

14 June 2013

NOTICE OF PROPOSED RULEMAKING
“Tourist Accommodations”
Revisions to Regulation Chapter 290-5-18

Please take note that the Department of Public Health proposes to repeal the administrative regulation currently codified as Chapter 290-5-18, and replace it with the attached language to be codified at Chapter 511-2-6, pursuant to its authority under O.C.G.A. Sections 31-2A-4(12) and 31-2A-6. The proposed revised regulation is attached. This proposed rule also may be found on our website at <http://health.state.ga.us/>.

These proposed regulations govern “tourist accommodations” as that term is defined in the regulations, and incorporate suggestions made by the public in connection with earlier proposed revisions. Please take note that neither these proposed regulations nor the Department’s current tourist accommodation regulations apply to “hunting camps.”

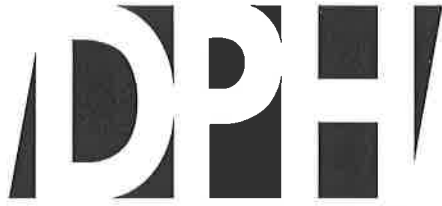
Interested persons may submit comments on these proposed revisions in writing addressed to:

Sidney R. Barrett, Jr.
General Counsel
Georgia Department of Public Health
2 Peachtree Street, NW, 15th Floor
Atlanta GA 30303

Comment may also be presented in person at a public meeting scheduled for 1:30 p.m., 12 July 2013, in room 9-260 at 2 Peachtree Street, NW, 15th Floor, Atlanta GA.



Sidney R. Barrett, Jr.
General Counsel



Georgia Department of Public Health

6.14.2013
marked-up
copy

Rules and Regulations **Tourist Accommodations** Chapter 511290-65-218

DRAFT

[Public Notice Version]

Underline is an insertion; ~~strikethrough is a deletion~~.



We Protect Lives.

**RULES
OF
DEPARTMENT OF HUMAN RESOURCES PUBLIC HEALTH
CHAPTER 511290-65-248
TOURIST ACCOMMODATIONS**

TABLE OF CONTENTS

511290-65-248-.01	<u>Definitions</u> <u>Legal Authority</u>	511290-65-248-.40-.12	Garbage and Refuse Disposal
511290-65-248-.02	<u>Provisions</u> <u>Title and Purpose</u>	511290-65-248-.44-.13	Insect and Rodent Control
511290-65-248-.03	<u>Procedures</u> <u>Definitions</u>	511290-65-248-.42-.14	Construction, Layout and Furnishings
511290-65-248-.04	<u>Employee Health and Safety</u> <u>Tourist Accommodation Permits</u>	511290-65-248-.43-.15	Heating and Fire Safety
511290-65-248-.05	<u>Water Supply</u> <u>Inspections</u>	511290-65-248-.44-.16	Swimming Pools
511290-65-248-.06	<u>Toilet Facilities</u> <u>Employee Health and Safety</u>	511290-65-248-.45-.17	Laundry Rooms Facilities
511290-65-248-.07	<u>Sewers</u> <u>Water Supply and Sanitizing</u>	511290-65-248-.18	Grounds
511290-65-248-.08	<u>Sewage Disposal</u> <u>Toilet Facilities</u>	511290-65-248-.47-.19	Food Service Options
511290-65-248-.09	<u>Plumbing</u> <u>Sewers</u>	511290-65-248-.48-.20	Enforcement <u>Compliance Procedures</u>
511290-65-248-.10	<u>Garbage and Refuse Disposal</u> <u>Sewage Disposal</u>	511-6-2-.21	Environmental Health Personnel
511290-65-248-.11	<u>Insect and Rodent Control</u> <u>Plumbing</u>	511-6-2-.22 511-6-2-.23	Fees Effective Date

511290-65-248-.01 Definitions. Amended. Legal Authority. These rules are adopted pursuant to the Official Code of Georgia Annotated §§ 31-2A-6 and 31-28-1 *et seq.*

[Authority: O.C.G.A. §§ 31-2A-6 and 31-28-5]

511290-65-248-.02 Provisions. Amended. Title and Purpose. These rules shall be known as the Rules and Regulations for Tourist Accommodations. The purpose of these rules is to emphasize the minimum standards necessary for tourist accommodations to provide essential services, facilities, and sanitary conditions in order to protect the public health and safety.

[Authority: O.C.G.A. §§ 31-2A-6 and 31-28-5]

511290-65-248-.03 Procedures. Amended. Definitions. The following definitions shall apply in the interpretation and enforcement of these rules:

(a) **"Approved"** means acceptable to the Health Authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

(b) **"Bed and Breakfast Inn"** means an establishment of twenty (20) guestrooms or less, which serves food only to its registered tourists guests, and serves only a breakfast or similar early morning meal and an appropriate light snack in which the price of the food is included in the price of the overnight accommodation. For purposes of the rules, "Bed and Breakfast Inn" refers to an establishment in which the predominant relationship between the occupants thereof and the owner or operator of the establishment is that of innkeeper and guest tourist."

(c) **"Consumer"** means in terms of relationship with a tourist accommodation, a transient person who becomes a guest of a tourist accommodation and is a member of the public, takes possession of food, receives lodging and services for a fee, is not functioning in the capacity of an operator of a tourist accommodation establishment and does not offer the food for resale.

(f)(d) **"Continental Breakfast"** is defined as and may include (1) any non-potentially hazardous food (non-time/temperature control for safety food) which has been prepared commercially by a food processing plant that meets requirements of law and is served to the customer consumer out of the original container in which it was purchased or if approved by the Health Authority, it may be served out of a commercial, self-service dispenser if such dispensers are properly designed to protect contained food from the consumer; (2). It may also include non-potentially hazardous

beverages such as coffee and hot tea served in the container in which it was prepared; (3) ~~It may include~~ potentially hazardous foods (time/temperature control for safety foods) such as milk, cream, butter and cheese prepared by a food processing plant that meets requirements of law only if served in single serving commercially packaged original containers; (4) ~~Likewise,~~ juices and condiments including jams, jellies, sugar, salt and pepper ~~may be served only in single serving commercially packaged original containers or~~ juices may be served from a bulk mechanical dispenser, if appropriate warewashing is available; (5) non-ready-to-eat whole, uncut, raw fruits, such as bananas, grape fruit, or oranges that require peeling of rind by the consumer before consumption; and (6) ready-to-eat, whole, raw, uncut fruits such as apples and/or grapes where the peel is consumed along with the meat of the fruit. Any additional items, other than those listed, will require a food service permit in accordance with the Department's rules and regulations governing food service establishments Chapter 511-5-14 or any future subsequent Chapters adopted thereafter.

~~(e)~~(e) **"County Board of Health"** means the County Board of Health established pursuant to by the Georgia Health Code (O.C.G.A. Section 31-3-1) or its representative.

~~(f)~~ **"Critical item"** means a provision of this Chapter as delineated on the inspection report that, if violated, is more likely than other violations **to** contribute to food contamination, insanitary conditions, illness or environmental health hazard and may create an imminent health hazard.

~~(p)~~(g) **"Department" or "DPH"** means the Department of Human Resources of the State of Georgia Department of Public Health (DPH).

~~(j)~~(h) **"Dependent Ttrailer"** means a trailer or recreational vehicle (RV) which is dependent upon a service building housing shower/ toilet facilities.

~~(i)~~ **"Detached cabin"** means, for the purpose of installing and operating a portable spa on the premises, a separate dwelling having no wall in common with another dwelling or building. The cabin as part of a tourist accommodation shall be rented as an entire unit, not by individual rooms.

(n) (j) **"Employee"** means any person who is paid, volunteers or otherwise is engaged in the operation of the a tourist accommodation whether compensated or not.

(k) **"Food"** means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended in whole or in part for human consumption, or chewing gum.

(l) **"Food-contact surface"** means a surface of equipment or a utensil with which food normally comes into contact or a surface of equipment or a utensil from which food may drain, drip, or splash into a food or onto a surface normally in contact with food.

(m) **"Food processing plant"** means a commercial operation that manufactures, packages, labels, or stores food, and provides food for sale or distribution to other business entities such as food processing plants, retail food sales, or food service establishments.

(n) **"Food service"** means a facility that shall comply with provisions of O.C.G.A. Chapter 26-2. Art. 13 and the rules, regulations and standards adopted thereunder.

(o) **"Health Authority"** means the County Board of Health if functioning in the administration and enforcement of O.C.G.A. Chapter 31-28 and the rules, regulations and standards adopted thereunder by the Department and subject to supervision and direction by the Department; and if not so functioning, the Department.

(p) **"Housekeeper's cart"** means a cart which is used to transport cleaning materials, room supplies, clean and soiled linens and refuse.

(q) **"Hydromassage bathtub"** means a permanently installed bathtub fixture designed to be filled with each use and equipped with a recirculation piping system, a pump and associated controls. It is designed so it can accept, circulate and discharge water upon each use. It does not contain a disinfection or filtration system.

(r) **"Imminent health hazard"** means a product, practice, circumstance, event or condition that requires immediate correction or cessation of operation in order to prevent a significant threat of danger or death, injury or illness.

~~(k)~~(s) **"Independent Ttrailer"** means a trailer or recreational vehicle (RV) which has its own a
holding tank for waste and/or can be connected directly to a sewer connection.

(t) **"Law"** means applicable local, state, and federal statutes, regulations, and ordinances.

(u) **"Lodging"** means a temporary sleeping accommodation, with or without independent
kitchenettes, offered to tourists, -or-travelers or guests travelling from one place to another,
stopping overnight or otherwise in need of a temporary place to stay.

(v) **"Non-ready-to-eat fruit"** means whole uncut, raw fruit, such as oranges, grapefruit, and
bananas in which the peel must be removed by the consumer before the meat of the fruit is
consumed.

(w) **"Non-permanent structure"** means any structures such as buildings, tents, park trailers or
cabins that can be removed from the premise of a tourist accommodation and they are not
restrained from removal by foundation or utilities, without internal plumbing, dependent upon
central shower/toilet buildings for tourist personal hygiene and sanitation purposes, and are
maintained, offered, or used for dwelling or sleeping quarters.

~~(d)~~(x) **"Operator"** means the person who has the duty and responsibility of overall management
of the tourist accommodation which includes maintaining a sanitary facility, providing guest
services and training employees, or his/her representative, or person in charge.

(y) **"Packaged"** means bottled, canned, cartoned, securely bagged or securely wrapped, as
packaged in a food processing plant. It does not include a wrapper, carry-out box or other
nondurable container used to containerize food with the purpose of facilitating food protection
during service and receipt of the food by the consumer.

(z) **"Park trailer "** means a recreation vehicle primarily designed as temporary living quarters for
recreation, camping or seasonal use, built on a single chassis, mounted on wheels, with a gross
trailer area not exceeding 400 square feet in the set-up mode, and certified by the manufacturer
as complying with ANSI A119.5.

(aa) **"Permit"** means the DPH document issued by the Health Authority that authorizes a person to operate a Tourist Accommodation and signifies satisfactory compliance with this Chapter.

(e)(bb) **"Person"** means any individual, partnership, corporation, or association.

(cc) **"Person in charge"** means the individual present in a tourist accommodation establishment who is the owner, supervisor, manager or owner's designated representative of the tourist accommodation establishment present at the time of the inspection. The person shall be knowledgeable of the responsibilities in the chapter and have access to facilities on the premises.

(dd) **"Portable spa unit"** means a factory fabricated unit consisting of a water holding vessel with all water-circulating, filtration, heating and control equipment integral to the unit. Equipment can include pumps, air blowers, heaters, lights, controls and disinfection and filtration systems. These portable spas are intended for residential use.

(g) ~~"Potentially Hazardous Food" means any perishable food which has as an ingredient milk or milk products, eggs, meat, poultry, fish, shellfish or other foods or other ingredients in such forms as are capable of supporting rapid and progressive development of infectious or disease-causing agents. The term does not include foods which have a pH level of 4.6 or below or a water activity value of 0.85 or less.~~

(ee) **"Potentially hazardous food (time/temperature control for safety food)"** means a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation. Refer to Rule.01 (gggg) within the Department's rules and regulations governing food service establishments Chapter 511-5-14 or future subsequent Chapters adopted thereafter.

(m)(ff) **"Premises"** means and includes all physical buildings, appurtenances, parking lots, drive ways and all property owned and/or used by the tourist accommodation.

(gg) **"Primitive campsite"** means a site in an undeveloped section of private or public land with no developed facilities or amenities such as water, electricity or toilets/shower facilities, where campers are expected to leave little or no evidence of human visitation.

(hh) **"Preparation of food"** means to put together or make by combining ingredients and processing food for consumption by the consumer.

(ii) **"Ready-to-eat food"** means food that is in a form that is edible without additional preparation to achieve food safety. It includes the following:

1. All potentially hazardous food (time/temperature control for safety food) that is cooked to the temperature and time required for the specific food;
2. Raw fruits and vegetables that are washed;
3. Fruits and vegetables that are cooked for hot holding;
4. Plant food for which further washing, cooking, or other processing is not required for food safety, and from which rinds, peels, husks, or shells, if naturally present have been removed;
5. Substances derived from plants such as spices, seasonings, and sugar;
6. A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety;
7. The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and Parma ham; and dried meat and poultry products, such as jerky or beef sticks; and
8. Foods manufactured as specified in 21 CFR Part 113, Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

(jj) **"Ready-to-eat fruit"** means whole raw, uncut, fruits, such as apples and/or grapes, that have been thoroughly washed prior to service and the meat and the peel is normally consumed by guest.

(kk) **"Recreational vehicle (RV)"** means a vehicle designated for temporary living quarters for camping, travelling, or recreational use. It may have its own motor or power, or be mounted on or pulled by another vehicle.

(ll) **"Recreational vehicle park or campground"** means an accommodation for recreational vehicles or other camping outfits where an individual site is rented, and the intent of the park or campground is not to establish permanent residences.

~~(h)~~(mm) **"Residential Kkitchen"** means a kitchen within a bed and breakfast inn used for the owners' private use as well as preparation of a breakfast meal for tourists guests.

(nn) **"Restricted use pesticide"** means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 (Pesticides classified for restricted use),, and that is limited to use by or under the direct supervision of a certified applicator.

(oo) **"Sanitization"** means the application of cumulative heat or chemicals on cleaned food 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.

(pp) **"Sealed"** means free of cracks or other openings that allow the entry or passage of moisture.

(qq) **"Sewage"** means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

(rr) **"Single-service articles"** means tableware, carry-out utensils, cups, containers, lids or closures, plates, napkins, doilies, bags, containers, toothpicks, knives, forks, spoons, stirrers, paddles, straws, wrapping materials, and similar utensils that are intended to be discarded after one use.

(ss) **"Single-serving"** is food intended to be eaten by one person in one sitting and commercially packaged in a container intended to be discarded after one use.

(tt) **"Smooth"** means a surface that has no roughness or projections that render it difficult to clean or maintain in a sanitary condition.

~~(a)~~(uu) **"Tourist Accommodation"** means a Tourist Court as defined in O.C.G.A. Chapter 31-28- as- any facility consisting of two or more rooms or dwelling units providing lodging and other accommodations tofor tourists and travelers the general public, such as and includes tourist

courts, tourist cottages, tourist homes, trailer parks, trailer courts, motels, motor hotels, hotels, and any similar place by whatever name called and any food, beverage, laundry, recreational or other facilities or establishments operated in conjunction therewith. This definition includes any facility consisting of two or more rooms or dwelling units either joined together or separate on a common piece of property, furnished for pay and further includes campgrounds, recreational vehicle parks and bed and breakfast inns. A tourist accommodation is not a facility intended for permanent residence, or a facility available only to members of a club or through private lease or invitation.

~~(e)(vv)~~ **"Tourist" or, "Traveler," or "Guest"** is defined as anyone who visits a Tourist Accommodation for the purpose of lodging, meals, or entertainment ~~has a home address somewhere else other than where he or she is spending the night.~~

~~(f)(ww)~~ **"Trailer"** means any ~~house trailer, trailer coach, recreational vehicle (RV), mobile home, motor home~~ park trailer or other similar unit so designed ~~or constructed as to permit occupancy~~ for temporary dwelling or sleeping purposes.

~~(f)(xx)~~ **"Trailer Sspace"** means a plot of ground within a trailer and/or recreational vehicle park designated for the accommodation of one trailer or recreational vehicle (RV).

~~(yy)~~ **"Utensil"** means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse, single-service, or single-use; gloves used in contact with food; temperature sensing probes of food temperature measuring devices; and probe-type price or identification tags used in contact with food.

~~(zz)~~ **"Warewashing"** means the cleaning and sanitizing of utensils and food-contact surfaces of or equipment.

[Authority: O.C.G.A. §§ 31-2A-6 and 31-28-5]

Authority: O.C.G.A. Sec. 31-28-5; Administrative History. Original Rule entitled "Foreward" was filed and effective on July 19, 1965, as 270-5-13-.01. Amended: Rule repealed and a new Rule entitled "Definitions" adopted. Filed October 18, 1967; effective November 6, 1967. Amended: Rule renumbered as 290-5-18-.01. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule of the same title adopted. Filed March 28, 1984; effective April 27, 1984. Amended: Rule repealed and a new Rule of the same title adopted. Filed March 5, 1996; effective March 25, 1996.

511290-65-218-.04 ~~Employee Health and Safety.~~ Tourist Accommodation Permits.

(1) Permit:

(a) Any person operating a tourist accommodation shall ~~possess~~ obtain and display ~~prominently in public view and as designated by the health authority,~~ a valid DPH tourist accommodation permit issued by the ~~H~~Health ~~a~~Authority. ~~on forms prepared by the Department.~~

(b) To qualify for a permit, an applicant shall:

1. Be an owner of the tourist accommodation;

2. Allow access to the tourist accommodation;

3. Provide all information as required on the application and pay all applicable local and state fees referenced in DPH Rule 511-6-2-.22 at the time the application is submitted and;

4. Score 100% on the permitting inspection for newly constructed facilities.

~~(b)(c) To be eligible for permit the tourist accommodation shall be in satisfactory compliance with these rules and regulations and the provisions at law which~~ Prior to the issuance of a tourist accommodation permit to new or existing establishments, the applicant shall provide evidence of satisfactory compliance with the provisions of this Chapter and all other provisions of laws that apply to the location, construction and maintenance of tourist accommodation establishments and the safety of persons therein. At the request of the Health Authority, a permit holder of a tourist accommodation may be requested to show evidence of continued compliance with provisions of law that apply to the location, construction and maintenance of tourist accommodations and the safety of persons therein.

~~(e)(d)~~ Application for a permit to operate such tourist accommodations shall be made in duplicate upon forms provided by the Department. Such forms shall be completed in all details and signed by the applicant or his authorized agent and submitted at least ten ~~(10)~~ days before the scheduled opening. The original shall be filed with the Health Authority.

(d)(e) Upon receipt of an application for permit the Health Authority shall review the application and shall take such action relative to approve or deny the permit as is provided in accordance with the provisions of O.C.G.A. Chapter 31-28 and these regulations.

(e)(f) The Health Authority shall grant the permit or write-if-granted-or a statement detailing the of reasons for -if-deniedal. The permit or statement shall be forwarded to the tourist accommodation operator. ~~by the Health Authority.~~

(f) (g) ~~A permit shall not be transferable with respect to person or location.~~ Permits shall expire upon change of ownership, location, or change in type of operation. A "change of ownership" means the transfer of a 50% interest or greater in the Tourist Accommodation to a person or entity not holding a current interest. In addition, once a Tourist Accommodation permit has been issued by the Health Authority, any significant or material change of the Tourist Accommodation's physical layout that would alter the interior or exterior structural blueprint of the facility may invalidate the permit. Unless prior approval has been obtained from the Health Authority, the facility shall maintain the physical layout shown within the approved plans and specifications of the Tourist Accommodation at the time of permit issuance. Operators shall notify the Health Authority before any structural, material or equipment changes to obtain approval if necessary.

(g)(h) ~~The permit shall be the property of the health authority and shall be void returned within seven days to the local health authority when the tourist accommodation ceases to operate or is moved to another location. The operator shall be responsible for notifying the Health Authority when the Tourist Accommodation ceases to operate and for removing the invalid permit from the facility.~~

(h) ~~Where local, state or federal rules and regulations apply which are deemed more stringent, they shall apply in lieu of the applicable section(s) herein.~~

(2) **Plans and Specifications.:** Plans and specifications for remodeling tourist accommodations and construction of new tourist accommodations must be submitted for review and approval. ~~Plans must be submitted fourteen (14) days prior to beginning construction. The plans shall~~

indicate the proposed layout and arrangement of rooms in the establishment and what each is to be used for. Mechanical and plumbing details must be shown as well as construction materials to be used on floors, walls and ceilings. Additional plans for a kitchen will be required if food is to be prepared and served to guests. The plans shall indicate the proposed ~~A copy of the menu or list of foods to be served will be required also,~~ floor plan layout, arrangement of equipment, HVAC and plumbing, construction materials and finish schedule, the type and model of proposed fixed equipment and facilities and the anticipated service volume per day. If swimming pools or spas are planned, properly prepared plans and specifications must be submitted to the local Health Authority for review, approval, and issuance of a construction permit as per applicable rules and regulations governing public swimming pools. If no construction changes are to be made to an existing building, requirement for plans will be at the discretion of the ~~hHealth a~~Authority.

(3) **Private Camps.** Camps or facilities owned and operated ~~solely~~ for members only ~~will~~ may be inspected ~~only~~ at the ~~hHealth a~~Authority's discretion or upon request by the owner or operator or by complaint.

(4) Primitive Campsites. These campsites shall be inspected only at the discretion of the hHealth aAuthority.

[Authority: O.C.G.A. §§ 31-2A-6 and 31-28-5]

Authority O.C.G.A. Secs. 31-28-2 and 31-28-5. Administrative History: Original Rule entitled "Authority (Quotation)" was filed and effective on July 19, 1965 as 270-5-13-.02. Amended: Rule repealed and a new Rule entitled "Provisions" adopted. Filed October 18, 1967; effective November 6, 1967. Amended: Rule renumbered as 290-5-18-.02. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule of the same title adopted. Filed March 28, 1984; effective April 27, 1984. Amended: Rule repealed and a new Rule of the same title adopted. Filed March 5, 1996; effective March 25, 1996.

511290-65-248-.05 Water Supply. Amended. Inspections.

(1) ~~All T~~tourist accommodations shall be subject to inspection at reasonable hours no less than twice annually and as often as is deemed necessary by the ~~hHealth a~~Authority to ensure adequate compliance with the provisions of these rules. The permit holder is responsible for providing a person or persons at the time of inspection who are authorized and able to provide access to all rooms, facilities and records of the tourist accommodation, and who can

demonstrate that there is sufficient daily oversight of employees and routine monitoring of operations to ensure the following:

(a) Employees adhere to standard procedures or rules in the chapter when performing essential services such as linen exchange, sanitizing facilities or multiuse utensils, washing laundry, housekeeping and providing food in compliance for tourists, travelers and guest lodging or visiting the facility for other purposes;

(b) Employees are preventing cross-contamination of clean linen, towels or glassware in transport or storage by separating items, using designated containers and properly storing items after cleaning and sanitizing;

(c) Employees are preventing cross-contamination of ready-to-eat food with bare hands by properly using suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment;

(d) Employees are properly cleaning and sanitizing multiuse utensils by monitoring temperature and exposure time for hot water sanitizing or chemical concentration, pH and temperature for chemical sanitizing;

(e) Employees of a bed and breakfast inn are properly cooking potentially hazardous food (time/temperature control for safety food), being particularly careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats and conduct routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated;

(f) Employees are using proper methods to hold potentially hazardous foods (time/temperature control for safety food) hot or cold for consumption;

(g) Employees are informed of their responsibility to report to the person in charge, information about their health and activities as they relate to diseases that are transmissible through food; and contact with multiuse utensils and;

(h) If an imminent health hazard exists, misuse of poisonous or toxic materials, onset of an apparent illness or outbreak, gross insanitary condition, or other circumstances that may endanger public health, then operations in the affected area shall be immediately discontinued by the person in charge and the Health Authority notified.

(2) The operator may accompany the Health Authority representative on tours of inspection, shall be given the opportunity to sign the completed inspection report and retain a copy for the tourist accommodation's file.

(3) The signature of the operator shall not mean his agreement with all of the findings recorded thereon, but ~~shall mean his receipt of~~ only that he or she has received the report and the notification of alleged non-compliances with the rules.

(4) ~~The report of results of the inspection shall be recorded on a form provided by the Department.~~ This report will show violations found, corrective actions necessary for compliance with this rule, date of inspection, signature of person ~~making~~ performing the inspection and the date when ~~it is~~ anticipated corrections to violations ~~must will be completed.~~ If three or more critical item violations are found and recorded on a tourist accommodation inspection report form, then a re-inspection will be required within 60 days. Critical violations shall be corrected immediately, within 24 hours, or the Health Authority shall be authorized to close or restrict access to any area of the premises found in violation of critical item(s) on the official inspection record. Such areas shall be closed until the violations have been corrected or abated as determined by the Health Authority using the requirements in Rule .20.

(5) The operator shall correct other violations at time of inspection, if warranted, or within 30 days of the inspection report date. The Health Authority may extend the 30 days if an operator requires additional time to remove a violation based on a written plan of correction.

~~(5)(6) The entire report shall be discussed and explained at the time of inspection with the tourist accommodation operator~~ or if not present, the designated person in charge. ~~and explained.~~

(6)(7) The most recent tourist accommodation inspection report form shall be posted prominently displayed in public view at all times, ~~near the main entrance of the tourist accommodation, in a location determined by the health authority.~~ between five feet and seven feet from the floor and in a public area such as the registration desk, where it can be read at a distance of one foot away.

(8) Any tourist accommodation inspection report addendum(s), completed by the Health Authority to document observations, violations and corrective actions resulting from an inspection, need not be displayed, but must be made available by the tourist accommodation operator to the public upon request.

(7)(9) The ~~h~~Health ~~a~~Authority shall review all reports on reinspection and ~~on the basis of corrective measures taken~~ shall institute such action as is deemed proper in accordance necessary to ensure compliance with the provisions of O.C.G.A. Chapter 31-28, ~~and these regulations~~

[Authority: O.C.G.A. §§ 31-2A-6 and 31-28-5]

Authority: O.C.G.A. Secs. 31-28-6 and 43-21-51. ~~Administrative History.~~ Original Rule entitled "Definitions" was filed and effective on July 19, 1965 as 270-5-13-.03. ~~Amended: Rule repealed and a new Rule entitled "Procedures" adopted. Filed October 18, 1967. Amended: Rule renumbered as 290-5-18-.03. Filed June 10, 1980. Amended: Rule repealed and a new Rule of the same title adopted. Filed March 28, 1984; effective April 27, 1984. Amended: Rule repealed and a new Rule of the same title adopted. Filed March 5, 1996; effective March 25, 1996.~~

511290-65-218-.06 Toilet Facilities. Amended. Employee Health and Safety.

(1) No person ~~while~~ affected with any disease in a communicable form, boils, infected wounds, or sores, or while a carrier of such a communicable disease, ~~or while afflicted with boils, infected wounds or sores~~ shall work in any area of a tourist accommodation in any capacity in which there is a likelihood of such a person contaminating bedding and other surfaces with pathogenic organisms or transmitting disease to other individuals and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. When there is reason to suspect that any employee has contracted any disease in communicable form or has become a carrier of such a disease, the employee shall be ~~(a)~~ removed from the tourist

accommodation premises; or (b) his or her service ~~be~~ is restricted to some area of the establishment where there would be no danger of transmitting disease.

(2) Employees, other than clerical employees, shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean and after smoking, eating, drinking or using the toilet. Employees shall keep their fingernails clean. Employees shall maintain a high degree of personal cleanliness and conform to other good hygienic practices.

[Authority: O.C.G.A. §§ 31-2A-6 and 31-28-5]

Authority: O.C.G.A., Sec. 31-28-5. Original Rule entitled "Permit" was filed and effective on July 19, 1965 as 270-5-13-.04. Amended: Rule repealed and a new Rule entitled "Water Supply" adopted. Filed October 18, 1967; effective November 6, 1967. Amended: Rule renumbered as 290-5-18-.04. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule of the same title adopted. Filed March 28, 1984; effective April 27, 1984. Amended: Rule repealed and a new Rule entitled "Employee Health and Safety" adopted. Filed March 5, 1996; effective March 25, 1996.

511290-65-248-.07 ~~Sewers.~~ Amended. Water Supply and Sanitizing.

(1) The water supply shall comply with all Federal, State and local laws and/or ordinances related to safe drinking water. The following shall apply as well:

(a) A public water system must be used by any tourist accommodation that regularly serves an average of twenty-five trailer spaces or guestrooms daily for at least sixty days out of the year.

This applies to such places as hotels, motels, trailer parks or cottages.

(b) A nonpublic water system serving less than twenty-five trailer spaces or guestrooms, must be constructed, maintained, and operated according to applicable state and local codes and procedures, as amended.

(2) Cold running water under pressure shall be provided to all equipment that uses water. Hot and cold running water under pressure shall be provided to all lavatories, bathing facilities, laundry facilities, and all water-using equipment where eating and drinking utensils are washed. In all new tourist accommodations, and where possible in existing tourist accommodations, hot water in all guest rooms shall not exceed 120°F.

(3) The water supply shall be adequately protected so as to preclude the possibility of back siphonage. Below grade stop and wastes cocks or hose bibs shall not be used.

(4) Hoses used for filling trailer water tanks shall be stored under sanitary conditions, used for no other purposes, and be so handled so that back siphonage cannot occur and that contaminants will not be introduced into the trailer's water tank. A hose connected to a potable water service outlet that is intended for human consumption must not be long enough to reach any wastewater dump station.

(5) ~~Where~~ Water glasses, ice buckets and other multi-use utensils provided for tourist's use in a guestroom or dwelling unit ~~are used, they shall be cleaned and sanitized~~ washed, rinsed, and sanitized, in a 3-compartment, warewashing sink dedicated for that purpose only. in a manner approved by the health authority ~~They shall be thoroughly cleaned in the first compartment in a warm soapy solution; rinsed clean of soap and debris in warm clean water in the second compartment; and sanitized as specified in subsection (5)(d) 1, 2, 3, 4, and 5 using chemical sanitizers or sanitized by hot water as specified in subsection (5)(e), after each occupancy and as needed during occupancy.~~ Where approved sanitizing methods are not provided, single service and single use articles, such as paper or plastic cups shall be made available in lieu of glasses and shall be ~~used only once~~ discarded after one use. In lieu of sanitizing ice buckets, a sanitary, food grade, plastic bag, large enough to line the bucket and overlap the top edge may be provided for use by a single ~~one~~ occupant~~y~~-only.

(a) In addition to a dedicated 3-compartment warewashing sink, a commercial warewasher may be utilized if certified by ANSI/NSF as meeting standard 3 or equivalent for commercial warewashing equipment and it is maintained in good repair and operating according to its manufacturer's specifications.

(b) If a warewasher is provided in the room of the tourist accommodation, or if the operators provide a non-commercial warewasher (i.e. dishwasher) to clean and sanitize multi-use

equipment and utensils between room occupancies, then the machine must comply with the following:

1. The warewasher must be able to remove all physical soil from all surfaces of dishes and;
2. Be equipped with a high temperature rinse cycle such as a sani-cycle and all cycles on the machine must be used (prewash, wash, sanitizing rinse) and be certified by NSF standards or;
3. If no high temperature rinse cycle is provided, the hot water supplied to the machine must be at a minimum of 155° F (68° C). The operator shall use a maximum registering thermometer or a heat thermal label to assure that the sanitizing rinse water temperature is a minimum of 155°F (68°C). The operator must record quarterly each warewasher temperature reading for review at the discretion of the Health Authority.

(c) The warewasher must be installed and operated according to manufacturer's instructions for the highest level of sanitization possible when sanitizing kitchen facilities' utensils and tableware.

A copy of the instructions must be available on the premises at all times.

(e)(d) A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at exposure times specified under this subsection shall meet the requirements specified in 40 CFR 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (food-contact surface sanitizing solutions), shall be used in accordance with the Environmental Protection Agency (EPA)-approved manufacturer's label use instructions, and shall be used as follows:

1. A chlorine solution shall have a minimum temperature based on the concentration and pH of the solution as listed in the following chart;

Minimum Concentration	Minimum Temperature	
	pH 10 or less °C (°F)	pH 8 or less °C (°F)
MG/L		
25	49 (120)	49 (120)
50	38 (100)	24 (75)
100	13 (55)	13 (55)

2. An iodine solution shall have a minimum temperature of 75°F (24°C), minimum concentration between 12.5 ppm and 25 ppm, and pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies for the solution to be effective;

3. A quaternary ammonium compound solution shall have a minimum temperature of 75°F (24°C), have a concentration as specified in 40 CFR 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations and as indicated by the manufacturer's use directions included in the labeling, and be used only in water with 500 ppm hardness or less or in water having a hardness no greater than specified by the manufacturer's label;

4. If another solution of a chemical specified under 1 - 3 of this subsection is used, the permit holder shall demonstrate to the Health Authority that the solution achieves sanitization and the use of the solution shall be approved; or

5. If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound is used; it shall be applied in accordance with the manufacturer's use directions included in the labeling.

6. The operator shall provide a test kit or device that measures the sanitizing agent's concentration in the solution. Each time a user replaces the solution; they shall measure the concentration of the sanitizer in parts per million.-

(e) Hot water may be used to sanitize glasses, ice buckets and other multi-use utensils in a 3-compartmented, warewashing sink, after they have been thoroughly cleaned in the first

compartment in a warm soapy solution; and then rinsed clean of soap and debris in clean warm water in the second compartment. These items will then be immersed for at least 30 seconds in water at a temperature of 171°F (77°C) or above and then air-dried before use and/or storage.

(6) Single- service items placed in a guestroom or dwelling units shall be commercially pre-wrapped to protect against contamination. Water glasses shall be inverted on a clean surface or covered with a single-service lid and other multi-use utensils shall be protected from contamination in a manner approved by the ~~H~~Health aAuthority. Equipment, utensils, dishes, etc. in kitchenettes provided for guest use shall be kept clean and sanitized between each tourist's occupancy. If kitchenettes are provided for tourist use, then dDishwashing detergent shall be made available ~~provided- for tourist~~ guest use.

(7) Drinking founts shall be constructed of impervious material and shall have an angle-jet nozzle above the overflow rim of the bowl. The nozzle shall be protected by a non-oxidizing guard and the bowl shall be constructed of an easily cleanable material.

(8) ~~If Where~~ self-service ice is provided, then it shall be from an ~~a source~~ approved water supply. In all new tourist accommodations, and in existing tourist accommodations when machines are replaced, only automatic dispensing ice machines will be allowed. In existing tourist accommodations permitted prior to the adoption of this rule, the use of existing self-service ice-storage bins ~~presently being used~~ may be continued, provided that the machines are maintained in good repair and capable of being properly cleaned and sanitized according to the manufacturer's recommendations. Further, a copy of the manufacturer's cleaning instructions shall be maintained onsite for review at the request of the Health Authority. Scoops, ice buckets, and other ice handling equipment, shall be of easily cleanable material and construction. They shall be stored in a clean place and shall be kept clean. ~~Glass-ware~~ Glassware shall not be used to scoop ice.

[Authority: O.C.G.A. §§ 31-2A-6 and 31-28-5]

Authority O.C.G.A. Sec. 31-28-5; Administrative History: Original Rule entitled "Procedures" was filed and effective on July 19, 1965 as 270-5-13-.05. Amended: Rule repealed and a new Rule entitled "Toilet Facilities" adopted. Filed October 18, 1967; effective November 6, 1967. Amended: Rule renumbered as 290-5-18-.05. Filed June 10, 1980; effective June 30, 1980.

Amended: Rule repealed and a new Rule of the same title adopted. Filed March 28, 1984; effective April 27, 1984. Amended: Rule repealed and a new Rule entitled "Water Supply" adopted. Filed March 5, 1996; effective March 25, 1996.

511290-65-248-.08 Sewage Disposal. Amended. Toilet Facilities.

(1) Toilet, lavatory, and bathing facilities shall be provided at all tourist accommodations except as provided in paragraphs ~~(9)~~(13) and ~~(12)~~(16) of this Rule ~~section~~. Such facilities shall be easily accessible, convenient and available to patrons at all times.

(2) Bedrooms in permanent structures shall be provided with private or connecting baths. ~~except,~~ however, central toilet facilities may be used to serve bed and breakfast inns and existing multi-storied tourist accommodations; provided so long as, toilet facilities are within the building, located on each floor, and deemed adequate by determination of the Health Authority, to serve the tourists therein.

(3) Bedrooms in non-permanent structures such as cabins, park trailers, or structures in a wilderness settings used to provide lodging shall be provided with access to central toilet/shower building.

~~(3)~~(4) Toilet rooms and fixtures must be smooth and nonabsorbent and shall be kept clean and in good repair. Walls, floors, and ceilings shall be constructed of easily cleanable nonabsorbent materials and shall be kept clean and in good repair. While being used by tourists, every surface of a bathtub, shower, shower enclosure, toilet and lavatory, which may come in contact with a person's body, must be sanitized each day, unless the guest has declined regular tourist room services. If a tourist declines regular tourist room services, the tourist accommodation facility must ensure that these surfaces are cleaned and sanitized at least once per week and between tourists.

(4)(5) Toilet, lavatory and bathing facilities shall be mechanically ventilated. Where ventilation ducts are used, ducts from toilet rooms shall not be connected into return ventilation ducts to any other room. In existing tourist accommodations permitted prior to the adoption of this rule, the

current ventilation must prevent odor, mold, mildew, and moisture. All new or major renovation of a tourist accommodation will require mechanical ventilation to be installed to the outside of the building separate from heating and air-condition systems.

(5)(6) Toilet rooms, lavatories and bathing facilities shall be provided with soap, artificial light, and hot and cold water under pressure.

(6)(7) Unused, individually wrapped soap or liquid soap dispensed from approved containers shall be provided in guest rooms. Soap furnished in public wash rooms or baths shall be dispensed from approved containers designed to preclude in such a manner that contamination of the contents by individual contact. ~~is impossible.~~

(7)(8) Clean laundered individual towels shall be provided for each occupant in guest tourist rooms, and shall have been laundered, since last used, by a method approved by the health authority used. Used or soiled towels shall be exchanged with clean towels and laundered between each occupancy and at the request of the customer. If fabric bath mats are provided, they shall ~~have been~~ be laundered or cleaned ~~since last used~~ after each occupancy. Towels, whenever provided in the public wash rooms or baths, shall be individual towels and if cloth shall have been laundered since last used.

(8)(9) Toilet tissue shall be provided in a dispenser at each toilet at all times.

(11)(10) Anti-slip tubs, slip strips, appliqués, or slip-proof mats shall be provided in each bathing facility and shall be kept clean and in good repair.

(10) ~~Central toilets shall be plainly marked, separate for each sex, lighted at night and located within 200 feet of the dwelling units or trailer spaces served.~~

(11) When used, hydromassage bathtubs shall be installed in accordance with the applicable codes. The recirculation piping system for a hydromassage bathtub shall be cleaned in accordance with the manufacturer instructions. Further, the manufacturer's cleaning instructions shall be available on-site for examination at the request of the Health Authority. Fresh potable water must be provided with each use.

~~(9)(12) Where dependent trailers are located, central toilet/shower buildings facilities shall be provided and sized to meet the expected guest load based upon the number of trailer spaces or fraction thereof, or each ten trailer spaces or fraction thereof, and for each ten dwelling units of non-permanent structure, or fraction thereof, with not less than one commode, one lavatory and one tub or shower head for each sex. In addition, at least one urinal shall be provided in each central toilet designated for men. It is not required for independent trailer sites to have access to central toilet facilities.~~

(13) If the independent trailer sites are served by sewer connections, then it is not necessary for independent trailer sites to have access to central toilet/shower buildings. However, if such facilities are not provided, a sign with at least two2-inch high lettering shall be posted at the main entrance to the establishment notifying dependent trailer owners that central toilet/shower facilities are not available.

(14) Central Toilet/Shower Buildings shall meet at least the following minimum requirements:

(a) They shall be provided with separations for each sex with no interconnection. All rooms and parts of the central toilet/shower building shall be well-lighted, drained, ventilated to control odor, mold and mildew and of good construction with impervious materials. They shall be developed and planned in consultation with the Health Authority and designed so that good sanitation can be maintained throughout the building at all times. Every surface of a bathtub, shower, shower enclosure, toilet and lavatory which may come in contact with a person's body must be sanitized each day.

(b) Handicapped accessible toilet, shower, and lavatory facilities shall be designed and provided in accordance with state or local requirements and can be included as part of the required total number of water closets, shower heads, lavatories, etc.

(c) Central toilet/shower building shall be plainly identified with signage of at least two2-inch high lettering and located within 200 feet of dwelling units or trailer spaces served.

- (d) When serving dependent trailers, central toilet/shower buildings shall be provided for each ten trailer spaces or fraction thereof with not less than one commode, one lavatory and one tub or shower head for each sex. In addition, at least one urinal shall be provided in each central toilet designated for men.
- (e) When serving non-permanent structures, a central toilet/shower building shall be provided for each ten non-permanent structure, or fraction thereof, with not less than one commode, one lavatory and one tub or shower head for each sex. In addition, at least one urinal shall be provided in each central toilet designated for men.
- (f) If partitions are provided between portions of the dressing room area, screen partitions, shower, toilet, and dressing room booths shall be of durable material not subject to damage by water and shall be designed so that a waterway is provided between partitions and floor to permit thorough cleaning of the walls and floor areas with hoses, mops and brooms.
- (g) Hot and cold water under pressure shall be provided at all lavatories and showers.
- (h) Floors of central toilet/shower buildings shall be free of joints or openings and shall be continuous throughout the areas. Floors shall have a slip-resistant, nonabsorbent surface that shall be relatively smooth to ensure thorough cleaning. In all newly constructed, remodeled or renovated facilities, floor drains shall be provided and floors shall be sloped not less than one-eighth inch (1/8") per foot toward the drains to ensure positive drainage.
- (i) In all newly constructed, remodeled or renovated facilities, an adequate number of three-fourths inch (3/4") hose bibbs shall be provided for flushing down the central toilet facility interior.
- (j) Soap dispensers for providing either liquid or powdered soap shall be provided at each lavatory. Shampoo dispensers for shampoo shall be provided for each shower head. These dispensers shall be of all metal or plastic type with no glass. They shall dispense their contents in such a manner that precludes contamination of the contents by individual contact.
- (k) At least one paper towel dispenser or hand blow dryer shall be provided for every three lavatories.

(l) An unbreakable mirror shall be provided over each lavatory.

(m) Toilet paper holders shall be provided at each water closet.

(n) Soap, paper towels, and toilet tissue shall be provided in all dispensers.

(o) Fixtures shall be installed in accordance with local plumbing codes and shall be properly protected against back-siphonage.

(p) Fixtures shall be designed so that they may be readily and frequently cleaned and disinfected.

Frequent cleaning and disinfecting shall not cause damage.

(q) At least one trash receptacle will be available in toilet areas.

(15) In all newly constructed, remodeled or renovated facilities, at least one service sink or one curbed cleaning facility equipped with a floor drain shall be provided and shall be conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste. Service sinks or curbed cleaning facilities may be located in central toilet/shower buildings servicing non-permanent structures or dependent trailer parks.

(12)(16) Remote, primitive or wilderness campsites may not be required to provide toilet facilities at the discretion of the hHealth aAuthority. If toilet facilities are not providedin accordance with this rule, then a sign shall be posted at the main entrance notifying campers of what facilities are /or are not available.

[Authority: O.C.G.A. §§ 31-2A-6 and 31-28-5]

Authority O.C.G.A. Sec. 31-28-5. Administrative History. Original Rule entitled "Appeal to Superior Court" was filed and effective on July 19, 1965 as 270-5-13-06. Amended: Rule repealed and a new Rule entitled "Sewers" adopted. Filed October 18, 1967; effective November 6, 1967. Amended: Rule renumbered as 290-5-18-06. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule of the same title adopted. Filed March 28, 1984; effective April 27, 1984. Amended: Rule repealed and a new rule entitled "Toilet Facilities" adopted. Filed March 5, 1996; effective March 25, 1996.

511290-65-218-.09 Plumbing. Amended. Sewers. Amended.

(1) Sewers shall be designed in accordance with recognized engineering practices for the estimated sewage flow and shall be laid with watertight joints to a grade that will ensure a self-cleaning velocity. Sewers shall be constructed of durable materials properly vented and shall be