

EXECUTIVE SUMMARY FORM

Agenda Number: HLT--

Recommendation:

Adopt Resolution 13- to amend the County Sanitary Code as set forth in Exhibit A, thereby repealing Resolution 12-28, to be effective on and after January 1, 2014.

Background (Brief):

Cochise Health & Social Services, Environmental Health Division is amending the Cochise County Sanitary Code (see Regulation 2, Section 3, Posting Requirements) in order to set a new requirement that all establishments post their most recent inspection(s) in a conspicuous place, near a main entrance, not obstructed to public view, in an effort to make the information more readily available to the public.

Fiscal Impact & Funding Sources:

Cochise County will not have any fiscal impact realized from this change.

Next Steps/Action Items/Follow-up:

Your approvals are respectfully requested.

Impact of Not Approving:

By not approving this resolution, ordinance and associated Sanitary Code change it will be more difficult for the public to obtain information about a specific establishments and their recent inspections.

RESOLUTION 13- _____

COCHISE COUNTY SANITARY CODE

WHEREAS, Cochise Health & Social Services has recommended to the Cochise County Board of Supervisors that the Environmental Health Sanitary Code as adopted on July 24, 2012, by Resolution 12-28, be modified; and

WHEREAS, changes have occurred in the code now requiring the certification posting of recent inspections by establishments, relating to sanitary matters and environmental quality; and

WHEREAS, the Board of Supervisors has determined that the revisions to the previously adopted code are in the interest of the residents of Cochise County; and

WHEREAS, in accordance with A.R.S. § 11-251.05.C, the Board of Supervisors has notified the public regarding a public hearing on the Sanitary Code, held a public hearing on the Sanitary Code, adopted the ordinance within the Sanitary Code, and published the Sanitary Code and Ordinance subsequent to adoption,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors adopts the revised Cochise County Sanitary Code (as set forth in Exhibit A), to be in effect on and after January 1, 2014.

FURTHER, BE IT RESOLVED that Resolution 12-28 is hereby repealed, effective January 1, 2014, and this Resolution shall supersede Resolution 12-28, and any other prior and inconsistent Resolutions addressing the Cochise County Sanitary Code on and after January 1, 2014.

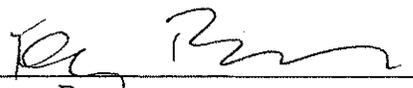
APPROVED AND ADOPTED in Formal Session this 5th day of November, 2013.

Ann English, Chairperson
Cochise County Board of Supervisors

ATTEST:

Arlethe G. Rios
Clerk of the Board

APPROVED AS TO FORM:



Terry Bannon
Civil Deputy County Attorney

Cochise County Sanitary Code

REGULATION 1 GENERAL PROVISIONS

SECTION 1: GENERAL PROVISIONS DEFINITIONS

The following definitions shall apply throughout this Sanitary Code, unless a different meaning is clearly indicated by the context or is specifically stated otherwise. Additional definitions appear at the beginning of the regulations to which they apply. Definitions are as follows:

- A. "A.A.C." means the Arizona Administrative Code.
- B. "A.R.S." means the Arizona Revised Statute.
- C. "A.D.E.Q." means the Arizona Department of Environmental Quality.
- D. "A.D.H.S." means the Arizona Department of Health Services.
- E. "Approved or Approval" means acceptable to the Department.
- F. "Board of Health" means the Cochise County Board of Health.
- G. "Certificate of Approval to Construct" means approval to construct, alter or extend the proposed regulated establishment or project in accordance with this sanitary code and the plans and specifications on file with the Department.
- H. "Days" means calendar days unless otherwise specified.
- I. "Department" means the Cochise County Department of Health and Social Services.
- J. "Director" means the Director of Cochise County Department of Health and Social Services, or the Director's duly authorized representative.
- K. "Final Approval" means approval to occupy or otherwise use the regulated establishment or project in accordance with the provisions of this Sanitary Code.
- L. "Food Code" means the U.S. Food and Drug Administration Food Code.

- M. **"Hearing"** means a hearing held pursuant to requirements of this Sanitary Code and State open meeting laws.
- N. **"Permit"** means a permit issued by the Department to operate a regulated establishment or project.
- O. **"Person"** means the county, a municipality, district or political subdivision, a cooperative, corporation, company, firm, partnership or individual.
- P. **"Plan review"** means the review of plans for construction or remodeling of regulated establishments or projects.
- Q. **"Rules and Regulations"** means the rules and regulations in this Sanitary Code.
- R. **"Sanitary Code"** means all of the regulations, sections and subsections which were adopted by the Board of Health and the Board of Supervisors pursuant to A.R.S. § 36-184 and § 36-186-3, as amended, and which remain in force.

SECTION 2: CERTIFICATE OF APPROVAL TO CONSTRUCT

- A. No person shall begin construction, installation, extension, or alteration of any of the following regulated establishments or projects without first receiving a Certificate of Approval to Construct from the Department. A Certificate of Approval is required for the following:
 - B. **Plan Approval Required:**
 - 1. Food establishments; new or remodeled
 - 2. Individual sewage collection and disposal systems
 - 3. Motels, hotels and tourist courts

SECTION 3: APPLICATION FOR APPROVAL

- A. An application for a Certificate of Approval to Construct shall be submitted to the Department on forms provided by the Department. For a new individual sewage disposal system the completed application shall be submitted to the Cochise County Community Development Department. For repairs to individual sewage disposal systems the completed application shall be submitted to the Department of Health and Social Services prior to beginning the repairs. For all other regulated establishments or projects, the application shall be submitted to the Department of Health and Social Services at least thirty days prior to the date construction is to commence.

B. All applications shall be accompanied by the following data:

1. Blue prints, drawings, or photo-static copies of drawings of the work to be done with sufficient detail on the drawings to make clear to the Department what work is to be done.
 2. Complete specifications to supplement the drawings, including but not limited to equipment, sewage system design components, flooring, paint color and any other additional information as may be required by the Department to ensure compliance with the Code.
- C. Each application shall be accompanied by a non-refundable fee made payable to the Cochise County Department of Health and Social Services in such amounts as adopted by the Board of Supervisors.

SECTION 4: CERTIFICATE OF APPROVAL

- A. Plans and specifications submitted to the Department will be reviewed to determine if the proposed establishment or project meets the requirements of this code.
- B. If the plans and specifications are in compliance with this code, the Department will issue the applicant a Certificate of Approval to Construct. For individual on-site sewage collection and disposal systems, Authorizations to Construct shall expire two years from issuance per AAC R18-9-A301(D)(1)(e)(i) as amended.
- C. If the plans and specifications are not in compliance with the code, or if the plans and specifications are incomplete so as to make it impossible for the Department to determine if they are in compliance with the code, the Department shall reject the person's application. In such case, the Department shall send the person written notice specifying the reasons for denial. The person may appeal this decision in accordance with Section 8 of this regulation, or the applicant may resubmit new or revised plans and specifications, in which case no new application will be required.

SECTION 5: CONSTRUCTION IN COMPLIANCE WITH APPROVED PLANS

All work shall conform to approved plans and specifications. Should it be necessary or desirable to make any material change in the design of the approved project or establishment which will effect the capacity, hydraulic conditions, flow, operating unit or sanitary features of the proposed work, the revised plans and specifications, together with a written statement of the reason of such change, shall be submitted to the Department for review. Approval shall be obtained in writing prior to the work affected by the change is undertaken.

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SECTION 6: ACCESS TO CONSTRUCTION SITES FOR INSPECTION PURPOSES

- A. The Department shall be permitted to inspect the construction site of the regulated establishment or project prior to issuing an Approval to Construct.
- B. The Department shall be permitted to inspect the regulated project or establishment during construction.
- C. If a person refuses to allow the Department to make an inspection authorized by this section, the Department's Certificate of Approval will be suspended or revoked until such time as the inspection can be made.

SECTION 7: FINAL APPROVAL REQUIRED

- A. No person shall occupy or use the regulated establishment or project without first obtaining final approval from the Department.
- B. The Department shall be notified when the approved regulated establishment or project is to be placed in service. Notification shall be given at least five days prior to the expected date of completion of the work to allow sufficient time for a final inspection by the Department. Notification under this paragraph may be given by telephone, in person, or in writing.
- C. If upon final inspection, if the Department determines that the project or establishment is in accordance with this Code, the Department shall give its final written approval to the project or establishment.
- D. If upon final inspection, if the Department determines that the project or establishment is not in accordance with this Code, the Department shall deny final approval. The Department shall give the person written notice specifying the reasons for the denial. This denial may be appealed in accordance with Section 8 of this regulation.
- E. Fees for plan reviews and/or final inspections are due when an application for approval is submitted to the Department. These fees are not refundable. In the event a certificate to construct becomes void a new fee shall be required.

SECTION 8: HEARING PROCEDURES

- A. **Right of Appeal:** Any person who has been adversely affected by the actions or decisions of the Department may appeal that action or decision to the Director by filing a written request for a hearing to the Director. The request for a hearing must be filed within ten (10) days from the date the person receives hand delivered or by certified mail, return receipt requested written notice of the action or decision. If no request for a hearing is filed within the ten (10) day period, the action or decision is deemed final.

- B. Notification of Hearings:** The Director shall notify in writing all persons requesting the hearing, of the date, time and location of the hearing. Such notice shall be given to allow each person a reasonable opportunity to prepare his case.
- C. Rights of Parties at Hearing:** Any person, or the Department, may appear on their own behalf or through counsel and may submit evidence at the time of the hearing. All parties, shall have the right of cross-examination. A corporation may appear only through corporate officer or counsel.
- D. Conduct of Hearing:** A three (3) person board consisting of the Director (or his/her designee) and two (2) other Board of Health members appointed by the Director, in consultation with the Board of Health President, shall conduct the hearing in a manner consistent with due process. Other persons may be appointed if Board of Health members are unavailable within the time frames which are required or alternatively a hearing officer may be appointed. Witnesses shall be sworn and their testimony shall be electronically recorded. The cost of transcribing such testimony shall be paid by the party requesting it. The Hearing Board 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. A majority of the members of the Hearing Board shall concur in a decision for it to have effect.
- E. Hearing Board Decisions:** Within ten (10) business days of completion of the hearing, the Director (or his/her designee) shall affirm or deny the appeal. The decision shall contain findings of the fact and conclusions of law which are the basis of the Hearing Board decision.
- F. Director's Action:** Within three (3) working days of receiving the Hearing Board decision the Director shall notify the person requesting the appeal of the decision. The Hearing Board decision delivered by the Director shall be final.
- G. Time:** The computation of any time limits in these regulations shall be done in accordance with the time computation of the Arizona Rules of Civil Procedure. The time limits in these regulations may be enlarged by agreement of the parties or when, in the Director's opinion, good cause requires it.
- H. Emergency Action:** When an immediate and substantial public health danger exists, the action of the Director shall be final pending appeal by the person whom the action adversely affects. In such case, an appeal hearing before the Board of Health will be scheduled as soon as possible.

SECTION 9: SEVERABLE PROVISIONS:

Should any section, paragraph, sentence, clause, or phrase of this Sanitary Code be declared unconstitutional or invalid for any reason, the remainder of said Sanitary Code shall not be affected thereby.

SECTION 10: VIOLATION

- A. Any person who violates any provisions of this Sanitary Code shall be guilty of a Class 3 misdemeanor pursuant to A.R.S. § 36-191 and § 36-140 as amended, unless specifically stated otherwise.
- B. In addition, the Director may proceed under A.R.S. § 36-602, as amended.

REGULATION 2: FOOD AND DRINK

SECTION 1: SCOPE AND LEGAL AUTHORITY

- A. The U.S. Food and Drug Administration Food Code is adopted and incorporated into this regulation by reference, except section 3-304.15.
- B. Copies of the U.S. Food and Drug Administration Food Code are available from the U.S. Food and Drug Administration.
- C. For the purpose of this regulation, references to “regulatory authority” in the U.S. Food and Drug Administration Food Code mean the Cochise County Department of Health and Social Services, Division of Environmental Health.
- D. All food establishments shall comply with the provisions of this regulation which are applicable to that particular type of establishment or to the foods provided by that establishment.
- E. The regulations in this Sanitary Code are adopted by the authority granted by A.R.S. § 36-132, § 36-136, § 36-911, as amended.

SECTION 2: DEFINITIONS

- A. In this regulation, unless the context otherwise requires:
 - 1. **"New Establishments"** means a new establishment or a change of ownership of an existing establishment or an establishment which has been closed or an establishment undergoing substantial repair or modification, or an establishment which substantially changes its food service from that previously permitted.

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- 2. **"Person in charge"** means the individual present in a food service establishment who is the supervisor of the food service establishment at the time of inspection, or his designee.

SECTION 3: POSTING REQUIREMENTS

All establishments must post their most recent inspection in a conspicuous place, near the main entrance, not obstructed to public view.

REGULATION 3: TRAILER COACH PARKS

SECTION 1: SCOPE AND LEGAL AUTHORITY

- A. The Arizona Administrative Code, Title 9, Chapter 8, Article 5 as amended is adopted and incorporated into this regulation by reference as though set forth in full and shall be in full force and effect in Cochise County to the extent that the provisions of the Arizona Administrative Code are not expressly modified by the provisions of this sanitary code.
- B. The regulations in this Sanitary Code are adopted pursuant to the authority granted by A.R.S. §11-251(17) and (31), §36-136, §36-184, as amended.

SECTION 2: PERMITS REQUIRED

No person shall operate a trailer coach park without holding a current and valid permit issued by the Department.

SECTION 3: INSPECTION

An inspection of each trailer coach park will be performed at least once per year. Additional inspections shall be performed as often as necessary for the enforcement of this Regulation.

SECTION 4: COMMUNITY KITCHENS; RECREATIONAL FACILITIES

Trailer coach parks which provide a community kitchen or other recreational facilities shall comply with regulations of this code.

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REGULATION 4: CAMPGROUNDS**SECTION 1: SCOPE AND LEGAL AUTHORITY**

- A. The Arizona Administrative Code, Title 9, Chapter 8, Article 6, as amended, is adopted and incorporated into this regulation by reference as though set forth in full and shall be in full force and effect in Cochise County to the extent that the provisions of the Arizona Administrative Code are not expressly modified by the provisions of this sanitary code.
- B. The Regulations in this Sanitary Code are adopted pursuant to the authority granted by A.R.S. § 11-251(17) and (31), § 36-136 and § 36-184, as amended.

REGULATION 5: PUBLIC SCHOOLS**SECTION 1: SCOPE AND LEGAL AUTHORITY**

- A. The Arizona Administrative Code, Title 9, Chapter 8, Article 7, as amended, is adopted and incorporated into this regulation by reference as though in full and shall be in full force and effect in Cochise County to the extent that the provisions of the Arizona Administrative Code are not expressly modified by the provisions of this sanitary code.
- B. The regulations in this Sanitary Code are adopted pursuant to the authority granted by A.R.S. § 11-251(17) and (31), § 36-136 and A.R.S. § 36-184, as amended.

REGULATION 6: PUBLIC AND SEMIPUBLIC BATHING PLACES**SECTION 1: SCOPE AND LEGAL AUTHORITY**

- A. The Arizona Administrative Code Title 9, Chapter 8, Article 8 and Title 18, Chapter 5, Article 2 as amended, are adopted and incorporated into this regulation by reference as though in full and shall be in full force and effect in Cochise County to the extent that the provisions of the Arizona Administrative Code are not expressly modified by the provisions of this sanitary code.
- B. The regulations in this sanitary code are adopted pursuant to the authority granted by A.R.S. § 11-251(17) and (31), § 36-184 and § 36-136, as amended.

REGULATION 7: HUMAN EXCRETA**SECTION 1: SCOPE AND LEGAL AUTHORITY**

- A. The Arizona Administrative Code, Title 18, Chapter 9, Articles 1 thru 4, and Arizona Administrative Code, Title 18, Chapter 13, Article 11, as amended, is adopted and

incorporated into this regulation by reference as though in full and shall be in full force and effect in Cochise County to the extent that the provisions of the Arizona Administrative Code are not expressly modified by the provisions of this sanitary code.

- B. The Regulations in this Sanitary Code are adopted pursuant to the authority granted by A.R.S. § 11-251(17) and (31), § 36-184 and § 49-104, as amended.

SECTION 2: PROHIBITION; RESPONSIBILITY

- A. No person shall deposit or store any human excreta or sewage other than in a bathroom, or by other methods or devices satisfactory to and approved by the Department. No system or method for the collection, storage, transportation, and disposal of human excreta and sewage shall be installed, maintained or operated except as approved by the Department.
- B. The owner of each device, method, or system used for the storage, collection, transportation, and disposal of human excreta or sewage shall be responsible for the proper construction, maintenance, and operation of the facilities.
- C. Earth pit privies, vault privies, chemical toilets, incinerator toilets or other portable methods of disposing of human excreta shall not be authorized for any food establishment.

SECTION 3: INSPECTION

Representatives of the Department shall make such inspections of all buildings or structures, processes or vehicles used for the storage, collection, and disposal of human excreta or sewage as are necessary to assure compliance with these regulations.

SECTION 4: STORAGE AND DISPOSAL; GENERAL

The storage and disposal of human excreta or sewage shall be accomplished by one of the methods listed below:

- A. A bathroom connected to a public sewer.
- B. A bathroom connected to an individual septic tank disposal system.
- C. Any other systems approved by the A.D.E.Q.

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SECTION 5: SEPTIC TANK CLEANER VEHICLE PERMIT AND LICENSE

- A. Each septic tank cleaner vehicle that is satisfactorily maintained and operated in an approved manner shall receive a permit by the Department which shall be renewed on an annual basis. The Board of Supervisors shall establish the permit fees.
- B. Permits *are not* transferable either from person to person or from vehicle to vehicle.

REGULATION 8: HOTELS, MOTELS, AND TOURIST COURTS

SECTION 1: SCOPE AND LEGAL AUTHORITY

- A. The Arizona Administrative Code, Title 9, Chapter 8, Article 13, as amended, is adopted and incorporated into this regulation by reference as though set forth in full and shall be in full force and effect in Cochise County to the extent that the provisions of the Arizona Administrative Code are not expressly modified by the provisions of this sanitary code.
- B. The regulations in this section are adopted pursuant to the authority granted by A.R.S. § 36-136 and § 36-184 as amended.

SECTION 2: DEFINITIONS

- A. "**Transient**" means any member of the public who occupies a dwelling unit or guest room on a temporary basis for 30 days or less.
- B. "**Transient Dwelling Establishment**" means any place where sleeping, bathing, and toilet accommodations are available to transients on a temporary basis including but not limited to a hotel, motel, motor hotel, tourist court, tourist camp, rooming house, boarding house, inn, bed and breakfast establishment, and similar facilities by whatever name called, consisting of two (2) or more dwelling units or guest rooms. The term shall not include apartments, clubs, boarding houses, rooming houses, or similar facilities where occupancy of all dwelling units is on a permanent or semi-permanent basis.

SECTION 3: PERMITS

- A. No person shall operate a transient dwelling establishment without first obtaining a permit from the Department.
- B. A completed application for a permit to operate a transient dwelling establishment shall be made on forms furnished by the Department. New transient dwelling establishments or additions and alterations to existing transient dwelling establishments, shall include plans and specifications of the proposed sanitary facilities and any other information as may be

required by the Department. Such permit will not be issued until the proposed or existing transient dwelling establishment complies with the provisions of these regulations.

- C. The permit shall be posted in a conspicuous place in public view.
- D. Permits shall be valid for one (1) year from date of issue or as otherwise specified by the Department, and shall be renewed in accordance with requirements of the Department. Permits are not transferable either from person to person or from location to location.

SECTION 4: SUSPENSION OF PERMIT

If the Department finds that conditions in a transient dwelling establishment present such a severe and imminent health hazard as to require emergency action, suspension of the establishment's permit may be ordered. Such suspension shall require the holder of the permit to immediately cease operations. The dwelling establishment shall not resume operations until the Department determines upon reinspection that conditions responsible for the suspension no longer exist. Such reinspection shall be conducted within three (3) days, exclusive of weekends and holidays, of receipt of written notice from the holder of the permit that the conditions responsible for the suspension of the permit have been corrected.

SECTION 5: REVOCATION OF PERMIT

The Department may, after providing opportunity for a hearing, revoke a permit for serious, repeated or uncorrected violations of this regulation, or for interference with the Department in the performance of its duties.

SECTION 6: INSPECTION

Annual inspections by representatives of the Department shall make such inspections of any transient dwelling establishment as are necessary to assure compliance with these regulations. A copy of the report of the inspection shall be furnished the owner, or operator of the transient dwelling establishment and shall indicate the degree of compliance or non-compliance with the provisions of these regulations. Failure to correct any discrepancies noted within the time limit specified shall be cause for denial, revocation, or suspension of the permit to operate.

SECTION 7: NOTIFICATION OF DISEASE

- A. The owner or operator of a transient dwelling establishment shall report to the Department the name of any guest or employee, who is either suspected or known to have, a contagious disease in accordance with A.R.S. § 36-622, as amended.

- B. Every dwelling unit, having been occupied by a person known or suspected of having a contagious disease, shall be rendered noncontagious by disinfection, fumigation, or by other treatment methods as specified by the Department, prior to any further occupancy.

SECTION 8: FOOD SERVICE

The storage, preparation and serving of food and drink shall comply with the requirements of Regulation 2, Cochise County Sanitary Code.

REGULATION 9: RODENTS, INSECTS AND VERMIN

SECTION 1: LEGAL AUTHORITY

This regulation is adopted pursuant to the authority granted by A.R.S. § 11-251(17) and (31), § 36-136 and § 36-184, as amended.

SECTION 2: INFESTATION PROHIBITED

- A. No person, being the owner, person in charge, or occupant of any building, structure, place, or premises, shall permit thereon any unsanitary or uncontrolled harboring, breeding of rodents or other animals declared by the Department to be dangerous to the public health. Whenever the Department notifies such person in writing of the evidence of rodent or other animal harboring, s/he shall take immediate measures to render and maintain such infected premises free of such harboring and breeding places.
- B. No person shall cause, maintain or permit any accumulation of water, human excreta, or waste in which mosquitoes, flies or other insects are likely to breed. The owner, occupant, or person in control of any place which constitutes a breeding place for insects shall take all necessary and proper steps to eliminate such breeding sites.

SECTION 3: PERMITS SUSPENDED WHEN PREMISES ARE INFESTED

- A. No person shall, for fee or any other consideration, offer any transient dwelling establishment, or use any premises as a place where food or food products are stored, manufactured, processed, served or offered for sale while those premises harbor rodents, lice, bedbugs, roaches, flies, or other vermin.
- B. The Director shall have sufficient cause to suspend the permit to operate issued to any regulated establishment when the permit holder fails to abate and eliminate such an infestation within twenty-four (24) hours after being ordered to do so by the Director.

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REGULATION 10: SOLID AND OTHER OBJECTIONABLE WASTES**SECTION 1: LEGAL AUTHORITY**

This regulation is adopted pursuant to the authority granted by A.R.S. § 49-765, § 49-791, and § 11-251(17) and (31), § 36-136 and § 36-184 as amended.

SECTION 2: DEFINITIONS

- A. **"Approved site"** means a site permitted and approved by the A.D.E.Q. as a site for the disposal of solid waste.
- B. **"Ashes"** means residue from the burning of any combustible material.
- C. **"Garbage"** means all animal and vegetable wastes resulting from the processing, handling, preparation, cooking and serving of food or food materials.
- D. **"Manure"** means animal excreta, including cleanings from barns, stables, corrals, pens, or conveyances used for stabling, transporting, or penning of animals or fowls.
- E. **"Permitted contractor"** is a person who has a valid permit from the A.D.E.Q. to recover and transport solid waste.
- F. **"Person"** means any public or private corporation, company, partnership, firm, association or society of persons, or entity, including governmental entities, as well as an individual.
- G. **"Refuse"** means all putrescible and nonputrescible solid and semi-solid wastes, except human excreta, but including garbage, rubbish, ashes, manure, street cleanings, dead animals, abandoned automobiles, and industrial wastes.
- H. **"Rubbish"** means nonputrescible solid wastes, excluding ashes, consisting of both combustible and non combustible wastes, such as paper, cardboard, waste metal, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.
- I. **"Solid waste"** means all putrescible and non-putrescible solid and semi-solid wastes, including any garbage, trash, rubbish, refuse, sludge from a waste treatment plant, ashes, dead animals, abandoned vehicles, infectious wastes, manure, street and parking lot cleanings, industrial wastes, and other discarded material, but not including domestic sewage or hazardous wastes.

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SECTION 3: RESPONSIBILITY

- A. The collection and disposal of all refuse is the responsibility of each person and such refuse shall be stored, collected and disposed of to prevent a large accumulation, prevent a health hazard or the creation of a nuisance or in a manner approved by the Department.
- B. When solid waste is dumped or deposited in violation of this regulation and three (3) or more items in the solid waste identify the same person as the owner, there shall be a rebuttable presumption that that person is responsible for the unlawful dumping of the solid waste.
- C. The owner of the real property on which solid waste is located is responsible for complying with the provisions of this regulation even if the solid waste was placed on the property without the owner's knowledge or consent.
- D. Any person who by contract, agreement or otherwise arranges for the recovery, transport, disposal or dumping of solid waste is responsible for complying with the provisions of this regulation regarding that solid waste.

SECTION 4: INSPECTION

Representatives of the Department shall make such inspections of any premises, container, process, equipment, or vehicle used for collection, storage, transportation, disposal, or reclamation of solid waste as are necessary to insure compliance with these regulations.

SECTION 5: UNLAWFUL STORAGE AND DISPOSAL OF SOLID WASTE

- A. It is unlawful to store or accumulate solid waste in a manner that is a hazard to the public health and safety, as determined by the Director if storage or accumulation continues in such a manner for more than three (3) days after receipt of written notice from the Director of the hazardous condition. Such notice may take the form of a citation.
- B. It is unlawful to collect and transport solid waste unless the person is responsible for that waste pursuant to the provisions of Section 3 of this regulation or the person is a permitted contractor.
- C. It is unlawful for a person to dump, deposit or dispose of solid waste any place within Cochise County other than an approved site.
- D. Nothing in this Section shall preclude the Director for declaring such storage or accumulation of solid wastes to be a public health nuisance pursuant to A.R.S. § 36-601(A), as amended and pursuing injunctive relief pursuant to A.R.S. § 36-601(C), amended.

SECTION 6: RECOVERY OF DISPOSAL COSTS

- A. If a person violates Section 5 above and Cochise County arranges for or executes the lawful disposal of the solid waste, that person shall be responsible to Cochise County for all reasonable costs and expenses associated with the transportation and disposal of the solid waste.

- B. If the owner of the property on which the solid waste was unlawfully dumped, deposited or disposed of arranges for or executes the lawful disposal of the solid waste the person violating this regulation shall be responsible to the property owner for all reasonable costs and expenses associated with the transportation and disposal of the solid waste.

SECTION 7: KEEPING OF ANIMALS

- A. Any person, firm or corporation is prohibited from keeping or sheltering animals in a manner that creates a public nuisance as defined in A.R.S. § 36-601, as amended.

- B. Cattle, horses, sheep, goats, dogs, cats, birds, fowl, pigs and any other animal or bird, and the pens, stalls, stables, yards, shelters, cages, areas, places and premises where they are held or kept, shall be so kept and maintained that flies, insects, or vermin, rodent harborage, odors, ponded water, the accumulation of manure, garbage, refuse or other noxious material do not become a public health nuisance. Manure on farms or isolated premises other than dairy farms need not be protected and removed unless ordered by the Department.

- C. Manure and droppings shall be removed from pens, stables, yards, cages and other enclosures at least twice weekly and handled or disposed of in an approved manner by the Health Department.

- D. Manure shall not be allowed to accumulate in any place where it can affect any source of drinking water.

SECTION 8: DEAD ANIMALS

Dead animals, of any weight, on a highway right of way, or other public property or private property used by the public, shall be removed and disposed of by burial or removal to a dead animal site at an approved landfill by the owner of the animal. In the event the owner cannot be properly identified, dead animals will be removed by the Cochise County Highway Department on order of the County Sheriff or Health Director.

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SECTION 9: REMOVAL AND DISPOSAL OF DEAD DOMESTIC ANIMALS

Policy

Carcasses of domestic animals, found in the un-incorporated areas of the County within public rights-of-way, shall be handled in accordance with the procedures set forth in this policy.

It is also understood that cooperation is the basis of successfully achieving desired results. All departments referenced below will cooperate and assist to ensure proper removal/disposal of dead animals.

Procedures

All reports received at department offices during normal working hours (8:00 a.m. - 5:00 p.m.) will be relayed to the appropriate offices as follows:

- A. In cases where reports/calls are received requesting the pick up and disposal of dead domestic animals, every effort will be made to identify the **exact** location of the carcass. When this information has been determined, the proper authorities will be contacted as follows:
 1. Within the city limits on public rights-of-way, the caller will be instructed to notify the appropriate city government for removal and disposal.
 2. If dead domestic animals are discovered along/on a State highway, the caller will be instructed to contact the Arizona Department of Transportation.
 3. If calls are received concerning dead domestic animals on private property within the un-incorporated areas of the County, the caller will be informed that the dead animal is the responsibility of the owner. The Cochise County Humane officers **will not remove dead domestic animals from private property.**
 4. Within the un-incorporated areas of the County on public rights-of-way, the Cochise County Humane officers will respond to reports/calls for pick up and disposal of dead domestic animals only.
- B. In the event a large animal, such as a cow or horse, is found dead along/on a County road or highway and after the proper livestock officials have been notified, every effort will be made to contact the owner of such animal for removal and disposal. If, due to lack of resources, the owner is unable to remove the animal from the road, the Cochise County Public Works Department will be called to assist livestock officials in the removal and disposal of large carcasses. Should the carcass present a traffic hazard, the appropriate law enforcement agency should be contacted to take the necessary action to ensure public safety.

- C. The Solid Waste Inspector for the Department of Facilities and Solid Waste Management will remove dead domestic animals off of the County traveled way when found during the course of a work day and, inform the Humane Officers of their location.

SECTION 10: PENALTY

Any person who violates subsection C of section 5 of this regulation shall be guilty of a class two misdemeanor and in addition, shall be subject to a civil penalty in an amount not to exceed \$1,000.00, as provided in A.R.S. § 49-783 and § 49-791, as amended.

REGULATION 11: PUBLIC HEALTH NUISANCES

SECTION 1: SCOPE AND LEGAL AUTHORITY

- A. The Arizona Revised Statutes §36-601 as amended is adopted into this regulation by reference as if set forth in full herein and shall be in full force and effect in Cochise County.
- B. The regulations in this section are adopted pursuant to the authority granted by A.R.S. § 36-136 and § 36-184 as amended.

SECTION 2: INJUNCTIONS

Nothing in this regulation shall preclude the Director from declaring a condition to be a public health nuisance as defined by A.R.S. § 36-601, as amended and pursuing injunctive relief pursuant to A.R.S. § 36-601(C), as amended.