

No persons shall commence construction unless the required plans have been approved. It shall be the full responsibility of the applicant that construction is done in conformance with the approved plans and specifications.

Plan Review Timeframes effective March 1 , 2023

To ensure a comprehensive review and stay consistent with A.R.S. 11-1605, Pima County Administrative Procedure 3-32, and State Food Code 9-8-108 timeframes for plan review, the following timeframes will be implemented. Time frames begin the business day after all applicable fees are paid.

Administrative Procedure 3-32 (B) (for overall time frame) :

License	Overall Time Frame	Administrative Completeness Review	Substantive Review
Food Establishment License	60 days	30 days	30 days
Request for Variance	90 days	30 days	60 days
Plans and Specifications Approval for Food Establishments	90 days	30 days	60 days
Approval of HACCP Plan	90 days	30 days	60 days
Plans and Specifications Approval for Non-food Establishments	60 days	30 days	30 days
Non-food Establishments	60 days	30 days	30 days
Annual License	30 days	Not applicable	Not applicable

Pima County Code 8.04.060 Certificate of approval to construct.

If plans and specifications submitted to the department comply with the requirements of this title, the health officer will issue a certificate of approval to construct. If construction is not completed within one year after the date of issue, the certificate of approval to construct is void, unless a written extension of time is granted by the health officer.

Pima County Code 8.04.100 Extension of certificate of approval to construct.

A regulated establishment may request a six-month extension of the certificate of approval to construct by submitting a written request to the department together with the appropriate fee. Additional six-month extensions may be requested in the same manner. The department may deny an extension if the plans no longer comply with the health code.

Plan Review Policy

Approval of these plans and specifications by this Regulatory Authority does not indicate compliance with any other code, law or regulation that may be required--federal, state, or local. It further does not constitute endorsement or acceptance of the completed establishment (structure or equipment). A pre-opening inspection and final inspection of the establishment with equipment in place and operating will be necessary to determine if it complies with Pima County Code governing establishments.

Approval of a permit by this Department does not indicate compliance with any other code, law, or regulation that may be required - federal, state, or local. In order to ensure compliance with local mechanical and building codes, obtain a Certificate-of-Occupancy "C-of-O" from the local municipality or "Green Tag" from the local fire department, if required.

A "grandfather" clause or provision is not provided for in Pima County Code. All establishments under new ownership, newly built, or remodeled shall meet current construction, equipment, facility, and operational regulations as adopted and provided for in the Pima County Code, guidelines, and procedures, and policy statements. A permit shall not be issued to a facility for which a permit is required, and shall not be allowed to operate until the applicant demonstrates to the Department full compliance with applicable provisions of the Pima County Code. Any construction, alteration, or addition shall be made in accordance with specifications approved by the Department. The owner, operator, or authorized agent shall certify in writing that the establishment will comply with these regulations. On-site inspections of the facilities and premises with equipment in place and operating will be necessary to determine compliance with Pima County Code.

Delivery of Inspection Reports

Pursuant to A.R.S. § 11-1603, the Department may enter your establishment to conduct inspections. You have the right to receive a copy of the Department's inspection report at the time of the inspection, within thirty (30) days after the inspection, or as otherwise provided by federal law. By selecting "I consent to the agreements" on the application, I agree that the Department may send me a copy of its inspection report by e-mail or by facsimile transmission to the e-mail or fax number provided under the Business Ownership Information provided in the application. It is the responsibility of the applicant to update the Department if there is a change in contact information.

ARS § 11-1604. Prohibited acts by county and employees; enforcement; notice

A county shall not base a licensing decision on whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or delegation agreement. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.

Unless specifically authorized, a county shall avoid duplication of other laws that do not enhance regulatory clarity and

shall avoid dual permitting to the maximum extent practicable.

This section does not prohibit county flexibility to issue licenses or adopt ordinances or codes.

A county shall not request or initiate discussions with a person about waiving that person's rights.

This section may be enforced in a private civil action and relief may be awarded against a county. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a county for a violation of this section.

A county employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the county's adopted personnel policy.

This section does not abrogate the immunity provided by section 12-820.1 or 12-820.02.

ARS §41-1080. Licensing eligibility; authorized presence; documentation; applicability; definitions

A. Subject to subsections C and D of this section, an agency or political subdivision of this state shall not issue a license to an individual if the individual does not provide documentation of citizenship or alien status by presenting any of the following documents to the agency or political subdivision indicating that the individual's presence in the United States is authorized under federal law:

1. An Arizona driver license issued after 1996 or an Arizona nonoperating identification license.
2. A driver license issued by a state that verifies lawful presence in the United States.
3. A birth certificate or delayed birth certificate issued in any state, territory or possession of the United States.
4. A United States certificate of birth abroad.
5. A United States passport.
6. A foreign passport with a United States visa.
7. An I-94 form with a photograph.
8. A United States citizenship and immigration services employment authorization document or refugee travel document.
9. A United States certificate of naturalization.
10. A United States certificate of citizenship.
11. A tribal certificate of Indian blood.

12. A tribal or bureau of Indian affairs affidavit of birth.

13. Any other license that is issued by the federal government, any other state government, an agency of this state or a political subdivision of this state that requires proof of citizenship or lawful alien status before issuing the license.

B. This section does not apply to an individual if either:

1. Both of the following apply:

(a) The individual is a citizen of a foreign country or, if at the time of application, the individual resides in a foreign country.

(b) The benefits that are related to the license do not require the individual to be present in the United States in order to receive those benefits.

2. All of the following apply:

(a) The individual is a resident of another state.

(b) The individual holds an equivalent license in that other state and the equivalent license is of the same type being sought in this state.

(c) The individual seeks the Arizona license to comply with this state's licensing laws and not to establish residency in this state.

C. If, pursuant to subsection A of this section, an individual has affirmatively established citizenship of the United States or a form of nonexpiring work authorization issued by the federal government, the individual, on renewal or reinstatement of a license, is not required to provide subsequent documentation of that status.

D. If, on renewal or reinstatement of a license, an individual holds a limited form of work authorization issued by the federal government that has expired, the individual shall provide documentation of that status.

E. If a document listed in subsection A, paragraphs 1 through 12 of this section does not contain a photograph of the individual, the individual shall also present a government issued document that contains a photograph of the individual.

F. For the purposes of this section:

1. "Agency" means any agency, department, board or commission of this state or any political subdivision of this state that issues a license for the purposes of operating a business in this state or to an individual who provides a service to any person.

2. "License" means any agency permit, certificate, approval, registration, charter or similar form of authorization that is

required by law and that is issued by any agency for the purposes of operating a business in this state or to an individual who provides a service to any person where the license is necessary in performing that service.

8.04.130 Hearing procedure.

A. Right of Appeal. A regulated establishment that is adversely affected by the actions of the department may submit a request for appeal to the director of the department. The request for appeal must be in writing and be submitted within ten business days of notice of the adverse action. The notice of adverse action must inform the regulated establishment of the right to appeal. In the event the action taken is pursuant to A.R.S. Section 36-601(B), the time for appeal is fifteen days. If no appeal is filed, the department's action becomes final when the time for appeal has expired.

B. Appointment of Hearing Officer. Upon receiving a request for appeal, the director of the department shall appoint a hearing officer to hold a hearing on the matter within twenty days from the time the director received the request for appeal. The hearing officer shall be an impartial person who is trained in law and is knowledgeable about this title.

C. Notification of Hearings. The hearing officer shall notify the person requesting the appeal that a hearing on the appeal will be held at a specified time and place.

D. Rights of Parties at Hearing. The person requesting the appeal and the department may appear on their own behalf or through counsel, may submit evidence, and have the right to confront witnesses of the other side by cross-examination. A corporation may appear only through a corporate officer or counsel.

E. Conduct of Hearing. The hearing officer shall conduct the hearing in a manner consistent with due process. Witnesses shall be sworn and their testimony recorded manually or by recording device. The cost of transcribing such testimony shall be paid by the party requesting it. The hearing officer shall receive relevant, probative and material evidence and shall exclude all irrelevant, immaterial or unduly repetitious evidence. The formal rules of evidence need not be followed. Proof shall be by a preponderance of the evidence. The hearing officer may issue subpoenas pursuant to A.R.S. Section 12-2212.

F. Hearing Officer's Recommendation. Within five days of the hearing's completion, the hearing officer shall submit a written recommendation to the director that the appeal be affirmed or denied. This recommendation shall contain findings of fact and conclusions of law which are the basis of the hearing officer's recommendation.

G. Director's Decision. Within three days of receiving the hearing officer's recommendation, the director shall notify the person requesting the appeal of the decision. The director's decision is final.

H. Notice. Whenever notice is required to be given, it shall be given in a manner that is reasonably calculated, under all circumstances, to inform the person of the action to be taken.

Applicant Attestation

I hereby certify that the information in this application is correct. I agree to comply with the Pima County Code. I agree to allow the regulatory authority access to the establishment as specified under § 8-402.11 and to the records specified under §§ 3-203.12 and 5-205.13 and Subparagraph 8-201.14(D)(6), and I fully understand that any deviation from the above without prior permission from the Pima County Health Department - Consumer Health and Food Safety Division may nullify final approval.