either, and from an environment conducive to the growth of either.

161. “Sanitization Procedure” means a process of reducing the numbers of micro-organisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved by the Health Department.

162. “Scarification” means cutting the skin with a sharp instrument with the intent of producing a permanent scar or mark.

163. “Scavenger Operator” means any person who conducts the business of a liquid scavenger operation.

164. “Seasonal Food Service” means a Food Service Establishment as set forth in 1-6-2(C).

165. “Septage” means the liquid and solid material pumped from a septic tank, cesspool, on-site wastewater system, or similar domestic sewage treatment system, or from a holding tank, when the system is cleaned or maintained.

166. “Sharps” shall mean any discarded or contaminated article or instrument that may cause puncture or cuts to the skin or mucosa. Such waste includes, but is not limited to, needles, syringes, pipettes, intravenous tubing with needles attached, glassware, lancets, razor blades and scalpel blades.

167. “Sharps Container” means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the International Biohazard Symbol.

168. “Single-Service Articles” means disposable tableware, carry out utensils designed for one-time or one person use.

169. “Single Use” means products or items that are intended for one-time, one-person use and are disposed of after use on each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings,

razors, piercing needles, scalpel blades, stencils, ink cups, and protective gloves, tattoo needles.

170. “Small Water System” means a Water System serving fewer than fifteen (15) full-time connections.

171. “Smoke” or “Smoking” means and includes: possession, carrying or holding a lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting or emitting or exhaling of smoke of a pipe, cigar, or cigarette of any kind, or of any other lighted smoking equipment.

172. “Solid waste” shall mean garbage, trash, junk, asbestos or asbestos-containing material, hazardous waste, infectious medical waste, industrial waste, inert waste, construction and demolition waste, dead animals, sludge, liquid or semi-liquid waste, leachate, used oil, other spent, or discarded materials, or materials stored or accumulated for the purpose of discarding; materials that have served their original intended purpose, or waste material resulting from industrial manufacturing, mining, commercial, agricultural, household, institutional, recreational, or other activities. “Solid waste” does not include solid or dissolved materials in domestic sewage or in irrigation return flows, or discharges for which a permit is required under state or federal regulations.

173. “Source” shall mean a specific available drinking water supply that can be used to meet the demands placed on any given water system. They can be springs, tunnels, treated or untreated (i.e. irrigation) surface water, or ground water, owned by either the Water Supplier or by another Water Supplier, as long as the Source meets the requirements of the DDW.

174. “Source Capacity” shall mean the amount of water expressed in gallons per minute (gpm) which may be reliably and consistently produced from a DDW approved water source. This definition applies to all water sources including treated and untreated surface and ground water. The DDW rating shall be considered to be the Source Capacity of a given source; however, the DDW rating may be further limited by quality, available quantity, or trending conditions following a review by the County Health Officer. The Source Capacity of a given Source cannot exceed the Water Rights approved for that Source by the State Engineer. Water storage, consisting of pipe or reservoir storage, cannot be used as a factor when calculating a Source Capacity.

175. “Source Contractual Commitment” shall mean a Water Supplier receives Source Capacity through any other outside, non-owned or non-controlled Water Supplier, documentation showing a commitment to supply the declared amount of water must be provided by the supplying entity. Documentation certifying the capacity of the connection to deliver said water must also be provided. Any commitment to supply water to another entity, whether included in the Concurrency program or not, must be also declared as a Demand by the granting entity as well as a Source by the contracting entity. A temporary contractual commitment of 15 years or less shall not be used as Source Capacity by the contracting entity under these regulations without a clear and defined plan for replacement water acceptable to the County Health Officer.

176. “Standby Fee or Standby ERC” shall mean a fee imposed upon a

Developer, lot owner, or to those contractually obligated, that can be serviced by a Water Supplier but are currently not connected to its system. The standby fee offsets the fixed costs to the Water Supplier allocable to standby accounts based upon the total number of Water Supplier connections and standby fees assessed. The standby fee includes operations and maintenance costs, appropriate water lease and reservation fees, and any other cost incurred by the Water Supplier to ensure the availability of water and to provide for fire flow and property protection capability to standby lots and Developments.

177. “Sterilization” means the destruction of all living organisms including spores, bacteria, and viruses.

178. “Storm drainage system” means public or privately owned facilities by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural water bodies and human made or altered drainage channels, reservoirs, and other drainage structures.

179. “Stormwater” means stormwater runoff, snowmelt runoff, and surface runoff and drainage.

180. "Stove ashes" means the residue of material burned in stoves and furnaces in private residences, but not the residue from furnaces in apartment houses, hotels, business houses, heating or manufacturing plants.

181. “Subdivision” means any land that is subdivided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plats, or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument. Subdivision does not include a bona fide division or partition of agricultural land for agricultural purposes. Subdivision does include commercial, industrial and all residential development

182. “Surplus Capacity” shall mean existing total Source Capacity in excess of any reserve requirements for drought and emergency needs mandated by DDW regulations and by these regulations, and in excess of that quantity of water required to meet the service Demand of the Water Supplier's existing Customers, any outstanding Commitment-of-Service Letters for new service, or other Demand obligations as identified in the Water Supplier's Water Supply/Demand Report.

183. “System Peak Demand” shall mean the estimated demand which would be reasonably expected to occur during the year. Within these regulations it is initially set at 0.86 gpm, or as otherwise determined in the future by the County Health Officer.

184. “Tattooing” means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin,



resulting in permanent or semi permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.

185. “TCS” means time/temperature control for safety food (formerly known as “potentially hazardous food” (PHF)).

186. “Ten-Year Forecast” shall mean a summary and estimate of projected source supply and demand data for the ten ensuing years. A Ten-Year-Forecast shall be included as part of the annual Water Supply/Demand Report in the format defined by the County Health Officer.

187. “Temporary Cosmetology Facility” shall mean a location, place, area, structure, or business where either as a sole service or in conjunction with other services, cosmetology is performed for seven days or less.

188. “Temporary Food Service” means a Food Service Establishment as set forth in 1-6-2(B).

189. “Temporary Massage Facility” shall mean a location, place, area, structure, or business where either as a sole service or in conjunction with other services, massage therapy is performed for seven days or less.

190. “Tobacco Product” means any cigar, cigarette, or electronic cigarette, as defined in UCA §76-10-101, any Electronic Cigarette Substance, any ENDS, any chewing tobacco, any substitute for a tobacco/synthetic nicotine product including flavoring or additives to tobacco, and tobacco paraphernalia, as defined in UCA §76-10-104.1.

191. “Tobacco Retail Permit” means a permit issued by the Health Department in accordance with Section 1-9-5.

192. “Tobacco Retailer” means any person who sells, offers for sale or offers to exchange for any form of consideration, Tobacco Products, ENDS, Electronic Cigarette Substance, or any substitute for a Tobacco Product, including flavoring, additives, or herbal tobacco. A Tobacco Specialty Business is a Tobacco Retailer.

193. “Tobacco Specialty Business” means any Tobacco Retailer for which:

- a. The sale of Tobacco Products accounts for more than Twenty-Five Percent (25%) of the total annual gross receipts for the establishment; or
- b. The name of the business evidences holding itself out as a Tobacco Specialty Business; e.g., “Smoke Shop,” “Vape Shop,” etc. as opposed to “Tommy’s Trinkets” or

- “Nonie’s Notions;” or
- c. The allocation of floor and shelf space inside the business shows a focus on Tobacco Products. Of the retail shelf and floor space devoted to the offer, display and/or storage of products, no more than Twenty percent (20%) can be used for Tobacco Products; and
- d. The establishment is not licensed as a pharmacy under UCA Title 58, Chapter 17b (Pharmacy Practice Act).

194. "Trade waste" means all discarded wooden boxes, barrels, broken lumber, cardboard boxes, cartons, waste paper, leather, rubber, excelsior, cuttings, sweepings, rags and other inflammable waste materials, and all discarded trade or manufacturing refuse from stores, factories or other places of business which are not included within the definition of garbage, stove ashes and market waste.

195. "Transaction Statement" means any statement, in paper or electronic form, which the manufacturer transferring ownership of the product certifies that the Electronic Cigarette Substance is in compliance with the standards of R384-415.

196. "Vector" shall mean any agent capable of transmitting a pathogen from one individual or organism to another. "Vectors" include, but are not limited to: insects, rodents, and other vermin.

197. "Vehicle" shall mean any motor vehicle, trailer, water vessel, railroad car, or airplane.

198. "Vermin" shall mean rats, mice, cockroaches, bedbugs, flies, feral or domesticated pigeons, or any other pest as determined by the Health Department to be harmful to the life, health, or welfare of the public.

199. "Waste disposal contractor" means a person or persons engaged in the business of collecting, hauling or transporting through the streets of the county any garbage, community waste, dishes, cinders, trade waste, market waste, night soil, manure, dead animals, bones, or any noisome or offensive material or matter for disposal or for any other purpose.

200. "Wastewater" shall mean any water, sewage, industrial waste, or other liquid or waterborne substances causing or capable of causing pollution of waters, other than uncontaminated stormwater, discharged from any facility.

201. "Water Conservation Plan" shall mean a plan developed and implemented by each Water Supplier to reduce the average annual water consumption per ERC on the Water Supplier's system in accordance with Utah Code Ann. §73-10-32, et. seq.

202. "Water Rights" shall mean the legal right granted by the State of Utah to divert a quantity of water from a Source as determined by the State Engineer. In western Summit County, a Water Use Plan, as required by the State Engineer, is to be submitted to the

Division of Water Rights annually by each Water Supplier. Water Rights compliance is monitored and regulated by the State Engineer, through the Weber River Water Commissioner and his/her designee or enforcement officer. These regulations only require an annual certification from the Weber River Commissioner that the system is in good standing and compliance with said Water Rights regulations and Water Use Plan(s).

203. “Water Supplier” shall mean any water system, whether public or private, providing wholesale or retail water service to the general public, including water for indoor culinary use, outdoor irrigation use, and any other beneficial use such as livestock water, snowmaking, industrial use, etc., including service by water systems to areas outside of their corporate boundaries or service areas.

204. “Water Supply/Demand Status (Status)” shall mean the current, overall ability of a Water Supplier to meet demands and obligations considering available water Source Capacity, Reserve Source Capacity, Surplus Capacity, System Peak Demand, the current number of service connections, outstanding Commitment-of-Service Letters and other system demands. The Water Supply/Demand Status demonstrates the Water Supplier to have either a Surplus or a Deficit Capacity, as measured by ERC, to meet the needs of its current and future Customers. Historically, the Status has been referred to as the water concurrency rating. To be in Good Standing, a Water Supplier cannot have a Deficit Capacity.

205. “Water Supply/Demand Report (Report)” shall mean an up-to-date Source, Demand and system report, as is further defined in §1-5-2(D), detailing the currently available Source Capacity, Reserve Source Capacity, Surplus Capacity, Demand, System Peak Demands, Source Contractual Commitments, number of existing and projected service connections, outstanding Commitment-of-Service Letters and other contractual demands. The Water Supply/Demand Report shall indicate the Status of the Water Supplier, including the number of new ERCs for which the Water Supplier can issue Commitment-of-Service Letters. The Water Supply/Demand Report will also include a summary rolling Ten Year Forecast of anticipated new service connections and other system demands, in accordance with §1-5-2(D)(2)(h).

206. “Wetlands” shall mean areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, under normal circumstances, a prevalence of vegetation typically adapted for life in saturated soil conditions. “Wetlands” shall include but not be limited to swamps, marshes, bogs, and similar areas.

207. “Willing-to-Serve Letter” shall mean a letter issued by a Water Supplier indicating that the Water Supplier will provide water service to a Project or New Development, provided that the applicant complies with all of the terms of the agreement and the rules and regulations of the Water Supplier for the receipt of water service. This is not the same as a Commitment-of Service Letter.

208. “United States Pharmacopeia (USP) Standards” means those written standards for medicines, food ingredients, dietary supplement products and ingredients. These

standards are used by regulatory agencies and manufactures to help ensure products are of the appropriate identity, as well as strength, quality, purity, and consistency.

209. “Universal Precautions” means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public-Safety Workers in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol.38, No. S-6, and as Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures, in MMWR, July 12, 1991, Vol.40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand-washing, gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood- and body fluid-contaminated products.

**i-1-3 : Jurisdiction.**

A. These regulations are promulgated by the Summit County Board of Health as authorized by §26A-1-121(1), Utah Code Ann., 1953 as amended (UCA) and Title 2, Chapter 6 of the Summit County Code.

B. The Health Department is empowered to enforce these regulations in all incorporated and unincorporated areas of Summit County as authorized by UCA §26A-1114(1)(a) and Title 2, Chapter 6 of the Summit County Code, unless otherwise provided.

C. It shall be unlawful for any person not to comply with any regulation promulgated by the Summit County Board of Health, unless granted an express variance by the Board.

D. Compliance with these regulations does not constitute a defense if charged with any environmental crime or violation of any local, state, or federal law.

E. Legal action taken by the Health Department under these regulations does not preclude prosecution for any environmental crime that may have been committed or violation of any other local, state, or federal law.

F. Nothing in these regulations affects or modifies in any way the obligations or liability of any person under any other regulation or provision thereof issued by the Health Department, any ordinance issued by Summit County or any municipality located within Summit County, or any state or federally issued law, including common law. However, these regulations supersede other existing local and county standards, regulations and ordinances pertaining to similar subject matter that are inconsistent, unless otherwise provided.

G. Verbal or contractual obligations shall not diminish or remove the Responsible Person or Entity’s obligation to comply with these regulations.

**i-1-4 : Acceptance.**

This Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this state as the regulations of the Board.

**i-1-5 : Authority – Rulemaking; Amendments.**

A. The Board may adopt or amend standards and regulations not in conflict with rules of the Utah Department of Health and Utah Department of Environmental Quality which are necessary for the promotion of public health, environmental health quality, injury control, and the prevention of outbreaks and spread of communicable and infectious diseases. UCA §26A-1-121.

B. The Board may adopt or amend standards and regulations more stringent than corresponding federal law, state statute or state administrative rules for the purposes described in §1-1-5(A), where

1. the Board makes a written finding after public comment and hearing and based on evidence in the record that corresponding federal laws, state statutes, or state administrative rules are not adequate to protect public health and the environment of the State of Utah; and
2. the finding shall address the public health information and studies contained in the record, which form the basis for the Board’s conclusion.

C. The Board shall provide for at least one public hearing prior to the adoption of any regulation or standard. Notice of any public hearing shall be published at least twice throughout the county. The publication may be in one or more newspapers. Hearings may be conducted by the Board or the Board may appoint hearing officers who may conduct hearings in the name of the Board at a designated time and place. A record or summary of the proceedings of a hearing shall be taken and filed with the Board.

D. The Board shall post any proposed standard, rule or regulation or proposed modification to any existing standard, rule or regulation on the Board’s website at least thirty (30) calendar days prior to the public hearing set forth in 1-1-5(C) and shall receive public comment thereon. All public comment shall be forwarded to the Board for inclusion in the record of proceedings. The Board shall consider public comment in its deliberations.

**i-1-6 : Code Alterations.**

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this Code in such a manner that the meaning of any phrase or order may be changed or omitted.

**i-1-7 : Severability Clause.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the

remaining portions of this Code, or any part thereof. The Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

**i-1-8 : Penalties, Costs and Administrative Remedies.**

A. Criminal Citation. Unless otherwise provided herein, any person, association, corporation, or the officers of the association or corporation who violates any provision of this Code is on the first violation guilty of a class B misdemeanor; and on a subsequent similar violation within two years, guilty of a class A misdemeanor. Each day of violation of this section is a separate violation.

B. Order of Abatement. Any person, association, corporation or the officers of the association or corporation who violate any provision of this Code are liable for any expense incurred in abating, removing, destroying or eradicating any nuisance, sources of filth, cause of sickness, dead animal, health hazard or sanitation violation.

1. A statement of the costs incurred by the Health Department in such abatement, removal, destruction or eradication and a demand for payment shall be submitted in writing to the Responsible Person or Entity. The costs incurred shall be a lien upon the property of the Responsible Person or Entity.
2. Any personal property removed or taken into custody by the Health Department may be sold or otherwise disposed of in satisfaction of such lien, the proceeds being applied first to the cost of sale, second to the cost of abatement, removal, destruction or eradication and other Board expenses, and the balance, if any, to the Responsible Person or Entity
3. Any unsatisfied costs incurred in the abatement, removal, destruction or eradication of any nuisances, sources of filth, cause of sickness, dead animal, health hazard, sanitation violation may be certified to the county treasurer for inclusion in the tax notice for the property of the Responsible Person or Entity and shall be collected by the county treasurer at the same time and in the same manner as general county taxes.

C. Remedies Cumulative. Conviction under this section or any other public health law or regulation does not relieve the person convicted from civil liability for any act that was also a violation of the public health laws or regulations.

D. UCA, Title 19, Chapter 5. Any person, association, corporation, or the officers of the association or corporation who violates the provisions of UCA, Title 19, Chapter 5, or any permit, rule or order adopted consistent therewith, is subject in a civil proceeding to a civil penalty not to exceed \$10,000 per day of violation. UCA §19-5-115(2).

E. Administrative Enforcement. The provisions of this section may be applied to all violations of this Code and applicable county ordinances and state statutes. It has been designed as an additional remedy for the Board's use in achieving compliance with said Code.

1. Civil Liability. By establishing performance standards and obligations to act, it is the intent of the Board that employees of the Health Department and the County Health Officer exercise discretionary authority in pursuit of an essential governmental function and that any such standards or obligations shall not be construed as creating a ministerial duty for purposes of tort liability.
2. Enforcement Authority. Enforcement Officials shall have the power to issue Notices of Violation and Orders of Abatement, to inspect public and private property, to abate, remove, destroy and/or eradicate violations of this Code on public and private property, and to use any remedy available under this Code or state law.
3. Service Requirements; Service of Process.
  - (a) Whenever notice is required to be given under this Code for enforcement purposes, the document shall be served by any of the following methods, unless different provisions are otherwise specifically stated to apply:
    - (i) Regular mail, postage prepaid, to the last known address of the Responsible Person or Entity;
    - (ii) Posting the notice conspicuously on or in front of the property. If not inhabited, the notice must also be mailed as set forth in §1- 1-8(E)(3)(a)(i);
    - (iii) Personal service; or
    - (iv) Published in a newspaper of general circulation once a week for a period of two (2) weeks.
  - (b) Service by regular mail in the manner set forth above shall be deemed served on the seventh calendar day after the date of mailing when mailed in the continental United States. Service by regular mail to all other addressees shall be deemed served on the tenth calendar day after the date of mailing.
  - (c) If service complies with the requirements of this section, it shall be deemed a valid service even if a person claims not to have received the service and it shall not affect the validity of any proceedings taken under this Code.

(d) The failure to serve all Responsible Persons or Entities shall not affect the validity of any proceedings.

4. Inspections. Enforcement officials are hereby authorized, in accordance with the applicable law, to enter upon any property or premises to ascertain whether the provisions of this Code, applicable local ordinances or state statutes are being obeyed and to make any reasonable, lawful examination or survey necessary to determine compliance with this Code, applicable local ordinances or state statutes. This may include the taking of photographs, samples, or other physical evidence. All inspections, entries, examinations, and surveys shall be done in a reasonable manner. If a property owner or Responsible Person or Entity refuses to allow an Enforcement Official to enter the property, the Enforcement Official shall obtain a search warrant before entering the property.

5. Notice of Violation or Order of Abatement.

(a) Procedure: Whenever any Enforcement Official determines that a violation of this Code, applicable local ordinances or state statutes has occurred or continues to exist, the Enforcement Official may issue a Notice of Violation or Order of Abatement to a Responsible Person or Entity. The Notice of Violation or Order of Abatement shall include the following information:

(i) Name of Responsible Person or Entity;

(ii) Street address of violation;

(iii) Date the violation was observed;

(iv) All Code sections violated and a description of the violation;

(v) A statement explaining the type of remedial action required to permanently correct the outstanding violations, which may include corrections, repairs, demolition, removal, or other appropriate action;

(vi) Specific date to correct the violations listed in the Notice of Violation or Order of Abatement, but in no case shall said cure period be longer than thirty (30) calendar days;

(vii) Explanation of the consequences should the Responsible Person or Entity fail to comply with the terms and deadlines as prescribed in the Notice of Violation or Order of Abatement (which may include, but



is not limited to, criminal prosecution; civil fees; costs; and any other legal remedies);

(viii) The amount of any civil fees for each violation and a statement that the civil fees shall accrue daily, immediately upon expiration of the date to correct violations, until the violation is corrected;

(ix) That only one Notice of Violation or Order of Abatement is required for any twelve (12) month period, and that civil fees begin immediately upon any subsequent violations of the Notice or Order (the Responsible Person or Entity may request a hearing on the renewed violations by following the same procedure as provided for the original notice), and;

(x) The procedures to request an administrative hearing as provided in §1-1-8(E)(6), and consequences for failure to request one.

The Notice of Violation or Order of Abatement shall be served by one of the methods of service listed in [§1-1-8\(E\)\(3\)](#).

More than one Notice of Violation or Order of Abatement may be issued against the same Responsible Person or Entity if it encompasses different dates, or different violations.

(b) Failure To Bring Property Into Compliance:

(i) Civil Fees: If a Responsible Person or Entity fails to bring a violation into compliance before the date given to correct the violation, civil fees shall be owed to the Board for every day of each violation and continuing violation.

(ii) Misdemeanor: Failure to comply with the Notice of Violation or Order of Abatement subjects the Responsible Person or Entity to the criminal penalties set forth in §1-1-8(A).

(c) Recording of Notice of Violation:

(i) Once the Enforcement Official has issued a Notice of Violation to a Responsible Person or Entity, and the property remains in violation after the deadline established in the Notice of Violation, and no request for a hearing has been filed, the Enforcement Official may record a Notice of Violation against the property with the Summit County recorder's office.

(ii) If a hearing is requested and held, and the Notice of

Violation is upheld; the Enforcement Official may record the Notice of Violation against the property with the Summit County recorder's office.

(iii) The recordation shall include the name of the Responsible Person or Entity, the parcel number, the legal description of the parcel, and a copy of the Notice of Violation.

(iv) The recordation does not encumber the property, but merely places future interested parties on notice of any continuing violation found upon the property.

(v) A notice of the recordation shall be served on the Responsible Person or Entity pursuant to any of the methods of service set forth in §[1-1-8\(E\)\(3\)](#).

(d) Inspections: At the time that the Notice of Violation or Order of Abatement is issued, the Enforcement Official may require that the Responsible Person or Entity request an inspection when a violation is brought into compliance. If this is done, it shall be the duty of the Responsible Person or Entity served with the Notice of Violation or Order of Abatement to request the inspection when his or her property has been brought into compliance. It is prima facie evidence that the violation remains on the property if no inspection is requested. Civil fees accumulate daily until the property has been inspected and a Notice of Compliance is issued. Reinspection costs may be assessed if more than one inspection is requested or necessary.

(e) Failure To Request Hearing: The failure of any person to file a request for an administrative hearing within ten (10) calendar days of being served with a Notice of Violation shall constitute a waiver of the right to a hearing and a waiver of the right to appeal and shall not affect the validity of a recorded notice of violation.

6. Notice of Compliance; Procedures:

(a) If an inspection is required by the Enforcement Official, it shall be the duty of the Responsible Person or Entity to request such inspection.

(b) Upon receipt of a request for inspection, the Enforcement Official shall inspect the property as soon as practicable to determine whether the violations have been corrected, whether all necessary permits have been issued and final inspections have been performed as required by applicable law.

(c) The Enforcement Official shall serve a Notice of Compliance to the Responsible Person or Entity in the manner provided in §[1-1-8\(E\)\(3\)](#),

so long as the Enforcement Official determines that:

(i) All violations listed in the Notice of Violation or Order of Abatement have been corrected;

(ii) All necessary permits have been issued;

(iii) All assessed civil fees have been paid or satisfied; and

(iv) All assessed administrative fees and costs have been paid or satisfied.

(d) If the Enforcement Official denies a request to issue a Notice of Compliance, the Enforcement Official shall serve the Responsible Person or Entity with a written explanation setting forth the reasons for the denial. The written explanation shall be served by any of the methods of service listed in §[1-1-8\(E\)\(3\)](#).

(e) The Enforcement Official or Responsible Person or Entity shall record the Notice of Compliance with the Summit County recorder's office if a Notice of Violation was previously recorded. Recordation of the Notice of Compliance shall have the effect of canceling the recorded Notice of Violation.

F. Civil Fees.

1. If a Responsible Person or Entity fails to correct a violation by the correction date listed in a Notice of Violation or Order of Abatement, civil fees shall be owed to the Board as determined through the Board's administrative fee schedule.
2. Any person violating any provision of this Code, applicable local ordinances or state statutes may be subject to the assessment of civil fees for each violation and each day that the violations existed as determined by the Board through its administrative fee schedule.
3. Interest may be assessed on all outstanding civil fee balances until paid in full.
4. Payment of any civil fee shall not excuse any failure to correct a violation or the reoccurrence of the violation, nor shall it bar further enforcement action by the Board or an Enforcement Official.

G. Costs.

1. Either the Enforcement Official or the Board has the authority to assess

costs incurred in the administration of this Code, such as for investigation of violations, inspections, preparation of hearings, attendance at hearings, abatements and the collection process. The costs assessed shall be the amount set forth in the Board's administrative fee schedule.

2. In the case of a Notice of Violation or Order of Abatement, the property will be inspected one time. Any additional inspections shall be subject to reinspection fees pursuant to the Board's administrative fee schedule.
3. The failure of any Responsible Person or Entity to pay assessed costs by the deadline specified may result in a late fee pursuant to the Board's administrative fee schedule.

**i-1-9 : Administrative Hearings; Appeals.**

A. A Responsible Person or Entity served with a Notice of Violation, Order of Abatement or any order of the County Health Officer has the right to request an administrative hearing if the hearing request is filed within ten (10) calendar days from the date of service.

B. The request for a hearing shall be made in writing and filed with the Health Department. The request shall contain the file number, the address of the violation, and the signature of the Responsible Person or Entity.

C. As soon as practicable after receiving the written request for a hearing, the Health Department shall schedule an official date, time, and place for the hearing. The Health Department shall notify the Responsible Person or Entity, Enforcement Official and any other applicable parties of the date, time and place of the hearing by any of the methods listed in [§1-1- 8\(E\)\(3\)](#) at least seven (7) calendar days prior to the date of the hearing.

D. Failure to request a hearing within ten (10) calendar days from the date of service of the Notice of Violation, Order of Abatement or any other order of the County Health Officer shall constitute a waiver of the right to a hearing.

E. If a Responsible Person or Entity fails to request a hearing after being issued a Notice of Violation, Order of Abatement or any other order of the County Health Officer as provided herein, such failure to request a hearing shall be considered a waiver by the Responsible Person or Entity of their right to said hearing and a default judgment may be entered against the Responsible Person or Entity and the Enforcement Official may seek to have an Administrative Enforcement Order issued by the Board without further notice to the Responsible Person or Entity.

F. Procedures at Administrative Hearing:

1. Administrative hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply; however, an informal exchange of discovery may be required. The request must be in

writing. Failure to request discovery shall not be a basis for a continuance. Complainant information is protected and shall not be required to be disclosed or released unless the complainant is a witness at the hearing. The policy and format of the hearing shall be approved by the Board.

2. The Board or an administrative law judge appointed by the Board shall conduct the administrative hearing and may administer oaths, examine witnesses, and issue notice of the hearings or subpoenas in the name of the Board requiring the testimony of witnesses and the production of evidence relevant to the matter in the hearing.
3. The Enforcement Official bears the burden of proof at an administrative hearing to establish the existence of a violation of this Code, applicable local ordinances or state statutes.
4. The standard of proof to be used by the Board or administrative law judge in deciding the issues at an administrative hearing is whether a preponderance of the evidence shows that the violation exists or existed.
5. Each party shall have the opportunity to cross examine witnesses and present evidence in support of his or her case. A written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance. Testimony may be given by telephone or other electronic means.
6. All hearings shall be open to the public and shall be recorded. A written record of the proceedings shall be made by the Board. At the discretion of the Board or administrative law judge, hearings may be held at the location of the violation.
7. The Responsible Person or Entity has a right to be represented by an attorney. If an attorney will be representing the Responsible Person or Entity at the hearing, written notice of the attorney's name, address, and telephone number must be given to the Enforcement Official at least two (2) calendar days prior to the hearing. If such notice is not given, the hearing may be continued at the Enforcement Official's request, and all costs of the continuance shall be assessed to the Responsible Person or Entity.
8. No new hearing shall be granted unless the Board determines that extraordinary circumstances exist which justify a new hearing.
9. The burden to prove any raised defense shall be upon the party raising any such defense.

10. After all applicable evidence, testimony and defense is presented, the Enforcement Official may present a request regarding the type of fee or enforcement action that is appropriate, should the Responsible Person or Entity be found guilty of the violation. This request may include, but is not limited to, civil fees, restitution, community service, abatement, cost recovery, revocation, suspension or conditioning of a permit issued by the Health Department and any other fees incurred by the Health Department during the enforcement process.

G. Failure To Attend Administrative Enforcement Hearing: A Responsible Person or Entity who fails to appear at the administrative hearing is deemed to waive the right to such hearing, and will result in a default judgment, provided that proper notice of the hearing has been provided.

H. Administrative Enforcement Order.

1. General:

(a) Subsequent to all evidence and testimony being presented in an administrative hearing, the Board shall consider the recommendation of the administrative law judge, if one was utilized by the Board, and issue written findings of fact and conclusions of law in the form of an Administrative Enforcement Order that affirms, modifies or rejects the Notice of Violation, Order of Abatement or any other order of the County Health Officer, and notify all parties of such written decision by any of the methods listed in [§1-1-8\(E\)\(3\)](#) within ten (10) calendar days of the hearing. The Board may increase or decrease the total amount of civil fees and costs that are due pursuant to the Board's administrative fee schedule.

(b) The Board may issue an Administrative Enforcement Order that requires a Responsible Person or Entity to cease and desist from violating this Code, applicable local ordinances or state statutes and take any necessary corrective action. This Administrative Enforcement Order may also include, but is not limited to, civil fees, restitution, cost recovery, community service, abatement, revocation, suspension or conditioning of a permit issued by the Health Department and any other fees incurred by the Health Department during the enforcement process.

(c) The Board may issue an Administrative Enforcement Order for the Health Department to enter the property to abate all violations.

(d) As part of the Administrative Enforcement Order, the Board may establish specific deadlines for the payment of fees and costs and condition the total or partial assessment of civil fees on the Responsible Person or Entity's ability to complete compliance by specified deadlines.

(e) The Board may issue an Administrative Enforcement Order imposing civil fees. Such fees shall continue to accrue until the Responsible Person or Entity complies with the Administrative Enforcement Order and corrects the violation.

(f) The Board may require the Responsible Person or Entity to post a performance bond to ensure compliance with the Administrative Enforcement Order.

(g) The Administrative Enforcement Order shall become final and effective upon the date of signing by the Board Chair.

(h) A copy of the Administrative Enforcement Order shall be served by the Board on all parties by any one of the methods listed in [§1-1-8\(E\)\(3\)](#). When required by this Code, the Enforcement Official shall record the Administrative Enforcement Order with the Summit County recorder's office.

2. Failure To Comply With Administrative Enforcement Order:

(a) Upon the failure of the Responsible Person or Entity to comply with the terms and deadlines set forth in the Administrative Enforcement Order, the Board may use all appropriate legal means to recover the civil fees and administrative costs to obtain compliance. The failure of a responsible person to comply with the Administrative Enforcement Order shall be a class B misdemeanor.

(b) After the Board issues an Administrative Enforcement Order, the Board or the Enforcement Official shall monitor the violations and determine compliance.

3. Appeal of Administrative Enforcement Order:

(a) A Responsible Person or Entity adversely affected by an Administrative Enforcement Order made in the exercise of the provisions of this Code may file a petition for review by the district court within thirty (30) calendar days after the decision is final.

(b) No Responsible Person or Entity may challenge in district court a Notice of Violation or Order of Abatement until that person has exhausted his or her administrative remedies.

(c) In the petition, the plaintiff may only allege that the Administrative Enforcement Order is arbitrary, capricious or illegal.

(d) The district court's review is limited to the record of the administrative decision that is being appealed. The court shall not accept or consider any evidence that is not part of the record of that decision unless that evidence was offered to the Board and the district court determines that it was improperly excluded.

(e) The district court shall:

(i) Presume that the Board's decision and Administrative Enforcement Order are valid;

(2) Review the record to determine whether or not the decision and Administrative Enforcement Order are arbitrary, capricious, or illegal; and

(3) Affirm the decision and Administrative Enforcement Order if they are supported by substantial evidence.

(f) The filing of a petition does not stay execution of an Administrative Enforcement Order. Before filing a petition, a Responsible Person or Entity may request the Board stay an Administrative Enforcement Order. Upon receipt of a request to stay, the Board may require the Administrative Enforcement Order be stayed pending district court review.

I. Settlement Agreements: In lieu of an administrative hearing, the Responsible Person or Entity and the Health Department may enter into a stipulated settlement agreement, which must be signed by both parties. When this occurs, the agreement shall be entered as the Administrative Enforcement Order by the Board and shall be binding upon the Responsible Person or Entity. Entry of this agreement shall constitute a waiver of the right to a hearing and the right to appeal.

#### **i-1-10 : County Health Officer Orders**

The County Health Officer is hereby authorized to issue any and all orders which are necessary and proper to fulfill the powers and duties of the Health Department pursuant to UCA §26A-1-114 or successor law. Appeals of County Health Officer Orders shall follow the procedure as set forth in §1-1-9.

A. Exercise of Physical Control. The County Health Officer may establish, maintain, and exercise physical control over property and over individuals as the County Health Officer finds necessary for the protection of the public health including but not limited to closing theaters, schools, and other public or private places and prohibiting public gatherings. The order shall be effective immediately. Any person to whom the order is directed shall comply immediately but may petition the Board for a hearing in accordance with §1-1-9.



B. Emergency Enforcement. If the County Health Officer finds that an emergency exists that requires immediate action to protect the public health, he or she may without notice or hearing issue an order declaring the existence of an emergency and requiring that action be taken as he or she deems necessary to meet the emergency. The order shall be effective immediately. Any person to whom the order is directed shall comply and abate the nuisance immediately; but may petition the Board for a hearing in accordance with §1-1-9. If circumstances warrant because of the seriousness of the hazard, the County Health Officer may act to correct or abate the emergency without issuance of an order or directive or without waiting for the expiration of compliance time previously given in an order.

**i-1-11 : Conflicts.**

To the extent there is any ambiguity in or conflict between this code and state or federal law, the more restrictive provision or language shall take precedence.

## Chapter 2

### HEALTH NUISANCES AND ABATEMENTS

#### **1-2-1 : NUISANCES:**

#### **1-2-2 : NUISANCE ABATEMENT – INVESTIGATION OF COMPLAINTS:**

#### **1-2-3 : NOTIFICATION OF NUISANCE – ABATEMENT AUTHORITY:**

#### **1-2-4 : FLY CONTROL:**

#### **1-2-5 : STAGNANT WATER:**

#### **1-2-6 : HABITABILITY OF DWELLING UNIT:**

#### **1-2-7 : OPEN WELLS, CESSPOOLS AND PRIVY VAULTS:**

#### **1-2-8 : NOISE:**

#### **1-2-9 : ODOR CONTROL:**

#### **1-2-1 : Nuisances.**

It is unlawful for any person, property owner or occupant to create, permit, cause to exist, aid in creating, or contribute to a Nuisance upon his or her property. See UCA §76-10-801 (Nuisance); UCA §76-10-802 (Befouling Waters).

#### **1-2-2 : Nuisance abatement – Investigation of complaints.**

The Health Department shall cause every Nuisance dangerous to public health, within its jurisdiction, to be abated. When complaint of such Nuisances is made to it, the Health Department shall cause the matter to be investigated and shall determine whether or not the alleged Nuisance is detrimental to the public health. The Health Department is empowered to make such inspections that it deems necessary to determine the existence of a Nuisance.

#### **1-2-3 : Notification of nuisance – Abatement authority.**

Whenever the Health Department shall determine that a Nuisance detrimental to public health exists, an Enforcement Official shall issue a Notice of Violation or Order of Abatement in accordance with §1-1-7(E)(5) notifying the Responsible Person or Entity where such Nuisance may be found, and ordering the abatement or removal of such within a reasonable period of time not to exceed thirty (30) calendar days. At the expiration of thirty (30) calendar days from the date of issuance of the Notice of Violation or Order of Abatement, if the Nuisance has not been abated or removed, the Health Department may summarily proceed to abate or remove the same, or it may cause an action to be brought for the abatement of such Nuisance. The Health Department may bill the Responsible Person or Entity in charge of the premises upon which a Nuisance exists for the costs associated with the abatement or removal, in accordance with §1-1-7(B).

#### **1-2-4 : Fly control.**

It is unlawful for any person to permit, or have on its premises, whether owned or occupied by it, either one or more of the following unsanitary conditions:

- A. Any privy, cesspool, sink, pit or like place that is not securely protected from flies.
- B. Garbage that is not securely protected from flies.
- C. Vegetable waste, trash, litter, rags, manure or refuse of any kind in which flies may breed.

#### **1-2-5 : Stagnant water.**

Any stagnant pool of water in the county is hereby declared to be a Nuisance. It is unlawful for any person, firm or corporation to permit any such Nuisance to remain or exist on any property under its control.

#### **1-2-6 : Habitability of dwelling unit.**

A. The landlord shall at all times during the tenancy maintain a dwelling unit in a habitable condition. The Utah Fit Premises Act, UCA Title 57, Chapter 22 is hereby incorporated by reference in its entirety by reference. A dwelling unit is not habitable if it violates provisions of housing or health codes concerning the health, safety, sanitation or fitness for habitation of the dwelling unit or if it substantially lacks:

- 1. Effective waterproofing and weather protection of the roof and exterior walls, including windows and doors.
- 2. Plumbing facilities which conform to applicable law when installed and which are maintained in good working order.
- 3. A water supply approved under applicable law, which is:
  - a. Under the control of the tenant or landlord and is capable of producing hot and cold running water;
  - b. Furnished with appropriate fixtures; and
  - c. Connected to a sewage disposal system approved under applicable law and maintained in good working order to the extent that the system can be controlled by the landlord.
- 4. Adequate heating facilities which conformed to applicable law when installed and maintained in good working order.

5. Electrical lighting, outlets, wiring and electrical equipment which conform to applicable law when installed and maintained in good working order.
6. An adequate number of appropriate receptacles for garbage and rubbish maintained in clean condition and good repair at the commencement of the tenancy. The landlord shall arrange for the removal of garbage and rubbish from the premises unless the parties by written agreement provide otherwise.
7. Building, grounds, appurtenances and all other areas under the landlord's control at the time of the commencement of the tenancy in every part clean, sanitary and reasonably free from all accumulations of debris, filth, rubbish, garbage, rodents, insects and vermin.
8. Floors, walls, ceilings, stairways and railings maintained in good repair.
9. Ventilation, air-conditioning and other facilities and appliances, including elevators, maintained in good repair if supplied or required to be supplied by the landlord.

B. The landlord and tenant may agree that the tenant is to perform specified repairs, maintenance tasks and minor remodeling only if:

1. The agreement of the parties is entered into in good faith; and
2. The agreement does not diminish the obligations of the landlord to other tenants in the premises.

C. An agreement pursuant to subsection §1-2-6(B) is not entered into in good faith if the landlord has a duty under subsection §1-2-6(A) to perform the specified repairs, maintenance tasks or minor remodeling and the tenant enters into the agreement because the landlord or his or her agent has refused to perform them.

#### **1-2-7 : Open Wells, Cesspools and Privy Vaults.**

A. It is unlawful for any person to maintain, permit or suffer to exist any uncovered or open well, cesspool, privy vault or other dangerous or open crevice upon property within the county.

B. Every owner, occupant or tenant of property within the county upon which uncovered or open wells, cesspools, privy vaults or other dangerous or potentially dangerous openings have been maintained or have existed shall immediately fill in or cover the same securely.

**1-2-8 : Noise.**

The provisions of “Noise Disturbances,” Summit County Code, Title 5, Chapter 3 (May 2011), as amended, is hereby incorporated in its entirety by reference. Title 5, Chapter 3 is only effective in the unincorporated areas of Summit County or any incorporated area which has not adopted a noise ordinance.

**1-2-9 : Odor control.**

A. No person shall cause, allow or permit, at any time, any emission from those processes listed herein unless the emissions are incinerated at a temperature of not less than one thousand two hundred degrees Fahrenheit for a period of not less than 0.3 seconds, or processed in a manner acceptable to the health department to be equally or more effective for the purpose of air pollution control:

1. Animal blood dryers;
2. Meat processing;
3. Animal reduction and rendering cookers;
4. Meat smokehouses;
5. Asphalt roofing manufacturing;
6. Varnish cookers;
7. Paint bake ovens;
8. Plastic curing ovens;
9. Fiberglassing; or
10. Sources of hydrogen sulfide and mercaptans.

B. A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this regulation shall provide properly installed and maintained, in good working order and in operation, devices acceptable to the health department for indicating temperature, pressure, or other operation conditions.

C. Whenever dust, fumes, gases, mist, odorous matter, vapors or any combination thereof escape from a building used for any process, including those mentioned in subsection A of this section, in such a manner and amount as to cause a violation of this regulation, the health department may order that the building or buildings in which the processing, handling or storage are done be tightly closed and ventilated in such a way that all air and gases and air- or gas-borne

materials leaving the building are treated by incineration or other effective means for removal or destruction of odorous matter or other air contaminants before discharging into the open air.

D. Control of Odors.

1. When as many as three complaints of an objectionable odor situation are registered with the Health Department, or earlier, at the option of the Health Department, it shall be the responsibility of the Health Department to investigate the complaints by interview with the complainants and/or other occupants of the area of concern, to determine the source or sources of odorous matter and the circumstances surrounding its emission.
2. When it is necessary to ascertain the presence or absence of an objectionable odor, the determination shall be made by the Health Department, using a panel of five individuals appointed by the County Health Officer and shall consist of not more than two members of the Health Department.
3. An odor shall be deemed objectionable for the purpose of this regulation when a majority of the members of the panel exposed to the odor determines that it is or tends to annoy, injure or endanger the comfort, repose, health or safety of a person, or which in any way renders a person insecure in life or the use of property.
4. If the panel determines that a person is causing or permitting the emission of an objectionable odor, that person shall take all steps required by the Health Department to control the objectionable odor.

E. Odor-producing materials shall be stored and handled in a manner such that odors produced from such materials are confined. Accumulation of odor-producing materials resulting from spillage or other escape is prohibited.

F. Exemption. State regulated facilities or agricultural operations within an Agricultural Protection Area, as set forth in UCA Title 17, Chapter 41, are exempt from the provisions of this section.

## Chapter 3

### ON-SITE WASTEWATER DISPOSAL SYSTEMS

#### **1-3-1 : UTAH ON-SITE WASTEWATER RULE:**

#### **1-3-2 : PERCOLATION TESTING:**

#### **1-3-3 : SYSTEM DESIGNS:**

#### **1-3-4 : WASTEWATER PERMITS:**

#### **1-3-5 : INSPECTION AND MAINTAINENCE REQUIRED:**

#### **1-3-6 : HIGH GROUND WATER:**

#### **1-3-7 : WASTE DISPOSAL REPORTING:**

#### **1-3-1 : Utah On-site Wastewater Rule.**

The provisions of Utah Administrative Rule, Environmental Quality, Water Quality, R317, is hereby incorporated in its entirety by reference.

#### **1-3-2 : Percolation testing.**

A. All percolation test results shall be valid for a period of two years from the date the test was performed.

B. Soil exploration pits and percolation tests shall be conducted within fifty (50) feet of the proposed absorption system site. The Health Department shall inspect the open soil exploration pits and monitor the percolation test procedure. All soil logs and percolation test results shall be submitted to the Health Department. All percolation tests shall be scheduled and performed by an individual having at least a Level 1 certification in accordance with R317-11-3.

C. Percolation tests shall not be conducted in test holes which extend into ground water, bedrock, or frozen ground. Percolation tests shall not be conducted when the ambient air temperature falls below 35 degrees Fahrenheit both day and night for a minimum of 48 contiguous hours.

#### **1-3-3 : System designs.**

A. All on-site wastewater systems shall be designed and prepared by a Utah State Certified Designer, having a certification in accordance with R317-11-3 to a Level 2 or Level 3 certification.

B. Installers shall have on-site during construction, a copy of the on-site wastewater system plans prepared by a Utah State Certified Designer, specific to the property and the wastewater permit. Plans must be stamped reviewed by the Health Department. Any alterations to the plans must be approved in writing by the Health Department and the State. Certified Designer that prepared the plans, prior to construction.

C. Concrete distribution boxes are prohibited.

**1-3-4 : Wastewater permits.**

A. It shall be unlawful to install, construct, alter, replace, enlarge, extend or otherwise modify any on-site wastewater system unless a proper permit has been issued by the Health Department.

B. Wastewater Permits. On-site wastewater systems shall require either a conventional system permit or an advanced wastewater system permit (the “wastewater permits”). Wastewater permits are valid for one year from date of issuance. Permits may be renewed twice. Each permit renewal shall be for a period of one additional year.

C. R&R Permits. An on-site wastewater repair/remodel permit (“R&R permit”) is required where repairs or remodeling is done to an existing or failing on-site wastewater system.

D. Wastewater and R&R permits are nontransferable to third parties.

E. It shall be unlawful to change the use of real property, expand a building or dwelling, or add accessory buildings or structures occupying an area greater than 120 square feet without a review of the on-site wastewater system by the health department to determine whether the existing system is adequate to service the proposed improvements to the real property.

1. Accessory buildings or structures include, but are not limited to garages, sheds, barns, swimming pools, patios, decks, and driveways or parking areas.

F. It shall be unlawful to use or maintain any on-site wastewater system that is not adequately functioning such as to constitute a failing on-site wastewater system under this Code. On-site wastewater systems shall be maintained in good working order. There shall be no activities or conditions permitted which would interfere with the proper operation of such systems. It is specifically prohibited to construct or place buildings, to install paving, to plant trees or shrubs, to re-grade or place fill, to graze livestock, to allow crossing by vehicles, to install above ground pools, or to install driveways or parking areas over on-site wastewater systems.

G. It shall be unlawful to discharge anything but wastewater into an on-site wastewater system. Surface and subsurface water including roof, cellar, foundation, and storm drainage shall not be discharged into the on-site wastewater system and shall be disposed of so as to in no way affect the proper function of the system.

H. The required size of the septic tank for an on-site wastewater system shall be as follows:

1. 4,000 square foot structure – minimum septic tank size of 1,750 gallons.



2. 5,000 square foot structure – minimum septic tank size of 2,500 gallons.

**1-3-5 : Inspection and Maintenance Required.**

A. To avert failing on-site wastewater systems, periodic inspections, maintenance and servicing are required. More complex systems shall require a higher level of inspections and maintenance.

B. The Health Department may conduct inspections, testing and samplings of on-site wastewater systems as part of its oversight responsibilities. It is unlawful for any person to interfere with the Health Department in the performance of its duties.

C. If the Health Department finds that a permit holder or operator of an on-site wastewater system is in violation of state regulations or this Code, the Health Department shall issue a Notice of Violation in accordance with §1-1-8.

D. If an on-site wastewater system creates or contributes to any dangerous or unsanitary condition which may involve a public health hazard, a public nuisance or a threat to the waters of the state, the Health Department shall issue a Notice of Violation in accordance with §1-1-8 and order the owner or operator to take the necessary action to cause the condition to be remediated, eliminated, or otherwise come into compliance. Failure to comply with a Notice of Violation for a failing on-site wastewater system may result in the Health Department:

1. requiring temporary on-site wastewater systems, which may include capping the outlet of the septic tank to create a temporary holding tank;
2. closing the dwelling, building or premises to human occupancy;
3. abating the public health hazard, nuisance or threat to the waters of the state and billing the owner, occupant or other person in charge of the premises for the cost of abatement; or
4. any combination of the above options.

**1-3-6 : High Ground Water.**

A. Any underground on-site wastewater system permitted in a High Water Table Area shall install and maintain accessible to the Health Department a ground water observation well for a period of one year.

B. A curtain drain, land drain, or other effective ground water interceptor system may be allowed as a condition of approval of an on-site wastewater system within a High Water Table Area under the following conditions:

1. The system design shall be completed by a licensed, insured, professional engineer. All plans shall be stamped as certified by the engineer.
2. The ability of the design to maintain ground water elevation at least 48 inches below the bottom of the trenches of the installed absorption system or similarly functioning part of the treatment system shall be demonstrated using computational techniques or simulations. Evidence that inadequately treated septic tank effluent will not enter the curtain drain, land drain, or other ground water interceptor system must be presented. This evidence may include computational simulation of effluent water and dissolved pollutant travel times to the curtain drain, land drain or other ground water interceptor system.
3. The ability of the system to be operated and to maintain appropriate ground water elevations shall be monitored for one year. Piezometers shall remain accessible following the monitoring period. An inspection certificate or letter of completion from a licensed, insured, professional engineer shall certify that the system was installed as designed and that it has functioned as designed for one year.
4. The curtain drain, land drain, or other ground water interceptor shall be determined to be in a state of failure any time the ground water table rises to less than 48 inches below the bottom of the trenches of the installed drain field or similarly functioning part of the treatment system.
5. The location of the installed curtain drain, land drain, or other ground water interceptor is to be recorded on the final plat in a plat note setting forth that the owner of the property is responsible for maintenance and repair or replacement in the event of failure.

### **1-3-7 : Waste Disposal Reporting.**

A. The provisions of Utah Administrative Rule, Environmental Quality, Water Quality, R317-550, is hereby incorporated in its entirety by reference.

B. Scavenger Operators shall maintain records of on-site wastewater systems cleaned and the date, location (name and address), method of septage, volume of septage disposed of for each trip and the name and location of the disposal site where septage was deposited. Such records shall be maintained for a period of five years and shall be made readily available to the Health Department in a monthly summary report or upon request.

### **1-3-8 : Requirements for Connecting to Public Sewer**

A. Public sewer is considered reasonably available if the allowable sewer connection is within 300' of any part of the parcel.

1. Measurements are taken using the path of access to the sewer connection as deemed appropriate by the governing body of the sewer district.

B. For subdivisions, sewer is considered reasonably available if the distance to the allowable sewer connection is less than or equal to the calculated distance for the square footage of proposed lots multiplied by 0.0069.

1. Open space, parks, recreational areas, etc... are not considered during the calculation for distance.

C. The Board may grant a variance from section 1-3-1 (B) if sufficient evidence is provided by the applicant that extending sewer the required distance is not feasible. This may be accomplished by following the appeal process outlined in section 1-1-9.

**1-3-9 : Lot size requirement for Individual Wastewater System.**

A. Building lots using a public water system must be a minimum of ½ acre as classified by the Summit County Assessor for a wastewater permit to be issued. Building lots using a private well must be a minimum size of 1 acre.

B. All building lots must comply with the recommendations provided in Utah Administrative Code R317-400, Table 1.1 for a permit to be issued.

## Chapter 4

### COMMUNICABLE DISEASES

#### **1-4-1 : UTAH DISEASE CONTROL & PREVENTION RULES:**

#### **1-4-2 : REPORTING REQUIREMENTS:**

#### **1-4-3 : QUARANTINE:**

#### **1-4-4 : DISINFECTION – CLOTHING AND OTHER OBJECTS:**

#### **1-4-5 : DISINFECTION - VEHICLES:**

##### **1-4-1 : Utah Disease Control & Prevention Rules.**

The provisions of the Utah Communicable Disease Control Act, UCA, Title 26, Chapter 6; UCA, Title 26, Chapter 6(b), Utah Administrative Rule, Disease Control & Prevention, Health Promotion, R384; Epidemiology, R386; HIV/AIDS, Tuberculosis Control/Refugee Health, R388; Environmental Sciences, R392; and Immunizations, R396 are hereby incorporated in their entireties by reference.

##### **1-4-2 : Reporting requirements.**

It shall be the duty of every physician or other person caring for the sick in the county to make a report to the Health Department immediately after such person becomes aware of the existence of any case of a communicable disease in his or her charge, and it shall be the duty of each and every person, owner, agent, manager or superintendent of any public or private institution, nightly rental, or hotel to make a report in like manner of any inmate, patron, or occupant suffering from any communicable disease.

##### **1-4-2 : Quarantine.**

The County Health Officer is authorized and empowered to properly quarantine any person who has a contagious disease or who has been exposed to a contagious disease, and to prescribe the period of quarantine in accordance with UCA Title 26, Chapter 6(b) or successor law.

##### **1-4-3 : Disinfection – Clothing and other objects.**

It is unlawful for any person to give, lend, sell, transmit or expose, without previous disinfection, any bedding, clothing, rags or other objects that have been exposed to infection from any of the communicable diseases.

##### **1-4-4 : Disinfection – Vehicles.**

It is unlawful for any person to knowingly convey a person afflicted with a contagious disease in a vehicle or other means of transportation unless he or she shall immediately thereafter disinfect his or her conveyance in a thorough manner.

## Chapter 5

### WATER

#### 1-5-1 : UTAH WATER QUALITY RULES:

#### 1-5-2 : WATER CONCURRENCY:

#### 1-5-3 : WATER SOURCE PROTECTION:

#### 1-5-4 : FLUORIDATION:

#### 1-5-5 : STORM WATER DISCHARGES:

#### **1-5-1 : Utah Water Quality Rules.**

The provisions of the Utah Safe Drinking Water Act, UCA Title 19, Chapter 4; the Utah Water Quality Act, UCA Title 19, Chapter 5, Utah Administrative Rule, Environmental Quality, Drinking Water, R309 and Water Quality, R317, are hereby incorporated in their entireties by reference.

#### **1-5-2 : Water Concurrency.**

#### **Willing-to-Serve Letters and Commitment-of-Service Letters.**

1. Willing-to-Serve Letter Required for Plat Approval. In accordance with §10-10-8(A) of the Summit County Code, as part of the development plat approval process, the Water Supplier shall issue a Willing-to-Serve Letter to the developer of a new Development parcel, indicating the Water Supplier's willingness to provide water service. A Water Supplier can issue a Willing-to-Serve Letter only if the Water Supplier demonstrates through its required and various submittals to the County Health Officer, including the Ten Year Forecast, that it will have available at the time required the legal water Source Capacity required to provide the service at the pressure, volume and quality required by DDW regulations and these regulations.
2. Commitment-of-Service Letter Required for Building Permit. In accordance with §10-10-8(C) of the Summit County Code, Customers must obtain a Commitment-of-Service Letter from the Water Supplier providing drinking water service as a precondition to the issuance of a building permit. This letter is issued upon the following standards:
  - (a) Present Ability to Provide Service. A Water Supplier may not issue a Commitment-of-Service Letter to a Customer unless the Water Supplier is in Good Standing, thus demonstrating the present ability to deliver physical and legal water in the quantities, pressure, and quality required by DDW regulations and these regulations.
  - (b) Issuance Date. The Commitment-of-Service Letter shall be issued in \_\_\_\_\_

consideration of and within five (5) working days of the Customer's payment of the Water Supplier's impact fees and/or other connection fees.

- (c) Irrevocable Commitment of Resources. Absent one of the conditions set forth in 1-5-2(C)(3)(b), by the acceptance of a Customer's payment of the Water Supplier's applicable fees and the issuance of a Commitment-of-Service Letter to a Customer, a Water Supplier will be deemed to have entered into an irrevocable, contractual commitment of water capacity required to meet the service requirements of a connection within the Water Supplier's service area, including water to meet the reasonable irrigation or snowmaking requirements of the connection, so that water service can be safely and reliably provided on demand.

3. Failure to Serve. The failure of a Water Supplier to honor a Commitment-of-Service Letter in providing service to the Developer and/or Customer on demand (in whole or in part) shall result in the immediate suspension by the County Health Officer of the Water Supplier's determination of being in Good Standing. All new connections to the water system will be deferred until such time as the Water Supplier honors the Commitment-of-Service Letter and the County Health Officer finds anew that the Water Supplier is in Good Standing. This remedy shall be in addition to any other applicable remedies and penalties imposed by these regulations and/or by state law.

- (a) Civil Action Preserved. Nothing contained herein shall prevent a Customer who has received a Commitment-of-Service Letter and then been denied service (in whole or in part) by a Water Supplier from pursuing any civil remedy available at law or in equity.

- (b) Deferral of Service Commitment. A Water Supplier that has issued a Commitment-of-Service Letter to a Developer and/or Customer, who is in Good Standing with the County Health Officer, may defer providing water service to such Developer and/or Customer, if between the date of issuance of the Commitment-of-Service Letter and the date service is requested one of the following has occurred:

- (i) Legal Process. Lawful order of any court of competent jurisdiction has required the Water Supplier to suspend service to the Developer and/or Customer.

- (ii) Emergency Conditions. Emergency conditions that are reasonably beyond the control and foreseeability of the Water Supplier have occurred.

- (c) Notification. A water supplier who has experienced an event listed in 1-5-2(C)(3)(b), shall notify the County Health Officer and the Summit County Department of Community Development in writing, within twenty-four (24) hours of the occurrence of the event. This shall result in the immediate review

of the Water Supplier's Status. In the event that the County Health Officer determines that the Water Supplier has a Deficit Capacity, the Water Supplier's determination of being in Good Standing may be suspended. If the Water Supplier's Good Standing is suspended, all new connections to the water system will be deferred until such time as the County Health Officer finds anew the Water Supplier to be in Good Standing with Surplus Capacity.

- (d) Duty to Cure. A Water Supplier that has experienced an event under 1-5-2(C)(3)(b) and has complied with the notification provisions of 1-5-2(C)(3)(c), is authorized to defer providing service to Developers and/or Customers holding Commitment-of-Service Letters. The Water Supplier shall take all reasonable steps to resolve this situation so that service can be provided as soon as reasonably practicable.
- (e) Resumption of Service. Water service shall be provided to a Developer and/or Customer holding a Commitment-of-Service Letter within thirty (30) days following the resolution of the conditions for deferral of service referenced in 1-5-2(C)(3)(b).

D. Water Supply/Demand Report. Water Supply/Demand Reports shall include data through December 31st of the preceding year in a form prescribed by the County Health Officer.

1. Submittal Frequency. Water Suppliers in Good Standing shall file annually a Water Supply/Demand Report. Water Suppliers not in Good Standing may be required to submit an updated Water Supply/Demand Report at shorter intervals or as requested by the County Health Officer. The County Health Officer may allow a Water Supplier in Good Standing to submit bi-annually (every two years) if it is shown that the Water Supplier has, in the opinion of the County Health Officer, significant and adequate Surplus Capacity and the County Health Officer determines that there are no significant or consequential changes to the system and its operation since the last Report.
2. Contents of Water Supply/Demand Report. Key to the proper evaluation of this Report is a better knowledge of the Source Capacity and Demand patterns associated with the peak month and day(s) of the affected Water Supplier(s). Apart from the Report data requirements listed below, at a minimum, the first or initial Report submitted by a Water Supplier will require more effort and will show the currently available water Source Capacity, Reserve Source Capacity, System Peak Demand, Source Contractual Commitments, the current number of service connections, outstanding Commitment-of-Service Letters and other system Demands, including the number of outstanding platted lots for which Willing-to-Serve Letters have been issued to developers but Commitment-of-Service Letters have not been issued to customers, existing Surplus Capacity, the number of new ERCs for which the Water Supplier can issue Commitment-of-Service Letters with this Surplus Capacity, water source flow or volume, water loss, Source water quality and pumping tests, daily

and/or monthly production data on all water Sources for the preceding 5 years (or what period data is available), ERC's served, water quality sampling as required by these regulations, a rolling Ten-Year Forecast of anticipated new ERCs and other system Demands and projected new Source Capacities. Subsequent submissions after the initial submission will contain data as specified below. All of the required data as described in this section shall be submitted on a form or forms provided by the County Health Officer and shall contain the following certification: I DECLARE THAT THIS REPORT, AND ALL INFORMATION SUBMITTED WITH THIS REPORT, IS TRUE, COMPLETE, AND ACCURATE TO THE BEST OF MY KNOWLEDGE. SHOULD ANY INFORMATION OR REPRESENTATION SUBMITTED IN CONNECTION WITH THIS REPORT BE QUESTIONABLE, INCORRECT, OR UNTRUE, I UNDERSTAND THAT THE COUNTY HEALTH OFFICER MAY CONDUCT AN AUDIT OF THIS REPORT AND THE DATA UPON WHICH IT RELIES. I FURTHER UNDERSTAND THAT THIS REPORT WILL BECOME A PERMANENT RECORD ON FILE FOR PUBLIC INSPECTION WITH THE BOARD OF HEALTH.

- (a) Identify New Source and System Upgrades. The Water Supply/Demand Report shall identify the need for additional water Sources, upgrading of system water Sources and the projected timing when these improvements will be required to meet anticipated service demands within their system based upon a future rolling Ten-Year Forecast.
- (b) Annual Supply Submittal. As part of the Water Supplier's annual Water Supply/Demand Report each Water Supplier will supply monthly production data on all water Sources and Source Contractual Commitments for the preceding year. For the peak month of the year, daily water production data will be provided from each Source. This daily data will contain the daily volume in gallons for each Source, and the peak flow rate of each Source in gallons per minute. The peak day, as determined by the above data will be further evaluated to show the times or durations which each Source ran in hours and tenths of hours thereof. If daily data is not available, the estimated peak day will be calculated by taking the average day supply volume of the peak month and multiplying it by a factor of 1.3.
- (c) Annual Demand Submittal. As part of the Water Supplier's annual Water Supply/Demand Report each Water Supplier will supply monthly customer Demand data derived from all Customer or end user meters for the preceding year. Secondary irrigation and all contract sales will also be accounted for in the submittal.
- (d) ERC Data. The Water Supplier will provide an up-to-date accounting of all ERC commitments which are outstanding or are not yet connected to the water system.
- (e) Accounting of Standby Fees. If a Water Supplier assesses and collects Standby



Fees on any plated lots, which do not currently receive water service, including any future lots or other development service type commitments, then the Water Supplier shall show on the Water Supply /Demand Report a record of the same listing the total number of Standby ERC's as of December 31st of each year for the past five (5) years, the current actual Standby ERC count as of the date of the report submission, and an estimated projection of the same for the next 10 years.

- (f) Water Loss. The Water Supply/Demand Report will provide a water loss calculation as a volume and percent for each month and year by subtracting the demand data from the supply data as provided in this section. This water loss will be factored into the final Surplus Capacity as an extra demand.
- (g) Source Measurement and Water Quality Sampling Parameters. The Water Supply/Demand Report will also contain the following additional detailed information:
  - (i) Well static and dynamic (pumped) water levels of all well sources, taken as a monthly average during the peak demand month. This will normally occur in August, but may be different for systems providing sources for snow making; and
  - (ii) Total dissolved solids (TDS) or conductivity ( $\mu\text{mhos/cm}$ ) for all active sources, taken during the first week of September;

If after a water quality review with the DDW, the County Health Officer determines that current or potential water quality issues may exist with any one or more Sources of a Water Supplier, the County Health Officer may require additional detailed information and tests. The County Health Officer, may also amend the frequency of measurements and water quality data required as set forth herein upon thirty (30) days' notice to the Water Supplier.

- (h) Additional Data Requirement. The County Health Officer may request and/or require the collection and submittal of additional water quantity or quality data for any Source should there be a concern regarding the status of the Source, or the ability of that Source to be used as an acceptable long-term water supply.
- (i) Ten-Year Forecast. The Ten-Year Forecast shall include future supply data in gpm for all new sources, including proposed contract supplies, as well as all future irrigation or contract demands in gpm. Projected new ERC counts for ten years will also be provided.
- (j) Questions and Actions. The Supply/Demand Report shall contain a list of questions which shall be answered with each submittal. The intent of these questions is to identify and/or verify known or anticipated source conditions that may affect the long term viability of the Source, and to identify and/or

verify actions taken or to be taken to mitigate any water quality concern. Any question answered in the affirmative will be provided with an explanation and comments, including any relevant documentation to assist the County Health Officer in determining any actions or assistance, if warranted, to remedy a problem or related concern. The evaluation questions are as follows:

- (i) Have you shut-off or curtailed the water use of ANY Developer or Customer this past year due to lack of supply?
  - (ii) Do you have any Water Quality issues with ANY of your water sources?
  - (iii) Are there any degrading Water Quality trends in any monitored parameter?
  - (iv) Have you failed in this past year to routinely monitor and review source flow or pump rates for all your Sources, including static and dynamic (pumped) water levels in well sources?
  - (v) Have you seen a non-typical reduction in Static or Dynamic Well Levels for any Source?
  - (vi) Have you seen a reduction in water production capability from ANY Source or Source Contractual Commitment?
  - (vii) Do you anticipate any water Source or Source Contractual Commitment reductions in supply next year?
  - (viii) Have you failed to file an up-to-date Water Conservation Plan with the State?
- (k) Exemptions. Upon application by a Water Supplier in Good Standing, the County Health Officer, may find that Water Supplier exempt from the requirement to file an annual Water Supply/Demand Report. Said Exemption shall not supersede a Water Supplier's continuing obligation to provide the certifications set forth in §1-5-2(E). Exemptions may only be granted where the County Health Officer has found substantial evidence that:
- (i) The Water Supplier has fully subscribed 90% of all Customers within its service area; and
  - (ii) The Water Supplier has adequate Reserve Source Capacity to satisfy all outstanding Willing-to-Serve Letters and Commitment-of-Service Letters; and
  - (iii) The Water Supplier has demonstrated redundancy back-up water Sources, either through interconnections to adjoining Water Suppliers or otherwise.

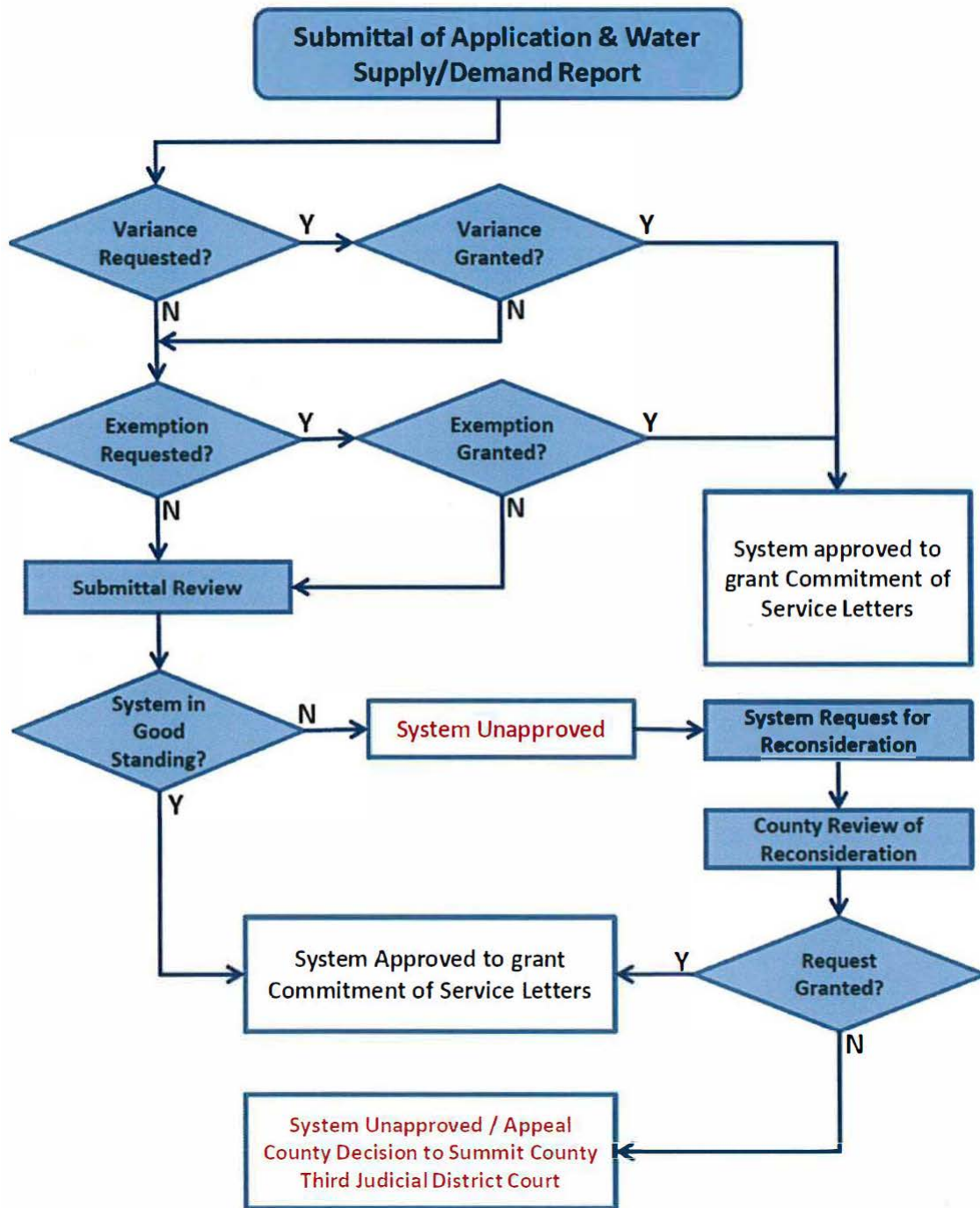
3. Reserve Source Capacity. Water Suppliers will responsibly maintain reserves of Source Capacity as required by DDW regulations. However, for older wells or other water Sources for which DDW has not imposed a reserve requirement, the Water Supplier will hold in reserve at least 15% of the Source's most recent rated capacity, as protection against the interruption of service to its existing Customers. In order to waive this 15% reserve requirement, the County Health Officer must find that there is an adequate reserve already built into the DDW rating based upon performance data so as to protect existing Customers, or that there are so many Sources available that a viable redundancy can be easily achieved. The County Health Officer may require a Water Supplier to hold more than 15%, but not more than 33%, of the Source's rated capacity in reserve. If the Water Supplier has only a single source of supply, the 33% reserve requirement will be mandatory. Single source systems are encouraged to interconnect their distribution systems as soon as possible with other Water Suppliers to provide access to alternative water Sources during an emergency.
  - (a) Decline in Source Capacity. If a Water Supplier's Ten-Year Forecast included in its Water Supply/Demand Report or other available data demonstrates a declining trend in Source production or water quality, the County Health Officer will notify the Water Supplier that future Source ratings may be reduced if the trend is not reversed or additional approved replacement Sources are not acquired or developed,
  - (b) Loss of Reserve Capacity. If a Water Supplier's data demonstrates that its Reserve Source Capacity drops below the reserves required by DDW regulations or these regulations, the County Health Officer shall suspend the Water Supplier's determination of being in Good Standing. No new connections will be made to the water system, until such time as the Water Supplier develops or acquires the required Reserve Source Capacity.
4. Testing of Existing Wells and Sources. Existing wells and other Sources of drinking water will be re-tested by the Water Supplier at the direction of the County Health Officer if production or flow records in his/her opinion indicate a significant or trending deviation in production or flow levels, recovery levels, and/or a material change in water quality, or an inability to supply water from the Source. Each water Source must be operated at least one time every two years for sufficient duration to verify its quality and quantity rating to be considered a currently viable Source. Sources not used or tested a minimum of every two years will not be considered in the concurrency source rating. Testing protocol will conform to DDW regulations. The County Health Officer may re-rate existing wells and other Sources of drinking water at any time at the request and at the expense of the Water Supplier. However, in no event shall the Source Capacity of a Source be rated higher than the DDW rating.
5. Base Line Data to be Provided for all New State-Approved Sources. Water Suppliers will provide as a part of their Water Supply/Demand Report base line well test data for new wells and for other state-approved Sources of drinking water, using testing

protocol that conforms to DDW regulations.

6. Other Related Data. Water Suppliers will provide any and all other data reasonably required by the County Health Officer that is related to Source production and water quality.
7. Filing of Water Supply/Demand Report. All Water Suppliers regulated hereunder shall submit a complete paper and electronic copy of their annual Water Supply/Demand Report, and applicable fees to the Summit County Health Department no later than April 1<sup>st</sup> of each calendar year. Electronic copies shall be in format(s) as designated by the County Health Officer.
8. Public Review of Water Supply/Demand Report.
  - (a) Public Review. The Water Supply/Demand Report submitted by all Water Suppliers are public documents. Electronic copies of the Water Supply/Demand Reports shall be available at the offices of the Summit County Health Department within ten (10) calendar days of the date of submittal and shall be made available for review by any interested parties.
9. Late Submittals of Water Supply/Demand Report. If an annual Water Supply/Demand Report is submitted after the deadline, the County Health Officer may suspend the Water Supplier's determination of being in Good Standing. No new water Commitment-of-Service Letters will be issued until such time as the County Health Officer finds anew that the Water Supplier Is in Good Standing and has a Surplus Capacity.
10. Water Suppliers not in Good Standing. An annual Water Supply/Demand Report shall be filed on April 1<sup>st</sup> of each year even if a Water Supplier has been determined by the County Health Officer to be not in Good Standing.
11. Spills and Contamination. Within 24 hours of their knowledge, the Water Supplier will report to the County Health Officer any known spill or contamination that occurs within their service area, and the nature and extent of the spill. The County Health Officer will then coordinate with the Water Supplier to assess the potential for contamination of a water Source(s) and potential pro-active measures to secure and protect the drinking water Sources.

Figure 1. Water Concurrency Process

## Water Concurrency Process



**E. Other Data to be reviewed by the County Health Officer.** As part of the Water Supply/Demand Report review and Good Standing determination process, the County Health Officer will request certification letter(s) for compliance verification from the Water Supplier for the following:

1. Water Rights Compliance. Certification that the Water Supplier is in compliance with its Water Rights and most recently submitted Water Use Plan.
2. Water Quality Compliance. Certification that the Water Supplier is in compliance with all current and applicable water quality and sampling regulations.
3. Water Conservation Plan Compliance. Certification that the Water System has submitted a timely Water Conservation Plan that is in compliance with its rules and regulations.

**F. Good Standing Determination.** Upon receipt and review of all applicable submitted data as required under these regulations, the County Health Officer, in the exercise of his/her reasonable discretion, shall determine whether a Water Supplier is in Good Standing. (See Figure 1 for a graphic representation of the water concurrency process)

1. Basic Review Criteria. The County Health Officer shall review each Water Supply/Demand Report for substantial compliance with the following criteria:
  - (a) Compliance with Applicable Regulations. That the Water Supplier has complied with the basic requirements and intent of these regulations and applicable State law and County ordinances, including §1-5-2(E);
  - (b) Timeliness. That the Water Supply/Demand Report was submitted in a timely fashion;
  - (c) Lack of Deficit Capacity. That the Status indicates there is no Deficit Capacity;
  - (d) Present Ability to Serve Existing Customers. That the Water Supplier has the present ability to provide water service to its existing Developers and/or Customers and to those Developers and/or Customers holding outstanding Commitment-of-Service Letters; and
  - (e) Service to New Developers and/or Customers. That based upon the Water Supplier's Water Supply/Demand Report, it will have the ability to provide service to a predetermined number of new ERC's and may issue Commitment-of-Service Letters to that predetermined number of ERCs.
2. Optional Input. The County Health Officer may seek input from peer Water Suppliers and/or independent consultants to better inform his/her determination of Good Standing for a Water Supplier. When such input is relied upon to inform such a

determination, the County Health Officer shall disclose such input in his/her written decision as set forth in § 1-5- 2(F)( 4).

3. Identification of Conditions Which May Warrant Variances. If a Water Supplier is not in full compliance with these regulations, but in the opinion of the County Health Officer, the issue or issues of non-compliance are temporary, non-substantive, are not contrary to the intent of these regulations, and the Water Supplier has submitted to the County Health Officer a written explanation and/or plan to promptly correct the deficiencies and attain prompt compliance, the County Health Officer may issue a temporary or permanent variance to the Water Supplier.
4. Decision to be in Writing. The County Health Officer's decision with respect to a determination of Good Standing of the Water Supplier shall be in writing (the "Decision Document"). Efforts will be made to provide the written decision to the Water Supplier within a reasonable time following the submission of its Water Supply/Demand Report, which for purposes of these regulations means sixty (60) days, unless unusual conditions exist that delay the receipt of necessary data needed for the decision. The decision document shall be a public record.
5. Reconsideration of Good Standing Determination. The Water Supplier may seek reconsideration of a Good Standing determination by resubmitting an amended Water Supply/Demand Report addressing the deficiencies cited in the Decision Document. The County Health Officer shall review the amended Water Supply/Demand Report and shall issue a determination.
6. Appeal. If the Water Supplier disputes the decision of the County Health Officer, the Water Supplier may appeal the County Health Officer's decision to the Third Judicial District Court in and for Summit County, Utah, within thirty (30) days of the decision. The Court shall presume that a decision of the County Health Officer is valid and determine only whether or not the decision is arbitrary or capricious.
7. Audit of Water Supplier. The County Health Officer may require an Audit of a Water Supplier's data if the County Health Officer questions the validity of the submitted data. Costs of any Audit shall be borne by the affected Water Supplier.
  - (a) Independent Consultant. The Audit requirement may include the review of data by an independent professional engineering consultant hired by the County Health Officer at the Water Supplier's expense to review and verify submitted data.
  - (b) On-Site Audit. If it appears from the Audit that data has been falsified or is inaccurate, the County Health Officer may conduct a full, on-site Audit of all of the Water Supplier's records and all facilities, require DDW supervised well and other water source performance testing, review all meter reading data, water quality testing and data, and any other review reasonably related to compliance with State and Board regulations, all at the Water Supplier's

expense.

- (c) Referral of Possible Civil or Criminal Violations to State and County Officials. The County Health Officer will refer any apparent violations of state law and DDW regulations to DDW compliance officers for enforcement action. In addition, the falsification of any reported data shall constitute a Class "B" misdemeanor.

**G. Disclaimer.** Nothing contained in these regulations, or in a Decision Document, shall be construed by any Developer, Customer or prospective Developer and/or Customer of a Water Supplier as a guarantee by the Board, Summit County, or the State of Utah, that water will always be available for service from the Water Supplier. By accepting payment of impact fees and/or connection fees and the issuance of Commitment-of-Service Letters, a Water Supplier assumes full and complete liability to Developers and its Customers if it cannot provide service in a legal quantity or quality to those Developers and/or Customers holding Commitment-of-Service Letters or to those Developers and/or Customers who are connected to the water distribution system, except where service is deferred or interrupted for causes reasonably beyond the control of the Water Supplier.

**H. Conservation Requirement.**

1. Water Conservation Plan. All Water Suppliers regulated under these regulations shall provide to the County Health Officer a copy of their current Water Conservation Plan on file with the DWR in accordance with Utah Code Ann. §73-10-32, *et. seq.* Plans shall be resubmitted when they are updated. If not included in the Water Conservation Plan, the Water Supplier is encouraged to adopt a water rate structure designed to promote more efficient use of water and an adopted education component to educate and encourage Developers and its Customers to conserve and use water wisely.
2. Failure of a Water Supplier to comply with 1-5-2(H)(1) will result in a finding that the Water Supplier is not in Good Standing.

**I. Fees to be Imposed.** The Board may charge reasonable fees to all Water Suppliers regulated by these regulations, in an amount to be determined by the Board from time to time, to equitably and proportionately defray the cost of administering these regulations.

**J. Source Contractual Commitments.** A Water Supplier may receive or deliver water to another Water Supplier under a Source Contractual Commitment or other similar contract, whether wholesale or otherwise. Such supply and/or Demand commitments must be accounted for in the relevant Water Supply/Demand Reports. While Weber Basin is exempt from the application of these regulations, Water Suppliers under contract with them to provide water to the public are not exempt from regulation. All permanent contracts with Weber Basin for water Source governed by this ordinance are subject to all regulations contained herein. If however, a Water Supplier receives wholesale water from Weber Basin, or any other Water Supplier for that matter, under a temporary, conditional, emergency back-up, or other specific time duration Source Contractual Commitment ("Temporary Water"),



such supply will not be usable as Source of water under these regulations unless the water supplier adequately demonstrates to the satisfaction of the County Health Officer that a long term permanent Source of water will replace the temporary water. A temporary Source Contractual Commitment for water is defined as any water commitment lasting for a period of 15 years or less.

- K. Criminal Penalties.** Each Water Supplier, its responsible owners, board members, officers, agents and employees which willfully or with criminal recklessness or criminal negligence, as defined by the Utah Criminal Code, supplies any false information to the Board in its Application, Water Supply/Demand Report, or other submitted information, in addition to being subject to prosecution for Falsification in Official Matters under Title 76, Chapter 8 of the Utah Code, is guilty of a Class "B" misdemeanor and subject to a fine of not more than \$200.00 per day for each day from the filing of the Water Supply/Demand Report until the Water Supply/Demand Report has been amended to eliminate the false information and provide the correct information.

**1-5-3 : Water Source Protection.**

The provisions of Utah Administrative Rule, Environmental Quality, Drinking Water, Source Protection, R309-600 and R309-605, are hereby incorporated in their entirety by reference.

**1-5-4 : Fluoridation.**

RESERVED.

**1-5-5 : Storm Water Discharges.**

**A. Water Quality Rules; Purpose.**

1. The provisions of Utah Administrative Rule, Environmental Quality, Water Quality, R317 is hereby incorporated in its entirety by reference.
2. The purpose of this section is to provide for the health, safety, and general welfare of the citizens of Summit County, Utah, through the regulation of non-stormwater discharges to the storm drainage system, waterways or any natural body of water to the maximum extent practicable as required by federal and state law. This section establishes methods for controlling the introduction of pollutants into the Summit County storm drainage system in order to comply with requirements of the national pollutant

discharge elimination system (NPDES) permit process. The objectives of this section are:

- (a) To regulate the contribution of pollutants to the storm drainage system by stormwater discharges by any user.
- (b) To prohibit illicit discharges to the storm drainage system, waterway or any natural body of water.
- (c) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this section.

**B. Discharge Prohibitions.**

It shall be unlawful for any person who discharges or causes to be discharged into the storm drainage system or watercourses any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drainage system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this section: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active ground water dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated, typically less than 1 ppm chlorine), firefighting activities, and any other water source not containing pollutants.
2. Discharges specified in writing by the Summit County engineer or Health Department as being necessary to protect public health and safety.
3. Dye testing is an allowable discharge, but requires a verbal notification to the Summit County engineer and Health Department prior to the time of the test.
4. This prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the federal environmental protection agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other

applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drainage system.

**C. Suspensions.**

1. Emergency Situations.

The Health Department may, without prior notice, suspend discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm drainage system or waters of the United States. If the person fails to comply with a suspension order issued in an emergency, the health department may take such steps as deemed necessary to prevent or minimize damage to the storm drainage system or waters of the United States, or to minimize danger to persons.

2. Detection of Illicit Discharge.

Any person discharging to the storm drainage system in violation of this section may have his or her storm drainage system access terminated if such termination would abate or reduce an illicit discharge. The Health Department shall notify a person of the proposed termination of his or her storm drainage system access. Any person may petition the County Health Officer for reconsideration and a hearing.

3. A person commits an offense if the person reinstates a storm drainage system access to premises terminated pursuant to this section, without the prior approval of the Health Department.

**D. Industrial or Construction Discharges.**

Any person subject to an industrial or construction activity SWP3 or ECP permit and/or NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Health Department prior to the allowance of discharges to the storm drainage system.

**E. Inspections; Access to Facilities.**

1. The Health Department shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance with this section. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Health Department.

2. Facility operators shall allow the Health Department ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
3. The Health Department shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Health Department to conduct monitoring and/or sampling of the facility's stormwater discharge.
4. The Health Department has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Health Department and shall not be replaced. The costs of clearing such access shall be borne by the operator.
6. Unreasonable delays in allowing the Health Department access to a permitted facility is a violation of a stormwater discharge permit and of this section. A person who is the operator of a facility with an SWP3 or ECP and/or an NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Health Department reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this section.
7. If the Health Department has been refused access to any part of the premises from which stormwater is discharged, and the Health Department is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Health Department may seek issuance of a search warrant from any court of competent jurisdiction.

#### **F. Best Management Practices.**

The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the public storm drainage system or watercourses through the use of structural and nonstructural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the storm drainage system. Compliance with all terms and conditions of a valid SWP3 or ECP permit and/or NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section.

#### **G. Watercourse Protection.**

It is unlawful for any person owning property through which a watercourse passes, or such person's lessee, to not keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, it is unlawful for the person owning or the lessee to not maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

#### **H. Notification of Spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible person for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drainage system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the health department no later than the next business day. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

#### **I. Enforcement Orders.**

1. Whenever the Health Department finds that a person has violated a prohibition or failed to meet a requirement of this section, the County Health Officer may order compliance by sending a written order to the responsible person. Such order may require, without limitation:
  - a. The performance of monitoring, analyses, and reporting;

- b. The elimination of illicit connections or discharges;
  - c. That violating discharges, practices, or operations shall cease and desist;
  - d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and/or
  - e. The implementation of source control or treatment BMPs.
2. If abatement of a violation and/or restoration of affected property is required, the order shall set forth a deadline within which such remediation or restoration must be completed. Said order shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
3. Appeals of the enforcement order of the County Health Officer authorized by this section shall be in accordance with §1-1-8.

## Chapter 6

### FOOD SERVICE SANITATION

**1-6-1 : UTAH FOOD SERVICE RULES:**

**1-6-2 : MOBILE FOOD SERVICE, TEMPORARY FOOD SERVICE AND SEASONAL FOOD SERVICE STANITATION:**

**1-6-3 : UNWHOLESOME OR ADULTERATED FOOD PROHIBITED:**

**1-6-4 : PREMISES – SANITATION REQUIREMENTS:**

**1-6-5 : SUMMIT COUNTY FOOD SANITATION CODE:**

**1-6-6 : VARIANCE FOR DOGS ON PATIOS:**

**1-6-1 : Utah Food Service Rules.**

The provisions of U.S. Public Health Service, Food and Drug Administration, Food Code 2009, Chapters 1 through 8, Annex 1, and Annex 2, Federal Food, Drug, and Cosmetic Act, 21, U.S.S. 342, Sec. 402, including definitions, as further modified by UCA §26-15-5 and Utah Administrative Rule, Disease Control & Prevention, Environmental Sciences, R392-100, R392-101 and R392-103 are hereby incorporated in their entireties by reference.

**1-6-2 : Mobile Food Service, Temporary Food Service and Seasonal Food Service Sanitation**

**A. MOBILE FOOD SERVICE.**

1. Mobile Food Units shall comply with the requirements of this chapter. The Health Department 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.
2. Any person who owns or operates a Mobile Food Unit shall submit to the Health Department 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 and make it available for on-site inspection by the Health Department. The route sheet or operation schedule shall include site locations, times that the Mobile Food Unit 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 Department prior to the change.
3. Each operator of a Mobile Food Unit 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. 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 sanitary means to dry hands, if the Mobile Food Unit is at any one location for 60 minutes or longer.

4. A Mobile Food Unit shall be designed to accommodate the storage of ice chests, food equipment, and food at least 6 inches above the ground or floor.
5. Storage of food, equipment, and Single-Service Articles is prohibited in vehicles used for transportation.
6. Food and Food Contact Surfaces shall be protected from contamination at all times including transport, operation and storage.
7. A Mobile Food Unit shall operate on a surface with concrete or machine laid asphalt that is clean and in good repair.
8. Restricted Operation. Mobile Food Units serving only food prepared, packaged in individual servings, transported and stored under conditions meeting the requirements of this chapter, or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with requirements of this chapter pertaining to the cleaning and sanitation of equipment and utensils if the required equipment for cleaning and sanitization exists at the commissary.
9. Single-Service Articles. Mobile Food Units shall provide only Single-Service Articles for use by the consumer.
10. Water System. A Mobile Food Unit requiring a water system shall have a potable water system under pressure. The potable water supply tank for a mobile food unit shall be a minimum of thirty (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.
11. Waste Retention. If liquid waste results from operation of a Mobile Food Unit, the waste shall be stored in a permanently installed retention



tank that is of at least 15% 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.

12. Commissary

(a) Mobile Food Units shall operate from an approved Commissary or other fixed Food Service Establishment within the County. Mobile Food Units shall report to the Commissary daily and as necessary for cleaning and servicing.

(b) The operator of a Mobile Food Unit 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 Department prior to the change.

(c) 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 the County.

(d) Each Commissary or fixed Food Service Establishment shall have a sign in/ sign out sheet for each Mobile Food Unit. 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 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 Department. The sign in/ sign out sheet must be kept at the Commissary for a period of not less than three (3) years.

(e) When a permit to operate a Commissary or fixed Food Service Establishment is suspended or revoked, the Mobile Food Unit shall cease all food service operations. The owner of the Mobile Food Unit shall submit a new Commissary agreement to the Health Department prior to operating.

13. Servicing Area and Operations

(a) A Mobile Food Unit 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 Mobile Food Unit or where Mobile Food Units do not contain waste retention tanks.

(b) 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.

(c) 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.

14. Permitting

(a) A primary food truck permit will be issued based on a two-tiered risk based assessment

- i. *Tier One* – Two or fewer low-risk TCS ingredients
- ii. *Tier Two* – More than two TCS ingredients

(b) Each LHD will indicate the following items in writing on the issued permit:

- i. The name of the issuing LHD
- ii. The name of the permittee as provided on the application
- iii. Tier designation (printed on primary permit)
- iv. Whether the permit is “primary” or “secondary”
- v. The license plate of the associated food truck
- vi. Expiration date: Date on secondary permit must be the same as primary permit

(c) Any LHD issuing a secondary food truck permit will accept and agree with the risk assessment and tier designation determined by the LHD that issued the primary permit.

(d) All food trucks must have a commissary, but the LHD may use discretionary judgement to make exceptions when appropriate.

(e) Only the LHD issuing the primary permit will conduct a plan review.

(f) This committee has established standardized food truck permit criteria and requirements, which all LHDs will use. (See attachment)

(g) All Local Health Departments will charge the same permit fee which will be established by the local health officer for applicable state agency:

- i. Primary Permit
  - Tier One (Lower Risk)

- Tier Two (Higher Risk)
- ii. Secondary Permit
  - Flat fee regardless of tier designation on the primary permit
  - Flat fee - There will be no prorating of the permit fee for number of months left on the primary permit. (eg. If the primary permit expires in one month, the secondary permit expires in one month and the fee is same, regardless).
- (h) There will be a fee assessed for a plan review conducted by the LHD issuing the *primary* permit that is separate from the permit fee, and each LHD may establish this fee, individually, in an amount that reimburses the LHD for time and administrative costs.
- (i) If a food truck's primary permit is suspended for any reason, all other permits issued by other LHDs will be rendered invalid until the suspended permit is reinstated.
  - i. LHDs agree to communicate with each other when any enforcement actions are taken on a food truck permit.
  - ii. The food truck operator will need to pay a follow-up inspection fee of \$100 to reinstate a suspended permit.
- (j) When only offering food at a private event on private property, a food truck operator can legally operate in another health district, acting temporarily as a "caterer," without obtaining a secondary food truck permit.

## B. TEMPORARY FOOD SERVICE

1. Temporary Food Service Establishments shall comply with the requirements of this chapter. The Health Department may impose additional requirements to protect against health hazards related to the conduct of the Food Service Establishment as a temporary 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.
2. Food carts may only be used at temporary events. After the temporary event concludes, the cart must be returned to a licensed Commissary to be serviced.
3. Restricted Operations
  - (a) Temporary Food Service operators 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

operator is found operating more than eight (8) potentially hazardous food items, the permit to operate may be suspended.

(b) Temperature control devices must be used. Time as a public health control cannot be used.

(c) During all hours of operation, the Temporary Food Service operator shall have at least one person on site that has a Food Handler Permit accepted by the Health Department

(d) All other food service rules and regulations apply to the operation of a Temporary Food Service Establishment.

(e) The Health Department may impose additional requirements to protect against health hazards related to the conduct of the Temporary Food Service.

(f) Temporary Food Service must have a distance of at least 100 feet from potential sources of contamination including portable toilets, animals, arenas, and tracks.

4. Ice. Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of this chapter. 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. Equipment

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

(b) 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.

(c) Food storage containers and utensils shall be kept clean and sanitized until used.

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

(e) All equipment including grills, utensits and other appurtenances

shall be made of food grade materials.

(f) Use of canned solid fuel is prohibited.

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

i. Stored in the product with the handle out of the product.

ii. Multiple utensils / scoops may be kept available.

iii. Utensils/ scoops may be properly washed, rinsed, sanitized, and air dried. Utensils may be reused if properly cleaned at least every hour.

iv. Stored in water that is a minimum of 135 degrees Fahrenheit.

6. 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.

7. 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.

8. 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. An operator who does not have a Commissary must provide means for ware washing using a three compartment system of sinks or approved bins.

9. 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.

10. Wastewater. All wastewater including liquid wastes shall be disposed of to a public sewer or other approved wastewater disposal system.

11. Handwashing. A convenient hand washing facility shall be available for employee hand washing and 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.

12. **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.
13. **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.

#### C. SEASONAL FOOD SERVICE ESTABLISHMENTS

1. Seasonal Food Service Establishments shall comply with the requirements of this chapter. The Health Department may impose additional requirements to protect against health hazards related to the conduct of the Food Service Establishment as a seasonal 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.
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 fourteen (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.
3. All foods must be prepared in an approved facility or on-site.
4. Seasonal Food Service operators 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 operator is found operating more than eight (8) potentially hazardous food items, the permit to operate may be suspended.

5. All employees of a Seasonal Food Service operator shall have a valid Summit County Food Handler Permit.
6. Temperature control devices must be used. Time as a public health control cannot be used.
7. All other food service rules and regulations apply to the operation of the Seasonal Food Service Establishment.

### **1-6-3 : Unwholesome or Adulterated Food Prohibited**

A. No person, firm or corporation shall offer for sale, or keep for the purpose of selling or offering for sale, any food of any kind intended for human consumption which is spoiled or tainted, or is unwholesome and unfit for human consumption for any reason.

B. All tainted or unwholesome food intended for human consumption may be condemned by the health department, and shall thereupon be seized and destroyed by the local health officer or any officer of the County Sheriff in accordance with the procedures established in UCA §26-15-9.

C. It is unlawful to sell, offer for sale or keep for such purpose any food or drink intended for human consumption which has been adulterated by any material harmful in any way or which does not comply with the ordinances governing the same.

D. It is unlawful to sell or offer for sale for human consumption any meat, poultry or fish which has been frozen and later thawed, unless such meat, poultry or fish is plainly labeled to indicate this, and such labels shall be on the display counter or table where the meat, poultry or fish is offered, and also on each package in which such meat, poultry or fish is wrapped when sold or delivered.

E. All imported foods shall bear an English language label. Foods that do not bear such a label shall be detained until the source of the food is determined. Procedures for condemnation of such foods shall be taken if an approved source cannot be found.

F. Any person, firm or corporation that offers for sale, or keeps for the purpose of selling or offering for sale, any food of any kind intended for human consumption, shall adhere to proper food protection measures, including the following:

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 food service establishment, store or warehouse.
5. Provision of adequate equipment and facilities for the conduct of sanitary operations.
6. Prohibition of steam tables, bainmaries, warmers, and similar hot food holding facilities for the rapid re-heating of potentially hazardous foods
7. Ensuring that equipment aisles and working spaces between units of equipment and walls are 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.

#### **1-6-4 : Premises – Sanitation Requirements**

A. Premises used for the sale or storage of food intended for human consumption must be kept in a clean and sanitary condition. It is unlawful to permit any accumulation of refuse or waste of any kind to remain thereon for more than twenty-four hours.

B. It is unlawful to permit any decaying animal or plant material to remain on any premises used for the sale or storage of food intended for human consumption.

C. Premises used for the storage, preparation or sale of food for human consumption shall be kept free from flies, vermin and rodents.

D. All persons engaged in handling or coming in contact with food intended for sale for human consumption shall keep themselves clean, both as to person and clothing.

E. It is unlawful for any person who is afflicted with or a carrier of any infectious or contagious disease to handle or be engaged in the care or preparation of any such food; and it is unlawful to permit any such person to be employed in or about any premises where food is stored, prepared or sold, or to deliver any such food.

F. 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 Public Health Officer, who shall take whatever reasonable action is necessary to protect the public health.

#### **1-6-5 : Summit County Food Sanitation Code.**

- A. Food Handler Permit.



1. Prohibited Acts. Except as provided herein, without Health Department approved food employee training, it shall be unlawful for:
  - (a) An owner of a Food Service Establishment to allow a food employee to work in a Food Service Establishment in Summit County; and
  - (b) Any person to engage in the manufacture, preparation, or handling of food or drink, in or around a Food Service Establishment in Summit County.
  
2. The Health Department-approved food employee training requirement shall be fulfilled by taking a food handler's training class and obtaining a Food Handler Card from the Health Department or a Health Department-Authorized Trainer by successfully completing a food handler's training class.
  - (a) Curriculum for food handler training classes shall be approved by the Health Department. At a minimum, training should provide education in personal hygiene, methods of disease transmission, symptoms of foodborne illness, time and temperature control for food, equipment sanitization, toxic storage and use, waste and vermin control, and other food safety issues identified by the Health Department or its regulations.
  - (b) Food handler training classes shall be conducted by:
    - (i) The Health Department;
    - (ii) By those individuals approved by the Health Department whose credentials meet the minimum standards adopted by the Health Department; or
    - (iii) By establishments approved by the Health Department to do in-house training at their establishment.
  - (c) Trainers authorized by the Health Department to teach food handler training classes shall provide credentials to the Health Department and retain proof of authorization.

(d) The following is required for in-house food employee training programs:

(i) In-house food employee trainers must be a certified food safety manager or a Licensed Environmental Health Scientist in the State of Utah;

(ii) Each establishment's in-house food employee trainer shall obtain written Health Department approval for the training program;

(iii) Upon Health Department request, the operator of an establishment shall provide documentation of in-house trainer's credentials and proof of written Health Department approval of the establishment's training program.

(iv) Each certified Food Safety Manager shall keep a record of employee attendance in the program and renew the training at least every two years;

(v) For the purposes of meeting the requirements herein, in-house food employee training is valid at the Food Service Establishment where the training was conducted and at other substantially similar Food Service Establishments under the same ownership (i.e. a food chain);

(vi) The Health Department shall review and re-approve in-house training programs every two years; and

(vii) Health Department authorization to conduct in-house food handler training programs may be suspended, revoked or denied if the food establishment fails to comply with this chapter.

3. Reciprocity. A valid Food Handler Card issued by another public health authority in Utah may be accepted by the Health Department, provided the training requirements upon which the permit was issued are equivalent to those of this regulation and the standards adopted by the Health Department. A Food Handler Card from another jurisdiction may be declared invalid or may be suspended, revoked or denied for use in Food Service

Establishments in Summit County if the conditions for the permit do not meet the standards adopted by the Health Department or if the card holder violates any of the provisions in this chapter.

4. Food Employee Training Exemptions. Food employee training shall not be required for:

- (a) Certified Food Safety Managers;
- (b) Licensed Environmental Health Scientists in the State of Utah; or
- (c) Temporary events, if at least one person has food employee training or training specified herein and is present at all hours of operation.

5. Child Care Food Handler Training. Child care and pre-school employees shall be required to obtain child care food employee training approved by the Health Department.

B. Food Safety Manager Certification.

1. Each Food Service Establishment in Summit County shall be managed by at least one full-time Certified Food Safety manager at each establishment site, who need not be present at the establishment site during all hours of operation.

2. Within 60 days of the termination of a certified Food Safety Manager's employment that results in the Food Service Establishment no longer being in compliance with this chapter, the Food Service Establishment shall:

- (a) Employ a new certified Food Safety Manager; or
- (b) Designate another employee to become the establishment's certified Food Safety Manager who shall commence a Health Department-approved food safety manager training course.
- (c) Compliance with the 60-day time period may be extended by the Health Department for reasonable cause.

3. Food Safety Manager Certification – Registration.

- (a) To register a Food Safety Manager, a person shall:
  - (i) Successfully complete a training course and an examination that are approved by the Utah Department of Health and meet the standards of Utah Code Ann. § 26-15a-101 to -107;
  - (ii) Submit evidence of completion of an approved training course and receipt of a passing score on the exam; and
  - (iii) Complete and submit the Health Department-approved registration form.
- (b) The registration of a Food Safety Manager shall not be transferable from one person to another.
- (c) Renewal. To continue as a Food Safety Manager at a food establishment a person shall:
  - (i) Successfully complete, every three years, the original certification requirements. Passing an approved food safety manager exam shall be equivalent to the course and exam for renewal; and
  - (ii) Submit documentation in the format prescribed by the Health Department within 30 days of the completion of the renewal requirements.
- (d) Exemptions to Food Safety Manager Certification; Requirements. The following are not subject to §1-6-5(B)(3):
  - (i) Special events sponsored by municipal or nonprofit civic organizations including food booths at school sporting events, little league athletic events, and church functions;
  - (ii) Temporary event food services approved by the Health Department;
  - (iii) Vendors and other food establishments that serve only commercially prepackaged foods and beverages as defined by this regulation;

- (iv) Private homes not used as a commercial food establishment;
- (v) Health care facilities licensed under state law;
- (vi) Residential child care providers;
- (vii) Back country food establishments; and
- (viii) A lowest risk or permitted Food Service Establishment category determined by a risk assessment evaluation established by the Health Department.

C. Food Service Establishment Permits.

1. It shall be unlawful for any person to operate a Food Service Establishment within Summit County who does not possess a valid permit issued to them by the Health Department. Permits are nontransferable. A valid permit shall be posted in every Food Service Establishment. Permits are valid for the calendar year, renewable on December 31 of each year. A thirty (30) day grace period will be given for renewal of the permit.
2. Issuance of Food Service Establishment Permit
  - (a) Any person desiring to operate a Food Service Establishment shall make written application for a permit on forms provided by the Health Department. Such applications shall include the applicant's 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 addresses 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 or Seasonal Food Service Establishment, it shall also include the inclusive dates of the proposed operation.
  - (b) Prior to approval of an application for a permit, the Health Department shall inspect the proposed Food Service Establishment to determine compliance with this chapter.

(c) The Health Department shall issue a permit if the inspection reveals that the Food Service Establishment comes into compliance with this chapter. Maintenance of the permit is contingent upon compliance with this chapter.

(d) Issuance of permits will be made after fees are collected according to a fee schedule adopted by the Board.

3. Suspension of Food Service Establishment Permit

(a) The Public Health Officer 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 this chapter, or if the operation of the establishment does not comply with this chapter, 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 as required by this chapter. 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 ten (10) calendar days of receipt of a request for a hearing.

(b) 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 Department by the holder of the permit within ten (10) calendar days. If no written request for hearing is filed within ten (10) calendar days, the suspension is sustained.

(c) 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 ten (10) calendar days following receipt of a written request, including a statement signed by the applicant that in his opinion conditions causing the suspension of the permit have been corrected, the Health Department shall make a re-inspection. If the applicant and the Food Service Establishment are shown to be in compliance with the requirements of this chapter, the permit shall be reinstated.

(d) Notice shall be served in accordance with 1-1-8(E)(3). A hearing shall be conducted in accordance with 1-1-9.

4. Revocation of Food Service Establishment Permit

(a) The Public Health Officer may, after providing an opportunity for hearing, revoke a permit for serious or repeated violations of this chapter, or for interference with the Health Department in the performance of its duties.

(b) Prior to revocation, the Public Health Officer 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 ten (10) calendar days following service of such notice unless a written request for hearing is filed with the Health Department within the ten (day) period.

(c) Notice shall be served in accordance with 1-1-8(E)(3). A hearing shall be conducted in accordance with 1-1-9.

5. Application after Revocation

Whenever a revocation of a Food Service Establishment Permit has become final, the holder of the revoked permit may make written application for a new permit. The Public Health Officer shall review all applications for new permits after revocation.

6. Access

(a) Representatives of the Health Department, after proper identification, shall be permitted to enter any Food Service Establishment within Summit County at any reasonable time for the purpose of making inspections to determine compliance with this chapter. The representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received or used. Failure to allow inspection access is grounds for revocation of a Food Service Establishment Permit.

(b) 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.

7. 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 this chapter. 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.

8. Submission of Plans

Whenever a Mobile Food Unit 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 Department for review and approval before construction, remodeling, or conversion has 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 Department shall approve the plans and specifications if they meet the requirements of this chapter. No Mobile Food Unit shall be constructed, remodeled or converted except in accordance with plans and specifications approved by the Health Department. Whenever plans and specifications are required herein, the Health Department shall inspect the Food Service Establishment prior to the start of operations, to determine compliance with the approved plans and specifications .

D. Management and Personnel.

1. Assignment of Responsibility. Except as otherwise specified herein, the permit holder shall be the person in charge or shall designate a person in charge and shall ensure that a person in



charge is present at the food establishment during all hours of operation.

2. **Demonstration of Knowledge.** Based on the risks of foodborne illness inherent to the food operation, during inspections and upon request the person in charge or the certified food safety manager shall demonstrate to the Health Department knowledge of foodborne disease prevention, application of the Hazard Analysis Critical Control Point principles, and the requirements of this regulation. The person in charge or the certified food safety manager shall demonstrate this knowledge by compliance with this regulation, and by responding correctly to the inspector's questions as they relate to the specific food operation. The person in charge shall demonstrate this knowledge by:
  - (a) Complying with this regulation by having no violations of critical items during the current inspection; or
  - (b) Responding correctly to the inspector's questions as they relate to the specific food operation. The areas of knowledge include:
    - (i) Describing the relationship between the prevention of foodborne disease and the personal hygiene of a food employee;
    - (ii) Explaining the responsibility of the person in charge for preventing the transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease;
    - (iii) Describing the symptoms associated with the diseases that are transmissible through food;
    - (iv) Explaining the significance of the relationship between maintaining the time and temperature of potentially hazardous food (time/temperature control for safety food) and the prevention of foodborne illness;

(v) Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish.

(vi) Stating the required food temperatures and times for safe cooking of potentially hazardous food (time/temperature control for safety food) including meat, poultry, eggs, and fish.

(vii) Stating the required temperatures and times for: the safe refrigerated storage, hot holding, cooling, and reheating of potentially hazardous food (time/temperature control for safety food);

(viii) Describing the relationship between the prevention of foodborne illness and the management and control of the following:

(a) Cross contamination,

(b) Bare hand contact with ready-to-eat foods,

(c) Hand washing, and

(d) Maintaining the food establishment in a clean condition and in good repair;

(ix) Describing foods identified as major food allergens and the symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction;

(x) Explaining the relationship between food safety and providing equipment that is:

(a) Sufficient in number and capacity, and

(b) Properly designed, constructed, located, installed, operated, maintained, and cleaned;

(xi) Explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment;

(xii) Identifying the source of water used and measures taken to ensure that it remains protected from contamination such

as providing protection from backflow and precluding the creation of cross connections;

(xiii) Identifying poisonous or toxic materials in the food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to law;

(xiv) Identifying critical control points in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this regulation;

(xv) Explaining the details of how the person in charge and food employees comply with the HACCP plan if a plan is required by the law, this regulation, or an agreement between the Health Department and the establishment;

(xvi) Explaining the responsibilities, rights, and authorities assigned by this regulation to the:

- (a) Food employee,
- (b) Conditional employee,
- (c) Person in charge, and
- (d) Health Department, and;

(xvii) Explaining how the person in charge, food employees, and conditional employees comply with reporting responsibilities and exclusion or restriction of food employees.

- F. Person in Charge; Duties. The person in charge shall ensure that:
1. Food establishment operations are not conducted in a private home or in a room used as living or sleeping quarters;
  2. Persons unnecessary to the food establishment operation are not allowed in the food preparation, food storage, or warewashing areas, except that brief visits and tours may be authorized by the

person in charge if steps are taken to ensure that exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles are protected from contamination;

3. Employees and other persons such as delivery and maintenance persons and pesticide applicators entering the food preparation, food storage, and warewashing areas comply with this regulation;
4. Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing;
5. Employees are visibly observing foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt;
6. Employees are properly cooking potentially hazardous food (time/temperature control for safety food), being particularly careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated;
7. Employees are using proper methods to rapidly cool potentially hazardous food (time/temperature control for safety foods) that are not held hot or are not for consumption within 4 hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling;
8. Consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed that the food is not cooked sufficiently to ensure its safety;
9. Employees are properly sanitizing cleaned multiuse equipment and utensils before they are reused, through routine monitoring of

solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and exposure time for chemical sanitizing;

10. Consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets;
11. Except when approval is obtained from the Health Department, employees are preventing cross-contamination of ready-to-eat food with bare hands by properly using suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment;
12. Employees are properly trained in food safety as it relates to their assigned duties; and
13. Food employees and conditional employees are informed of their responsibility to report in accordance with law, to the person in charge, information about their health and activities as they relate to diseases that are transmissible through food.

F. Reporting.

1. The permit holder shall require food employees and conditional employees to report to the person in charge, information about their health and activities as they relate to diseases that are transmissible through food. A food employee or conditional employee shall report the information in a manner that allows the person in charge to reduce the risk of foodborne disease transmission, including providing necessary additional information, such as the date of onset of symptoms and an illness, or of a diagnosis without symptoms, if the food employee or conditional employee:
  - (a) Is diagnosed by a health practitioner with an illness due to:
    - (i) Norovirus,
    - (ii) *Salmonella* Typhi,
    - (iii) *Shigella* spp.,

- (iv) ENTEROHEMORRHAGIC or SHIGA TOXIN-PRODUCING ESCHERIACHIA COLI, or
  - (v) Hepatitis A virus;
- (b) Has a symptom caused by illness, infection, or other source that is:
- (i) Diarrhea,
  - (ii) Vomiting,
  - (iii) Jaundice,
  - (iv) Sore throat with fever, or
  - (v) A lesion containing pus such as a boil or infected wound that is open or draining and is:
    - (a) On the hands or wrists, unless an impermeable cover such as a finger cot or stall protects the lesion and a SINGLE-USE glove is worn over the impermeable cover,
    - (b) On exposed portions of the arms, *unless the lesion is protected by an impermeable cover, or*
    - (c) On other parts of the body, *unless the lesion is covered by a dry, durable, tight-fitting bandage;*
- (c) Had a previous illness, diagnosed by a health practitioner, within the past 3 months due to *Salmonella* Typhi, without having received antibiotic therapy, as determined by a health practitioner;
- (d) Has been exposed to, or is the suspected source of, a confirmed disease outbreak, because the food employee or conditional employee consumed or prepared food implicated in the outbreak, or consumed food at an event prepared by a person who is infected or ill with:
- (i) Norovirus within the past 48 hours of the last exposure,

(ii) ENTEROHEMORRHAGIC or SHIGA TOXIN-PRODUCING ESCHERIACHIA COLI, or *Shigella* spp. within the past 3 days of the last exposure,

(iii) *Salmonella* Typhi within the past 14 days of the last exposure,

(iv) Hepatitis A virus within the past 30 days of the last exposure; or

(v) Has been exposed by attending or working in a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual who works or attends a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual diagnosed with an illness caused by:

(a) Norovirus within the past 48 hours of the last exposure,

(b) ENTEROHEMORRHAGIC or SHIGA TOXIN-PRODUCING ESCHERIACHIA COLI, or *Shigella* spp. within the past 3 days of the last exposure,

(c) *Salmonella* Typhi within the past 14 days of the last exposure, or

(d) Hepatitis A virus within the past 30 days of the last exposure.

2. The person in charge shall notify the Health Department when a food employee is:

(a) jaundiced, or

(b) Diagnosed with an illness due to a pathogen as specified §1-6-5(E)(1).

G. Exclusions and Restrictions. The person in charge shall exclude or restrict a food employee from a food establishment in accordance with the following:

1. Except when the symptom is from a noninfectious condition, exclude a food employee if the food employee is:
  - (a) Symptomatic with vomiting or diarrhea; or
  - (b) Symptomatic with vomiting or diarrhea and diagnosed with an infection from Norovirus, *Shigella* spp., or ENTEROHEMORRHAGIC or SHIGA TOXIN-PRODUCING ESCHERIACHIA COLI.
2. Exclude a food employee who is:
  - (a) Jaundiced and the onset of jaundice occurred within the last 7 calendar days, unless the food employee provides to the person in charge written medical documentation from a health practitioner specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection;
  - (b) Diagnosed with an infection from hepatitis A virus within 14 calendar days from the onset of any illness symptoms, or within 7 calendar days of the onset of jaundice; or
  - (c) Diagnosed with an infection from hepatitis A virus without developing symptoms.
3. Exclude a food employee who is diagnosed with an infection from *Salmonella* Typhi, or reports a previous infection with *Salmonella* Typhi within the past 3 months.
4. If a food employee is diagnosed with an infection from Norovirus and is asymptomatic:
  - (a) Exclude the food employee who works in a food establishment serving a highly susceptible population; or
  - (b) Restrict the food employee who works in a food establishment not serving a highly susceptible population.
5. If a food employee is diagnosed with an infection from *Shigella* spp. and is asymptomatic:



- (a) Exclude the food employee who works in a food establishment serving a highly susceptible population; or
  - (b) Restrict the food employee who works in a food establishment not serving a highly susceptible population.
- 6. If a food employee is diagnosed with an infection from ENTEROHEMORRHAGIC or SHIGA TOXIN-PRODUCING ESCHERIACHIA COLI, and is asymptomatic:
  - (a) Exclude the food employee who works in a food establishment serving a highly susceptible population; or
  - (b) Restrict the food employee who works in a food establishment not serving a highly susceptible population.
- 7. If a food employee is ill with symptoms of acute onset of sore throat with fever:
  - (a) Exclude the food employee who works in a food establishment serving a highly susceptible population; or
  - (b) Restrict the food employee who works in a food establishment not serving a highly susceptible population.
- 8. If a food employee is infected with a skin lesion containing pus such as a boil or infected wound that is open or draining and not properly covered, restrict the food employee.
- 9. If a food employee is exposed to a foodborne pathogen, restrict the food employee who works in a food establishment serving a highly susceptible population.

H. Removal, Adjustment, or Retention of Exclusions and Restrictions; Managing Exclusions and Restrictions. The person in charge may remove, adjust, or retain the exclusion or restriction of a food employee according to the following conditions:

- 1. Except when a food employee is diagnosed with an infection from hepatitis A virus or *Salmonella* Typhi:

- (a) Reinstatement of a food employee who was excluded if the food employee:
  - (i) Is asymptomatic for at least 24 hours; or
  - (ii) Provides to the person in charge written medical documentation from a health practitioner that states the symptom is from a noninfectious condition.
- 2. If a food employee was diagnosed with an infection from Norovirus and excluded:
  - (a) Restrict the food employee, who is asymptomatic for at least 24 hours and works in a food establishment not serving a highly susceptible population, until the conditions for reinstatement are met; or
  - (b) Retain the exclusion for the food employee, who is asymptomatic for at least 24 hours and works in a food establishment that serves a highly susceptible population, until the conditions for reinstatement are met.
- 3. If a food employee was diagnosed with an infection from Shigella spp. and excluded:
  - (a) Restrict the food employee, who is asymptomatic for at least 24 hours and works in a food establishment not serving a highly susceptible population, until the conditions for reinstatement are met; or
  - (b) Retain the exclusion for the food employee, who is asymptomatic for at least 24 hours and works in a food establishment that serves a highly susceptible population, until the conditions for reinstatement are met.
- 4. If a food employee was diagnosed with an infection from ENTEROHEMORRHAGIC or SHIGA TOXIN-PRODUCING ESCHERICHIA COLI and excluded:

- (a) Restrict the food employee, who is asymptomatic for at least 24 hours and works in a food establishment not serving a highly susceptible population, until the conditions for reinstatement are met; or
  - (b) Retain the exclusion for the food employee, who is asymptomatic for at least 24 hours and works in a food establishment that serves a highly susceptible population, until the conditions for reinstatement are met.
- 5. Reinstatement of a food employee who was excluded or restricted as specified under §1-6-5(G)(2) if the person in charge obtains approval from the Health Department and one of the following conditions is met:
  - (a) The food employee has been jaundiced for more than 7 calendar days;
  - (b) The anicteric food employee has been symptomatic with symptoms other than jaundice for more than 14 calendar days; or
  - (c) The food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a hepatitis A virus infection.
- 6. Reinstatement of a food employee who was excluded or restricted as specified under §1-6-5(F)(3) if the person in charge obtains approval from the Health Department and the food employee provides to the person in charge written medical documentation from a health practitioner that states the food employee is free from *S. Typhi* infection.
- 7. Reinstatement of a food employee who was excluded or restricted as specified under §1-6-5(F)(4) and (G)(2) if the person in charge obtains approval from the Health Department and one of the following conditions is met:
  - (a) The excluded or restricted food employee provides to the person in charge written medical documentation from a health

practitioner stating that the food employee is free of a Norovirus infection;

(b) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than 48 hours have passed since the food employee became asymptomatic; or

(c) The food employee was excluded or restricted and did not develop symptoms and more than 48 hours have passed since the food employee was diagnosed.

8. Reinstatement of a food employee who was excluded or restricted as specified under §1-6-5(F)(5) and (G)(3) if the person in charge obtains approval from the Health Department and one of the following conditions is met:

(a) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a *Shigella* spp. infection based on test results showing 2 consecutive negative stool specimen cultures that are taken:

(i) Not earlier than 48 hours after discontinuance of antibiotics, and

(ii) At least 24 hours apart;

(b) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than 7 calendar days have passed since the food employee became asymptomatic; or

(c) The food employee was excluded or restricted and did not develop symptoms and more than 7 calendar days have passed since the food employee was diagnosed.

9. Reinstatement of a food employee who was excluded or restricted as specified under §1-6-5(F)(6) and (G)(4) if the person in charge

obtains approval from the Health Department and one of the following conditions is met:

(a) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of an infection from ENTEROHEMORRHAGIC or SHIGA TOXIN-PRODUCING ESCHERICHIA COLI based on test results that show 2 consecutive negative stool specimen cultures that are taken:

(i) Not earlier than 48 hours after discontinuance of antibiotics; and

(ii) At least 24 hours apart;

(b) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved and more than 7 calendar days have passed since the food employee became asymptomatic; or

(c) The food employee was excluded or restricted and did not develop symptoms and more than 7 days have passed since the food employee was diagnosed.

10. Reinstate a food employee who was excluded or restricted as specified under §1-6-5(F)(7) if the food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee meets one of the following conditions:

(a) Has received antibiotic therapy for *Streptococcus pyogenes* infection for more than 24 hours;

(b) Has at least one negative throat specimen culture for *Streptococcus pyogenes* infection; or

(c) Is otherwise determined by a health practitioner to be free of a *Streptococcus pyogenes* infection.

11. Reinstatement of a food employee who was restricted as specified under §1-6-5(F)(8) if the skin, infected wound, cut, or pustular boil is properly covered with one of the following:
  - (a) An impermeable cover such as a finger cot or stall and a single-use glove over the impermeable cover if the infected wound or pustular boil is on the hand, finger, or wrist;
  - (b) An impermeable cover on the arm if the infected wound or pustular boil is on the arm; or
  - (c) A dry, durable, tight-fitting bandage if the infected wound or pustular boil is on another part of the body.
  
12. Reinstatement of a food employee who was restricted as specified under §1-6-5(F)(9) and was exposed to one of the following pathogens:
  - (a) Norovirus and one of the following conditions is met:
    - (i) More than 48 hours have passed since the last day the food employee was potentially exposed; or
    - (ii) More than 48 hours have passed since the food employee's household contact became asymptomatic.
  - (b) *Shigella* spp. or ENTEROHEMORRHAGIC or SHIGA TOXIN-PRODUCING ESCHERICHIA COLI and one of the following conditions is met:
    - (i) More than 3 calendar days have passed since the last day the food employee was potentially exposed; or
    - (ii) More than 3 calendar days have passed since the food employee's household contact became asymptomatic.
  - (c) *S. Typhi* and one of the following conditions is met:
    - (i) More than 14 calendar days have passed since the last day the food employee was potentially exposed; or
    - (ii) More than 14 calendar days have passed since the food employee's household contact became asymptomatic.

- (d) Hepatitis A virus and one of the following conditions is met:
- (i) The food employee is immune to hepatitis A virus infection because of a prior illness from hepatitis A;
  - (ii) The food employee is immune to hepatitis A virus infection because of vaccination against hepatitis A;
  - (iii) The food employee is immune to hepatitis A virus infection because of IgG administration;
  - (iv) More than 30 calendar days have passed since the last day the food employee was potentially exposed;
  - (v) More than 30 calendar days have passed since the food employee's household contact became jaundiced; or
  - (vi) The food employee does not use an alternative procedure that allows bare hand contact with ready-to-eat food until at least 30 days after the potential exposure and the food employee receives additional training about:
    - (a) Hepatitis A symptoms and preventing the transmission of infection,
    - (b) Proper handwashing procedures, and
    - (c) Protecting ready-to-eat food from contamination introduced by bare hand contact.

**1-6-6 : Variance for Dogs on Patios.**

A. Except as specified in subparts (ii), (iii) and (iv) of this language, live animals shall not be allowed on the premises of a food establishment per 2009 FDA Food Code 6-501.115. Per the FDA 2009 Food Code, a food establishment premise(s) is defined as:

1. The physical facility, its contents, and the contiguous land or property under the control of the permit holder; or
2. The physical facility, its contents, and the land or property not described in Subparagraph (1) of this definition if its facilities and contents are under

the control of the permit holder and may impact food establishment personnel, facilities, or operations, and a food establishment is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

B. Live animals may be allowed in the following situations if the contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles cannot result:

1. Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems.
2. Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas.
3. In areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, service animals that are controlled by the disabled employee or person, if a health or safety hazard will not result from the presence or activities of the service animal.
4. Pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:
  - (a) Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas,
  - (b) Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present, and
  - (c) Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service.
5. In areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals.



C. Live or dead fish bait may be stored if contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles cannot result.

D. A food establishment operating only in Summit County may request a review and approval for a variance to allow dogs (other than service animals or patrol dogs) in the outdoor patio areas, modifying the requirements of the Utah Admin. Code, R392-100-2 (adopting the U.S. Public Health Service Food and Drug Administration Food Code, including §8.103.10 with certain additions and amendments). Each variance request for dogs on outdoor patio areas where food is being served shall be individually reviewed and evaluated by the Public Health Officer on a case-by-case basis. The Board delegates the authority to review and approve requests from food establishments for a variance allowing dogs on an outdoor patio in compliance with the requirements of this section to the Public Health Officer or his/her designee.

1. **Canine Hazard Plan (CHP).** The applicant must submit a CHP plan with the variance request that includes:

- (a) Type of sanitizer used to disinfect area after waste release
- (b) Method of cleanup and sanitizing affected area
- (c) Method of solid waste disposal
- (d) Method for patio sanitation between shift change (day and night)
- (e) Equipment, sanitizer, and container to be given to patron to remove animal waste

2. **Facility and operational requirements.**

- (a) A dog must be kept on a leash and remain in the control of the patron while on the outdoor patio.
- (b) A separate entrance must be provided from the outside of the food establishment to the outdoor patio so a dog will have direct access to the patio without entering the interior dining, service or sales areas of the food establishment. A dog may not be allowed within ten (10) feet of any entrance to an interior area of the food establishment, except as necessary to enter or exit the patio.
- (c) Signs must be posted at the entrance of the food establishment and entrance to the patio, notifying patrons that dogs may be on the premises.

The signs must state: "NOTICE to patrons, dogs may be on the premises but are restricted to the outdoor patio. Owners are responsible for keeping their animal under control at all times." In addition, the notice must also appear on the menus. Signs should be 8.5x11 inches and posted in an easy to see location.

(d) Tables that allow patrons with dogs cannot be placed within 10 feet of any door leading into the restaurant.

(e) No food preparation, including mixing drinks or service ice, may be performed in the outdoor patio area, except that a beverage glass may be filled on the patio from a pitcher or other container that has been filled or otherwise prepared and kept inside the food establishment.

(f) The outdoor patio must be continuously maintained free of visible dog hair, dog dander, and other dog-related wastes or debris. The outdoor patio must be cleaned at the end of each shift (day shift and night shift) when a dog has been present during that time. Waste water generated by cleaning a patio area must be properly disposed of in the sanitary sewer and not washed into the gutter or street where it can enter the storm drain.

(g) Waste produced from a dog's bodily functions must be cleaned up immediately. All dog waste must be disposed of outside of the food establishment in an appropriate waste receptacle. Equipment used to clean the outdoor patio must be kept outside of a food preparation and service area.

(h) While on duty, wait staff or other food handlers may not have contact with any dog or dog waste. If a dog defecates or urinates on the patio, restaurant staff will provide the patron with the necessary tools, containers, and sanitizer to clean up the waste. Patrons will dispose of all waste in the appropriate area determined by the restaurant through the variance review.

(i) A dog is not allowed on a seat, table, countertop, or similar surface in the outdoor patio area under any circumstance.

(j) A dog is not allowed to have contact with any dishes or utensils used for food service or preparation at the food establishment.

(k) A dog may not be given any food (including, but not limited to, dog kibble, biscuits, and edible treats) while in the outdoor patio area, but may be given water in a disposable container or a properly sanitized dog specific container sanitized outside of food preparation and service areas.

(l) If a dog shows any kind of aggression or unruly behavior that threatens the health/safety of other patrons or staff, the owner must remove the dog immediately.

(m) The responsibility for management and control of dogs on the food premises resides between the food establishment management/ownership and the patron dog owner. Violations of the variance rules will be addressed with the establishment, not the individual dog owners.

3. **Compliance with Other Restrictions.** The applicant must demonstrate how the establishment will comply with any other local ordinances or restrictions prohibiting dogs in or about any establishment or place of business where food is sold, displayed or served, including food establishments.
4. **Inspections.** Food Establishments who obtain a variance will be inspected separate of the establishment food permit. These inspections will be conducted one time during the calendar year and are required as part of the variance approval. Owners/ managers will be given copies of the report when the inspection is complete.
5. **Fees.** Due to the additional resource commitments associated with the review of an Canine Hazard Plan for animals and necessary follow-up inspections, the SCHD may establish and collect additional fees.
6. **Revocation of Variance.** Food establishments that do not follow the directions outlined in the variance rule are subject to variance revocation. Refunds are not issued for revoked variances. Only the Public Health Officer or his/her designee may revoke a variance.

7. **Complaints.** The SCHD will respond to complaints of dogs when received. Two separate validated complaints against any one establishment within the calendar year may result in the revocation of the variance for that establishment.
8. **Annual Review and Approval.** Each variance shall be submitted and reviewed on an annual basis. The approval of the variance is subject to the performance of the previous permit year. The variance shall expire at the end of the year and the food establishment must reapply for a variance on an annual basis.

E. The SCHD cannot be held liable or responsible for dog related incidences that cause harm, physical damage, or personal property damage on the premises of the food establishment.

## Chapter 7

### MOTOR VEHICLE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM

RESERVED

## Chapter 8

RESERVED

## Chapter 9

### TOBACCO AND SYNTHETIC NICOTINE CONTROL

#### 1-9-1: PURPOSE:

#### 1-9-2: SCOPE:

#### 1-9-3: AUTHORITY AND APPLICABLE LAWS:

#### 1-9-4: TOBACCO RETAIL PERMIT:

#### 1-9-5: TOBACCO RETAILER; ELECTRONIC CIGARETTE SUBSTANCE LABELING; ADVERTISEMENT; NICOTINE CONTENT; PACKAGING; QUALITY; RECORD KEEPING AND TESTING:

#### 1-9-6: ELECTRONIC CIGARETTE SUBSTANCE MANUFACTURING FACILITIES:

##### **1-9-1: Purpose.**

The purpose of this regulation is to protect and promote the public health, safety, and welfare of residents and employees by establishing practices and provisions for the sale of Tobacco Products; to define the way tobacco and synthetic nicotine are marketed, sold and distributed in Summit County in order to address the incidence and use of electronic smoking devices by youth, accidental injury to children as a result of ingestion or contact with liquid nicotine and the safe preparation and handling of Electronic Cigarette Substance components in Summit County.

##### **1-9-2: Scope.**

This regulation applies to Tobacco Products, Electronic Nicotine Delivery Systems, and Electronic Cigarette Substances, sold and/or manufactured in incorporated and unincorporated areas of Summit County.

**1-9-3: Authority and Applicable Laws.**

- A. This regulation is adopted under the authority of the Summit County Board of Health in accordance with UCA §26A-1-121, as amended.
- B. UCA Title 26, Chapter 38 (Utah Indoor Clean Air Act), is hereby adopted and incorporated herein by this reference.
- C. R392-510 (Utah Indoor Clean Air Act), is hereby adopted and incorporated herein by this reference.
- D. UCA §76-10-104 (Providing a cigar, cigarette, electronic cigarette, or tobacco to a minor), is hereby adopted and incorporated herein by this reference.
- E. UCA §76-10-105 (Buying or possessing a cigar, cigarette, electronic cigarette, or tobacco by a minor), is hereby adopted and incorporated herein by this reference.
- F. UCA Title 26, Chapter 57 (Electronic Cigarette Regulation Act), is hereby adopted and incorporated herein by this reference.
- G. R384-415 (Electronic Cigarette Substance Standards), is hereby adopted and incorporated herein by this reference.

**1-9-4: Tobacco Retail Permit.**

- A. Effective January 1, 2018, no Tobacco Specialty Business may sell an ENDS, an Electronic Cigarette Substance, or a Tobacco Product in Summit County except it first obtain a Tobacco Retail Permit issued by the Health Department. A Tobacco Specialty Business which has not been issued a Tobacco Retail Permit shall not:
  - 1. Sell ENDS, an Electronic Cigarette Substance, or a Tobacco Product.
  - 2. Display an ENDS, an Electronic Cigarette Substance, or a Tobacco Product to the viewing public.
  - 3. Display any advertisement related to an ENDS, an Electronic Cigarette Substance, or a Tobacco Product that promotes the sale, distribution, or use of such products.
- B. The Health Department shall issue a Tobacco Retail Permit to a Tobacco Specialty Business based upon compliance with the following criteria:
  - 1. Tobacco Specialty Business location.
    - (a) A Tobacco Specialty Business shall not be located within:
      - (i) 1,000 feet of a Community Location;

- (ii) 600 feet of another Tobacco Specialty Business; and
  - (iii) 600 feet from property zoned primarily for agriculture or residential uses.
- (b) The proximity requirements set forth in Section 1-9-5(B)(1)(a) shall be measured in a straight line from the nearest entrance of the Tobacco Specialty Business to the nearest property boundary of the Community Location, Tobacco Specialty Business, or agricultural or residential use without regard to intervening structures or zoning districts.
- (c) A Tobacco Specialty Business which existed prior to May 8, 2012, shall be exempt from this Section 1-9-5(B)(1), so long as the Tobacco Specialty Business:
- (i) has a current business license that has been renewed continuously without lapse or permanent revocation;
  - (ii) has not closed for business or otherwise suspends the sale of Tobacco Products for more than 60 consecutive days;
  - (iii) does not substantially change the business premises or its business operations; and
  - (iv) maintains the right to operate under the terms of other applicable laws, including zoning ordinances and building codes.
2. The Tobacco Specialty Business shall obtain a license to sell an Electronic Cigarette Product, as defined by UCA §59-14-802, from the Utah State Tax Commission in accordance with UCA §59-14-803. A copy of this license shall be provided to the Health Department.
3. The Tobacco Specialty Business shall submit an operations plan and scaled floor plan drawing of its proposed establishment for review by the Health Department. The plans shall include the following:
- (a) Name and address of the business.
  - (b) The name of the owner(s), operators and all registered employees and their current home addresses and telephone numbers.
  - (c) The hours of operation of the Tobacco Specialty Business.
  - (d) The square footage and general floor plan of the establishment.
  - (e) Description of Tobacco Products being sold.
  - (f) Information about any ENDS to be sold.
  - (g) Any other information specifically requested by the Health Department to ensure compliance with this chapter.

- C. A Tobacco Retail Permit is Non-Transferable from one place or person to another. Any Tobacco Specialty Business shall apply for a new permit if the information in the permit application changes. Violations of the Health Code that occur at a Tobacco Specialty Business shall stay on the record of that business unless that business has been transferred to a new proprietor; and the new proprietor provides documentation to the Health Department that the new proprietor is acquiring the retail business in an arms-length transaction from the previous proprietor.
- D. A Tobacco Retail Permit issued under this chapter expires annually and may be renewed upon application to the Health Department, payment of the established renewal fee and compliance with the requirements of any applicable regulations.
- E. Tobacco Retail Permits issued under the provisions of this chapter may be suspended or revoked by the County Health Officer or the Board of Health for failure of the holder to comply with the requirements of this chapter.
1. Whenever a violation of this chapter occurs, the County Health Officer shall issue a Notice of Violation in accordance with Section 1-1-8. Failure of a Tobacco Specialty Business to cure the violation within the time period set forth in the Notice of Violation or to request a hearing in accordance with Section 1-1-9, shall result in a suspension of the Tobacco Retail Permit.
  2. In the event that the County Health Officer determines on substantial evidence that a Tobacco Specialty Business is engaging in a pattern of unlawful activity under Utah Code Title 76, Chapter 10, Part 16 (Pattern of Unlawful Activity Act) or is violating FDA regulations restricting the sale and distribution of Tobacco Products to children and adolescents under 21 C.F.R. Part 1140, the County Health Officer shall immediately suspend the Tobacco Retail Permit. The Tobacco Specialty Business may request a hearing in accordance with Section 1-1-9 within ten (10) calendar days to reinstate the permit.
  3. The Board of Health may revoke a Tobacco Retail Permit for serious or repeated violations of this chapter. Where a Tobacco Retail Permit has been revoked, the Tobacco Specialty Business may not re-apply for 24 months.
  4. Any Tobacco Specialty Business whose Tobacco Retail Permit has been suspended may, at any time, make application for reinstatement of the permit. Within ten (10) calendar days of receipt of a written request, including a statement signed by the permit holder that \_\_\_\_\_ in his or her opinion the conditions causing the suspension have been corrected, and upon



submission of the appropriate re-inspection fees, the Health Department shall re-inspect the Tobacco Specialty Business and/or evaluate documentation provided by the permit holder. If the permit holder is in compliance with the provisions of this chapter, the Tobacco Retail Permit shall be reinstated.

- F. Any person, employee, operator, or owner that fails to meet the requirements of this chapter, and has been found to be a threat to the public health, may be prohibited from working in a Tobacco Specialty Business.
- G. Nothing in this chapter requires the Health Department to issue a Tobacco Retail Permit to a Tobacco Specialty Business.

**1-9-5: Tobacco Retailer; Electronic Cigarette Substance Labeling; Advertisement; Nicotine Content; Packaging; Quality; Record Keeping and Testing.**

A. A Tobacco Retailer shall:

1. Not sell ENDS, an Electronic Cigarette Substance, or a Tobacco Product to a person under the age of 19 years.
2. Prominently display at the point of purchase a sign that states that the sale of Tobacco Products is prohibited to a person under the age of 19 years.
3. With respect to a Tobacco Specialty Business, prominently display, in an area readily visible to the public, at the entrance of the business, a sign that states that a person under the age of 19 years is prohibited from entering.
4. Inspect the photographic-identification of a purchaser of an ENDS, an Electronic Cigarette Substance, or a Tobacco Product to confirm that the purchaser is of legal age to purchase the product.
5. Display an ENDS, an Electronic Cigarette Substance, or a Tobacco Product behind the counter or in a locked display case.

**1-9-6: Electronic Cigarette Substance Manufacturing Facilities.**

- A. Electronic Cigarette Substance Manufacturing Facilities within Summit County shall obtain an Electronic Cigarette Substance Manufacturing Permit from the Health Department.

## B. Sanitation and Safety.

1. Electronic Cigarette Substance preparation surfaces must be smooth, non- absorbent and easily cleanable.
2. Floors and ceilings in the preparation area must be smooth, non-absorbent and easily cleanable.
3. All preparation equipment shall be easily cleanable and in good repair.
4. Individuals preparing Electronic Cigarette Substances shall use good hygienic practices and take proper safety precautions.
5. Drinking, eating, vaping or smoking is not permitted in the preparation area.
6. No animals shall be permitted in the preparation area.
7. Electronic Cigarette Substance components shall be stored to prevent contamination and/or spillage.
8. Nicotine shall be stored in a manner to prevent contamination of prepared areas, equipment, supplies and other Electronic Cigarette Substance components.
9. Chemicals not involved in the preparation of Electronic Cigarette Substances shall not be stored in preparation or ingredient storage areas.

## C. Operating Procedures.

1. Standard operating procedures (SOPs) for manufacturing Electronic Cigarette Substances shall be written and must incorporate good hygienic practices and safety precautions. SOPs shall be made available to the Health Department upon request.
2. Employees shall be trained on all SOPs and training logs shall be maintained. Logs shall be made available to the Health Department upon request.
3. Propylene glycol (PG), vegetable glycerine (VG), nicotine, and flavorings must be at a minimum US Pharmacopeial (USP) grade certified, food grade, FDA approved, or equivalent.

4. Documentation must be available for all Electronic Cigarette Substance components showing certification, approval, grade, or equivalence and shall be made available to the Health Department upon request.

## Chapter 10

### TANNING BED SANITATION

#### 1-10-1: UTAH INDOOR TANNING BED SANITATION RULES:

##### **1-10-1: Utah Indoor Tanning Bed Sanitation Rules.**

The provisions of UCA §26-15-13; and Utah Administrative Rule, Disease Control & Prevention, Environmental Sciences, Indoor Tanning Bed Sanitation, R392-700, are hereby incorporated in their entireties by reference.

## Chapter 11

### HAZARDOUS WASTE

#### 1-11-1: UTAH HAZARDOUS WASTE RULES:

##### **1-11-1: Utah Hazardous Waste Rules.**

The provisions of Utah Administrative Rule, Environmental Quality, Solid & Hazardous Waste, R315, is hereby incorporated in its entirety by reference.

## Chapter 12

### AIR POLLUTION

#### 1-12-1 : UTAH AIR QUALITY RULES:

#### 1-12-2 : DUST AND PARTICULATE MATTER:

#### 1-12-3 : WOOD BURNING STOVES:

##### **1-12-1 : Utah Air Quality Rules.**

The provisions of Utah Administrative Rule, Environmental Quality, Air Quality, R307, is hereby incorporated in its entirety by reference.

##### **1-12-2 : Dust and particulate matter.**

A. No person shall cause, allow or permit the emission of fugitive particulate matter from any process, including any material handling or storage activity, that is visible beyond the property line of the emission source.

B. No person shall cause, allow or permit a building or its appurtenances or open areas to be used, constructed, repaired, altered or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Dust and other types of particulates shall be kept to a minimum by such measures as wetting down, covering, landscaping, paving, treating, or by other reasonable means.

C. No person shall cause, allow or permit the repair, construction or reconstruction of a roadway or an alley without taking reasonable precautions to prevent particulate matter from becoming airborne. Dust and other particulates shall be kept to a minimum by employing temporary paving, dust palliatives, wetting down, detouring, or by other reasonable means. Earth or other material that has been transported onto paved streets by trucking or earth-moving equipment, erosion by water, or by other means, shall be promptly removed.

D. The owner or operator of a commercial establishment or industrial plant shall maintain control of the establishment premises or plant premises, and establishment or plant owned, leased or controlled access roads, by paving, oil treatment, or other suitable measures.

E. No person shall cause, allow or permit crushing, screening, drying, handling, conveying of materials, stockpiling or other operations likely to give rise to airborne dust without taking reasonable precautions to prevent particulate matter from becoming airborne. Dust and other types of particulates shall be kept to a minimum by such means as spray bars, wetting agents, enclosure, structural barriers, or other suitable means.

F. No person shall cause, allow or permit sandblasting or related abrasion operations unless sufficient containment measures are taken to prevent the sand and/or abrasive material

from traveling beyond the property line where the operation is being conducted.

G. No owner, operator or lessee of any real property located or situated within the county shall, after the topsoil has been disturbed or the natural cover removed, allow the same to remain unoccupied, unused, vacant or undeveloped, without taking all reasonable precautions to prevent fugitive dust from becoming airborne. Dust and other particulates shall be controlled by compacting, chemical sealers, resin sealers, asphalt sealer, planting or vegetation, or other reasonable means.

**1-12-3 : Wood Burning Stoves.**

Beginning December 1, 2014, no person shall sell, offer for sale, supply, install, or transfer a wood burning stove that is not EPA Phase 2 certified or a fireplace that is not EPA qualified.

## Chapter 13

### ILLEGAL DRUG OPERATIONS SITE REPORTING AND DECONTAMINATION

#### 1-13-1: UTAH ILLEGAL DRUG OPERATIONS DECONTAMINATION RULES:

##### **1-13-1: Utah Illegal Drug Operations Decontamination Rules.**

The provisions of Utah Administrative Rule, Disease Control & Prevention, Environmental Sciences, Illegal Drug Operations Decontamination Standards, R392-600, and Environmental Quality, Environmental Response and Remediation, R311-500, are hereby incorporated in their entirety by reference.

## Chapter 14

### SWIMMING POOLS

#### 1-14-1: UTAH DESIGN, CONSTRUCTION, AND OPERATION OF PUBLIC POOLS RULES:

##### **1-14-1: Utah Design, Construction, and Operation of Public Pools Rules.**

The provisions of Utah Administrative Rule, Disease Control & Prevention, Environmental Sciences, Design, Construction, and Operation of Public Pools, R392-302, is hereby incorporated in its entirety by reference.



## Chapter 15

### BODY ART AND PERMANENT MAKEUP ESTABLISHMENTS

**1-15-1 : PURPOSE:**

**1-15-2 : SCOPE/EXEMPTIONS:**

**1-15-3 : PLANS AND SPECIFICATIONS OF FACILITIES:**

**1-15-4 : BODY ART ESTABLISHMENT PERMIT REQUIRED:**

**1-15-5 : OPERATOR/TECHNICIAN PERMIT REQUIRED:**

**1-15-6 : APPRENTICESHIP REGISTRATION REQUIRED:**

**1-15-7 : OPERATOR/TECHNICIAN PERMIT REQUIRED:**

**1-15-8 REQUIREMENTS FOR PREMISES:**

**1-15-9 : PUBLIC NOTIFICATION REQUIREMENTS:**

**1-15-10 : PATRON RECORDS:**

**1-15-11 : RECORDS RETENTION:**

**1-15-12 : PREPARATION AND CARE OF THE BODY ART AREA:**

**1-15-13 : SANITATION AND STERILIZATION PROCEDURES:**

**1-15-14 : REQUIREMENTS FOR SINGLE USE ITEMS:**

**1-15-15 : BODY ART OPERATOR/TECHNICIAN REQUIREMENTS AND PROFESSIONAL STANDARDS:**

**1-15-16 : BODY PIERCING:**

**1-15-17 : BRANDING AND SCARIFICATION:**

**1-15-18 : PROHIBITIONS:**

**1-15-19 : ENFORCEMENT:**

**1-15-20 : SUSPENSION OR REVOCATION OF PERMITS:**

**1-15-1 : Purpose.**

It is the purpose of this chapter to regulate Body Art Establishments, tattooing, permanent cosmetics, body piercing, scarification, and branding in a manner that will protect the public health, safety and welfare, prevent the spread of disease, and prevent the creation of a nuisance within Summit County.

**1-15-2 : Scope/Exemptions.**

A. Physicians licensed by the State of Utah, who perform either independent of or in connection with body art procedures as part of patient treatment are exempt from this chapter.

B. Individuals who pierce only the outer perimeter and lobe of the ear with a pre sterilized single-use stud-and-clasp ear-piercing system are exempt from this chapter.

Individuals who use ear-piercing systems must conform to the manufacturer or/and Health Department directions on use and applicable U.S. Food and Drug Administration requirements. The Health Department retains authority to investigate consumer complaints relating to alleged

misuse or improper disinfection of ear piercing systems.

**1-15-3 : Plans and Specifications of Facilities.**

A. Construction and operation of a Body Art Establishment shall not be initiated before plans and specifications have been reviewed and approved by the Health Department. No significant modifications shall be made in any Body Art Establishment or the operation thereof without the review and approval of the Health Department.

B. Plans and specifications shall be submitted to the Health Department for review. The Health Department may charge a reasonable fee for this review. The plans and specifications shall include the following:

1. The name and address of the Body Art Establishment;
2. The name of the owner(s) and operator(s) and all registered body art technicians and their current home addresses and telephone numbers;
3. The hours of operation of the Body Art Establishment;
4. The square footage and general floor plan of the Body Art Establishment;
5. A complete finish schedule detailing construction materials for floors, walls, ceilings, counters and shelving;
6. The location and availability of toilet and hand washing facilities;
7. A complete description of the body art procedures to be used;
8. A complete description of the sterilization procedures to be used;
9. The name, content, and source of pigments, dyes and inks;
10. The name and composition of all body piercing jewelry to be approved for use; and
11. Any other information specifically requested by the Health Department to ensure compliance with this chapter.

C. Each Body Art Establishment shall have an Exposure Control Plan, which plan shall be submitted to the Health Department and updated routinely. The Exposure Control Plan shall contain at least the following elements:

1. the method of implementation for each of the regulations hereunder;
2. patrons;

3. facility requirements;
4. housekeeping standards;
5. approved sterilization equipment and monitoring methods;
6. sterilization and set-up;
7. contaminated wastes;
8. tattooing;
9. permanent cosmetics;
10. body piercing; and
11. branding and scarification.

D. The Health Department may take samples and make analyses or tests of pigments, dyes or inks, instruments, sterilizing devices, and equipment or require the testing of the same.

**1-15-4 : Body Art Establishment Permit Required.**

A. No person, firm, partnership, joint venture, association, business trust, corporation or organized group of persons may operate a Body Art Establishment except with a Body Art Establishment Permit issued by the Health Department.

B. Any Body Art Establishment that fails to meet the requirements of this chapter, and has been found to be a threat to the public health, safety, or welfare, may be closed by the Health Department.

C. Any person, Body Art Technician, employee, operator, or owner that fails to meet the requirements of this chapter, and has been found to be a threat to the public health, safety, or welfare, may be prohibited from working in a Body Art Establishment.

D. A permit for a Body Art Establishment shall not be transferable from one place or person to another.

E. A current Body Art Establishment Permit shall be posted in a prominent and conspicuous area where it may be readily observed by patrons.

F. The holder of a Body Art Establishment Permit must only hire operators who have complied with the operator/technician permit requirements of this chapter or who meet the requirements to work as a guest artist.

G. A permit issued under this chapter expires annually and may be renewed upon application to the Health Department, payment of the established renewal fee, and compliance with the requirements of any applicable regulations.

H. The owner of every Body Art Establishment shall provide to the Health Department an Exposure Control Plan in accordance with 1-15-3(C), which plan shall apply to all those who perform body art procedures within the establishment. The Exposure Control Plan shall be reviewed annually by the Health Department.

**1-15-5 : Operator/Technician Permit Required.**

A. Any person operating in a Body Art Establishment shall obtain an annual permit from the Health Department.

B. The applicant shall pay a reasonable fee as set by the Board for each body art operator/technician permit.

C. A permit issued under this section expires annually and may be renewed upon application to the Health Department, payment of the established renewal fee, and compliance with the requirements of any applicable regulations.

D. Application for an operator/technician permit shall include:

1. name;
2. date of birth;
3. sex;
4. residence address;
5. mailing address;
6. phone number;
7. place(s) of employment as an operator;
8. training and/or experience;
9. proof of attendance at a bloodborne pathogen training program (or equivalent), given or approved by the Health Department.

E. Applicant shall demonstrate knowledge of the following subjects:

1. anatomy;
2. skin diseases, disorders and conditions (including diabetes); and

3. infectious disease control, including waste disposal, hand washing techniques, sterilization equipment operation and methods, and sanitization/disinfection/sterilization methods and techniques.

F. No operator/technician permit shall be issued unless, following reasonable investigation by the Health Department, the body art operator has demonstrated compliance with the provisions of this section and all other provisions of this chapter.

G. All operator/technician permits shall be conditioned upon continued compliance with the provisions of this section as well as all applicable provisions of this chapter.

H. All operator/technician permits shall be posted in a prominent and conspicuous area where they may be readily observed by patrons.

#### **1-15-6 : Apprenticeship Registration Required.**

A. Any person operating as an apprentice in a Body Art Establishment shall annually register with the Health Department.

B. The registrant shall pay a reasonable fee as set by the Board for each body art apprenticeship registration.

C. Registration under this section expires annually and may be renewed upon application to the Health Department, payment of the established renewal fee, and compliance with the requirements of any applicable regulations.

D. Apprenticeship registration shall include:

1. name;
2. date of birth;
3. sex;
4. residence address;
5. mailing address;
6. phone number;
7. place of employment as an apprentice;
8. training and/or experience;
9. proof of attendance at a blood borne pathogen training program (or equivalent), given or approved by the Health Department;

10. name of person whom they will apprentice under;
  11. Summit County Operator/Technician Permit number; and
  12. proof of previous apprenticeship hours if starting a different apprenticeship.
- E. Registrant shall demonstrate knowledge of the following subjects:
1. anatomy;
  2. skin diseases, disorders and conditions (including diabetes); and
  3. infectious disease control, including waste disposal, hand washing, techniques, sterilization equipment operation and methods, and sanitization/disinfection/sterilization methods and techniques.
- F. Registrant shall document daily hours that are worked during apprenticeship.
- G. Registrant may not transfer apprenticeship registration from one establishment to another.
- H. New registration must be made if registrant transfers to a new establishment.

**1-15-7 : Operator/Technician Permit Required.**

- A. Any person operating in a Body Art Establishment shall obtain an annual permit from the Health Department.
- B. The applicant shall pay a reasonable fee as set by the Board for each Body Art Operator/Technician Permit.
- C. A permit issued under this section expires annually and may be renewed upon application to the Health Department, payment of the established renewal fee, and compliance with the requirements of any applicable regulations.
- D. Application for an Operator/Technician Permit shall include:
1. name;
  2. date of birth;
  3. sex;
  4. residence address;

5. mailing address;
6. phone number;
7. place(s) of employment as an operator;
8. training and/or experience; and
9. proof of attendance at a bloodborne pathogen training program (or equivalent), given or approved by the Health Department.

E. Applicant shall demonstrate knowledge of the following subjects:

1. anatomy;
2. skin diseases, disorders and conditions (including diabetes); and
3. infectious disease control, including waste disposal, hand washing techniques, sterilization equipment operation and methods, and sanitization/disinfection/sterilization methods and techniques.

F. No Operator/Technician Permit shall be issued unless, following reasonable investigation by the Health Department, the body art operator has demonstrated compliance with the provisions of this section and all other provisions of this chapter.

G. All Operator/Technician Permits shall be conditioned upon continued compliance with the provisions of this section as well as all applicable provisions of this chapter.

H. All Operator/Technician Permits shall be posted in a prominent and conspicuous area where they may be readily observed by patrons.

#### **1-15-8 : Requirements for Premises.**

A. Body Art Establishments shall submit a scale drawing and floor plan of the proposed establishment for a plan review by the Health Department, as part of the permit application process. All persons applying for a Body Art Establishment Permit shall pay a plan review fee as established by the Board.

B. All walls, floors, ceilings, and procedure surfaces of a Body Art Establishment shall be smooth, light-colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition. All procedure surfaces, including patron chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each patron. All Body Art Establishments shall be completely separated by solid partitions or by walls extending from floor to ceiling, from any room used for human habitation, any food establishment or room where food

is prepared, any hair salon, any retail sales, or any other such activity that may cause potential contamination of work surfaces.

C. Effective measures shall be taken by the body art operator to protect against entrance into the establishment and against the breeding or presence on the premises of insects, vermin, and rodents. Insects, vermin and rodents shall not be present in any part of the establishment, its appurtenances, or appertaining premises.

D. There shall be a minimum of forty-five (45) square feet of floor space for each operator in the establishment. Each establishment shall have area that may be screened from public view for patrons requesting privacy. Multiple body art stations shall be separated by dividers, curtains, or partitions, at a minimum.

E. The establishment shall be well-ventilated and provided with an artificial light source equivalent to at least twenty (20) foot candles three (3) feet off the floor, except that at least one hundred (100) foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.

F. No animals of any kind shall be allowed in a Body Art Establishment except service animals used by persons with disabilities (e.g., seeing eye dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural areas.

G. A separate, readily accessible hand-sink with hot and cold running water, under pressure, equipped with wrist- or foot-operated controls and supplied with liquid soap, and disposable paper towels shall be readily accessible within the Body Art Establishment. One hand-sink shall serve no more than three operators. In addition, there shall be a minimum of one lavatory, excluding any service sinks, and one toilet in a Body Art Establishment.

H. At least one foot operated waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily, and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable, and kept clean.

I. All instruments and supplies shall be stored in clean, dry and covered containers.

J. Reusable cloth items shall not be used. Disposable poly backed cloths or dental bibs are acceptable.

K. The waiting area shall be divided from the work area with a minimum of a four (4) foot high barrier.

L. An Environmental Protection Agency (EPA) registered disinfectant or germicide (iodophor, phenolic, or alcohol containing germicide, or a 1:100 dilution of household bleach and water (two (2) tablespoons of bleach in one (1) quart of water)) shall be used after cleaning



to disinfect any surface contaminated with blood or body fluids.

M. The cleaning room or area shall be set up in a manner to provide distinct, separate areas for cleaning equipment, and for the handling and storage of sterilized equipment. The cleaning area sink shall be reserved for instrument cleaning only and shall not be used as a janitorial or hand sink.

N. Large capacity ultrasonic cleaning units shall be clearly labeled biohazardous and placed away from the sterilizer and workstations. All ultrasonic cleaners shall be cleaned and maintained according to manufacturer's specifications.

O. Each work station shall have an approved Sharps container that is rigid, and puncture and leak proof for disposal of Sharp objects that come into contact with blood or body fluids.

P. All germicides and sanitizers must be used according to the manufacturer's recommendations.

Q. All chemicals shall be properly labeled and stored.

#### **1-15-9 : Public Notification Requirements.**

A. Verbal and written public educational information, approved by the Health Department, shall be required to be given to all patrons wanting to receive body art procedure(s). Verbal and written instructions, approved by the Health Department, for the aftercare of the body art procedure site shall be provided to each patron by the operator upon completion of the procedure. The written instructions shall advise the patron to consult a physician at the first sign of abnormal infection or swelling and shall contain the name, address, and phone number of the establishment. These documents shall be signed and dated by both parties, with a copy given to the patron and the operator retaining the original with all other required records. In addition, all establishments shall prominently display a Disclosure Statement, provided by the Health Department, which advises the public of the risks and possible consequences of body art services. The Body Art Establishment permit holder shall also post in public view the name, address and phone number of the Health Department and the procedure for filing a complaint. The Disclosure Statement and the Notice for Filing a Complaint shall be included in the establishment Permit Application Packet.

B. All abnormal infections and complications, or diseases resulting from any body art procedure that becomes known to the operator shall be reported to the Health Department by the operator within twenty-four (24) hours.

### **1-15-10 : Patron Records.**

A. So that the operator/technician can properly evaluate the patron's medical condition for receiving a body art procedure and not violate the patron's rights or confidential medical information, the operator or technician shall ask for the information as follows:

B. In order for proper healing of your body art procedure, we ask that you disclose if you have or have had any of the following conditions:

- 1 diabetes;
2. history of hemophilia (bleeding);
3. history of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants, etc.;
4. history of allergies or adverse reactions to pigments, dyes, or other skin sensitivities;
5. history of epilepsy, seizures, fainting, or narcolepsy;
6. use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting; and/or
7. pregnancy;

C. The operator/technician should ask the patron to sign a Release Form confirming that the above information was obtained or that the operator/technician attempted to obtain such information. The patron should be asked to disclose any other information that would aide the operator/technician in evaluating the patron's body art healing process.

D. Each operator/technician shall keep records of all body art procedures administered, including date, identification and location of the body art procedure(s) performed, and operator's name. All patron records shall be confidential and be retained for a minimum of three (3) years and made available to the Health Department upon notification.

E. Nothing in this chapter shall be construed to require the operator to perform a body art procedure upon a patron.

### **1-15-11 : Records Retention.**

The Body Art Establishment shall keep a record of all persons who have had body art procedures performed. The record shall include the name, date of birth, and address of the patron, the date of the procedure, the name of the operator who performed the procedure(s), type and location of

procedure(s) performed, and signature of the patron. Such records shall be retained for a minimum of three (3) years and shall be available to the Health Department upon request. The Health Department and the Body Art Establishment shall keep such records confidential.

#### **1-15-12 : Preparation and Care of the Body Art Area.**

A. Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where the body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation, depending on the type of body art to be performed. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.

B. In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single use and disposed of immediately after use in appropriate-covered containers, unless the disposal products meet the definition of biomedical waste. Such wastes are governed by 1-29-1 et. seq.

#### **1-15-13 : Sanitation and Sterilization Procedures.**

A. All non-single-use, non-disposable instruments used for body art shall be cleaned thoroughly after each use, by chemical decontamination and then scrubbing with an appropriate soap or disinfectant solution and hot water or by following the manufacturer's instructions, to remove blood and tissue residue, and shall be placed in an ultrasonic unit also operated in accordance with manufacturers' instructions.

B. After being cleaned, all non-disposable instruments used for body art shall be packed individually in peel-packs and subsequently sterilized; (see 1-15-8(L)). All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel-packs must be dated with an expiration date not to exceed six months.

C. All cleaned, non-disposable instruments used for body art and body jewelry shall be sterilized in a steam autoclave. The sterilizer shall be used, cleaned, and maintained according to manufacturers' instructions. A copy of the manufacturers' recommended procedures for the operation of the sterilization unit must be available for inspection by the Health Department. Sterile equipment may not be used if the package has either been breached or if the expiration date has passed, without first repackaging and re-sterilizing the equipment. Sterilizers shall be located away from work stations or areas frequented by the public. Even in the event that a Body Art Establishment uses only single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall still be required.

D. Each person performing body art shall demonstrate that the sterilizer used is capable of attaining sterilization by quarterly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is received by the Health Department. These test records shall be retained by the Body Art Establishment for a period of three (3) years and made available to the Health Department upon request (log book).

E. All instruments used for tattooing/body piercing shall remain stored in sterile packages until just prior to the performance of a body art procedure. When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.

F. All inks, dyes, pigments, needles and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturers' instructions. The mixing of approved inks, dyes or pigments or their dilution with distilled or saline water is acceptable. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic cups. Upon completion of the tattoo, these single-use cups and their contents shall be discarded.

#### **1-15-14 : Requirements for Single Use Items.**

A. Single-use items shall not be used on more than one patron for any reason. After use, all single-use needles, razors, and other Sharps shall be immediately disposed of in approved Sharps containers.

B. All products applied to the skin, including body art stencils, may be single-use and disposable. Petroleum jellies, soaps and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or in a manner to prevent contamination of the original container and its contents. The gauze shall be used only once and then discarded.

#### **1-15-15 : Body Art Operator/Technician Requirements and Professional Standards.**

A. The following information shall be kept on file on the premises of a Body Art Establishment and available for inspection by the Health Department:

1. owners' name, address, and phone number;
2. hours of operation;
3. employee information;

- a. full names and exact duties;
  - b. date of birth;
  - c. sex;
  - d. home address;
  - e. home/work phone numbers;
  - f. identification photos of all body art operators/technicians; and
  - g. establishment information;
4. a complete description of all body art procedures performed;
  5. an inventory of all instruments and body jewelry, all Sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement; and
  6. a copy of this chapter.

B. It shall be unlawful for any person to perform body art procedures unless such procedures are performed in a Body Art Establishment with a current permit.

C. The body art operator/technician must be a minimum of 18 years of age.

D. Smoking, eating or drinking is prohibited in the area where body art is performed.

E. Operators/technicians shall refuse service to any person who, in the opinion of the operator/technician, is under the influence of alcohol or drugs.

F. The operator/technician shall maintain a high degree of personal cleanliness, conform to hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, the operator/technician must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.

G. In performing body art procedures, the operator/technician shall wear disposable medical gloves (no latex). Gloves must be changed if they become contaminated by contact with any non clean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual patron, and hands shall be washed before the next set of gloves is donned. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable medical gloves

does not preclude or substitute for hand washing procedures as part of a good personnel hygiene program.

H. If, while performing a body art procedure, the operator's/technician's glove is pierced, torn, or otherwise contaminated, the procedure delineated in 1-15-15(G) shall be repeated immediately. The contaminated gloves shall be immediately discarded, and the hands washed thoroughly (see 1-15-15(F)) before a fresh pair of gloves is applied. Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.

I. Contaminated waste, as defined in this Code, that may release liquid or body fluids when compressed or may release dried blood or body fluids when handled, must be placed in an approved red bag marked with the International Biohazard Symbol. Sharps ready for disposal shall be disposed of in approved Sharps containers. Contaminated waste that does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled, may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste on site shall not exceed 30 days, as specified in 29 CFR Part 1910.1030.

J. Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.

K. The skin of the operator/technician shall be free of rash or infection. No person or operator/technician affected with boils, infected wounds, open sores, abrasions, keloids, weeping, dermatological lesions or acute respiratory infection shall work in any area of a Body Art Establishment in any capacity in which there is a likelihood that that person could contaminate the body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.

L. Proof shall be provided upon request of the Health Department that all operators/technicians have either completed or were offered and declined, in writing, the hepatitis B vaccination series. This offering shall be included as a pre-employment requirement.

### **1-15-16 : Body Piercing.**

A. The skin of the body piercer shall be free of rash or infection. No person affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infections shall work in any area of a Body Art Establishment in any capacity in which there is a likelihood of contaminating body art equipment, instruments, supplies or working surfaces with body substances or pathogenic organisms.

B. Before beginning any body piercing procedure, the body piercer shall discuss the risks and responsibilities required in the particular piercing with the patron. The patron shall fill out and sign a patron information and consent form for body piercing. One copy of the form shall be retained by the establishment and the other copy shall be given to the patron upon request. The body piercer must also explain aftercare instructions and have the patron initial the box on the consent form to indicate that he or she has received written aftercare instructions.

C. The body piercer shall not smoke, eat or drink at the work station or cleaning room during or between procedures.

D. The body piercer shall thoroughly wash hands and forearms with soap and warm water before and after serving each patron, to prevent cross contamination and/or transmission of body fluids, infection or exposure to service related chemicals or wastes. Following thorough washing, the hands shall be dried using clean, single-use paper towels.

E. The body piercer shall wear new, clean, non latex disposable examination gloves for every client during the procedure. If a glove is pierced, torn or contaminated by coming into contact with any other person or non-clean surface, both gloves must be properly removed and discarded. Gloves shall be discarded after the completion of each procedure on an individual patron, and hands shall be washed prior to donning a new pair of disposable examination gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable examination gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.

F. The body piercer shall use new disposable dental bibs or drapes for each patron. All drapes and dental bibs shall be stored in a closed cabinet or container. Used disposable items shall be placed into a closed container that is lined with a plastic bag for disposal at the end of the day.

G. Piercing guns shall not be used to pierce body parts other than the ear lobe or ear rim (tubercle and helix).

H. All body piercing needles shall be single-use, sterilized, disposable piercing needles slightly larger or of the same gauge as the jewelry or ornaments to be inserted, and disposed of immediately after use in a Sharps container.

I. All instruments shall be properly cleaned and sterilized in bags with color indicator strips. Each bag shall be dated and initialed by the person preparing the instruments.

J. All forceps, hemostats, tubes, etc, shall be properly cleaned and sterilized in individual bags or suitable procedural packaging using a Health Department approved sterilizing device.

K. All non-sterilizable instruments such as calipers shall be nonporous and sanitized after each use with an appropriate sanitizer,

L. Only new, pre-sterilized and packaged jewelry or ornaments shall be used for piercing. Ear studs or other jewelry designed for ears shall not be used in other parts of the body.

M. Only jewelry made of implant grade, ASTM F-138-97 or 180 5832-1 stainless steel, or solid 14K through 24K gold, or other materials approved by the Health Department shall be used in newly pierced skin.

N. Immediately before the procedure is begun, the procedure area shall be wiped down with an EPA registered germicide or sanitizer or a solution of two (2) tablespoons of bleach in one (1) quart of water and the procedure area covered with an uncontaminated paper towel or tray cover. All instruments and supplies needed for the procedure shall then be arranged on the paper.

O. Before piercing, the immediate and surrounding area of the skin which is to be pierced shall be washed with an EPA approved antiseptic solution applied with a clean, single-use paper product. If shaving is necessary, single-use, disposable razors, or safety razors with single service blades shall be used. Following shaving, the skin and surrounding area shall be washed with an EPA-approved antiseptic solution applied with a clean, single-use paper product.

P. Upon completion of the piercing, the body piercer shall review verbal and printed instructions with the patron on the care of the body opening created by the piercing to minimize the likelihood of infection. Aftercare instructions shall specify:

1. Care specific to the site of the piercing;
2. Information regarding tightness to prevent accidental ingestion or imbedding of certain jewelry if appropriate;
3. Restrictions;
4. Signs and symptoms of infection;
5. Instructions to call the body art facility and a physician if infection occurs; and
6. All infections, complications or diseases resulting from any body art procedure which become known to the operator shall be reported to the



Health Department by the operator/technician within twenty-four (24) hours.

**1-15-17 : Branding and Scarification.**

A. The skin of the body art operator/technician shall be free of rash or infection. No person affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infections shall work in any area of a Body Art Establishment in any capacity in which there is a likelihood of contaminating body art equipment, instruments, supplies or working surfaces with body substances or pathogenic organisms.

B. Before the procedure is started, the body art operator/technician shall discuss all topics on the Health Department approved patron information and consent form for the application of a branding or scarification procedure. The patron shall fill out and sign the form. One copy of the form shall be retained by the establishment; the other copy shall be given to the patron upon request. The body art operator/technician must also discuss all aftercare instructions and have the patron initial the box on the consent form to indicate that he or she has received written aftercare instructions.

C. The body art operator/technician shall not smoke, eat or drink at the work station or cleaning area during or between procedures.

D. The body art operator/technician shall thoroughly wash hands and forearms with soap and warm water before and after serving each patron, to prevent cross contamination and/or transmission of body fluids, infection or exposure to service related chemicals or wastes. Following thorough washing, the hands shall be dried using clean, single-use paper towels.

E. The body art operator/technician shall wear new, clean, disposable examination gloves for every patron during the procedure. If a glove is pierced, torn or contaminated by coming into contact with any other person or non-clean surface, both gloves must be properly removed and discarded. Gloves shall be discarded after the completion of each procedure on an individual patron, and hands shall be washed prior to donning a new pair of disposable examination gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable examination gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.

**1-15-18 : Prohibitions.**

A. It is unlawful to perform tattooing, piercing, branding or scarification on any body part of a person under the age of eighteen (18). A federal or state government issued ID shall be presented before any procedure is performed.

B. It is unlawful to perform body art on a person who, in the opinion of the operator/technician, is inebriated or appears to be under the influence of alcohol or drugs.

C. It is unlawful to own, operate, or solicit business as a Body Art Establishment or operator/technician without first obtaining all necessary permits and approvals from the Health Department.

D. It is unlawful to obtain or attempt to obtain any Body Art Establishment or operator/technician permit by means of fraud, misrepresentation, or concealment.

E. It is unlawful for any person to interfere with the Health Department in the performance of its duties.

#### **1-15-19 : Enforcement.**

A. If, after inspection or investigation, the Health Department finds that a permittee, operator/technician, or apprentice is in violation of this chapter, the Health Department may take any action consistent with section 1-1-8.

B. If the Health Department has reasonable cause to suspect that a communicable disease is or may be transmitted by an operator/technician, or apprentice, by use of unapproved or malfunctioning equipment, or by unsanitary or unsafe conditions that may adversely affect the health of the public, upon written notice to the owner or operator/technician, the Public Health Officer do any or all of the following:

1. Issue an order excluding any or all operator/technician, or apprentice from the permitted Body Art Establishment who are responsible, or reasonably appear responsible, for the transmission of a communicable disease until the Health Department determines there is no further risk to public health.
2. Issue an order to immediately suspend the permit of the licensed establishment until the Health Department determines there is no further risk to the public health. Such an order shall state the cause for the action.

#### **1-15-20 : Suspension or Revocation of Permits.**

A. Permits issued under the provisions of this chapter may be suspended temporarily by the Public Health Officer for failure of the holder to comply with the requirements of this chapter.

B. Whenever a permit holder or operator/technician, or apprentice has failed to comply with any notice issued under the provisions of this chapter, the operator/technician, or apprentice must be notified in writing that the permit is, upon service of this notice, immediately

suspended. The notice must also contain a statement informing the permit holder or operator/technician, or apprentice that an opportunity for a hearing will be provided if a written request for a hearing before the Board or an administrative law judge in accordance with section 1-1-9 is filed with the Health Department within ten calendar days.

C. Any person whose permit has been suspended may, at any time, make application for reinstatement of the permit. Within ten calendar days of receipt of a written request, including a statement signed by the applicant that in his or her opinion the conditions causing the suspension have been corrected and submission of the appropriate re-inspection fees, the Health Department shall re-inspect the Body Art Establishment or evaluate documentation provided by an operator/technician. If the applicant is in compliance with the provisions of this chapter, the permit will be reinstated.

D. For repeated or serious (any regulation infraction that threatens the health of the patron or operator/technician) violations of any of the requirements of this chapter or for interference with Health Department personnel in the performance of their duties, a permit may be permanently revoked after a hearing in accordance with section 1-1-9. Before taking such action, the Health Department shall notify the permit holder or operator in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder or operator/technician of the requirements for filing a request for a hearing. A permit may be suspended for cause, pending its revocation or hearing relative thereto.

E. The Public Health Officer may permanently revoke a permit after ten days following service of the notice on the permit holder unless a request for a hearing in accordance with section 1-1-9 is filed with the Health Department.

## Chapter 16

### MASS GATHERINGS

**1-16-1 : UTAH MASS GATHERING RULES:**

**1-16-2 : POTABLE WATER:**

**1-16-3 : TOILETS:**

**1-16-4 : SOLID WASTE DISPOSAL:**

**1-16-5 : EMERGENCY MEDICAL SERVICES:**

**1-16-6 : LIGHTING:**

**1-16-7 : TELEPHONES:**

**1-16-8 : CAMPING:**

**1-16-9 : NOISE:**

**1-16-10 : DUST:**

**1-16-1 : Utah Mass Gathering Rules.**

The provisions of Utah Administrative Rule, Disease Control & Prevention, Environmental Sciences, Mass Gatherings, R392-400, is hereby incorporated in its entirety by reference. The large public assemblies permit set forth in Summit County Code Title 3, Chapter 4 fulfills the requirements of R392-400-7.

**1-16-2 : Potable Water.**

Each mass gathering must provide potable water, meeting all federal and state requirements for purity, sufficient to provide water for the maximum number of people assembled at the rate required by state law.

**1-16-3 : Toilets.**

Each mass gathering must provide enclosed toilets, meeting all state specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate required by state law. All portable toilets shall be serviced and pumped out within forty eight (48) hours of completion of the mass gathering.

**1-16-4 : Solid Waste Disposal.**

Each mass gathering must provide a sanitary method of disposing of solid waste, in compliance with state laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people assembled at the rate of at least two and one-half (2.5) pounds of solid waste per person per day, together with a plan for holding and collecting all such waste at least once each day of the mass gathering and sufficient trash cans with tightfitting lids and personnel to perform the task. All trash and garbage associated with the mass gathering, to include trash and garbage which has been placed on property that is not part of the mass gathering, shall be cleaned up within twenty four (24) hours of the mass gathering. A recycling

plan for the duration of the mass gathering shall also be provided.

**1-16-5 : Emergency Medical Services.**

Each mass gathering must provide for state licensed or certified medical providers, such as emergency medical technicians (EMTs), nurses, physician's assistants or medical doctors, sufficient to provide the medical care for the maximum number of people to be assembled at a rate as required by the health department and local fire district, together with medical supplies and a location, as necessary, to provide care; at least one such medical provider will be required for each mass gathering location. Medical standby requirements may be modified or increased at the discretion of the appropriate local fire district if so authorized by the health department.

**1-16-6 : Lighting.**

If the mass gathering is to continue during hours of darkness, illumination sufficient to light the entire area of the mass gathering at the rate of at least five (5) foot-candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the mass gathering.

**1-16-7 : Telephones.**

Each mass gathering must provide sufficient telecommunications equipment to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each one thousand (1,000) persons.

**1-16-8 : Camping.**

If the mass gathering is to continue overnight, camping facilities in compliance with all federal, state and local requirements sufficient to provide camping accommodations for the maximum number of people to be assembled.

**1-16-9 : Noise.**

If the mass gathering is to use a public address system or sound amplification equipment such as used in the amplification of live or recorded music, the noise levels shall not exceed county or state limits as stated in applicable ordinances, regulations or statutes.

**1-16-10 : Dust.**

Where parking is designated in an unpaved area for a mass gathering, the area shall be watered down in such a way as to mitigate dust.

## Chapter 17

### UNDERGROUND STORAGE TANKS

#### 1-17-1: UTAH UNDERGROUND STORAGE TANKS RULES:

##### **1-17-1: Utah Underground Storage Tanks Rules.**

The provisions of Utah Administrative Rule, Environmental Quality, Environmental Response and Remediation, R311, is hereby incorporated in its entirety by reference.

## Chapter 18

### WOMEN, INFANTS & CHILDREN (WIC) PROGRAM

#### 1-18-1: UTAH WIC RULES:

##### **1-18-1: Utah WIC Rules.**

The provisions of Utah Administrative Rule, Family Health and Preparedness, WIC Services, R406, is hereby incorporated in its entirety by reference.

## Chapter 19

### PUBLIC SCHOOLS

#### 1-19-1: DESIGN, CONSTRUCTION, OPERATION, SANITATION AND SAFETY OF PUBLIC SCHOOLS:

##### **1-19-1: Design, Construction, Operation, Sanitation and Safety of Public Schools.**

The provisions of Utah Administrative Rule, Health, Disease Control and Prevention, R392-200, is hereby incorporated in its entirety by reference.

## Chapter 20

### SANITATION OF RECREATIONAL AREAS

**1-20-1 : RECREATION CAMP SANITATION:**

**1-20-2 RECREATIONAL VEHICLE PARK SANITATION:**

**1-20-3 :ROADWAY REST STOP SANITATION:**

**1-20-1 : Recreation Camp Sanitation.**

The provisions of Utah Administrative Rule, Health, Disease Control and Prevention, R392-300, is hereby incorporated in its entirety by reference.

**1-20-2 : Recreational Vehicle Park Sanitation.**

The provisions of Utah Administrative Rule, Health, Disease Control and Prevention, R392-301, is hereby incorporated in its entirety by reference.

**1-20-3 : Roadway Rest Stop Sanitation.**

The provisions of Utah Administrative Rule, Health, Disease Control and Prevention, R392-401, is hereby incorporated in its entirety by reference.

## Chapter 21

### MOBILE HOME PARKS

**1-21-1: MOBILE HOME PARK SANITATION:**

**1-21-1: Mobile Home Park Sanitation.**

The provisions of Utah Administrative Rule, Health, Disease Control and Prevention, R392-402, is hereby incorporated in its entirety by reference.

## Chapter 22

### TEMPORARY HABITATIONS

**1-22-1 : LABOR CAMP SANITATION:**

**1-22-2 : HOTELS, MOTELS, AND RESORT SANITATION:**

**1-22-1 : Labor Camp Sanitation.**

The provisions of Utah Administrative Rule, Health, Disease Control and Prevention, R392-501, is hereby incorporated in its entirety by reference.

**1-22-2 : Hotels, Motels, and Resort Sanitation.**

The provisions of Utah Administrative Rule, Health, Disease Control and Prevention, R392-502, is hereby incorporated in its entirety by reference.



## Chapter 23

### SOLID WASTE DISPOSAL

**1-23-1 : DUMPING PROHIBITED:**

**1-23-2 : GARBAGE HAULING – COVERING OF VEHICLES:**

**1-23-3 : GARBAGE HAULING – SPILLING ON STREETS OR PREMISE PROHIBITED:**

**1-23-4 : WASTE DISPOSAL—NOTICE AND COMPLIANCE:**

**1-23-5 : ACCUMULATION OF WASTES PROHIBITED:**

**1-23-6 : DEAD ANIMALS—DISPOSAL REGULATIONS:**

**1-23-7 : PLACING ANIMALS IN STREAMS AND RESERVOIRS PROHIBITED:**

**1-23-8 : WIND-BLOWN REFUSE PROHIBITED:**

**1-23-9 : LOOSE TRADE WASTE:**

**1-23-1 : Dumping prohibited.**

It is unlawful for any person, association, corporation, fraternity or religious order, or any group or single person, whether a legal entity or not, to dump, put, place or abandon any cinders, common waste, garbage, market waste, trade waste, organic material, refuse, stove ashes, building materials, machinery, equipment, automobiles, furniture, junk or waste of any nature, or to dump, put, place or deposit upon any private property any of the above items without the consent of the owner; and even though the consent is obtained, if the materials placed upon the property have a tendency to become obnoxious, a nuisance or a danger to the health, welfare, peace or safety, or which annoy the repose of any party, that said property shall be immediately, as soon as physically feasible under the circumstances, covered or conditioned in such a manner as to remove the objectionable features of the materials deposited.

**1-23-2 : Garbage hauling – Covering of vehicles.**

It is unlawful for any person to haul, convey or transport through or upon any of the public streets, any garbage, ashes, market wastes, trade wastes, manure, night soil, loose paper, scrap lumber, excelsior, tree limbs, bush clippings, lawn clippings, house refuse, yard refuse, liquid wastes, or any other refuse materials, in open trucks, open trailers or other open conveyances, unless covered completely with a heavy-duty canvas or other heavy acceptable material at all times when the vehicle is being used for the collection of, or carrying, transporting or hauling of garbage, manure, market waste, night soil, dead animals or other refuse, and is to be driven for a distance of five blocks or more without making a stop.

**1-23-3 : Garbage hauling – Spilling on streets or premise prohibited.**

A. It is unlawful for any person, firm, private or public corporation engaged in the collection and transportation of garbage, trade waste, rubbish or other matter of any kind, to permit, allow or cause any of such matter to fall and remain on any property, place, building, premises, street, road or highway.

B. It shall be the duty of any person, firm or corporation engaged in the collection of garbage, market waste, trade waste, rubbish or matter of any kind to see and insure that all such matter is procured and disposed of by himself, his agents or employees in a manner which shall not be offensive or filthy in relation to any person, place, building, premises, street, road or highway.

**1-23-4 : Waste disposal—Notice and compliance.**

It is unlawful for any person to refuse to remove all garbage, manure, night soil, ashes, dead animals and other refuse and offal to a place designated by the Board of Health within a reasonable time after notice is given by the Board of Health to do so.

**1-23-5 : Accumulation of wastes prohibited.**

A. It is unlawful for any person to allow garbage, ashes, market waste, trade waste, manure, night soil or other refuse to accumulate upon premises under his control, or to fail to remove same within twenty-four hours after notification from the Board of Health to do so.

B. It is unlawful for any person to cause or permit junk, scrap metal, scrap lumber, waste paper products, discarded building materials, or any unused, abandoned vehicles, e-waste, tires, or abandoned parts, machinery or machinery parts, or any appliances or appliance parts, or other waste materials, to be in or upon any yard, garden, lawn, outbuilding or premises in the county, unless in connection with a business enterprise lawfully situated and licensed for the same.

C. It is unlawful for any person to store or leave outside, any unattended or discarded icebox, refrigerator or other container without first removing therefrom any door attached thereto.

**1-23-6 : Dead animals—Disposal regulations.**

A. It is unlawful for the owner or custodian of any animal that dies or is killed to allow such animal or offal to remain:

1. within three hundred (300) feet of any public street, public road, dwelling, or in or on any ditch, canal, or vacant lot, or
2. within one hundred (100) feet of any water course, lake, pond, or spring.

B. It is unlawful for the owner or custodian of any animal that dies or is killed to fail to lawfully dispose of the same in the landfill or by burying the carcass or offal of such animal within forty-eight (48) hours after learning of the death of the animal(s).

C. If the owner or custodian of such dead animal does not remove it or cause it to be properly removed, the Health Department may cause it to be removed and thereupon assess the actual costs of such against the owner or custodian, and may avail itself of all remedies in law and equity to enforce such removal and recover the costs thereof.

D. If the owner or custodian of any animal that dies or is killed cannot be identified, the owner of the property where the dead animal or offal is found is responsible for the disposal of the carcass and any expenses incurred by the Health Department.

E. It is unlawful for any animal by-products dealer to dispose of an animal carcass or offal unless they possess a valid Summit County business license.

F. It is unlawful for any person to bury the carcass or offal of a dead animal within:

1. fifteen hundred (1,500) feet up-gradient or equal in elevation to any spring or shallow well (less than 100 feet in depth), that is being used for culinary water;
2. one hundred (100) feet of any deep well (greater than 100 feet in depth) that is being used for culinary water;
3. One hundred (100) feet of any watercourse, lake, pond, or reservoir; and
4. four (4) feet of the highest level of ground water.

G. No person shall bury a dead animal upon the land of another person without the latter's written consent.

H. Carcasses that are buried must be covered with a minimum of two (2) feet of soil.

I. Any other method of disposal not enumerated herein, must be approved by the Public Health Officer.

**1-23-7 : Placing animals in streams and reservoirs prohibited.**

It is unlawful for any person to throw or deposit any dead animal or fowl, or any live animal or fowl for the purposes of drowning, in any reservoir, canal, creek or other stream or body of water within the county.

**1-23-8 : Wind-blown refuse prohibited.**

It is unlawful to cause or permit to accumulate in the county, except in a covered container, any dust, ashes or trash of such material that it can be blown by the wind.

**1-23-9 : Loose trade waste.**

It is unlawful for any person to place or cause to be placed upon any street or alley, for the purpose of collection or otherwise, any loose paper, excelsior or similar trade waste. All such trade waste must be baled or placed in adequate receptacles for receiving and holding such refuse.

## Chapter 24

### LITTER

**1-24-1 : KEEPING PROPERTY CLEAN:**

**1-24-2 : COMMERCIAL, BUSINESS AND MULTIPLE RESIDENTIAL SOLID WASTE:**

**1-24-3 : LOADING AND UNLOADING OPERATIONS:**

**1-24-4 : PUBLIC WASTE CONTAINERS—PROVISION REQUIRED:**

**1-24-5 : PUBLIC WASTE CONTAINERS—USE REQUIRED:**

**1-24-6 : COMMERCIAL HANDBILLS AND ADVERTISING—RESTRICTIONS:**

**1-24-7 : VEHICLES TRANSPORTING LOOSE MATERIALS:**

**1-24-8 : CONSTRUCTION AND DEMOLITION PROJECT REQUIREMENTS:**

**1-24-1 : Keeping property clean.**

A. It shall be the duty of the owner, agent, occupant or lessee to keep exterior private property free of litter. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped at such locations as fence and wall bases, grassy and planted areas, borders, embankments and other lodging points.

B. Owners, agents, occupants or lessees whose properties face on sidewalks and strips between streets and sidewalks shall be responsible for keeping those sidewalks and strips free of litter.

C. It is unlawful to sweep or push litter from sidewalks and steps into streets. Sidewalk and step sweepings must be picked up and put into household or commercial solid waste containers.

**1-24-2 : Commercial, business and multiple residential solid waste.**

A. Solid waste generated or stored for collection at commercial establishments and institutions, businesses, apartment houses, multiple-dwelling units and public buildings shall be:

1. Kept containerized and covered or enclosed at all times; and
2. Removed at the direction of the owners of such establishments or institutions at least once each week and on such additional occasions as are necessary to prevent nuisance or adverse health conditions.

B. It is unlawful for any owner, manager or employee of a commercial establishment or institution, business, apartment house, multiple-dwelling unit or public building to deposit

solid waste from that establishment or institution in any receptacle maintained on a sidewalk or at any other location for disposal of litter by pedestrians.

**1-24-3 : Loading and unloading operations.**

A. Any owner or occupant of an establishment or institution at which litter is attendant to the packing and unpacking and loading and unloading of materials at exterior locations shall provide suitable containers for the disposal and storage of such litter, and shall make appropriate arrangements for the collection thereof.

B. Further, it shall be the duty of the owner or occupant to remove at the end of each working day any litter that has not been containerized at these locations.

**1-24-4 : Public waste containers—Provision required.**

To facilitate proper disposal of litter by pedestrians and motorists, publicly patronized or used establishments and institutions shall provide, regularly empty, and maintain in good condition, adequate containers that meet standards prescribed in this chapter. The requirement shall be applicable, but not limited to, fast-food outlets, shopping centers, convenience stores, supermarkets, service stations, commercial parking lots, mobile canteens, motels, hospitals, schools and colleges.

**1-24-5 : Public waste containers—Use required.**

It is unlawful for any person to throw, discard, place or deposit litter in any manner or amount on any public or private property within the unincorporated area of the county except in containers or areas lawfully provided therefor.

**1-24-6 : Commercial handbills and advertising—Restrictions.**

It shall be the duty of every person distributing commercial handbills, leaflets, flyers or any other advertising and information material to take whatever measures that may be necessary to keep such materials from littering public or private property.

**1-24-7 : Vehicles transporting loose materials.**

A. It is unlawful for any person, firm, corporation, institution or organization to transport any loose cargo by truck or other motor vehicle within the unincorporated area of the county unless the cargo is covered and secured in compliance with this chapter as to prevent depositing of litter on public and private property.

B. The duty and responsibility imposed by subsection A of this section shall be applicable alike to the owner of the truck or other vehicle and the operator thereof.

**1-24-8 : Construction and demolition project requirements.**

A. It is unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit or allow to be caused, maintained or permitted the accumulation of any litter on the site before, during or after completion of the construction or demolition project.

B. It shall be the duty of the owner, agent or contractor to have on the site adequate containers for the disposal of litter and to make appropriate arrangements for the collection thereof or for transport by himself to an authorized facility for final disposition.

C. The owner, agent or contractor may be required by an Enforcement Official to show proof of appropriate collection or, if transported by himself, of final disposition at an authorized facility.

## Chapter 25

### COSMETOLOGY

#### **1-25-1 : CONSTRUCTION AND OPERATION REQUIREMENTS FOR COSMETOLOGY FACILITIES AND TEMPORARY COSMETOLOGY FACILITIES:**

#### **1-25-2 : CLEANING AND MAINTENANCE REQUIREMENTS FOR COSMETOLOGY FACILITIES AND TEMPORARY COSMETOLOGY FACILITIES:**

#### **1-25-3 : COSMETOLOGISTS AND PATRONS:**

##### **1-25-1 : Construction and Operation Requirements for Cosmetology Facilities and Temporary Cosmetology Facilities.**

- A. Cosmetologists shall not practice cosmetology in rooms which they regularly use for eating, cooking, or sleeping.
- B. The surfaces on the walls and floors of a cosmetology facility shall be impervious, easily cleanable, maintained, clean, and in good repair.
- C. Each cosmetology facility and temporary cosmetology facility shall be equipped with hot and cold running water, and plumbing fixtures shall be properly installed and maintained in compliance with the applicable plumbing code.
- D. Each cosmetology facility and temporary cosmetology facility shall have a toilet and a hand-washing sink with hot and cold water accessible to patrons and provided with hand soap and single use towels. The toilet and hand washing facilities shall be thoroughly cleaned each day the facility is in operation and kept in compliance with applicable state and local regulations. A hand-washing facility shall be easily accessible to all personal service stations.
- E. Shampoo basins and pedicure foot baths shall be designed to protect the water supply and circulation system from contamination due to back siphonage, and used in a manner which does not create a cross connection.
- F. A cosmetology facility located in a residence shall have one dedicated restroom facility for the exclusive use of patrons and cosmetologists during business hours. The restroom facility shall have a hand washing sink with hot and cold running water, liquid hand soap, and single use towels. The surfaces in the restroom shall be impervious, easily cleanable, in good repair, and maintained at least daily. Access to the restroom shall not be through the cosmetologist's bedroom.
- G. Each cosmetology facility and temporary cosmetology facility shall be equipped

with a closed cabinet or container for clean instruments, towels, and linens. The cabinet or container shall be constructed of impervious material.

H. Soiled towels and linens shall be placed in closed containers after use on each patron.

I. Adequate waste containers shall be provided for the storage of solid waste. The storage, transport, and disposal of solid waste shall comply with applicable laws.

J. Puncture proof containers shall be provided and used for storage and discarding of all sharps. The container shall be properly marked as BIO-HAZARD or INFECTIOUS WASTE.

K. Reusable instruments shall be completely immersed in liquid disinfectant before use on a new patron.

L. All areas of the cosmetology facility and temporary cosmetology facility shall be provided with adequate ventilation. Areas where personal service stations are located shall be ventilated with at least 6 changes of air per hour.

M. Areas where personal service stations are located shall be illuminated to provide at least 30 foot-candles of illumination. Other rooms of the cosmetology facility shall be capable of being illuminated sufficiently to allow proper cleaning and sanitizing.

N. A sufficient supply of clean brushes, combs, neck strips, and disinfectant shall be available to the cosmetologist at all times. Reuse of lather mugs and brushes, powder puffs, and sponges are prohibited.



**1-25-2 : Cleaning and Maintenance Requirements for Cosmetology Facilities and Temporary Cosmetology Facilities.**

A. All tables, counters, equipment, chairs, and other surfaces in the cosmetology facility shall be constructed of smooth, easily cleanable materials and shall be kept clean and in good repair.

B. Equipment, tools, instruments, and appliances used for cosmetology shall be cleaned and disinfected prior to use on each patron according to one of the following approved methods:

1. Dry heat and temperature of 338° Fahrenheit (170° Celsius) for at least one hour;
2. Sodium Hypochlorite solution of 200 parts per million of chlorine for at least two minutes;
3. Formalin in 10% solution for at least 20 minutes;
4. Quaternary ammonium solutions of 1,000 parts per million for 10 minutes;
5. 70 percent solution of alcohol for 20 minutes;
6. Boiling water at 212° Fahrenheit (100° Celsius) for 15 minutes;
7. Steam sterilization at 15 pounds (one atmosphere) pressure at 248° Fahrenheit (120° Celsius) for 30 minutes;
8. Germicidal oils or sprays for clipper heads; or
9. Any method approved by the County Health Officer.

C. Disinfection solutions shall be maintained free from excessive amounts of sediment, and changed according to manufacturer's specification.

D. Containers, drawers, and cabinets used for the storage of supplies, clean linens, and disinfected equipment shall be kept clean and sanitary at all times.

E. Each cosmetology facility and temporary cosmetology facility shall have an adequate supply of clean towels and linens which shall be laundered after each patron. All clean towels and linen shall be stored in a closed container. Towels, linens, or equipment contaminated with blood shall be discarded, or washed and sanitized before re-use.

F. If capes are not washed between patron use, single use neck strips or clean towels

shall be placed around the patron's neck while cutting, clipping, or shaving their hair. Hair cloths and capes shall be clean and in good repair at all times.

G. All single use items including, but not limited to, emery boards, makeup applicators, and permanent wave end papers shall be discarded immediately after use on a patron.

H. Hair clippings shall be removed and properly disposed of after each haircut.

I. Hairpieces shall be sanitized and handled in the following way:

1. A patron's head shall be covered with a protective cap prior to placement of any hairpiece. Single-use protective caps shall be discarded after each use. Reusable protective caps shall be cleaned and sanitized prior to reuse.
2. All hairpieces or wigs on display or available for sale, demonstration, loan, or rent, shall be maintained clean and sanitary.
3. Storage containers shall be provided for soiled hairpieces or wigs.

### **1-25-3 : Cosmetologists and Patrons.**

A. Owners and operators of a business which employs persons to perform cosmetology, either as employees or private contractors shall ensure that such persons are licensed to perform cosmetology by the Utah Division of Occupational and Professional Licensing.

B. All cosmetologists shall wear clean outer garments while performing cosmetology. All cosmetologists shall maintain a high degree of personal cleanliness, and conform to good hygienic practices while on duty in a cosmetology facility.

C. Cosmetologists shall wash their hands immediately after using the restroom, smoking, or eating and before engaging in cosmetology on a patron.

D. Combs and other instruments used for cosmetology shall not be placed or carried in the pockets of the cosmetologist.

E. Cosmetologists may deny service to patrons afflicted with impetigo, barber's itch, pediculosis (lice and nits), or tinea fungi (ringworm) or any other suspected contagious condition.

F. Cosmetologists shall not remove or attempt to remove a wart or mole or treat any disease of a patron.

- G. Cosmetologists shall not perform cosmetology if they have a contagious disease.
- H. A predisposition test shall be given to a patron before the application of an aniline derivative tint.
- I. The owner or operator shall report to the County Health Officer any case of disease, dermatitis, or serious injury that [occurs as a result of a cosmetology service provided in their facility.
- J. Styptic pencil or lump alum shall not be used to stop the flow of blood. Liquid or powdered astringent may be used to stop the flow of blood and shall be applied with a clean spatula, single-use gauze, or cotton.
- K. Talc and cosmetic powders shall be dispensed in a manner that does not create cross contamination.
- L. If used, creams and ointments shall be dispensed from containers with clean reusable, or single use instruments. Creams and ointments shall be stored in closed containers.
- M. The owner or operator of a cosmetology facility shall not allow any dog or cat in the facility except for service animals.

## Chapter 26

### MASSAGE FACILITIES

#### 1-26-1 : CONSTRUCTION AND OPERATION REQUIREMENTS FOR MASSAGE FACILITIES

#### 1-26-2 : OWNERS, OPERATORS, MASSAGE THERAPISTS, AND PATRONS

##### **1-26-1 : Construction and Operation Requirements for Massage Facilities.**

Unless otherwise ordered or approved by the Health Department, each facility shall be constructed, operated, and maintained to meet the following minimum requirements:

#### **A. Physical Facilities.**

1. Each massage facility and temporary massage facility shall have a toilet and a hand-washing sink with hot and cold water accessible to patrons provided with soap and single-use towels. The toilet and hand-washing facilities shall be thoroughly cleaned each day the establishment is in operation and kept in compliance with applicable state and local regulations.
2. A massage facility and temporary massage facility located in a dwelling shall have one dedicated restroom facility for the use of patrons and operators during business hours. Access to the restroom shall not be through the massage therapist's bedroom.
3. The floors and walls in the toilet and hand-washing areas must be constructed of smooth, non absorbent material.
4. A massage facility or temporary massage facility located in a dwelling shall not be in the massage therapist's bedroom. Access to the massage facility or a temporary massage facility shall not be through the massage therapist's bedroom.
5. All rooms of a massage facility or temporary massage facility shall be capable of being illuminated to allow for proper cleaning and sanitizing.
6. No room used for performing massage shall be used for eating, cooking, or sleeping by the massage therapist.

#### **B. Cleaning and Maintenance.**

1. All tables, counters, equipment, chairs, carpeting, and other surfaces in the massage facility and temporary massage facility shall be kept clean and in

good repair.

2. Sanitization shall be carried out using U.S. Environmental Protection Agency (U.S. E.P.A.) registered sanitizer and in accordance with the U.S. E.P.A. approved label.
3. At the request of the patron, sanitizer and instructions on the proper use of such shall be provided by the operator.
4. Each massage facility and temporary massage facility shall have an adequate supply of clean towels and linens which shall be changed after each patron. All clean towels and linens shall be stored in a closed container.
5. Soiled towels and linens shall be placed in closed containers.
6. Oils, creams, lotions, or other preparations shall be sanitary and stored in clean, closed containers.
7. Only single use applicators or spouts that preclude contamination of the contents shall be used for the dispensing of oils, creams, lotions, or other preparations.

**1-26-2 : Owners, Operators, Massage Therapists, and Patrons.**

A. Owners and operators of a business which employs individuals to perform massage, either as employees or private contractors shall ensure that such individuals are licensed to perform massage by the Utah Division of Occupational and Professional Licensing.

B. All massage therapists shall conform to good hygienic practices while on duty in a massage facility.

C. Massage therapists shall wash their hands thoroughly before and after performing each massage.

D. No massage therapist shall administer a massage or give treatment if they know or should know that they have any disease capable of being transmitted to another individual.

E. If the County Health Officer has reasonable suspicion that a disease has been transmitted by a massage therapist in the course of performing massage, the County Health Officer shall make investigation or examination as appropriate and take action as needed to protect and preserve the public health. In addition to other legal remedies, such action may include, but is not limited to:

1. Exclusion of the employee or patron from the massage facility; or

2. The immediate closure of the facility.

F. The County Health Officer may require medical testing or examinations if a contagious disease is suspected of being transmitted by a massage therapist.

G. Massage therapists with an open wound, cut, sore, burn, or other skin injury capable of coming into contact with a client's skin shall not practice massage without covering the wound, cut, sore, burn or skin injury with a suitable physical barrier such as a finger cot or a latex glove.

H. Massage therapists may deny service to patrons with skin diseases or other conditions posing public health concerns.

## Chapter 27

### KENNEL SANITATION AND GROOMING FACILITIES

#### **1-27-1 : GENERAL:**

#### **1-27-2 : BEDDING:**

#### **1-27-3 : CLEANING:**

#### **1-27-4 : FOOD AND FEEDING:**

#### **1-27-5 : DRINKING WATER:**

#### **1-27-6 : ANIMAL CARE:**

#### **1-27-1 : General.**

A. All parts of a kennel and/or grooming facility shall be maintained clean and in good repair.

B. Noise beyond the property line of any kennel and/or groomery facility shall not exceed legal limits set forth in Summit County Code, Title 5, Chapter 3. The Health Department may require an animal to be enclosed in a building between the hours of 10:00 pm and 7:00 am the following day if there are repeated violations of the noise regulations.

#### **1-26-2 : Bedding.**

Materials that absorb moisture shall be replaced as needed and the areas underneath such materials shall be cleaned and disinfected daily.

#### **1-26-3 : Cleaning.**

A. Towels or rugs used in bathing or cage areas shall be kept clean and sanitary.

B. Prior to the introduction of an animal into any cage or run previously occupied by another animal, such cage or run shall be cleaned and disinfected.

#### **1-26-4 : Food and Feeding.**

All feeding receptacles shall be routinely cleaned to prevent the transmission of disease.

#### **1-26-5 : Drinking Water.**

Animals within cages or runs shall have drinking water available at all times.

#### **1-26-6 : Animal Care.**

Animals at a kennel and/or grooming facility shall be observed daily by the care taker. Sick or diseased animals shall be properly isolated from other animals and the public and provided with proper veterinary care. When a care taker suspects an animal of being rabid, he or she shall immediately notify Summit County Animal Control and the Health Department.

## Chapter 28

### PUBLIC LODGING

#### **1-28-1 : DESIGN OF WATER SYSTEM FACILITIES:: WASTE WATER DISPOSAL:**

#### **1-28-2 : REQUIREMENTS FOR VENTILATION, HEATING, ELECTRICAL, LIGHTING, AND PLUMBING:**

#### **1-28-3 : STRUCTURAL AND SAFETY REQUIREMENTS:**

#### **1-28-4 : OPERATION AND MAINTENANCE:**

#### **1-28-5 : CLOSING SUBSTANDARD PUBLIC LODGING UNITS:**

#### **1-28-1 : Design of Water System Facilities.**

A. The design of water system facilities shall be based on the supplier's engineer's estimate of water demands, but shall in no case be less than the following:

1. Source Capacity – 150 gallons per day per public lodging unit, not including water demands for fire protection.
2. Storage Volume – 74 gallons per public lodging unit, not including water demands for fire protection.
3. Any potable system or portion thereof that is drained seasonally must be cleaned, flushed, and disinfected prior to use. Furthermore, a water sample of satisfactory bacteriological quality, i.e., a sample showing not more than one coliform bacteria per 100 ml. sample must be obtained before being placed into service.
4. Systems operated on a seasonal basis may be required to sample for bacteriologic analysis at an accelerated frequency as determined by the County Health Officer.

#### **1-28-2 : Waste Water Disposal.**

All wastewater shall be discharged to a public sewer system where accessible or an approved wastewater system in accordance with Utah Administrative Code, R317

#### **1-28-3 : Requirements for Ventilation, Heating, Electrical, Lighting, and Plumbing.**

A. Ventilation. Every bathroom shall have at least one window facing directly outdoors that can be opened easily or have a mechanical device that ventilates the room to the outside.

B. Heating Equipment. Every public lodging unit shall have heating equipment and appurtenances, or be serviced by a common system that are properly installed and are maintained in a safe and working condition. The equipment and appurtenances shall be capable of safely heating all habitable spaces and the bathroom of every public lodging unit to a temperature of at least 68° F at a distance of 3 feet above floor level. If the temperature is controlled by a person



other than the occupant, a temperature of at least 68° F at a distance of 3 feet above floor level in the rooms shall be maintained without overheating any of the rooms.

C. Heating Equipment Installation and Maintenance. No operator, agent, or other person shall install, operate, or use a heating device, or hot water heating unit producing heat by combustion that is not vented to the outside of the structure in an approved way, and is not supplied with sufficient air to continuously and adequately support fuel combustion, or has been deemed unsafe and/or red tagged by the servicing utility. All heating devices shall be constructed, installed, and operated in accordance with applicable building, boiler, and utility codes.

D. Electrical Service and Maintenance. Every public lodging unit and all common areas shall be supplied with electrical service. All outlets, wirings, circuit panels, and fixtures shall be properly installed and maintained in good and safe working condition in accordance with the applicable electrical code.

E. Lighting of Common Entryways, Halls, and Stairways. Every common entryway, hall, and stairway in every public lodging facility shall be lighted at all times to provide in all parts at least ten foot-candles of light at floor or tread level. This requirement does not preclude the use of on-demand lighting.

F. Installation and Maintenance of Plumbing Fixtures, Water Pipes, and Waste Pipes. Every plumbing fixture, waste pipe, water pipe, and appurtenance shall be properly constructed, installed, and maintained in accordance with the plumbing code adopted by Utah Administrative Code, R156-56-701.

G. Water Heating Facilities. Every public lodging unit shall have water heating facilities that are properly installed, maintained, and capable of providing hot water at every sink, bathtub, and shower.

H. Bathroom and Restroom Facilities.

1. If plumbing fixtures are not included in each guest unit, the operator shall make common-use facilities available to public lodging occupants as required in the following TABLE 1.

TABLE 1: Plumbing Fixtures for Common Facilities

**Ratio Plumbing Fixtures For  
Public Lodging Occupants:**

Toilets	1:10
Sinks	1:12
Shower/Bath	1:8

2. The operator of a public lodging facility shall keep public restrooms supplied with individual use personal hygiene products including soap, hand drying materials or equipment, and toilet tissue. Each restroom

shall have at least one covered waste receptacle.

3. The operator or agent of a public lodging facility shall supply each guest bathroom or shower room with soap, toilet paper, and clean individual use towels daily upon request and between occupant use.
4. The operator of a public lodging facility shall ensure that bathroom and restroom plumbing fixtures are maintained in a clean and sanitary condition.

#### **1-28-4 : Structural and Safety Requirements.**

A. **Building Structural Requirements.** Every foundation, chimney, floor, exterior and interior wall, ceiling, and roof of all public lodging units shall be weather and water-tight, rodentproof, and in good repair. All stairs and railings shall be properly installed and maintained in good repair.

B. **Interior Finishes.** Interior surfaces shall be clean and in good repair. Every public lodging unit bathroom and kitchen wall, and ceiling surface shall be constructed and maintained reasonably impervious to water. Floor surfaces within two feet of the toilet shall be smooth and easily cleanable.

C. **Windows and Doors.** Every window, skylight, outer door, basement hatchway, and other exterior openings shall have operating locks and shall be weathertight, rodentproof, and kept in good repair. At least one entry door to the dwelling unit shall have a lock that is operable from the exterior. All openable windows shall have screens which are properly installed and maintained.

D. **Exits.** Every public lodging unit shall have unobstructed means of exit leading to safe and open space at ground level.

E. **Smoke Detectors and Fire Extinguishers.** Smoke detectors shall be properly installed and maintained; and where fire extinguishers are required by the applicable fire code, they shall be properly installed and maintained.

F. **Carbon Monoxide Detectors.** Beginning January 1, 2015, all owners of public lodging units shall install and maintain according to the manufacturers specifications at least one U.L. approved carbon monoxide detector in each unit containing a fuel burning appliance such as a furnace, water heater, or stove.

### **1-28-5 : Operation and Maintenance.**

A. In open bay type sleeping areas, the operator shall separate beds by a horizontal distance of at least 5 feet, reducible to 3 feet, if beds are alternated head to foot, except in case of double deck bunks, which shall have a minimum horizontal separation of 6 feet under all circumstances. If permanent partitions are installed that preclude face to face exposure between beds, spacing requirements may be modified to a minimum separation distance of three feet between adjacent beds separated by a permanent partition upon approval of the County Health Officer.

B. Each bed, bunk, cot, or sleeping facility for use by occupants shall be maintained in a sanitary condition. Mattresses, mattress covers, quilts, blankets, pillows, pillowcases, sheets, comforters, and other bedding shall be kept clean and in good repair. Pillows shall have pillowcases and sheets shall be large enough to cover the top and all four sides of mattresses. Bedding shall be replaced with clean linen at least weekly and in between occupant use.

C. All eating and drinking utensils for use by guests in rooms shall be either single service or washed, rinsed, and sanitized in a manner prescribed in this Code and protected from subsequent contamination. All appliances including but not limited to coffee makers, microwaves, and refrigerators shall be clean and sanitized between occupant use.

D. All food services including the dispensing of ice shall comply with the requirements of this Code. The operator shall ensure that all ice machines intended for guest use and serving in excess of eleven (11) guests are designed for automatic dispensing.

E. The operator shall maintain all buildings, rooms, equipment, and surrounding grounds in a clean and safe condition.

F. The operator shall employ all necessary means to safely eliminate and control the presence of insects and rodents on the premises of any public lodging facility.

G. Utah Indoor Clean Air Act. All public lodging facilities shall comply with the Utah Indoor Clean Air Act and Utah Administrative Code, R392-510.

H. Laundry Facilities. The public lodging facility operator shall be responsible for the clean and sanitary maintenance and storage of all supplied linen and bedding.

I. Swimming Pools. Pools available to occupants of public lodging facilities shall comply with this Code.

J. Solid Waste. Solid waste generated at public lodging facilities shall be stored in \_\_\_\_\_

sanitary watertight containers with lids. The containers shall be conveniently located, and the contents shall be disposed in a manner permitted by state or local law.

**1-28-6 : Closing Substandard Public Lodging Units.**

A. A public lodging facility or unit which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates or may create a hazard to the health or safety of the occupants or of the public may be deemed unfit for human occupation and closed until all violations have been abated. Lack of electricity, illumination, ventilation, sanitation facilities adequate to protect the health or safety of the occupants, potable water, heating facilities during cold weather, or sewer service may be considered prima facie evidence of a health or safety hazard sufficient to require closure.

B. It shall be unlawful for any person to occupy any public lodging facility or unit that has been deemed unfit for human habitation until written approval of the County Health Officer is given.

## Chapter 29

### INFECTIOUS MEDICAL WASTE

**1-29-1 : INFECTIOUS MEDICAL WASTE STORAGE AND CONTAINMENT:**

**1-29-2 : DECONTAMINATION OF REUSABLE CONTAINERS:**

**1-29-3 : PROCESSING, TREATMENT, AND DISPOSAL OF INFECTIOUS MEDICAL WASTE:**

**1-29-4 : REQUIREMENTS PERTAINING TO INFECTIOUS MEDICAL WASTE HAULERS:**

**1-29-1 : Infectious Medical Waste Storage and Containment.**

- A. Infectious medical waste shall be contained in a manner that prevents unsupervised or unauthorized access to the material.
- B. Infectious medical waste containers shall be leakproof, have tight-fitting covers, and be kept clean and in good repair.
- C. Infectious medical waste shall be prevented from providing a breeding place or food source for insects, rodents, or other vectors nor shall it cause any other nuisance or public health hazard. All containers of infectious medical waste shall be stored in a manner that minimizes odors and is not in or near patient areas or food storage or preparation areas.
- D. Medical sharps, including but not limited to syringes and needles, capable of causing skin puncture shall be contained for disposal as infectious medical waste in metal or rigid plastic puncture resistant containers, equipped with tight fitting lids, completely enclosed and capable of preventing contact and spillage.
- E. Infectious medical waste, except for sharps capable of puncturing or cutting, shall be contained in disposable plastic bags that are impervious to moisture and that have a minimum thickness of 3.0 mills, or equivalent tensile strength. The bags and containers shall be securely tied or sealed to prevent leakage during storage, handling, or transport.
- F. All bags and containers used for containment and disposal of infectious medical waste shall be red in color or, if another color, conspicuously labeled with the words "INFECTIOUS WASTE," "BIOHAZARD," or with the international infectious waste symbol.
- G. Areas in which infectious medical waste is stored shall be labeled with the words "INFECTIOUS WASTE," "BIOHAZARD," or with the international infectious waste symbol.
- H. All generators of infectious medical waste shall have and provide for their employees a written plan that includes: the type of waste handled as infectious medical waste; the treatment, storage, and disposal procedures employed by the generator; the procedures to be followed if any person comes in contact with infectious medical waste; and the safety procedures

all employees will follow related to handling infectious medical waste. The plan shall be kept on file and available to the Health Department on request and the Health Department may verify that all employees are properly trained. The employer shall review and update the plan annually or more often if necessary.

I. Reusable pails, drums, dumpsters, or bins used for containment of infectious medical waste shall not be otherwise used unless properly decontaminated.

J. Infectious medical waste contained in disposable containers shall be placed for storage in disposable or reusable pails, cartons, drums, dumpsters, or portable bins.

### **1-29-2 : Decontamination of Reusable Containers.**

Surfaces of reusable storage containers contaminated by infectious waste shall be thoroughly washed and decontaminated after being emptied and before each reuse by one of the following methods:

A. By exposure to hot water of at least 180 degrees Fahrenheit (82 degrees Celsius) for a minimum of 15 seconds; or

B. By exposure to a chemical sanitizer by rinsing with or immersion in one of the following for a minimum of three minutes:

1. Hypochlorite solution (500 milligrams per liter available chlorine);
2. Phenol solution (500 milligrams per liter active agent);
3. Iodoform solution (100 milligrams per liter available iodine);
4. Quaternary ammonium solution (400 milligrams per liter active agent).

C. Other methods approved by the County Health Officer.

### **1-29-3 : Processing, Treatment, and Disposal of Infectious Medical Waste.**

A. Grinders shall not be used to process infectious medical waste until after the waste has been rendered non-infectious. Infectious medical waste in bags or other disposal containers shall not be subject to compaction by any compacting device and shall not be placed in a portable or mobile trash compactor for storage or transporting.

B. Unless landfilling is the only available alternative, infectious medical wastes consisting of recognizable human anatomical remains and fetal remains shall be disposed by incineration, at a crematory, or internment at a cemetery.

C. Unless otherwise approved by the County Health Officer, treatment of infectious waste shall be by one of the following methods:

1. By incineration in a controlled air multi-chambered incinerator that meets, at a minimum, the Air Quality standards and residence times established by the State of Utah and that provides complete combustion of the waste to carbonized or mineralized ash. Listed or characteristic hazardous wastes shall not be incinerated in an infectious medical waste incinerator unless such incinerator is also permitted as a hazardous waste incinerator. Radioactive waste shall only be disposed of at a facility approved for radioactive waste disposal. Infectious medical waste ash may be disposed of as non-infectious solid waste provided it is otherwise non-hazardous.
2. By heat sterilization in a steam sterilizer or by another sterilization technique approved by the County Health Officer that renders the waste non-infectious. Minimum operating procedures for steam sterilizers shall include:
  - (a) Adoption of standard written operating procedures for each steam sterilizer including time, temperature, pressure, type of waste, type of containers, closure on containers, pattern of loading, water content, and maximum load quantity;
  - (b) Attainment of a temperature of 250 degrees Fahrenheit (121 degrees Celsius) for one-half hour or longer, depending on quantity and compaction of the load, in order to achieve sterilization of the entire load. A check of recording and or indicating thermometers shall be made during each complete cycle to ensure the required temperature attainment. Thermometers shall be calibrated at least annually or more frequently if needed;
  - (c) Use of heat sensitive tape or other device for each container that is processed to indicate the attainment of adequate sterilization conditions; and
  - (d) Use of the biological indicator, *Bacillus stearothermophilus* placed at the center of a load at least once a month, to confirm the attainment of adequate sterilization conditions.
3. Unless otherwise approved by the Director, disposal of infectious medical waste shall be by one of the following methods:
  - (a) By burial at a landfill approved to accept infectious medical waste, provided the waste is buried immediately with cover material or non- infectious solid waste prior to compaction to ensure that equipment and persons are not contaminated by subsequent compaction and covering operation.

(b) By discharge to a sewer system approved by the County Health Officer if the infectious medical waste is liquid and provided the waste will not remain viable in the sewer system.

4. Trash chutes shall not be used to transfer infectious medical waste.

**1-29-4 : Requirements Pertaining to Infectious Medical Waste Haulers.**

A. Each side of the infectious medical waste collection and transportation vehicle shall be identified with a permanently affixed and conspicuously displayed rectangular sign or decal measuring at least 9.8 by 13.8 inches in size with red labeling on a white background stating “INFECTIOUS WASTE” or “BIOHAZARD” accompanied by the international biohazard symbol.

B. Infectious medical waste may be transported only to a solid waste management facility approved to process or dispose of infectious medical waste.

C. Infectious medical waste shall be transported in a leakproof, fully enclosed container or vehicle compartment.

D. Quantities of more than 100 pounds of infectious medical waste shall not be transported in the same vehicle with other solid waste unless the infectious medical waste is separately contained in rigid reusable containers, kept separate by barriers from the other waste, or unless all the waste is to be treated or disposed of as infectious medical waste in accordance with this Code.

E. Infectious medical waste shall not be unloaded and reloaded or transferred to another vehicle unless the loading and unloading has been approved by the Health Department or the unloading is done at an infectious medical waste transfer station permitted under local, state and federal law. Such facility shall keep the infectious medical waste in a secured area separate from other wastes. If the infectious medical waste is to be stored for longer than three hours following unloading at the facility, such storage shall be in a refrigerated unit capable of cooling and maintaining the medical waste at or below a temperature of 32 degrees Fahrenheit.

F. Employers of persons engaged in manually loading and/or unloading containers of infectious medical waste on or from transport vehicles shall provide and require the wearing of protective gloves, coveralls, and, if necessary, face shields and respirators. Soiled protective clothing shall be decontaminated or properly disposed of in accordance with this Code.

G. Surfaces of transport vehicles that have come into contact with infectious medical waste shall be decontaminated.



## Chapter 30

### DEMOLITION OF BUILDINGS AND STRUCTURES

#### **1-30-1: INSPECTION AND REMOVAL PRIOR TO DEMOLITION:**

#### **1-30-2: ADVANCED NOTICE:**

##### **1-30-1 : Inspection and Removal Prior to Demolition.**

No person shall demolish any building, dwelling or structure without first having an inspection and then removing all asbestos-containing material, mercury thermostats, mercury vapor fluorescent lights, fluorescent lighting fixtures with transformers containing polychlorinated biphenyls, refrigeration units containing chlorofluorocarbons and drums or containers of hazardous or radioactive waste from the building, dwelling or structure. All material, fixtures, items, containers and waste listed in this section shall be disposed of at a facility approved to accept such waste for disposal or recycling.

##### **1-30-2 : Advanced Notice.**

Building departments in Summit County and all of its Municipalities shall provide advanced notice to the Health Department of demolition prior to the issuance of any county or municipal demolition permit.