



GRAHAM COUNTY

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health (928) 428-1962

826 West Main Street, Safford, Arizona 85546

FAX (928) 428-8074

PERMIT APPLICATION PROCESS & LICENSING INFORMATION

The process required to obtain a Food Establishment, Hotel/Motel, Mobile Home/RV Park, Swimming Pool, or Septic Permit is described below. This same process may apply to remodeling of previously-permitted facilities, and when a change in ownership occurs:

- The owner or authorized agent must submit an Application, on forms provided by the Department, and pay the \$250 plan review fee.
- The licensing timeframe to determine Administrative Completeness of the Application is 42 calendar days for septic applications and 30 calendar days for other applications. If the Application is incomplete, the owner or authorized agent will be notified in writing. Upon receiving notification of incompleteness, the timeframe for the administrative review is suspended until such time that the Application is resubmitted, or the requested information is provided. Once it has been determined that the Application is complete, the owner or authorized agent will be notified in writing and the application moves to the Substantive Review process.
- The licensing timeframe for the Substantive Review process is: 30 days for food establishment license; 60 days when plans are required as specified in Food Code 8-201.11 or as required under Food Code 8-201.10 or 8-201.13; and 31 days for septic applications. The Substantive Review process consists of determining the accuracy of the information submitted in the Application and whether the proposed facility or mobile unit is in compliance with the Arizona Food Code 2000 (for food establishments) and/or other applicable State Statutes, or rules or regulations, including the Arizona Administrative Code.
- A preoperational inspection of the proposed facility or unit must be scheduled with the Department for the purpose of completing the Substantive Review.
- If deficiencies are noted during the preoperational inspection, the owner or authorized agent will be notified in writing. The owner or authorized agent will then be given an opportunity to address the deficiencies and schedule a re-inspection. Failure to schedule a preoperational inspection in a timely manner, or upon receiving notification of the preoperational deficiencies, will suspend the timeframe for the Substantive Review process until the owner or authorized agent schedules a preoperational inspection.
- The Substantive Review process is considered complete when all deficiencies noted during the preoperational inspection(s) have been corrected and the owner or authorized agent has been notified in writing. The written notice will also include an invoice for the applicable annual permit fee. Once payment has been received for the annual fee, a permit to operate will be issued.

For information regarding the status of your application for a permit, please contact Gavin Lawson, Environmental Health Manager, RS/REHS, at 428-1962 or glawson@graham.az.gov. You may also request that the County clarify its interpretation or application of a statute, ordinance, regulation, delegation agreement or authorized substantive policy statement, by filing a written request in accordance with A.R.S. §11-1609 and directed to the attention of the Graham County Health Director (428-1962).

(Over)

A.R.S. 11-1604: Prohibited acts by county and employees; enforcement; notice

- A. A county shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or delegation agreement. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a county shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit county flexibility to issue licenses or adopt ordinances or codes.
- D. A county shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a county. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a county for a violation of this section.
- F. A county employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the county's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.

A.R.S. § 11-1602: Regulatory Bill of Rights

To ensure fair and open regulation by counties, a person:

- Is eligible for reimbursement of fees and other expenses if the person prevails by adjudication on the merits against a County in a court proceeding regarding a County decision as provided in A.R.S. §12-348.
- Is entitled to receive information and notice regarding inspections as provided in A.R.S. §11-1603 (effective June 30, 2012).
- Is entitled to have a County not base a licensing decision in whole or in part on licensing conditions or requirements that are not specifically authorized as provided in A.R.S. §11-1604.
- May have a County approve or deny the person's license application within a predetermined period of time as provided in A.R.S. §11-1605 (effective December 31, 2012).
- Is entitled to receive written or electronic notice from a County on denial of a license application (effective December 31, 2012):
 - That justifies the denial with references to the statute, ordinance, regulation, delegation agreement or authorized substantive policy statement on which the denial is based as provided in A.R.S. §11-1605.
 - That explains the applicant's right to appeal this denial as provided in A.R.S. § 11-1605.
- Is entitled to receive information regarding the license application process at the time the person obtains an application for a license as provided in A.R.S. § 11-1606.
- May inspect all ordinances, regulations, and substantive policy statements of a County, including a directory of documents, at the offices of the county or on the county's website as provided in A.R.S. § 11-1607.
- Unless specifically authorized, may expect counties to avoid duplication of their laws that do not enhance regulatory clarity and to avoid dual permitting to the maximum extent practicable as provided in A.R.S. § 11.1604.
- May file a complaint with the Board of Supervisors concerning an ordinance, regulation, or substantive policy statement that fails to comply with A.R.S. § 11-1602.