

Salt Lake County

Health Regulation

#6

MICROENTERPRISE HOME KITCHENS

Adopted by the Salt Lake County Board of Health

June 6, 2024

Under Authority of Utah Code Ann. §§ 26A-1-114, 26A-1-121(2)

1. PURPOSE & APPLICABILITY OF REGULATION

- 1.1. The purpose of this regulation is to set forth permitting procedures and requirements for minimum standards for the sanitation, operation, and maintenance of a microenterprise home kitchen, as defined in Utah Code 26B-7-401 and, to safeguard public health and ensure that food is safe, unadulterated, and honestly presented, provides for the prevention and control of health hazards associated with a microenterprise home kitchen.
- 1.2. This regulation applies to microenterprise home kitchens, as defined, and does not apply to any other type of food establishment.

2. DEFINITIONS

For the purposes of this regulation, the following terms, phrases, and words shall have the meanings herein expressed:

- 2.1. “Clean” means the condition of being visibly free from dirt, soil, stain, leftover food particles, or other materials not intended to be a part of the object in question.
- 2.2. “Board” means the Salt Lake County Board of Health.
- 2.3. “Department” means the Salt Lake County Health Department (SLCoHD).
- 2.4. “Director” means the Director of the Salt Lake County Health Department or his or her designated representative.
- 2.5. “Employee” means a person who works in a microenterprise home kitchen, including the operator, whether for monetary compensation or not and regardless of relationship to the operator.
- 2.6. “FDA Food Code” or “Food Code” means the version of U.S. Public Health Service, Food and Drug Administration, Model Food Code as incorporated by reference with exceptions and amendments in Utah Rule R392-100 and Salt Lake County Health Department Regulation #5.
- 2.7. “Food” means a raw, cooked, or processed edible substance, ice, nonalcoholic beverage, or ingredient used or intended for use or for sale, in whole or in part for human consumption.
- 2.8. “HACCP Plan” means a written document that delineates the formal procedures for following the Hazard Analysis and Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.
- 2.9. “Hot water” means water heated to a temperature of not less than 110° F at the outlet.

- 2.10. “Hermetically sealed container” means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.
- 2.11. “Imminent health hazard” means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on the number of potential injuries and the nature, severity, and duration of the anticipated injury. An imminent health hazard may include an emergency such as a fire, flood, extended interruption of electrical or water service, wastewater backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross unsanitary occurrence or condition, or other circumstances that may endanger public health.
- 2.12. “Linens” means fabric items such as cloth hampers, cloth napkins, tablecloths, wiping cloths, and work garments including cloth gloves.
- 2.13. “Local health department” has the same meaning as defined in Utah Code Ann. § 26A-1-102.
- 2.14. “Local health officer” means the director of the jurisdictional local health department or a designated representative.
- 2.15. “Microenterprise home kitchen” means a non-commercial kitchen facility located in a private home and operated by a resident of the home where ready-to-eat food is handled, stored, prepared, or offered for sale pursuant to Utah Code Ann § 26B-7-401,
- 2.15.1. Microenterprise home kitchen" does not include:
- (i) a catering operation;
 - (ii) a cottage food operation;
 - (iii) a food truck;
 - (iv) an agritourism food establishment as defined in Utah Code Ann. § 26B-7-401;
 - (v) a bed and breakfast; or
 - (vi) a residence-based group care facility.
- 2.16. “Molluscan shellfish” means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof.
- 2.17. “Operator” means a person who resides in the private home and who owns, manages, or controls, or who has the duty to manage or control, a microenterprise home kitchen.

- 2.18. “Plumbing fixture” means a receptacle or device that is connected to the water supply system of the premises; or discharges wastewater or liquid-borne waste materials to the drainage system of the premises.
- 2.19. “Ready-to-eat” means:
- 2.19.1. Raw animal food that is cooked,
 - 2.19.2. Raw fruits and vegetables that are washed,
 - 2.19.3. Fruits and vegetables that are cooked for hot holding.
 - 2.19.4. A time or temperature control food that is cooked to the temperature and time required for the specific food in accordance with FDA Food Code 3-401 or Salt Lake County Health Department Regulation #5 4.3.46, 4.3.47, and 4.3.48; or
 - 2.19.5. A bakery item for which further cooking is not required for food safety.
- 2.20. “Sanitized” means the application of cumulative heat or chemicals on cleaned food, ice, or potable water contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999% reduction of representative disease microorganisms of public health importance.
- 2.21. “Time or temperature control food” or “TCS” means food that requires time or temperature controls for safety to limit pathogenic microorganism growth or toxin formation.
- 2.22. “Wastewater” means sewage, industrial waste, or other liquid or waterborne substances causing or capable of causing pollution of waters of the state.

3. GENERAL PROVISIONS

3.1. Jurisdiction of the Department.

- 3.1.1. This regulation is promulgated by the Salt Lake County Board of Health as authorized by Utah Code Ann. § 26A-1-121(1), and Chapter 9.04, Salt Lake County Code of Ordinances.
 - 3.1.2. The Department is empowered to enforce this regulation in all incorporated and unincorporated areas served by the Department as authorized by Utah Code Ann. §26A-1-114(1)(a), and Chapter 9.04, Salt Lake County Code of Ordinances.
- 3.2. It is unlawful for any person not to comply with any regulation promulgated by the Department, unless granted an express variance by the Salt Lake County Board of Health.

- 3.3. Compliance with this regulation does not constitute a defense if charged with any environmental crime or violation of any local, state, or federal law.
- 3.4. Legal action taken by the Department under this regulation does not preclude prosecution for any environmental crime that may have been committed or violation of any other local, state, or federal law.
- 3.5. Nothing in this regulation affects or modifies in any way the obligations or liability of any person under any other regulation or provision thereof issued by the Department, any ordinance issued by Salt Lake County or any municipality located within Salt Lake County, or any state or federally issued law, including common law. However, Departmental regulations supersede other existing local and county standards, regulations and ordinances pertaining to similar subject matter that are inconsistent.
- 3.6. Verbal or contractual obligations do not diminish or remove the owner's or other responsible person's obligation to comply with this regulation.
- 3.7. **Severance.** If any section, subsection, sentence, clause, or phrase of this regulation is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision may not affect the validity of the remaining portions of this regulation.

4. MICROENTERPRISE HOME KITCHEN AND AGRITOURISM PROVISIONS

4.1. Permit Requirements of Microenterprise Kitchen

4.1.1. General Requirements.

- (i) The operator will:
 - a. comply with this rule; and
 - b. be responsible for the conduct of employees to ensure compliance with this rule.
- (ii) Microenterprise home kitchens are exempt from the requirements of Utah Admin. Rule R392-100, Food Service Sanitation, unless otherwise stated.
- (iii) An employee who works with unpackaged food, food equipment or utensils, or food-contact surfaces for a Microenterprise Home Kitchen is a food handler and will meet the requirements of Utah Admin. Rule R392-103.
- (iv) At least one employee shall:

- a. be certified in food safety management according to the requirements of Utah Rule R392-101; and
- b. maintain proof of food safety management certification available for review by Department inspector.

4.1.2. Department Approval and Permits Required:

- (i) An operator shall operate a microenterprise home kitchen only after obtaining a valid permit to operate issued by the Department that has jurisdiction over the geographical area in which the home kitchen is located.
- (ii) An operator shall only qualify for a microenterprise home kitchen permit if:
 - a. food that is served at the microenterprise home kitchen is processed in compliance with state and federal regulations; and
 - b. the microenterprise home kitchen operates only during the hours approved in the microenterprise home kitchen permit.
- (iii) The Department shall impose a fee for a microenterprise home kitchen permit in an amount that reimburses the Department for the cost of regulating the microenterprise home kitchen.
- (iv) An operator applying for a microenterprise home kitchen permit shall provide to the Department:
 - a. a written application with statement of consent to enter the premises where food is prepared, cooked, or stored for the microenterprise home kitchen; and
 - b. written standard operating procedures that include food and food types that will be stored, handled and prepared, the proposed procedures and methods of food preparation and handling, procedures, methods and schedules for cleaning utensils and equipment, procedures and methods for the disposal of refuse and a plan for maintaining time or temperature control food at the appropriate temperatures for each TCS food.
- (v) The Department may require approval of the procedures and plans specified in 4.1.2(iv)b before issuing a microenterprise home kitchen permit.
- (vi) The Department is required to inspect the microenterprise home kitchen as a source of an adulterated food or an outbreak of illness caused by a contaminated food and finds, as a result of that inspection, that the microenterprise home kitchen has produced an adulterated food or was the source of an outbreak of illness caused by a contaminated food, the Department

may charge and collect from the microenterprise home kitchen a follow up fee for that inspection.

- (vii) The operator shall ensure that a microenterprise home kitchen permit:
 - a. is not transferred to a location that is different from the microenterprise home kitchen described in the application and plans submitted as required in 4.1.2(iv);
 - b. is renewed on an annual basis until the operator discontinues microenterprise home kitchen operations; and
 - c. is restricted to the location and hours listed on the permit application.
- (viii) Nothing in this regulation prevents the Department from revoking a microenterprise home kitchen permit issued by the Department if the operation of the microenterprise home kitchen violates the terms of:
 - a. the permit;
 - b. this rule; or
 - c. Utah Code Ann. § 26B-7-416.
- (ix) If a permit application is denied, or a permit is revoked, the microenterprise home kitchen operator may request information from the Department that includes:
 - a. the specific reasons and rule citations for permit denial; and
 - b. any actions the applicant must take to qualify, or requalify, for a permit.
- (x) In accordance with Utah Code Ann. § 26B-7-416 and this rule, the operator shall comply with the following permit requirements:
 - a. time or temperature control food shall be prepared, cooked, and served on the same day;
 - b. food that is sold or provided to a consumer may not be consumed onsite at the microenterprise home kitchen operation;
 - c. food that is sold or provided to a consumer shall be picked up by or delivered directly to the consumer;
 - d. in a manner that protects the food from contamination as required in 4.6;

- e. in accordance with the time and temperature requirements specified in Utah Admin. Rule R392-106-11;
 - f. food preparation may not involve processes that require a HACCP plan, or the production, service, or sale of raw milk or raw milk products;
 - g. the operator may only sell or provide food directly to consumers and may not sell or provide food to any wholesaler or retailer;
 - h. molluscan shellfish may not be served or sold; and
 - i. the operator shall provide the consumer with a notification that, while a permit has been issued by the Department, the kitchen may not meet all of the requirements of a commercial retail food establishment.
- (xi) The Department issuing a microenterprise home kitchen permit may not require submission of plans and specifications before construction or remodel of a kitchen facility except for the plans and procedures required in 4.1.2(iv)b;
- (xii) The Department shall ensure that:
- a. a microenterprise home kitchen permit includes a statement that reads, “This location is permitted under modified FDA requirements”; and
 - b. the operator is provided the opportunity to update the information required in 4.1.2(iv)b without requiring the operator to renew the permit.

4.2. Construction and Maintenance Requirements.

4.2.1. The operator shall ensure that:

- (i) Materials for use on indoor floor, wall, and ceiling surfaces of a microenterprise home kitchen are smooth, durable, and easily cleanable for areas where food is stored, prepared, or held under temperature control;
- (ii) If used, mats and duckboards are designed to be removable and easily cleanable;
- (iii) Physical facilities are maintained in good repair;
- (iv) Physical facilities are cleaned as often as necessary to keep them clean and free of debris;
- (v) The interior of a microenterprise home kitchen is well lit by natural or artificial light whenever food is being prepared;

- (vi) Linens used for the microenterprise home kitchen are stored and laundered separately from household laundry and that soiled laundry is stored to prevent contamination of food and equipment;
- (vii) A microenterprise home kitchen has at least one handwashing station installed with running hot water and cold water under pressure, hand cleaning liquid, powder, or bar soap and individual, disposable hand towels or other hand drying equipment as approved by the Department; conveniently located in the food preparation area, the warewashing area and the toilet room;
- (viii) A properly maintained kitchen sink installed with running hot water and cold water under pressure;
- (ix) A toilet room that is available to employees during all hours of operation and equipped with proper handwashing facilities as described in 4.2.1(vii); and
- (x) A toilet room sink and a kitchen sink may be used as a handwashing station when properly equipped, as required in 4.2.1(vii), and the installation of an additional sink is not required.

4.3. Equipment Requirements.

4.3.1. The operator shall ensure that:

- (i) Materials that are used in the construction of utensils and food-contact surfaces of equipment are designed to retain their characteristic qualities under normal use conditions;
- (ii) Food contact surfaces are smooth, easily cleanable, and in good repair;
- (iii) Utensils are maintained in a sanitary manner between uses;
- (iv) Non-food contact surfaces are made of materials ordinarily used in residential settings and are kept clean;
- (v) Fixed floor-mounted and table-mounted equipment are sanitized between uses;
- (vi) Sponges are not used to clean or sanitize utensils or food-contact surfaces;
- (vii) Linens are not used in contact with food;
- (viii) Ventilation in food preparation and warewashing area is designed and maintained to allow the escape of gases, odors, steam, heat, grease, vapors, and smoke from the kitchen;
- (ix) Plumbing fixtures are kept clean from the accumulation of residue and debris;

- (x) Except for transport not to exceed four hours, a non-mechanical container such as a cooler is not used for temperature control of TCS foods regardless of whether the container is used with or without ice or reusable ice packs;
- (xi) An operational non-fixed temperature measuring device is located in each mechanically refrigerated unit or hot food storage unit;
- (xii) The microenterprise home kitchen is equipped with at least one food temperature measuring device that:
 - a. has a small diameter probe;
 - b. does not have sensors or stems constructed of glass unless the thermometer with a glass sensor or stem is encased in a shatterproof coating such as a candy thermometer;
 - c. is easily readable;
 - d. is accessible; and
 - e. is properly calibrated.
- (xiii) Receptacles and waste handling units for refuse and recyclables containing materials with food residue are:
 - a. durable;
 - b. cleanable;
 - c. insect and rodent resistant;
 - d. leakproof;
 - e. nonabsorbent;
 - f. designed and constructed to have tight-fitting lids, doors, or covers; and
 - g. maintained;
 - h. covered; and
 - i. in good repair.

- (xiv) Refuse and recyclables are removed from the microenterprise home kitchen premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents; and
- (xv) The microenterprise home kitchen is furnished or equipped with adequate electrical power to ensure uninterrupted service during food preparation and food storage and when storing any time or temperature control food.

4.4. Requirements for Cleaning Equipment and Utensils

4.4.1. The operator shall ensure that:

- (i) The food-contact surfaces of equipment and utensils are:
 - a. clean to sight and touch;
 - b. cleaned and sanitized:
 - i. before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry;
 - ii. each time there is a change from working with raw foods to working with ready-to-eat foods;
 - iii. between uses with raw fruits and vegetables and with time or temperature control foods;
 - iv. before using or storing a food temperature measuring device;
 - v. at any time during the operation when contamination may have occurred; and
 - c. cleaned throughout the day at least every four hours if used with time or temperature control foods.
- (ii) The food-contact surfaces of cooking equipment and pans are kept free of encrusted grease deposits and other soil accumulations;
- (iii) The nonfood-contact surfaces of equipment are kept free of an accumulation of dust, dirt, food residue, and other debris;
- (iv) Utensils and equipment contacting food that is not a time or temperature control food are cleaned:
 - a. at any time when contamination may have occurred;

- b. at least every 24 hours; and
- c. in equipment such as ice bins and beverage dispensing nozzles and enclosed components of equipment such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders, and water vending equipment:
 - i. at a frequency specified by the manufacturer; or
 - ii. At a frequency necessary to preclude accumulation of soil or mold;
- (v) When employees use a kitchen sink for dishwashing, washed utensils and equipment are rinsed, after cleaning and prior to sanitizing; by using a distinct, separate water rinse;
- (vi) After cleaning and sanitizing, equipment and utensils are air-dried after adequate draining;
- (vii) The wash, rinse and sanitizer solutions are maintained clean;
- (viii) Clean and sanitized equipment and utensils are stored:
 - a. in a self-draining position that allows air drying; and
 - b. covered or inverted.
- (ix) Single-serviced and single-use articles are not reused;
- (x) Linens that do not come in direct contact with food are laundered between operations if they become wet, sticky, or visibly soiled;
- (xi) Cloths in-use for wiping food spills are:
 - a. maintained dry; and
 - b. used for no other purpose.
- (xii) Cloths in-use for wiping counters and other equipment surfaces are:
 - a. held between uses in a container of chemical sanitizer solution at a concentration specified under 4.5.1 (iii); and
 - b. laundered daily when used.
- (xiii) Cloths in-use for wiping surfaces in contact with raw animal foods are kept separate from cloths used for other purposes;

- (xiv) Dry wiping cloths and the chemical sanitizing solutions specified in 4.4.1 (xii) in which wet wiping cloths are held between uses are free of food debris and visible soil;
- (xv) Containers of chemical sanitizing solutions specified in 4.4.1(xii) in which wet wiping cloths are held between uses are stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, and single-service, or single-use articles;
- (xvi) Single-use disposable sanitizer wipes are EPA-approved for foodservice and used in accordance with manufacturer's label directions; and
- (xvii) Soiled linens are stored and laundered separately from household laundry and stored to prevent contamination of food, clean equipment, clean utensils, and single-service and single-use articles.

4.5. Requirements for Sanitizing Equipment and Utensils

4.5.1. The operator shall ensure that:

- (i) Employees sanitize equipment and utensils in chemical manual or mechanical operations after being cleaned as required in 4.4, through the application of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under 4.5.1(ii);
- (ii) Chemical sanitizers, including chemical sanitizing solutions generated onsite, and other chemical antimicrobials applied to food-contact surfaces;
 - a. meet requirements specified in 40 CFR 180.940 and 40 CFR 180.2020; and
 - b. are used in accordance with the EPA-registered label directions.
- (iii)The concentration of chemical sanitizer solution is maintained as follows:
 - a. chlorine sanitizer solutions has a minimum concentration and temperature of 50 to 100 ppm at 100° F with an associated contact time of 7 seconds; and
 - b. quaternary ammonium compound solutions have a minimum temperature of 75° F and a concentration as indicated by the manufacturer's label directions.
- (iv)Employees are provided with a test kit or other device that accurately measures the concentration in parts per million of chemical sanitizer solution.

4.6. Food Safety Requirements.

4.6.1. The operator may not offer for sale:

- (i) A raw time or temperature control food such as raw fish, raw milk, or raw shellfish;
- (ii) Any food requiring special processes that would necessitate a HACCP plan, as defined in FDA Food Code;
- (iii) Fish that was not commercially and legally caught or that was caught or harvested from waters of Utah;
- (iv) Molluscan shellfish;
- (v) Food in a hermetically sealed container that was not obtained, either directly or indirectly, from a regulated food processing plant;
- (vi) Liquid milk and milk products that were not obtained from sources that comply with Grade A standards specified by the Department of Agriculture and Food by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- (vii) Mushrooms that were picked in the wild;
- (viii) Game animals that were not raised, slaughtered, and processed according to rules governing meat and poultry as specified by the Department of Agriculture and Food by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- (ix) Food containing meat or poultry products that were not inspected under Utah Code Ann. § 4-32-106 or inspected by the United States Department of Agriculture.

4.6.2. The operator shall take steps to avoid any potential contamination to food, equipment, utensils or unwrapped single-service and single-use articles; and prevent an individual from entering the food preparation, food storage, and warewashing areas while food is being prepared if the individual is known to be suffering from:

- (i) Symptoms associated with acute gastrointestinal illness; or
- (ii) A communicable disease that is transmissible through food; or
- (iii) If the individual is unnecessary to the microenterprise home kitchen operation while food is being prepared.

4.6.3. The operator shall ensure that:

- (i) Food is safe, unadulterated, and honestly presented;
- (ii) Food is offered for human consumption in a way that does not mislead or misinform the consumer;
- (iii) Food or color additives, colored overwraps, or lights are not used to misrepresent the true appearance, color, or quality of a food;
- (iv) Food packages are in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants;
- (v) Raw eggs are received and maintained in a clean and sound condition, and are held in refrigerated equipment that maintains an ambient temperature of 45°F or less;
- (vi) Eggs are stored in a manner that does not allow for contamination;
- (vii) Eggs are not collected or stored in a previously used egg carton or package that is not designed or intended for reuse;
- (viii) Pasteurized eggs or egg products are substituted for raw eggs in the preparation of foods such as Caesar salad, hollandaise or Bearnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages that are not cooked;
- (ix) Raw, unpasteurized eggs are used in recipes that will not be cooked only if the microenterprise home kitchen has a consumer advisory, as required in 4.7.1(v);
- (x) Ice for use as a food or a cooling medium is made from potable water;
- (xi) Ice is not used in food or beverages after use as a medium for cooling the exterior surfaces of food or food packages;
- (xii) Food only contacts surfaces of equipment and utensils that are cleaned and sanitized as specified in 4.4 and 4.5 or single-service and single-use articles;
- (xiii) Food is protected from contamination by storing the food in a manner that does not allow for contamination;
- (xiv) Items not ordinarily found in a home kitchen are placed or stored away from food preparation and food storage areas;
- (xv) Food is protected from cross-contamination by separating raw animal foods during storage, preparation, and holding from raw ready-to eat food and cooked ready-to-eat food;

- (xvi) Separating types of raw animal foods from each other such as beef, fish, lamb, pork, and poultry during storage, preparation, and holding, except when combined as ingredients, by using separate equipment for each type of food, arranging each type of food in equipment so that cross-contamination of one type with another is prevented;
- (xvii) Cleaning hermetically sealed containers of visible soil before opening;
- (xviii) Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened;
- (xix) Storing and segregating damaged, spoiled, or recalled food in designated areas within the microenterprise home kitchen that are separated from food, equipment, utensils, linens, and single-service and single-use articles;
- (xx) Separating fruits and vegetables before they are washed from read-to-eat food;
- (xxi) Raw fruits and vegetables are thoroughly washed in potable water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form;
- (xxii) Food is prepared, handles, or stored only in kitchen and food storage areas except when cooking in an open-air barbeque, grill, or outdoor wood-burning oven as permitted;
- (xxiii) Except for containers holding food that can be readily and unmistakably recognized such as dry pasta, working containers holding food or food ingredients that are removed from their original packages for use in the microenterprise home kitchen, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar are identified with the common name of the food;
- (xxiv) Animals are kept outside of food preparation and storage areas;
- (xxv) Food and food contact surfaces are protected from physical hazards such as broken glass, hair or fur, and metal or wood debris;
- (xxvi) Ready-to-eat food is protected from contamination during storage, preparation, handling and transport;
- (xxvii) Ready-to-eat TCS food sold outside of the microenterprise home kitchen is maintained at the proper holding temperature as required in 4.7.1(iv);
- (xxviii) Prior to consumption, the operator or employee provides written or verbal notification to the consumer if a food contains one or more common food allergens; and

(xxix) Food is protected from contamination that may result from a factor or source not specified elsewhere in this rule.

4.6.4. Nothing in this rule relinquishes the authority of the Utah Department of Agriculture and Food to administer the state meat, poultry, and poultry products inspection program at a level at least equal to the standards imposed under 21 U.S.C. §§ 451 to 695.

4.7. Food Temperature Requirements

4.7.1. The operator shall ensure that:

- (i) Any food requiring cooking, thawing, cooling, freezing, or reheating before sale is cooked, frozen, or reheated as required in 3-4 of the FDA Food Code;
- (ii) Stored frozen foods are maintained frozen, and commercially processed foods which are labeled to be kept frozen are kept frozen until cooked or sold;
- (iii) Commercially processed foods labeled to be kept frozen that are thawed under refrigeration at 41°F or below in accordance with the manufacturer's directions:
 - a. have a date marking or other record keeping to indicate when the food entered refrigeration; and
 - b. are discarded seven (7) days after entering the refrigerator.
- (iv) Except during preparation, cooking, or cooling, time or temperature control food is maintained at 135° F or higher, or at 41° F or lower;
- (v) Except for whole-muscle intact beef steak, if raw animal-derived food is sold undercooked the consumer is notified as to which food is being sold undercooked and the consumer is informed by way of effective written means that there is a significantly increased risk of consuming such foods;
- (vi) Ready-to-eat TCS food prepared and held at a temperature as required in 4.7.1(iv) is clearly marked to indicate the date or day on which the food was prepared, which is the same date on which the food shall be consumed, sold, or discarded;
- (vii) Ready-to-eat, TCS food prepared and packaged by a food processing plant, and opened and held for more than 24 hours at a temperature as required in 4.7.1(iv) is clearly marked at the time the original container is opened in a microenterprise home kitchen to indicate the date or day by which the food shall be consumed, sold, or discarded, with the day the original container is opened being counted as day 1, and the day or date marked by the

microenterprise home kitchen not exceeding a manufacturer's use-by date if the manufacturer determined the use-by date based on food safety;

(viii) A refrigerated, ready-to-eat, TCS food ingredient or a portion of a refrigerated, ready-to-eat, TCS food that is subsequently combined with additional ingredients or portions of food retains the date marking of the earliest-prepared or first prepared ingredient; and

(ix) Food specified in 4.7.1(iv) is discarded if it:

- a. Exceeds the temperature and time combination specified in 4.7.1(iv)-(vii), except time that the product is frozen;
- b. In in a container or package that does not bear a date or day; or
- c. Is appropriately marked with a date or day that exceeds a temperature and time combination as specified in 4.7.1.

4.8. Poisonous or toxic materials.

4.8.1. The operator shall ensure that:

(i) Containers of poisonous or toxic materials and personal care items bear a legible manufacturer's label;

(ii) Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies are clearly and individually identified with the common name of the material;

(iii) Poisonous or toxic materials are stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

- a. separating the poisonous or toxic materials with spacing or partitioning; and
- b. locating the poisonous or toxic materials in an are that is not above food, equipment, utensils, linens, and single-service or single-use articles.

(iv) Only those poisonous or toxic materials that are required for the operation and maintenance of a microenterprise home kitchen, such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, are allowed in a microenterprise home kitchen;

(v) Poisonous or toxic materials are:

- a. used according to:

- i. Salt Lake County Health Department Regulation #5;
 - ii. manufacturer's label directions, and for a pesticide, the manufacturer's label directions specify that use is allowed in a food preparation area:
 - b. the conditions of certification for use of the pest control materials; and
 - c. additional conditions that may be established by the Department; and
 - d. applied in a manner that prevents:
 - i. a hazard to employees or other persons; and
 - e. contamination including toxic residues due to drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles.
- (vi) Restricted use pesticides are not used in a microenterprise home kitchen unless:
- a. completed by or under the direction of a licensed Utah pesticide applicator;
 - b. and pesticide application practices comply with Utah Admin. Rule R68-7, Utah Pesticide Control Rule;
- (vii) A container previously used to store chemical materials is not used to store, transport, or dispense a food or beverage;
- (viii) Rodent bait is contained in a covered, tamper-resistant bait station; and
- (ix) Tracking powder is not used inside of a microenterprise home kitchen unless the powder is non-toxic, such as flour or talcum powder, and is used in such a manner that it cannot contaminate food, equipment, utensils, linens, and single-service or single-use articles.

4.9. Personal Cleanliness and Protection from Contamination.

4.9.1. The operator shall ensure that:

- (i) Employees do not contact exposed, ready-to-eat food with their bare hands and use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment;
- (ii) Employees minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form;

- (iii) Employees use single-use gloves, as needed, for only one task such as working with ready-to-eat food, for no other purpose, and discard when damaged or soiled, or when interruptions occur in the operations;
- (iv) Employees keep their hands and exposed portions of their arms clean using the cleaning procedure specified in 2-301.12 of the FDA Food Code immediately before engaging in handling of food or clean equipment and utensils and:
 - a. after touching bare human body parts other than clean hands and clean, exposed portions of arms;
 - b. after using the toilet room;
 - c. after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eat, or drinking;
 - d. after handling soiled equipment or utensils;
 - e. during food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;
 - f. when switching between working with raw food and working with ready-to-eat food;
 - g. before donning gloves to initiate a task that involves working with food; and
 - h. after engaging in other activities that contaminate the hands.
- (v) A sign or poster is placed near each handwashing station in a conspicuous location that notifies employees to wash their hands;
- (vi) Employees clean their hands in a handwashing station as required in 4.2.1(vii);
- (vii) Employees keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough;
- (viii) Employees do not wear fingernail polish or artificial fingernails when working with exposed food unless wearing intact gloves in good repair;
- (ix) Employees do not wear jewelry including medical information jewelry on their arms and hands except for a plain ring such as a wedding band;
- (x) Employees wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles;
- (xi) Employee's dress or change clothing outside of the kitchen facility;

- (xii) Employees wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed food, clean equipment, utensils, and linens, unwrapped single-service and single-use articles;
- (xiii) Employees do not use a utensil more than once to taste food that is to be sold; and
- (xiv) The microenterprise home kitchen is maintained free of insects, rodents, and other pests, and their presence is controlled and prevented by:
 - a. routinely inspecting incoming shipments of food and supplies;
 - b. routinely inspecting the microenterprise home kitchen for evidence of pests; and
 - c. using pest management methods, if pests are found, such as trapping devices, eliminating harborage, or other means of pest control.

4.10. Supervision, Employee Health, and Contamination Events.

4.10.1. The operator or the operator's designee shall be present at the microenterprise home kitchen and in charge of operations during all hours of operation.

4.10.2. The operator or operator's designee shall ensure that:

- (i) Persons unnecessary to the microenterprise home kitchen operation are not allowed in the microenterprise home kitchen during food preparation;
- (ii) Employees entering the microenterprise home kitchen comply with this rule;
- (iii) Employees are effectively cleaning their hands as specified in 4.9.1(iv);
- (iv) Employees are visibly observing foods as they are received to determine that they are delivered at the proper temperatures, protected from contamination, unadulterated, and accurately presented, and are placing foods into appropriate storage locations;
- (v) Employees are properly cooking TCS food;
- (vi) Employees are using proper methods to rapidly cool TCS food;
- (vii) Consumers who order partially cooked TCS food of animal origin are informed that the food is not cooked sufficiently to ensure its safety, as required in 4.7.1(v);

- (viii) Employees are properly sanitizing cleaned equipment and utensils;
- (ix) Employees are preventing cross-contamination of ready-to-eat food with bare hands as specified in 4.9.1(i);
- (x) Employees are properly trained in food safety, as required in 4.1.1(iii), including food allergy awareness;
- (xi) Employees are informed in a verifiable manner of their responsibility to report, to the operator or operator's designee, information about their health and activities as they relate to diseases that are transmissible through food, as specified under 4.10.2 (xiii);
- (xii) Written procedures, where required in this rule or by the Department, are maintained and implemented as required;

4.10.3. The operator or operator's designee, and employees shall abide by 2-201 of the FDA Food Code in reporting of diseases, symptoms, and the exclusion or restriction of those working in the microenterprise home kitchen.

4.10.4. Microenterprise home kitchen employees experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed food; clean equipment, utensils, and linens, or unwrapped single-service or single-use articles.

4.10.5. A microenterprise home kitchen shall have procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the microenterprise home kitchen. The procedures shall address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.

4.11. Inspections, Corrective Actions, and Prevention of Foodborne Disease.

4.11.1. The Department shall:

- (i) Inspect a facility that requests a microenterprise home kitchen permit only for:
 - a. an initial inspection, no more than one week before the microenterprise home kitchen is scheduled to begin operation; or
 - b. an unscheduled inspection if the Department conducts the inspection:
 - i. within Three days before or after the day on which the microenterprise home is to begin operation; or

- ii. during operating hours of the microenterprise home kitchen; or
- c. a subsequent inspection if:
 - i. the Department provides the operator with reasonable advanced notice of the inspection; or
 - ii. the Department has a valid reason to suspect that the microenterprise home kitchen is the source of an adulterated food or of an outbreak of illness caused by contaminated food;
 - 1. ensure compliance with this rule when inspecting a microenterprise home kitchen facility; and
 - 2. document the reason for an inspection on an inspection report form approved the Department after the permitting inspection, keep a copy of that documentation on file with the microenterprise home kitchen's permit, and provide a copy of that documentation to the operator.

4.11.2. When the Department presents proper identification and provides notice of the intent to conduct an inspection, the operator shall allow the Department to determine if the microenterprise home kitchen is in compliance with this rule by allowing access to the establishment, allowing inspection, and providing information and records specified in this rule.

4.11.3. If an operator denies access to the Department, the Department shall:

- (i) Inform the operator that:
 - a. the operator is required to allow access to the Department specified under 4.11.2;
 - b. access is a condition of the acceptance and retention of a permit to operate as specified under 4.1.2;
 - c. the permit may be revoked in accordance with 4.1.2(ix); and
 - d. if access is denied, an order issued by an appropriate authority allowing access may be obtained;
- (ii) Make a final request for access; and
- (iii) If the operator continues to refuse access, provide details of the denial of access on an inspection report form.

4.11.4. The Department shall document at least the following on an inspection report form:

- (i) Specific factual observations of noncompliant conditions or other deviations from this rule that require correction by the operator including:
 - a. failure of the operator to demonstrate the knowledge of foodborne illness prevention; and
 - b. failure of employees and the operator to report a disease or medical condition as required R392-106-14(3); and
- (ii) time frame for correction of violations.

4.11.5. At the conclusion of the inspection the Department shall provide a copy of the completed inspection report and the notice to correct violations to the operator or the operator's designee and request a signed acknowledgement of receipt.

4.11.6. The Department shall:

- (i) Inform a person who declines to sign an acknowledgement of receipt of inspectional findings that:
 - a. an acknowledgement of receipt is not an agreement with findings;
 - b. refusal to sign an acknowledgement of receipt will not affect the operator's obligation to correct the violations noted in the inspection report within the time frames listed; and
 - c. a refusal to sign an acknowledgement of receipt is noted in the inspection report and conveyed to the historical record for the microenterprise home kitchen; and
- (ii) The Department shall then make a final request that the operator or operator's designee sign an acknowledgement of receipt of inspectional findings.

4.11.7. The Department shall treat the inspection report as a public document and shall make it available for disclosure.

4.11.8. Repeat violation may prompt further compliance and enforcement actions, including a subsequent inspection.

4.11.9. An operator shall:

- (i) Immediately discontinue operations and notify the Department if an imminent health hazard exists.

- (ii) If operations are discontinued as required by the Department or in response to an imminent health hazard, the operator shall obtain approval from the Department before resuming operations.

4.11.10. The Department may conduct subsequent inspections, as needed and in accordance with R392-106-15(1)(a)(iii), to ensure the timely resolution of inspection findings after providing the operator with reasonable advanced notice about the inspection.

4.12. Water Supply System.

4.12.1. The operator shall ensure that:

- (i) Sinks are supplied with potable hot water and cold water from:
 - a. an approved public water system as defined in Utah Code Ann. § 19-4-102;
 - b. a source that meets the Department’s regulations regarding the safety of drinking water if the Department with jurisdiction over the microenterprise home kitchen has regulations regarding the safety of drinking water; or
 - c. a water source that is tested at least once per month for bacteriologic quality, and at least once in every three-year period for lead and copper; and
- (ii) Food preparation and food sales are discontinued in the event of a disruption of potable water service lasting more than ten minutes.

4.13. Severability.

4.13.1. If any provision of this rule, or its application to any person or circumstance is declared invalid, the application of such provisions to other persons or circumstances, and the remainder of this rule shall be given effect without the invalidated provision or application.

5. LICENSES, PERMITS, & REGULATORY FEES

- 5.1. The Department may establish and collect appropriate fees for licenses and permits as set out in this regulation. The Department may collect appropriate fees as set out in this regulation for the performance of services. If information on a license or permit application changes, the applicant shall notify the Department in writing with 20 calendar days.
- 5.2. The fee for a Microenterprise Home Kitchen shall be remitted to the Department at the time that plans are submitted for review in the amount as provided for or as approved by the Director in the Department’s fee schedule, upon application.

- 5.3. Any applicant who applies for a Microenterprise Home Kitchen business permit as required in 4.1.2 of this regulation shall remit to the Department a Business Permit Fee in the amount as provided for or as approved by the Director in the Department's fee schedule upon application.
- 5.4. **Renewal Fee.** A permit holder for a Microenterprise Home Kitchen shall remit to the Department a renewal fee in the amount as provided for or as approved by the Director in the Department's fee schedule at the time of permit renewal.
- 5.5. **Follow-Up Inspection Fee.** The Department will charge a follow-up fee to a Microenterprise Home Kitchen permit holder when conditions found during an inspection or complaint investigation require a follow-up inspection to ensure compliance. The owner or permit holder shall remit the follow-up fee to the Department in the amount as provided for or as approved by the Director in the Department's fee schedule, following a follow-up inspection.
- 5.6. **Late Fees**
- 5.6.1. The Department may impose upon any party subject to this regulation penalties and charges for failure to timely pay service and license or permit fees as set out in this regulation. Attorney's fees and collection fees may also be applied.
- 5.6.2. Fees unpaid to the Health Department after one month of the due date will be assessed a penalty of 10% of the outstanding balance. Failure to pay the fees and additional charges after two months of the due date will be assessed an additional penalty of 15% of the outstanding balance including previous penalties. Failure to pay the fees and additional charges after 100 days of the due date will result in suspension of the permit and the right to operate. A fee will be assessed for each returned check.
- 5.6.3. Unless otherwise provided for in this regulation or approved by the Director in the Department's Fee Standard, all fees collected by the Department are non-refundable. All licenses and permits issued by the Department are non-transferable.
- 5.7. **Denial, Suspension, or Revocation of License or Permit.** Any permit or license applied for or issued pursuant to this regulation may be denied, suspended, or revoked with notice from the Director for any of the following reasons:
- 5.7.1. Failure of the permit application, plans, or specifications to show that the Microenterprise Home Kitchen will be operated or maintained in accordance with the requirements and standards of this regulation;
- 5.7.2. Submission of incorrect or false information in the permit application, plans, or specifications, or failure to update business information as it changes or as requested or required by the Department;

- 5.7.3. Failure to construct, operate or maintain the Microenterprise Home Kitchen in accordance with the permit application, plans, and specifications approved by the Director;
- 5.7.4. Failure of the owner or operator of a Microenterprise Home Kitchen to allow the Department to conduct inspections as necessary to determine compliance with this Regulation;
- 5.7.5. Operation of the Microenterprise Home Kitchen in a way that causes or creates a hazard to the public health, safety, or welfare;
- 5.7.6. Violation of this regulation or any other restrictions required by the Director; and/or
- 5.7.7. Violation of any condition upon which the permit was issued.

5.8. Progressive Permit Suspension and Revocation.

- 5.8.1. Receipt of the first permit suspension shall result in suspension of the Microenterprise Home Kitchen permit until the Department has verified that identified violations of this regulation have been corrected.
- 5.8.2. Receipt of a second permit suspension within two (2) years of the first permit suspension, as set forth in 5.7, shall result in suspension of the Microenterprise Home Kitchen permit for a period of a minimum of seven (7) days.
- 5.8.3. Receipt of a third permit suspension within two (2) years of the second permit suspension, as set forth in 5.7, may result in the Microenterprise Home Kitchen permit being revoked. The owner of the said establishment may be restricted from operating a Microenterprise Home Kitchen for a minimum of 30 days, at which time the owner may be required to make application and submit an application fee etc., as if the establishment was a new establishment. Additional conditions may be imposed by the Department for approval of the establishment to operate.
- 5.8.4. Receipt of a permit suspension by an owner that previously had their permit revoked in accordance with 5.7 may result in immediate revocation of the current permit for a minimum of 30 days.
- 5.8.5. Permit suspension and revocation shall reset after two (2) years from the last suspension for a history of compliance with all provisions of this regulation.

6. INSPECTIONS & INVESTIGATIONS

6.1. To ensure compliance, the Department has the authority to perform inspections, investigations, reviews, and other actions as necessary.

6.2. Authority for Department to Enter Premises.

6.2.1. **Regulated Commercial Premises.** Upon presenting proper identification, authorized representatives of the Department may enter upon the premises of properties regulated by the Department to perform routine inspections to ensure compliance with rules, standards, regulations, and ordinances adopted by the Board of Health, the Departments of Health & Environmental Quality, county or municipal governing bodies, or the Division of Occupational and Professional Licensing.

6.2.2. **Private Dwellings.** Inspections of private dwellings are made by consent of owner or otherwise responsible party or upon a warrant issued by a court.

6.2.3. **Consent by License or Permit:** The Department may require licensees or permittees to consent to access for inspections as part of their license or permit. Failure to allow access for inspections as set out in the license or permit may result in the suspension or revocation of the license or permit.

6.3. The owner or other responsible person may request information gathered by the Department during an investigation, inspection or review as authorized by the Government Records Access and Management Act, Utah Code Ann. §§ 63G-2-101 to 901.

7. ENFORCEMENT MECHANISMS. If the Department has investigated or inspected any property or establishment and believes the property owner or other responsible party is in violation of this regulation or the division has other reasonable grounds to believe that there has been a violation of any part of this regulation or that the property owner or otherwise responsible party is not in compliance with this regulation, the division may take civil enforcement action as authorized by statute, rule, ordinance, and regulation and may also refer the matter for criminal prosecution. Civil enforcement may involve court or administrative actions, injunctive actions, and closures and may involve cost recovery, penalties, and other remedies. Civil and criminal actions may be brought simultaneously. A person does not need to be first adjudged liable in a civil matter before facing criminal charges. Similarly, a party need not be charged with and/or found guilty of criminal charges to be cited civilly and/or administratively.

7.1. **Criminal Enforcement Actions.** The Department may recommend criminal prosecution for violations either alone or in conjunction with civil enforcement. Criminal prosecutions for violations of state or federal law may be filed by the District Attorney, Utah Attorney General, United States Department of Justice, or other enforcement entity. Factors that the Department may consider in recommending criminal enforcement include the following factors and any other relevant factors.

- 7.1.1. The nature and seriousness of the offense including the immediacy of the threat of danger to the life or safety of another or the harm or threatened harm to human health or environment;
- 7.1.2. The degree to which the violation was designed to provide economic gain or cost avoidance, or it involved a pattern of conduct or a common attitude of illegal conduct;
- 7.1.3. The degree to which the offender is a known violator and has avoided prior actions by the Department;
- 7.1.4. The degree to which prosecution might deter future violations;
- 7.1.5. The person's actual culpability in connection with the offense including the presence in connection with the offense including the presence of criminal intent;
- 7.1.6. The person's willingness to cooperate in the investigation including whether the violator has attempted to conceal evidence or prosecution of others;
- 7.1.7. The appropriateness of referring the case to other agencies having prosecutorial interest; and
- 7.1.8. Possibilities of civil remedies which would be more appropriate than initiating the criminal justice process.

7.2. Civil Enforcement Actions.

- 7.2.1. The Department may request that the District Attorney bring an action to restrain or enjoin actions in violation of public health, environmental laws, and other laws or abate conditions in violation of such laws.

7.3. Administrative Actions.

- 7.3.1. The Department may, at its discretion, issue a Notice of Violation & Order of Compliance (NOV).
- 7.3.2. **Service of NOV.** The Department may provide notice to the owner of the property or otherwise responsible person by sending the NOV via first class mail to the last known address of the owner of the property or other responsible person. If notice is returned undeliverable, the owner of the property or other responsible person may be personally served or be given notice by other methods allowed by law and reasonably calculated to give actual notice to the owner or other responsible party.
- 7.3.3. **Contents of NOV.** The NOV shall:

- (i) Describe the property and the persons believed to be in violation;
- (ii) Describe the violation;
- (iii) Describe remedial action that will comply with the provisions of this regulation;
- (iv) Set a reasonable time for the performance of any required remedial action(s);
- (v) Describe the procedure to contest the NOV and the time limits for such a contest; and
- (vi) Notify the owner or other responsible person that if no written contest is filed within the time required, the NOV will become final and unappealable to any administrative entity or court.

7.3.4. **Challenging an NOV.** A party aggrieved by an NOV may request a review of the NOV as set forth Department's Adjudicative Hearing Procedures in writing within ten (10) days of the date of the NOV.

7.4. **Additional Administrative Enforcement Authority.**

- 7.4.1. The Department may declare unsanitary conditions a hazard and cause every hazard affecting the public health to be abated.
- 7.4.2. **Variations.** Any variance allowed by the Department to the requirements of this regulation shall be only by written approval of the Board of Health.
- 7.4.3. **Exercise of Physical Control.** The Department may establish, maintain, and exercise physical control over property and over individuals as the Department finds necessary for the protection of the public health including but not limited to closing theaters, schools, and other public or private places and prohibit public gatherings. The order shall be effective immediately. Any person to whom the order is directed shall comply immediately but may petition the Director for a hearing in accordance with the Salt Lake County Health Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this regulation, the Director shall continue the order in effect or modify or revoke it.
- 7.4.4. **Emergency Enforcement.** If the Director 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 hazard immediately; but may petition the Director for a hearing in accordance with the Salt Lake County Health

Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this regulation, the Director shall continue the order in effect or modify or revoke it. If circumstances warrant because of the seriousness of the hazard, the Department 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.

8. CRIMINAL, CIVIL & ADMINISTRATIVE PENALTIES

8.1. Criminal Penalties.

- 8.1.1. Any person who is found guilty by a court of violating any of the provisions of this regulation, either by failing to do the acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Utah Code Ann. § 26A-1-123, Utah Code, as amended.
- 8.1.2. Each day such violation is committed or permitted to continue shall constitute a separate violation.
- 8.1.3. Each similar subsequent violation occurring within two years of the initial violation may constitute a class A misdemeanor.

8.2. Civil & Administrative Penalties.

- 8.2.1. Penalties may be included in a Settlement Agreement or Stipulation & Consent Order. Penalties may be assessed according to the following factors:
 - (i) The violator's history of compliance or non-compliance;
 - (ii) The violator's economic benefit of non-compliance;
 - (iii) The documented costs associated with environmental or health damage;
 - (iv) The violator's degree of willfulness or negligence; and
 - (v) The violator's good faith efforts to comply and cooperate.
- 8.2.2. The Director may multiply the penalty by the number of days the violation occurred.

8.3. Recovery of Investigation & Abatement Costs

- 8.3.1. The Department may recover its inspection, investigative and abatement expenses and costs from owners or other responsible person.

8.3.2. The Department may record a judgment lien on a violator’s property to recover its expenses and costs.

9. EFFECTIVE DATE.

9.1. This regulation becomes effective upon its enactment by the Salt Lake County Board of Health.

APPROVED AND ADOPTED this _____ day of _____, 2024.

SALT LAKE COUNTY BOARD OF HEALTH

By: _____
Dan Eckersley, Chair

ATTEST:

By: _____
DOROTHY ADAMS, MPA, LEHS
Executive Director
Salt Lake County Health Department