

**COCONINO COUNTY HEALTH AND HUMAN SERVICES  
UNIFIED HEALTH CODE  
CHAPTER 2  
PERMITS, LICENSES AND CERTIFICATES; ENFORCEMENT AND OTHER  
REQUIREMENTS**

|             |  |
|-------------|--|
| SECTION 2-1 | GENERAL PROVISIONS   |
| REG. 2-1-1  | ISSUANCE OF PERMITS, LICENSES AND CERTIFICATES                                   |
| REG. 2-1-2  | PERMIT, LICENSE AND CERTIFICATE REQUIREMENTS                                     |
| REG. 2-1-3  | PLAN REVIEW REQUIREMENTS   |
| REG. 2-1-4  | PERMIT AND LICENSING TIME-FRAMES   |
| REG. 2-1-5  | MODIFICATIONS AND VARIANCES  |
| REG. 2-1-6  | PROHIBITIONS   |
| SECTION 2-2 | RESPONSIBILITIES OF THE PARTIES  |
| REG. 2-2-1  | RESPONSIBILITIES OF THE PERMIT, LICENSE OR CERTIFICATE HOLDER                    |
| REG. 2-2-2  | RESPONSIBILITIES OF THE DISTRICT   |
| REG. 2-2-3  | DUTIES OF THE CHIEF HEALTH OFFICER   |
| SECTION 2-3 | FEEES  |
| REG. 2-3-1  | FEEES REQUIREMENTS   |
| SECTION 2-4 | REGULATORY BILL OF RIGHTS  |
| REG. 2-4-1  | REGULATORY BILL OF RIGHTS  |
| SECTION 2-5 | ENFORCEMENT AND INSPECTIONS  |
| REG. 2-5-1  | INSPECTIONS  |
| REG. 2-5-2  | RIGHT OF ENTRY   |
| REG. 2-5-3  | ADMINISTRATIVE HEARINGS OF PUBLIC NUISANCES IN COCONINO COUNTY                   |
| REG. 2-5-4  | CEASING OPERATION AND SUSPENSION OR REVOCATION OF PERMIT, LICENSE OR CERTIFICATE |

**SECTION 2-1 GENERAL PROVISIONS**

All Sections and Regulations in Chapter 2 of this Code are applicable to all subsequent chapters of this Code unless specifically stated otherwise.

**REG. 2-1-1 ISSUANCE OF PERMITS, LICENSES AND CERTIFICATES**

- A. Any person desiring to conduct an operation which requires a permit, license or certificate shall make written application to the District. No construction shall commence

until the required plans have been approved and an Approval to Construct has been issued. Construction shall be in conformance with the approved plans and specifications.

- B. No application for a permit or license shall be issued until a complete sanitary inspection has been conducted and all critical deficiencies have been corrected. The applicant shall demonstrate to the District compliance with pertinent State, County, and Municipal health laws, regulations, and ordinances.
- C. An establishment permit or license issued by the District shall bear all of the following information:
  - 1. The name of the establishment.
  - 2. The street address of the establishment.
  - 3. The full name of the permit or license holder.
  - 4. A unique identification number assigned by the District.

**REG. 2-1-2 PERMIT, LICENSE AND CERTIFICATE REQUIREMENTS**

- A. Establishments required to have a permit or license to operate shall apply for a permit or license from the District. Only persons who comply with all the requirements of this Code shall be entitled to receive and retain such permits and licenses.
- B. Except as may be otherwise specified in individual regulations in this Code, permits and licenses are valid for a specified period of time from the date of issuance, unless sooner suspended or revoked by the District.
  - 1. A license issued by the District is valid for a period not to exceed one (1) year from the date of issuance. The license may be suspended or revoked after an opportunity for a hearing by the District if the permit or license holder violates any of the terms or provisions of this Code.
  - 2. A permit is valid for a specified period of time from the date of issuance.
  - 3. Prior to the issuance of any permit or license, an inspection of the premises and all installations thereon shall be made by the District.
  - 4. Inspections shall be made as frequently as deemed necessary to verify compliance with these Regulations.
- C. Appropriate training certificates shall be obtained by individuals, if certification is required by a Chapter of this Code that the facility is licensed or permitted under.
  - 1. A certificate issued by the District is valid for a period not to exceed three (3) years from the date of issuance. The certificate may be suspended or revoked after an opportunity for a hearing by the District if the certificate holder violates any of the terms or provisions of this Code.

**REG. 2-1-3 PLAN REVIEW REQUIREMENTS**

- A. A license applicant or license holder shall submit to the District properly prepared plans and specifications for review and approval before:
  - 1. The construction of a licensed establishment; or
  - 2. The conversion of an existing structure for use as a licensed establishment; or
  - 3. The remodeling of a licensed establishment if the District determines that plans and specifications are necessary to ensure compliance with this Chapter.

- B. To be considered administratively complete, the following forms, information and fees must be submitted for a licensed establishment approval to construct:
1. Documentation of:
    - a. Planning and Zoning approval for this proposed establishment,
    - b. Approved public water system, and
    - c. Approved wastewater facilities.
  2. A complete and signed Plan Review Worksheet and plans containing detailed information on structural requirements, operational requirements, operator requirements, equipment schedule, site plan, floor plan, finish schedule, lighting schedule, mechanical schematics, construction materials, and sanitary requirements.
  3. A floor plan of the facility. In the drawing include location of all plumbing fixtures, including hand sinks, janitorial sinks, etc., and where plumbing and wastewater line location, will be positioned. Information on ventilation, lighting, doors and windows must be verified in the plan review process, as well. “Pre-submittal” meetings may be scheduled to discuss requirements, or any other questions pertaining to plan review.
  4. Equipment types, manufacturers, model numbers, locations, dimensions, performance capabilities, and installation specifications.
  5. Evidence that procedures ensure compliance with the requirements of this Code are developed or are being developed.
  6. Procedures for operating the establishment.
  7. Other information for the proposed construction, conversion, or modification, for constructing a licensed establishment.
  8. Required fee for a Plan Review as approved by the County. The current approved fee schedule for the District is available at District offices as well as on the County website.
- C. Preoperational inspections shall be conducted by the District to verify that the establishment is constructed and equipped in accordance with the approved plans and modifications, has established standard operating procedures, and is in compliance with Arizona law and this Code.

**REG. 2-1-4 PERMIT AND LICENSING TIMEFRAMES**

- A. This Section applies to the District which has been delegated by the Department to comply with ARS §§ 11-1605 through 11-1606.
- B. The District approval timeframes described in ARS § 11-1601 are set forth in Table 1. The applicant or permit or license holder and the District may agree in writing to extend the substantive review and the overall timeframe, but an extension may not exceed 25% of the overall timeframe.
- C. The administrative completeness review timeframe begins on the date that the District receives an application or request for approval.
  1. The District shall mail or send an electronic notice of administrative completeness or deficiencies to the applicant or permit or license holder within the timeframe.

- a. A notice of deficiencies shall list each deficiency and the information and documentation needed to complete the application or request for approval.
    - b. If the District issues a notice of deficiencies within the administrative completeness review time-frame, the administrative completeness review time-frame and the overall time-frame are suspended from the date that the notice is issued until the date that the District receives the missing information from the applicant or permit or license holder.
    - c. If within 180 days the applicant or permit or license holder fails to submit all of the information and documents listed in the notice of deficiencies, the District shall consider the application or request for approval withdrawn.
  - 2. If the District issues a permit or license or other approval to the applicant or license holder during the administrative completeness review timeframe, the District shall not issue a separate written notice of administrative completeness.
- D. The substantive review timeframe begins on the administrative completeness notice date.
  - 1. The District shall mail or send electronically written notification of approval or denial of the application or other request for approval to the applicant or permit or license holder within the substantive review timeframe.
  - 2. As part of the substantive review for a facility permit or license, the District may complete an inspection that may require more than one (1) visit to the facility.
  - 3. During the substantive review timeframe, the District may make one (1) comprehensive written request for additional information, unless the District and the applicant or permit or license holder have agreed in writing to allow the District to submit supplemental requests for information.
- E. The District shall issue a license or approval unless:
  - 1. The District determines that the establishment permit or license application or the establishment does not satisfy all of the requirements of this Chapter, or
  - 2. For a request for a variance, the District determines that the request fails to demonstrate that the variance will not result in a health hazard or nuisance, or
  - 3. For a request for approval of plans and specifications, the District determines that the plans and specifications do not satisfy all of the requirements of this Chapter, or
  - 4. For a request for approval of a quality assurance program, the District determines that the quality assurance program does not satisfy all requirements of this Chapter.
    - a. If the District disapproves an application or request for approval, the District shall send the applicant or License holder a written notice of disapproval setting forth the reasons and all other information required by ARS § 11-1606.
- F. For the purpose of computing timeframes, the day of the act, event, or default from which the designated period of time begins, shall not be included. Intermediate Saturdays, Sundays, and legal holidays shall be included in the computation. The last day of the period computed shall be included unless it is a Saturday, Sunday, or legal holiday, in

which event, the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.

**Table 1.**

| Type of Approval                      | Statutory Authority | Overall Timeframe | Administrative Completeness Review Timeframe | Substantive Review Timeframe |
|---------------------------------------|---------------------|-------------------|--|------------------------------|
| Body Art Establishment License        | ARS§36-136(H)(4)    | 60                | 30   | 30                           |
| Approval of Request for Variance      | ARS§36-136(H)(4)    | 90                | 30   | 60                           |
| Approval of Plans and Specifications  | ARS§36-136(H)(4)    | 90                | 30   | 60                           |
| Approval of Quality Assurance Program | ARS§36-136(H)(4)    | 90                | 30   | 60                           |

**REG. 2-1-5 MODIFICATIONS AND VARIANCES**

- A. The District may grant a variance by modifying or waiving the requirements of this Code if, in the opinion of the District, a health hazard or nuisance will not result from the variance. If a variance is granted, the District shall retain the information in its records for the establishment.
- B. Documentation of Proposed Variance and Justification. Before a variance is approved, the following shall be provided:
  - 1. A statement of the proposed variance citing relevant section numbers of this Code and
  - 2. The rationale and analysis for how potential public health hazards and nuisances will be alternatively addressed by the proposal.
- C. Conformance with Approved Procedures. If the District grants a variance, the permit or license holder shall do all of the following:
  - 1. Comply with the plans and procedures that are submitted and approved.
  - 2. Provide to the District, upon request, records that demonstrate the following are routinely employed and maintained:
    - a. Verification of the effectiveness of the operation or process; and
    - b. Necessary corrective actions if there is failure.

**REG. 2-1-6 PROHIBITIONS**

- A. It shall be unlawful for any person to conduct an operation for which a permit, license or certificate is required within Coconino County, or its police jurisdiction, who does not possess a valid permit, license or certificate to do so, issued to said person by the Chief

Health Officer. Only a person who complies with the requirements of this Regulation and other pertinent regulations shall be entitled to receive and retain such a permit, license or certificate.

1. Permits, licenses or certificates shall not be transferable from one person to another person.
2. Permits and licenses may not be transferred if the licensed facility moves to a different building or location.
3. Change of ownership of a permitted or licensed establishment requires a new owner(s) to apply for a new permit or license.
4. Licenses must be renewed annually. Permits and certificates must be renewed as specified in the applicable codes.
5. A valid permit, license or certificate shall at all times be kept on the premises or vehicle designated and displayed in a conspicuous manner therein or thereon. Where practical, permits, licenses or certificates shall be framed and protected against soilage.
6. All permitted and licensed establishments shall be open at reasonable times to inspection by the District.

**SECTION 2-2                    RESPONSIBILITIES OF THE PARTIES**  
**REG. 2-2-1                    RESPONSIBILITIES OF THE PERMIT, LICENSE OR**  
**CERTIFICATE HOLDER**

- A. Upon acceptance and retention of the issued permit, license or certificate, the permit, license or certificate holder shall do all of the following:
  1. Post the permit, license or certificate in the facility in a location that is conspicuous to consumers.
  2. Comply with the provisions of this Code, including the conditions of a granted variance and approved plans.
  3. Immediately discontinue operations and notify the District if an imminent health hazard may exist.
  4. Allow representatives of the regulatory authority access to the establishment.
  5. Replace existing facilities and equipment with those that comply with this Code if:
    - a. Facilities and equipment constitute a public health hazard or nuisance or no longer comply with the criteria upon which facilities and equipment were accepted;
    - b. Required because of a change of ownership; or,
    - c. The facilities and equipment are replaced in the normal course of operation.
  6. Comply with the regulatory timeframes for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the District in regard to the permitted or licensed facility or in response to community emergencies.

7. Accept notices issued and served by the District according to law; and be subject to the administrative, civil, injunctive, and criminal remedies authorized by law for failure to comply with this Code or a directive given by the District, including timeframes for corrective actions.
8. Renew licenses annually by paying the specified fee. Renew permits and certificates as specified in the applicable codes.

**REG. 2-2-2                    RESPONSIBILITIES OF THE DISTRICT**

- A. The District shall provide the location of an electronic copy of this Code to the permit, license or certificate holder when a permit, license or certificate is first issued so the license holder is notified of District requirements.
- B. Failure to provide the information in this Section does not prevent the District from taking authorized action or seeking remedies if the permit, license or certificate holder fails to comply with this Code or an order, warning, or directive from the District.
- C. The District shall conduct inspections of the permitted or licensed establishment during the establishment's normal hours of operation or at other reasonable times. Inspectors shall show proper identification and provide the permit or license holder or person in charge with a verbal or written purpose of the inspection.
- D. Inspections shall be conducted as often as necessary, as specified in the applicable chapters of this Code to assure that the requirements of the permit or license are being met.
- E. Access to a permitted or licensed establishment for inspection is a condition of the acceptance and retention of the establishment's permit or license. Inspections are generally conducted unannounced to obtain a more accurate assessment of normal operating practices and conditions. Exceptions can be made during construction and preoperational inspections where an appointment is needed to ensure that all parties are available for discussion or where work is intermittent and access to a new establishment is limited; or during follow-up inspections which may require the presence of specific personnel or management from the establishment.
- F. Inspections shall comply with the inspection rights provisions of ARS § 11-1603.

**REG. 2-2-3                    DUTIES OF THE CHIEF HEALTH OFFICER**

- A. The Chief Health Officer's duties are as follows:
  1. Inspection of Premises. The Chief Health Officer shall review all reported violations of this Code or Ordinance. During an inspection the Chief Health Officer shall take careful and comprehensive notes as to the condition and existing uses of the subject property, location, property owner and address, and specific sections of ARS § 36-601(A) corresponding to the alleged violation(s).
    - a. Specifically regarding a public nuisance, the Chief Health Officer shall inspect the site of the alleged violation upon receiving a report of a public nuisance violation.
  2. Right to Enter Premises. The Chief Health Officer shall enter the premises for inspection or abatement pursuant to ARS § 36-603.

3. Notice of Violation. If the Chief Health Officer determines that a violation is occurring on the subject property, he/she shall serve notice to the property owner/occupant of the violation(s). The notice of violation shall cite the nature of the violation, the Section of this Code violated, information of possible penalties if violation is not ceased and steps necessary to bring the subject property into compliance. The notice shall order the owner or occupant to remove the nuisance within twenty-four (24) hours at their expense.

**SECTION 2-3 FEES**

**REG. 2-3-1 FEE REQUIREMENTS**

A. Fees required for operational permits and licenses.

1. As identified in REG. 2-1-6(A) of this Code, “it shall be unlawful for any person to conduct an operation for which a permit, license or certificate is required within Coconino County, or its police jurisdiction, who does not possess a valid permit, license or certificate to do so, issued by the Chief Health Officer.”
2. As identified in REG. 2-2-1(8) of this Code, the owner of a facility requiring a license as authorized by this Code shall obtain and renew their license annually by paying a specified fee as authorized by REG. 2-2-1 of this Code. Only a person who complies with the requirements of this Regulation and other pertinent regulations shall be entitled to receive and retain such a permit, license or certificate.
3. Definition of Terms.
  - a. Expired means a permit, license or certificate which has expired and is no longer valid.
  - b. Delinquent means license fees that have not been paid and are more than 60 days expired.
  - c. Late Fee means any license which is deemed delinquent is subject to a late fee as authorized by the Schedule of Fees prepared by the District and approved by the Board.

B. The District will charge reasonable fees for issuing or renewing permits or licenses for other services authorized by law and by the rules and regulations set forth and in accordance with ARS § 36-187. All such fees shall be listed in a Schedule of Fees prepared by the District and approved by the Board. The Schedule of Fees current on the effective date of this Code and all subsequent revisions of that Schedule of Fees shall be listed on the County website or available at District offices.

**SECTION 2-4 REGULATORY BILL OF RIGHTS**

**REG. 2-4-1 REGULATORY BILL OF RIGHTS**

The District shall follow the requirements of ARS §§ 11-1601 *et. seq.*



**SECTION 2-5            ENFORCEMENT AND INSPECTIONS**  
**REG. 2-5-1            INSPECTIONS**

- A. Frequency. The District shall inspect any establishment as often as may be necessary to assure compliance with these Regulations, but not less than one inspection per year. A copy of the inspection report shall be furnished to the owner, lessee, or operator of the establishment, indicating the degree of compliance or non-compliance with provisions to these regulations. Failure to correct any discrepancy noted within the time limit specified shall be cause for additional inspection fees and/or denial, revocation, or suspension of the permit or license to operate.
- B. Reasonable Time After Due Notice. After the District presents official credentials and provides notice of purpose and intent to conduct an inspection, the person in charge shall allow the District to determine if the licensed facility is in compliance with this Code. The person in charge shall allow access to the facility, allow an inspection, and provide information and records specified in this Code and to which the District is entitled, according to law. The District shall comply with ARS §11-1603 when performing inspections.
- C. Specifying Time Frame for Corrections. The District shall specify the violation correction time frame on the inspection report.
- D. Issuing Report and Obtaining Acknowledgment of Receipt. At the conclusion of an inspection, the District shall provide a copy of the completed inspection report to the permit or license holder or person in charge and request a signed acknowledgment of receipt according to law.
- E. Refusal to Sign Acknowledgment. The District shall inform the person in charge who declines to sign an acknowledgment of receipt of inspectional findings as specified in this Code that:
  - 1. An acknowledgment of receipt is not an agreement with findings,
  - 2. Refusal to sign an acknowledgment of receipt will not affect the permits or license holder's obligation to correct the violations noted in the inspection report within the time frames specified,
  - 3. A refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the District historical record for the permitted or licensed establishment, and
  - 4. Make a final request that the person in charge sign an acknowledgment receipt of inspectional findings.
- F. Public Information. The District shall treat the inspection report as a public document and shall make it available for disclosure to any person who requests it as provided by law.
- G. Ceasing Operations and Reporting. A permit or license holder shall immediately discontinue operations and notify the District if an imminent health hazard exists. A license holder need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.
- H. Resumption of Operations. If operations are discontinued the permit or license holder shall obtain approval from the District before resuming operations.

- I. Correction of Critical Violations.
  - 1. The permit or license holder shall correct critical items by a date and time agreed to or specified by the District, but no later than 10 calendar days after the inspection. The District may approve a compliance schedule that extends beyond the time limits of this Section if a written schedule of compliance is submitted and no health hazard exists or will result from allowing an extended schedule for compliance. Additional inspection fees may be applied in accordance with this Section A.
  - 2. The District shall not provide a permit or license holder an opportunity to correct critical violations after the date of inspection if the District determines that the deficiencies are:
    - a. Committed intentionally;
    - b. Not correctable within a reasonable time;
    - c. Evidence of a pattern of noncompliance; or
    - d. A risk to any person; the public health, safety, or welfare, or the environment.
  - 3. If the District allows the permit or license holder an opportunity to correct violations or deviations after the date of inspection, the District shall inspect the establishment after the deadline for correction. If the District determines that the violations or deviations have not been corrected, the District may charge additional inspection fees and/or take enforcement action authorized by law based upon those violations or deviations.
  - 4. A decision made by the District under this Section of this Code is not an appealable agency action as defined by ARS § 11-1603(G).
- J. Verification and Documentation of Correction. At the time of inspection, if a correction of a critical violation or deviation is observed, the District shall enter the violation and information about the corrective action on the inspection report.
- K. Correction of Non-Critical Violations. The license holder shall correct non-critical violations by a date and time agreed to or specified by the District, but no later than 90 calendar days after the inspection. The District may approve a compliance schedule that extends beyond the time limits specified in this Section if a written schedule of compliance is submitted by the license holder and no health hazard exists or will result from allowing an extended compliance schedule.

**REG. 2-5-2                    RIGHT OF ENTRY**

- A. No permit or license holder shall refuse to allow the District to inspect fully any and all premises or facilities at any reasonable time, and no person shall molest or resist the District in the discharge of its duties whether in inspections for application approval or for the enforcement of this Code.

**REG. 2-5-3                    ADMINISTRATIVE HEARINGS OF PUBLIC NUISANCES IN COCONINO COUNTY**

- A. Authority. County authority to abate nuisances, sources of filth, and causes of sickness is derived from ARS §§ 13-2917, 36-601 *et seq.*, as amended and the obligations and

responsibilities delegated to Coconino County for enforcement by the Arizona Department of Health Services pursuant to a delegation agreement or executive order, including those executive orders issued by the Governor of Arizona..

- B. Violation. Violations of this Code may be redressed by proceedings pursuant to authority noted in paragraph A above, by injunctive relief in Superior Court, or by any other applicable remedies provided by law.
1. Persons or establishments who violate a provision of this Code are guilty of a class 3 misdemeanor if the person or establishment holds a valid permit or license, or a class 2 misdemeanor if the person or establishment does not hold a valid permit or license as provided in A.R.S. §§ 36-183.03 and 36-191 and may be punished accordingly.
  2. For purposes of determining the number of days of violation for which a civil penalty may be assessed under this Code, if the Chief Health Officer has notified the source of the violation and makes a Prima Facie showing that the conduct or events giving rise to the violation are likely to have continued or recurred past the date of Notice, the days of violations shall be presumed to include the date of said Notice and each day thereafter until the violator establishes that continuous compliance has been achieved, except to the extent that the violator can prove by a preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature.
  3. Under this paragraph B(2) above, Notice means the issuance of a Cease and Desist Order, Notice of Violation, Permit Revocation, or by filing a complaint in Superior Court.
- C. Prohibited conditions. It shall be unlawful, and considered a public nuisance per se, to make use of any lot, parcel, or piece of property in such a way as to create conditions which are specifically declared public nuisances dangerous to public health.
- D. Enforcement. The Board and the Chief Health Officer shall enforce the provisions of this Regulation. The Chief Health Officer shall investigate, and report on all public nuisance violations.
- E. Hearing Officer and Duties. The Board shall appoint a Hearing Officer to hear and determine public nuisance violations. Persons and/or establishments determined by the Hearing Officer to be violating any regulation of this Code shall be responsible for a public nuisance violation, which is punishable by a civil penalty pursuant to ARS § 36-183.04, and be subject to an order of compliance.
- F. Penalty for Noncompliance. If the violation(s) still exists after twenty-four (24) hours, then the health inspector will notify the Chief Health Officer, who shall issue a nuisance citation unless the Chief Health Officer is convinced an attempt is being made to correct the violation. In that event, the Chief Health Officer may extend in writing the time for compliance up to thirty (30) days. A nuisance citation shall be issued if the alleged violator fails to resolve the violation within the time specified in the written extension.
- G. Hearing. If a nuisance citation is issued the matter shall be set for a hearing before the Hearing Officer. Hearings held pursuant to this Code shall be conducted in the same manner as hearings are conducted pursuant to A.R.S. §§ 41-1061 *et. seq.* The Chief Health Officer is given authority in setting forth the administrative procedures of the

hearings in compliance with the aforementioned statutes.

- H. Notice to Appear. Law enforcement officers and the Chief Health Officer shall have the authority to issue a Notice to Appear under the same conditions and procedures as set for in A.R.S. §§ 13-3903 and 36-183.06 for any violation of this Code.
- I. Notice of Hearing. Unless otherwise stated, all Notices provided for in this Code are deemed served and received on the date the Notice is personally delivered to the alleged violator, or on the date it is sent by registered or certified mail, return receipt requested, to the alleged violator's mailing address on file with the District.
  - 1. The hearing date shall be scheduled at least twenty (20) days from the date of service upon the alleged violator.
  - 2. A Notice of Hearing from the District to a license or permit holder shall include:
    - a. A statement of the time, place and nature of the hearing.
    - b. A statement of the legal authority and jurisdiction under which the hearing is to be held.
    - c. A reference to the particular sections of the statutes and regulations involved.
    - d. A short, plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter on application a more definite and detailed statement shall be furnished.
- J. Appeal to the Board. Any party may appeal to the Board the final finding and/or sanction of the Hearing Officer. The notice of appeal shall identify the finding and/or sanction appealed. It shall be signed by the appellant or appellant's counsel, and shall contain the names, addresses, and telephone numbers of all parties and their attorneys. A written notice of appeal shall be filed with the Clerk of the Board within seven (7) days after the Hearing Officer's finding. When a party appeals, the Clerk of the Board shall send a copy of the notice of appeal to the opposing party or attorney.
- K. Appeal to Superior Court. An appeal of the decision of the Board may be made by filing a complaint in the Coconino County Superior Court within thirty (30) days of the Board's decision, pursuant to ARS Title 12, Ch. 7, art. 6 (ARS §§ 12-901 *et seq.*).

**REG. 2-5-4                      CEASING OPERATIONS AND SUSPENSION OR REVOCATION  
OF PERMIT, LICENSE OR CERTIFICATE**

- A. Authority. See REG. 2-5-3(A) of this Code for applicability to this Regulation.
- B. Violation. See REG. 2-5-3(B) of this Code for applicability to this Regulation.
- C. Ceasing Operations and Reporting. A permit, license or certificate holder shall immediately discontinue operations and notify the District if an imminent health hazard may exist. A holder need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.
- D. Suspension or Revocation of a Permit, License or Certificate. The Chief Health Officer may suspend or revoke a permit, license or certificate if the holder violates this Code or ARS § 36-601 or provides false information on a license application.
  - 1. Suspension. When the District determines that a permit, license or certificate holder has failed to comply with this Code or that there exists on the premises an

imminent health hazard, the District may summarily and immediately suspend the permit, license or certificate without prior notice to the holder.

- a. The Notice of Suspension shall be served on the holder by personal delivery or mailed by certified or registered mail, return receipt requested, to the holder's last known address on file with the District.
  - b. Within fifteen days of being served with the Notice of Suspension, the holder may file a motion to vacate the suspension order with the District, and the Chief Health Officer shall hear such motion within five (5) days. An order of summary suspension shall remain in effect for no more than twenty-five days. If the violation is not corrected within the twenty-five days, the District may issue another suspension order.
  - c. Upon suspension of the permit, the District may close the holder's establishment, premises or vehicle and the District's red closed sign shall be posted on the establishment, premises or vehicle and shall be clearly visible to the public. The premises shall remain closed and the sign shall remain in place until the violation is corrected, the order is modified or vacated by the District or the permit, license or certificate is revoked. The holder shall maintain the sign in an unobstructed manner in the location where the sign was posted.
2. Revocation. The District may revoke a permit for two or more violations of this Code for any violation that threatens the health or safety of the public, for the nonpayment of a fee or for any interference with the District's performance of its duties, the inspection of an establishment, premises or vehicle, or the enforcement of this Code.
- a. The District shall serve a Notice of Revocation on the permit, license or certificate holder or the person in charge stating the specific reason(s) for revocation and that the permit, license or certificate will be revoked twenty (20) days after service of the Notice of Revocation unless the holder files a written request for a hearing with the District within the twenty (20) day notice period.
  - b. If a request for a hearing is timely filed, the Chief Health Officer or an independent Hearing Officer appointed by the District shall hold a hearing as soon as practicable. After the hearing, the Chief Health Officer shall find revocation or reinstatement or modification of the permit, license or certificate.
  - c. When a permit, license or certificate is revoked, the establishment shall cease to operate and the District shall post the District's red closed sign on the holder's establishment, premises or vehicle notifying the public that the establishment, premises or vehicle is closed. The red closed sign shall be posted on the establishment, premises, or vehicle and shall be clearly visible to the public. The premises shall remain closed and the sign shall remain in place until the District determines otherwise. The holder shall maintain the closed sign and ensure that it is not tampered with, concealed, damaged, or otherwise removed without the District's prior written authorization.
3. Application after Revocation. Whenever a revocation of a permit, license or certificate has become final, the holder of the revoked permit, license or certificate may make written application of a new permit, license or certificate to

the District following a 90-day waiting period. The holder of the revoked license is responsible for all plan review and preopening requirements and shall pay the fee for the cost of providing a Hearing Officer for the revocation hearing.

- E. Cease and Desist and Abatement of a Public Nuisance. When the Chief Health Officer has reasonable cause to believe from information furnished to said Officer or from an investigation made by said Officer that any person is maintaining a nuisance or engaging in any practice contrary to this Code, (s)he may forthwith serve upon said person by certified mail, in person or by designee a Cease and Desist Order requiring the person, upon receipt of the Order to cease and desist from such act.
1. The District's red closed sign must be posted in a conspicuous place on the premises, clearly visible to the public, and will remain in place until removal is authorized by the Chief Health Officer. It is the responsibility of the person to maintain the sign in an unobstructed manner in the location where the sign was placed by the Chief Health Officer.
  2. Within fifteen days after receipt of the Order, the person to whom the order is directed may request a hearing. The Chief Health Officer or an independent Hearing Officer appointed by the District, within a reasonable time thereafter, shall hold a hearing, to determine whether the Order is reasonable and just, and the practice engaged in is contrary to this Code.
  3. Upon the failure or refusal of a person to comply with the Cease and Desist Order or if a person to whom the Order is directed does not request a hearing and fails or refuses to comply with the Order served under the provisions of this section, the Chief Health Officer or his designee may file an action in Superior Court restraining and enjoining the person from engaging in further acts. The court shall proceed as in other actions for injunctions.
- F. Notice, Hearing and Appeals. The process and procedure regarding notice, hearing and appeals set forth in REG. 2-5-3 shall be applicable to this Regulation unless otherwise provided.

Updated with clearer language and removal of detailed legal processes on 5/25/21. Handbook created outlining detailed information for legal proceedings.