



City of Lilburn

in Gwinnett County

State of Georgia

406-11

Date of Reading and Adoption: March 14, 2011

At the meeting of the Lilburn City Council held at 76 Main Street, Lilburn, Georgia.

AN ORDINANCE TO AMEND APPENDIX C OF THE OF THE CODE OF ORDINANCES OF THE CITY OF LILBURN ENTITLED "BOARD OF HEALTH RULES"; TO DELETE CHAPTER IV "TOURIST COURTS"; TO ADD A NEW CHAPTER IV, "TOURIST ACCOMMODATIONS", TO BE ENFORCED AND ADMINISTERED BY THE GWINNETT COUNTY DEPARTMENT OF HEALTH; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council adopted the Code of the City of Lilburn on August 8th, 2005; and,

WHEREAS, the Code of the City of Lilburn provides that the text thereof may be amended from time to time by adoption of amending ordinance by the City Council; and,

WHEREAS, the City Council finds that the following amendment to the Code of the City of Lilburn promotes the health, safety, convenience, order, prosperity and the general welfare of the present and future inhabitants of the City of Lilburn.

IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LILBURN, GEORGIA, THAT APPENDIX C "BOARD OF HEALTH RULES", CHAPTER IV "TOURIST COURTS" OF THE CODE OF THE CITY OF LILBURN SHALL BE AMENDED BY DELETING CHAPTER IV "TOURIST COURTS" IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF THE FOLLOWING CHAPTER IV AS SET FORTH IN "ATTACHMENT A", DATED MARCH 14, 2011.

BE IT FURTHER ORDAINED that this Ordinance becomes effective upon its adoption.

BE IT FURTHER ORDAINED that all regulations or parts of regulations in conflict with this Ordinance are hereby rescinded to the extent of said conflict.

SO ORDAINED this 14th day of March, 2011.

APPROVED:

DIANA B. PRESTON, MAYOR
CITY OF LILBURN

ATTEST:

KATHY MANER, CITY CLERK

"ATTACHMENT A"

**RULES
OF
DEPARTMENT OF HUMAN RESOURCES**

MARCH 14, 2011

**CHAPTER 290-5-18
TOURIST ACCOMMODATIONS**

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290-5-18-.01 Definitions. Amended. The following definitions shall apply in the interpretation and enforcement of these rules:

(a) "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 for tourists and travelers 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.

(b) "Bed and Breakfast Inn" means an establishment of 20 guestrooms or less, which serves food only to its registered 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 these 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.

(c) "Tourist" or "Traveler" is defined as anyone who has a home address somewhere else other than where he is spending the night.

(d) "Operator" means the person who has the duty and responsibility of overall management of the tourist accommodation or his representative.

(e) "Person" means any individual, partnership, corporation and association and may be extended and be applied to bodies, politic and corporate.

(f) "Continental Breakfast" is defined as and may include any non-potentially hazardous food which is served in single serving commercially packaged original containers. It may also include non-potentially hazardous beverages such as coffee and hot tea served in the container in which it was prepared. It may include potentially hazardous foods such as milk, cream, butter and cheese only if served in single serving commercially packaged original containers. Likewise, juices and condiments including jams, jellies, sugar, salt and pepper may be served only in single serving commercially packaged original containers.

(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.

(h) "Residential Kitchen" means a kitchen within a bed and breakfast inn used for the owners private use as well as preparation of a breakfast meal for guests.

(i) "Trailer" means any house trailer, trailer coach, mobile home, motor home or other similar unit so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

(j) "Dependent Trailer" means a trailer which is dependent upon a service building housing toilet facilities.

(k) "Independent Trailer" means a trailer which has its own holding tank for waste and/or can be connected directly to a sewer connection.

(l) "Trailer Space" means a plot of ground within a trailer park designated for the accommodation of one trailer.

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

(n) "Employee" means any person who is paid, volunteers or otherwise is engaged in the operation of the tourist accommodation.

(o) "County Board of Health" means the County Board of Health established by the Georgia Health Code (O.C.G.A. Sec 31-3-1) or its representative.

(p) "Department" means the Department of Human Resources of the State of Georgia.

(q) "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; and if not so functioning, the Department.

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 remembered as 290-5-18-.01. Filed June 10, 1980; effective July 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.

290-5-18-.02 Provisions. Amended.

(1) Permit

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

(b) To be eligible for a permit the tourist accommodation shall be in satisfactory compliance with these rules and regulations and the provisions at law which apply to the location, construction and maintenance of tourist accommodations and the safety of persons therein.

(c) 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 10 days before the scheduled opening. The original shall be filed with the Health Authority.

(d) 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) The permit if granted or a statement of reasons if denied shall be forwarded to the tourist accommodation operator by the Health Authority.

(f) A permit shall not be transferable with respect to person or location.

(g) The permit shall be the property of the health authority and shall be returned within seven days to the local health authority when the tourist accommodation ceases to operate or is moved to another location.

(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: 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 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 kitchen will be required if food is to be prepared and served to guests. A copy of the menu or list of foods to be served will be required also. If no construction changes are to be made to an existing building, requirement for plans will be at the discretion of the health authority.

(3) Private Camps: Camps or facilities owned and operated solely for members only will be inspected only at the health authority's discretion or upon request by the owner or operator.

Authority O.C.G.A. and 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.

290-5-18-.03 Procedures. Amended.

(1) All tourist accommodations shall be subject to inspection at reasonable hours no less than twice annually and as often as is deemed necessary by the health authority to insure adequate compliance with the provisions of these rules.

(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 the report and the notification of alleged non-compliances with the rules.

(4) The report of 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 inspection and the date when it is anticipated corrections to violations will be completed.

(5) The entire report shall be discussed at the time of inspection with the tourist accommodation operator and explained.

(6) The most recent inspection report shall be posted in public view near the main entrance of the tourist accommodation, in a location determined by the health authority.

(7) The health 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 with the provisions of O.C.G.A. Chapter 31-28 and these regulations.

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.

290-5-18-.04 Employee Health and Safety

(1) No person while affected with any disease in a communicable form, or while a carrier of such 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 service be 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. Hand sinks shall be provided on each floor for employee use. These Hand sinks shall be located in employee work areas, i.e. linen storage, chemical storage, or maintenance. Hot and cold water under pressure and soap and paper towels in a dispenser shall be provided at each sink.

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 8, 1996.

290-5-18-.05 Water Supply. Amended.

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

(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 to preclude the possibility of back siphonage. Below grade stop and wastes cocks or hose bibs shall not be used.

(4) Hose used for filling trailer water tanks shall be stored under sanitary conditions, used for no other purposes and be so handled that back siphonage cannot occur and that contaminants will not be introduced into the trailer's water tank. Hoses used for filling water tanks shall be of commercial food-grade material.

(5) Where water glasses, ice buckets and other multi-use utensils are used, they shall be cleaned and sanitized, in a manner approved by the health authority, after each occupancy. Where approved sanitizing methods are not provided, single service paper or plastic cups shall be made available in lieu of glasses and shall be used only once. 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 one occupancy only.

(6) Dishmachines provided in guest rooms shall be equipped with a high temperature sanitizing cycle producing a minimum water temperature of 155 °F. A maximum registering thermometer or a heat thermal label shall be provided for determining the water temperature of each machine during sanitization. The temperature must be checked weekly and recorded in a log This log must be available for inspection.

(7) Single service items shall be commercially pre-wrapped to protect against contamination. Water glasses and other multi-use utensils shall be protected from contamination in a manner approved by the health authority. Equipment, utensils, dishes, etc. in kitchenettes provided for guest use, shall be kept clean. Dishwashing detergent shall be provided for guest use.

(8) Drinking fountains 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.

(9) Where self-service ice is provided, it shall be from an approved water supply source. 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, 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. Scoops, ice buckets and other ice handling equipment shall be of easily cleanable material and construction shall be stored in a clean place and shall be kept clean. Glass ware shall not be used to scoop ice.

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.

(10) Facilities providing food service shall provide a separate water heater for the food service.

290-5-18-.06 Toilet Facilities. Amended.

(1) Toilet, lavatory and bathing facilities shall be provided at all tourist accommodations except as provided in paragraphs (9) and (12) of this 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 toilet facilities are within the building, located on each floor and adequate by determination of the health authority, to serve the tourists therein.

(3) Toilet rooms and fixtures shall be kept clean and in good repair. Walls and ceilings shall be constructed of easily cleanable materials and shall be kept clean and in good repair.

(4) Toilet, lavatory and bathing facilities shall be ventilated. Where ventilation ducts are used, ducts from toilet rooms shall not be connected into return ventilation ducts to any other room.

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

(6) 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 in such a manner that contamination of the contents by individual contact is impossible.

(7) Individual towels shall be provided in guest rooms and shall have been laundered, since last used, by a method approved by the health authority used. If fabric bath mats are provided, they shall have been laundered or cleaned since last used. 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) Toilet tissue shall be provided in a dispenser at each toilet.

(9) Where dependent trailers are located, central toilet facilities shall be provided for 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.

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

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

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 a 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.

290-5-18-.07 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 insure a self-cleaning velocity. Sewers shall be constructed of durable materials properly vented and shall be installed at sufficient depth to withstand anticipated loads or other equally suitable means for protection of the pipe shall be used.

(2) Each independent trailer space shall be provided with a sewer connection not less than three inches in diameter. Suitable fittings shall be provided at each sewer connection to permit a watertight junction to be made with the trailer outlet. Each sewer connection shall be so constructed that it can be closed and when not in use shall be capped to prevent escape of odors.

Authority O.C.G.A. Sec. 31-28-5. Administrative History. Original Rule entitled "Requirements" was filed and effective on July 19, 1965 as 270-5-13-.07. Amended: Rule repealed and a new Rule entitled "Sewage Disposal" adopted. Filed October 18, 1967; effective November 6, 1967. Amended: Rule renumbered as 290-5-18-.07. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule of the same title adopted. Filed March 24, 1984; effective April 27, 1984. Amended: Rule repealed and a new Rule entitled "Sewers" adopted. Filed March 5, 1996; effective March 25, 1996.

290-5-18-.08 Sewage Disposal. Amended.

(1) Connection shall be made to a public sewer whenever possible and feasible as determined by the health authority or other appropriate governmental agency.

(2) Where public sewers are not available, as determined by the local governing agency, sewage disposal shall be provided to effectively dispose of all water carried wastes in a sanitary manner. No sewage, waste water, or other liquid effluent shall be discharged in such manner as to enter surface or subsurface water except following a treatment process approved prior to construction in conformity with existing State and local laws. Such sewage disposal systems shall be constructed and maintained in a manner to prevent the creation of unsanitary conditions. Existing private sewage disposal systems giving satisfactory service as determined by the health authority may be approved by said authority.

Authority O.C.G.A. Sec. 31-28-5. Administrative History. Original Rule entitled "Housing Requirements" was filed and effective July 19, 1965 as 270-5-13-.08. Amended: Rule repealed and a new Rule entitled "Plumbing" adopted. Filed October 18, 1967; effective November 6, 1967. Amended: Rule renumbered as 290-5-18-.08 Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule of the same title adopted. Filed March 28, 1984, as specified by the Agency. Amended: Rule repealed and a new Rule entitled "Sewage Disposal" adopted. Filed March 5, 1996; effective March 25, 1996.

290-5-18-.09 Plumbing. Amended. All plumbing in tourist accommodations shall comply with State and local laws, ordinances or regulations. In the absence of State and local laws, ordinances or regulations, the provisions of the current "Southern Plumbing Code" as published by the American Society of Mechanical Engineers shall prevail.

Authority O.C.G.A. Sec. 31-28-5. Administrative History. Original Rule entitled "Toilet Rooms" was filed and effective on July 19, 1965 as 270-5-13-.09. Amended: Rule repealed and a new Rule entitled "Refuse Disposal" adopted. Filed October 18, 1967; effective November 6, 1967. Amended: Rule renumbered as 290-5-18-.09. 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 Plumbing adopted. Filed March 5, 1996; effective March 25, 1996.

290-5-18-. 10 Garbage and Refuse Disposal. Amended.

(1) At least one health authority approved indoor container for waste shall be provided for each indoor dwelling unit to be rented. Containers shall be constructed of durable metal or other materials which do not leak, do not absorb liquids and do not support combustion. Such containers shall be thoroughly cleaned on the inside and outside each time they are emptied unless liners are used.

(2) All outside refuse or garbage storage containers shall be constructed of durable metal or other approved types of materials, which do not leak and do not absorb liquids and shall be provided with tight-fitting lids or covers and shall, unless kept in a special vermin proof room or enclosure, be kept covered when stored. Each container shall be located within 100 feet of dwelling units or trailer spaces or in a location approved by the health authority and shall be cleaned at such frequency as to prevent a nuisance or odor.

(3) Adequate cleaning facilities shall be provided and each garbage and/or recycling storage room, enclosure or container shall be thoroughly cleaned after the emptying or removal of refuse or garbage. Areas surrounding these rooms, enclosures and containers shall be kept clean and orderly. Liquid waste resulting from the cleaning of containers shall be disposed of as sewage.

(4) Refuse shall be collected in accordance with municipal practices where available. Where such services are not available the tourist accommodation shall dispose of the refuse in compliance with all Federal, State, local laws and or ordinances.

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

290-5-18-.11 Insect and Rodent Control. Amended.

(1) Effective measures, approved by the health authority, intended to eliminate the presence of rodents and flies, roaches and other insects on the premises shall be utilized. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.

(2) Openings to the outside shall be effectively protected against the entrance of rodents and shall be protected against the entrance of insects by tight-fitting doors, closed windows, screening, controlled air currents or other means. Screen doors shall be self-closing and screens for windows, doors, skylights, transoms and other openings to the outside shall be tight-fitting and free of breaks. Screening materials shall not be less than sixteen mesh to the inch. Screen doors for sliding patio doors will not be required to be self closing except in food service, preparation and utensil washing areas of permitted food service establishment kitchens and bed and breakfast inns.

Authority O.C.G.A. Sec. 31-2805. Administrative History. Original Rule entitled "Water Supply" was filed and effective on July 19, 1965 as 270-5-13-.11. Amended: Rule repealed and a new Rule entitled "Housing" adopted. Filed October 18, 1967; effective November 6, 1967. Amended: Rule renumbered as 290-5-18-.11. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Construction Layout and Furnishings" adopted. Filed March 28, 1984; effective April 27, 1984. Amended: Rule repealed and a new Rule entitled "Insect and Rodent Control" adopted. Filed March 5, 1996; effective March 25, 1996.

290-5-18-.12 Construction, Layout and Furnishings. Amended.

(1) Floors, walls, ceilings, windows, doors and all other appurtenances shall be of sound construction, properly maintained in good repair and shall be kept clean. In all new constructed and extensively remodeled residential kitchens used in bed and breakfast inns, coved base molding may be required. Walls and ceilings in residential kitchens shall be easily cleanable and light colored. Recognition of a bed and breakfast inn's historical integrity should be considered.

(2) Ventilation shall be provided for all rooms. Where ventilation is provided by means of windows, they shall open directly to the outside air and the openable window area of each room shall be not less than 1/20 of the floor area served. Where ventilation is provided by other means, it shall be at the rate of one complete change of air each twenty minutes so as to provide comfortable living conditions, remove objectionable odors and fumes and prevent excessive condensation. Ventilation systems shall be subject to applicable State and local fire prevention requirements and building codes.

(3) All rooms shall be well lighted. When natural light fails to provide sufficient illumination, evenly distributed artificial light shall be provided to maintain a lighting intensity of not less than ten (10) foot candles at 30" above floor levels.

(4) Furniture, draperies, carpets and other accessories shall be maintained in good repair and shall be kept clean.

(5) Washable mattress pads or covers shall be used on all mattresses. Beds, mattresses, springs, slats, mattress pads, mattress and bed coverings, pillow and pillow covers shall be clean and free from vermin. Each bed shall be provided, as a minimum, with two (2) sheets and one (1) pillow and pillowcase. Sheets and pillowcases shall be changed daily during the occupancy and after each occupancy with freshly laundered linens. During occupancy, daily changing of linens may be waived if written notice is given to the occupant.

(6) Sleeping quarters must be separated by a wall from the food preparation, food storage and food service areas of a bed and breakfast inn.

Authority O.C.G.A. Sec 31-28-5. Administrative History. Original Rule entitled "Plumbing" was filed and effective on July 19, 1965 as 270-5-13-.12 Amended: Rule repealed and a new Rule entitled "Fire Protection" adopted. Filed October 18, 1967; effective November 6, 1967. Amended: Rule renumbered as 290-5-18-.12. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Heating" adopted. Filed March 28, 1984; effective April 27, 1984. Amended: Rule repealed and a new Rule entitled "Construction, Layout and Furnishings" adopted. Filed March 5, 1996; effective March 25, 1996.

290-5-18-13 Heating and Fire Safety. Amended.

(1) The construction and installation of the heating appliances shall be such that all of the flue gases shall be carried to the outside of building through the flue outlet.

(2) Unvented combustion type heaters shall not be installed and/or used on the premises.

(3) All automatic natural gas heating equipment shall be equipped with automatic safety pilot. All liquefied petroleum gas burning appliances shall be equipped with 100% safety cut-off pilot.

(4) Gas water heaters shall not be installed in bathrooms and bedrooms or closets connected thereto.

(5) Each gas-fired heating unit shall be inspected at least annually by a qualified heating contractor before its use at the onset of cool weather. Points to be inspected are proper construction and installation, malfunctions and adjustments of controls and burners, faulty heat exchangers and vent obstructions. Any defects found on inspection

must be corrected by a qualified heating contractor prior to use of the equipment. Upon request, the operator shall provide evidence of inspection and/or correction of any deficiency.

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

290-5-18-. 14 Swimming Pools. Amended.

(1) Regulations of the Department and/or county (whichever is applicable) shall be applicable in the design, construction, operation and maintenance of swimming pools operated in conjunction with a tourist accommodation..

(2) If a swimming pool at a bed and breakfast inn cannot comply with applicable regulations, it must be enclosed with a fence at least four (4) feet in height with a locked gate and used only by family members. In such case, guests shall not be allowed to use swimming pool.

Authority O.C.G.A. Sec. 31-28-5. Administrative History. Original Rule entitled "Sewage Disposal" was filed and effective on July 19, 1965 as 270-5-13-.14. Amended: Rule repealed and a new Rule entitled "Food Services". Filed October 18, 1967; effective November 6, 1967. Amended: Rule renumbered as 290-5-18-.14. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Swimming Pools" 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.

290-5-18-. 15 Laundry Rooms. Amended. Where laundry facilities are provided, they shall be separate from other facilities, of sound construction and shall be kept clean and in good repair. Laundry rooms for guest use shall be vented to the exterior and shall be well lighted, ventilated and separate from tourist accommodation laundry facility. Laundry equipment shall be provided with hot and cold water under pressure. Dryers shall be vented to the outside.

Authority O.C.G.A. Sec. 31-28-5. Administrative History. Original Rule entitled "Heating" was filed and effective on July 19, 1965 as 270-5-13-.15. Amended: Rule repealed and a new Rule entitled "Laundry Rooms". Filed October 18, 1967; effective November 6, 1967. Amended: Rule renumbered as 290-5-18-.15. 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.

290-5-18-. 16 Grounds. Amended.

(1) The grounds of a tourist accommodation shall be graded to drain. Serviceable walks and driveways shall be provided.

(2) Grounds shall be kept clean and free of litter. Space beneath building and trailers shall be kept clean.

(3) All walkways, porches and hallways shall be maintained in good repair. Only articles necessary to the operation and maintenance of the establishment shall be stored on the premises.

(4) There shall be not less than 15 feet clear space between trailers and building, nor less than 10 feet between trailers and internal driveways within the trailer park.

(5) Each trailer space shall be distinctly marked. Trailer spaces shall abut on a well-defined all-weather driveway of not less than 20 feet of unobstructed width and such driveway shall have clear access to a public thoroughfare.

(6) Grounded and weather-proof electrical outlets supplying at least 115 volts shall be provided at each trailer space. Power lines shall be located under ground or suspended at least 18 feet above ground. All electrical work and materials shall comply with State and local laws, ordinances or regulations. In the absence of such State and local laws, ordinances or regulations, the provisions of appropriate sections of the "Southern Standard Building Code" as published by the Southern Standards Building Codes Conference shall prevail.

Authority O.C.G.A. Sec. 31-28-5. Administrative History. Original Rule entitled "Refuse Disposal" was filed and effective on July 19, 1965 as 270-5-13-.16. Amended: Rule repealed and a new Rule entitled "Grounds" adopted. Filed October 18, 1967; effective November 6, 1967. Amended: Rule renumbered as 290-5-18-.16. 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.

290-5-18-17 Food Service. Amended.

(1) Food service facilities with exception only to bed and breakfast inns shall comply with provisions of O.C.G.A. Chapter 26-2, Art. 13 and the rules, regulations and standards adopted thereunder.

(2) If a tourist accommodation does not have a food service permit with exception to a bed and breakfast inn, it will be allowed to serve only a continental breakfast. If a continental breakfast is served, the following requirements shall be followed.

(a) A minimum two-compartment sink, large enough to fully immerse the largest utensil used and a refrigerator which can maintain food temperatures at or below 41°F (5°C) shall be required. The need for a refrigerator may be waived if no potentially hazardous foods are served.

(1) Condiments containing potentially hazardous ingredients and milk must be stored in refrigerator.

(c) A thermometer, accurate to $\pm 3^{\circ}\text{F}$ ($\pm 1.5^{\circ}\text{C}$) shall be provided in refrigerator and located to be easily readable.

(d) Only single service disposable plates, cups and utensils will be used.

(e) Ice used for keeping displayed foods cold must be constantly drained and cannot be used in beverages. If ice is needed for beverages, it must be dispensed from self service machines or presented in cups pre-filled by the management. Pre-filling shall be done only with the use of an approved ice scoop.

(3) A bed and breakfast inn may serve a full meal prepared in a residential kitchen located within the inn, if the following requirements are met.

(a) Limited Service: Food may only be prepared for guests staying in rooms located in the bed and breakfast inn. No catering off the premises will be allowed.

(b) Food Supplies:

1. Food shall be in sound condition and safe for human consumption. Food shall be obtained from sources that comply with the applicable laws relating to food safety. The use of food in hermetically sealed containers that was not prepared in a food processing establishment is prohibited. However, jams, jellies and preserves made at the bed and breakfast inn from naturally high-acid fruits may be served to guests.

2. Fluid milk and fluid milk products used shall be pasteurized and shall comply with applicable law. Dry milk and milk products used shall be made from pasteurized milk and milk products and shall be used only in cooking. Raw milk shall not be provided or used.

3. Only clean shell eggs meeting applicable grade standards or pasteurized liquid, frozen or dry eggs or pasteurized dry egg products shall be used.

4. Only ice which has been manufactured with potable water and handled in a sanitary manner shall be used. (c) Food (c)

(c) Food Protection:

1. All food shall be prepared, stored, displayed, dispensed, placed, transported, sold and served so as to be protected from dirt, vermin, unnecessary handling, droplet contamination, overhead leakage or other contamination.

2. The temperature of potentially hazardous foods shall be 41°F (5°C) or below or 140°F (60°C) or above at all times, except during necessary times of preparation.

(a) Establishments permitted prior to the effective date of these "Rules" shall comply immediately with this Rule or may be allowed a maximum of two years to comply if existing equipment needs remodeling or new equipment must be acquired in order to maintain food at or below 41°F. Existing equipment must be updated with change of ownership. All existing equipment must be maintained properly including routine cleaning of coils and all other parts of the cooling system. Proper food handling is mandatory to ensure that the minimal temperature requirement is obtained by precooling foods and minimizing opening of cooling units. Existing equipment which cannot maintain foods at 41°F must maintain foods at or below 45°F. Upon equipment failure, replacement equipment must be capable of maintaining food at or below 41°F.

(b) A thermometer accurate to $\pm 3^\circ\text{F}$ shall be provided for each refrigeration unit, shall be located to indicate the air temperature in the warmest part of the unit and shall be affixed to be readily visible.

(c) Containers of potentially hazardous food displayed for service may be placed in an ice bed or held by a similar means which maintains the food at or below 41°F. An accurate easily readable metal probe thermometer suitable for measuring the temperature food shall be readily available on the premises.

3. Hermetically sealed packages shall be handled so as to maintain product and container integrity.

4. Containers of food shall be stored a minimum of 6 inches above the floor in a manner that protects the food from splash and other contamination and that permits easy cleaning of the storage area.

5. Pets may be present on the premises, but shall be kept out of food preparation and dining areas at all times. This exclusion shall not apply to fish in aquariums. Guide/service dogs accompanying handicapped persons or trainers of such dogs, shall be permitted in dining areas.

6. Laundry facilities may be present in the residential kitchen, but shall not be used during food preparation and service.

7. Cooking facilities in the residential kitchen shall not be available to guests.

8. No insecticide, rodenticide, or other poisonous substance shall be stored in any food preparation area, except in a separate enclosure provided for that purpose. All poisonous substances, detergents, bleaches, cleaning compounds, or any other injurious or poisonous material shall be specifically and plainly labeled as to contents and hazardous use and shall be specifically and plainly labeled as to contents and hazardous use and shall be stored only in their original, labeled container. None of these products shall be used or stored in a manner which may cause contamination or adulteration of food, food contact surfaces, or utensils.

(d) Food Preparation:

1. Food shall be prepared with a minimum of manual contact. Food shall be prepared on food-contact surfaces and with utensils that are clean and have been sanitized.

2. Raw fruits and raw vegetables that will be cooked, cut or combined with other ingredients or that will be otherwise processed into food products by the food establishment shall be thoroughly cleaned with potable water in sinks or containers that have been washed and sanitized before being used.

3. Potentially hazardous food processed by cooking shall be cooked to heat all parts of the food to a minimum temperature of 140°F (60°C) except that shell eggs and unground meat and fish shall be cooked to an internal temperature of 145°F (63°C)

or above for 15 seconds. Pork and ground meat or fish shall be cooked to an internal temperature of 155° (68°C) for 15 seconds. Roast beef and beef steak shall be cooked to an internal temperature of 130°F (54°C). Poultry or any stuffed meat, poultry or fish shall be cooked to an internal temperature of 165°F (74°C) for 15 seconds.

4. Potentially hazardous foods shall be cooked and immediately served to guests. The following food handling practices shall be prohibited.

- a. Cooling and reheating prior to service.
- b. Hot holding for more than two hours.
- c. Service of leftovers.

5. All frozen food shall be kept frozen until ready for preparation. No food which has been thawed shall be refrozen unless it has been cooked or processed. Potentially hazardous foods shall be thawed:

(a) In refrigerated units at a temperature not to exceed 41°F (5°C); or

(1) Under potable running water at a temperature of 70°F (21°) or below, with sufficient water velocity to agitate and float off loose food particles into the overflow and for a period of not to exceed that reasonably required to thaw the food; or

(c) In a microwave oven only when the food will be immediately transferred to conventional cooking units as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or

(d) As part of the conventional cooking process.

(e) Food Display and Service:

1. Employees serving food shall use tongs, other utensils or wear plastic gloves.

2. When food is displayed for customer self service, it will not be necessary to have protective sneeze shields as long as the following guidelines are met.

- a. Potentially hazardous foods are kept at or below 40°F (5°C) or at or above 140°F (60°C).
- b. Food is displayed no more than two hours.
- c. No open food or potentially hazardous foods is reserved or reused.
- d. Tongs or other suitable utensils are provided so that there is no hand contact with the food.

(f) Health and Practices:

1. No person, while infected with a disease in a communicable form that can be transmitted by foods, or who is a carrier of organisms that cause such a disease, or while affected with a boil, infected wound, or acute respiratory infection, shall work in any capacity in which there is a likelihood of such person contaminating food or food contact surfaces with pathogenic organisms or transmitting disease to other persons.

2. Persons engaged in food preparation, service and warewashing operations shall wear clean clothing and thoroughly wash their hands and the exposed portions of their arms with soap or detergent mild warm water before starting work, after smoking, eating or using the toilet and as often as is necessary during work to keep them clean. Employees shall keep their fingernails trimmed and clean. All bed and breakfast inns permitted or extensively remodeled after the effective date of this rule shall provide facilities exclusively for handwashing within or adjacent to each kitchen. In bed and breakfast inns existing prior to the effective date of these "Rules", the utensil washing sink may be used for handwashing. Soap and paper towels in dispensers must be provided.

3. Persons engaged in food preparation shall wear a hair net, cap or other suitable covering which restrains all loose hairs and shall maintain a high degree of personal cleanliness and conform to good hygienic practices during all working periods.

4. Employees shall consume food or use tobacco only in designated areas. Such designated areas shall not be located in food preparation areas or in areas where the eating or tobacco use of an employee may result in contamination of food, equipment or utensils.

(g) Equipment and Utensils:

1. Equipment and utensils shall be constructed and repaired with safe materials, including finishing materials: shall be corrosion resistant and nonabsorbent; and shall be smooth, easily cleanable and durable under conditions of normal use. Single service articles shall be made from clean, sanitary, safe materials. Equipment, utensils and single service articles shall not impart odors, color, taste nor contribute to the contamination of food.

2. Safe plastic or safe rubber or safe rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposition, grazing, chipping and distortion, that are of sufficient weight and thickness to permit cleaning and sanitizing by normal warewashing methods are permitted for repeated use.

3. Single service articles shall not be re-used.

4. All equipment and utensils shall be maintained in good repair.

(h) Cleaning and Sanitization of Equipment and Utensils

1. Food utensils and equipment shall be stored in a manner to avoid contamination.

2. Food contact surfaces and sinks shall be smooth and easily cleanable.

3. Food contact equipment, surfaces, tableware and utensils shall be cleaned and sanitized prior to food preparation for the public and after each use.

4. Sinks, basins or other receptacles used for cleaning of equipment and utensils shall be cleaned before use.

5. Equipment and utensils shall be pre-flushed or pre-scraped and, when necessary, presoaked to remove food particles and soil.

6. Manual cleaning and sanitizing shall be conducted as follows:

a. For manual cleaning and sanitizing of cooking equipment, utensils and tableware, three compartments shall be provided and used. The health authority may allow the use of compartments other than sinks.

b. All five steps of the warewashing process shall be completed: pre-rinsing or scraping; application of cleaners for soil removal; rinsing to remove cleaning chemicals; sanitization and air drying.

c. Sanitizing may be accomplished by immersion or sanitizing in place with the use of a 50 ppm chlorine solution or 12.5 ppm iodine solution or other chemical sanitizer which meets the requirements of 21 Code of Federal Regulation 178.1010.

d. Wash, rinse and sanitizing solutions shall be maintained in a clean condition.

e. Water for washing and rinsing shall be maintained at 110°F (43°C) or above. Water for sanitizing shall be maintained at 75°F (24°C) or above. If using iodine for sanitization, water shall be at a pH not higher than 5.0.

f. A test kit or device that measures the parts per million concentration of the sanitizing solution shall be used each time the sanitizing solution is changed.

7. Mechanical cleaning and sanitizing shall be conducted as follows:

a. A commercial dish-washer must be certified by NSF standards or equivalent, in good repair and operating to manufacturer's specifications.

b. If using a non-commercial dishwasher, it must remove all physical soil from all surfaces of dishes and must 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) or 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 daily, a maximum registering thermometer or a heat thermal label to determine that the sanitizing rinse water temperature is a minimum of 155°F (68°C). The dishwasher must be installed and operated according to manufacturer's instructions for the highest level of sanitization possible when sanitizing residential kitchen facilities' utensils and tableware. A copy of the instructions must be available on the premises at all times.

8. There shall be sufficient area or facilities such as portable dish tubs and drain boards for the proper handling of soiled utensils prior to washing and of cleaned utensils after sanitization so as not to interfere with safe food handling, handwashing and the proper use of dishwashing facilities. Equipment, utensils and tableware shall be air dried only.

Authority O.C.G.A. Sec. 31-28-5.

290-5-18-.18 COMPLIANCE PROCEDURES: Requirements and procedures for compliance are as follows:

- (1) A tourist accommodation shall not operate until such time as the appropriate application has been submitted to the Health Authority, on the prescribed forms provided and the valid operating permit has been issued by the Health Authority.
- (2) Suspension or Revocation: The Health Authority shall have the power and authority to suspend or revoke permits for failure to comply with the provision of this Chapter. When an application for a permit is denied or the permit previously granted is suspended or revoked, the applicant or holder thereof shall be afforded notice and hearing as provided in O.C.G.A. Chapter 31-5, Article 1. If an application is denied or a permit is suspended or revoked the applicant or holder of the permit must be notified in writing, specifically stating any and all reasons why the action was taken. The purpose of these procedures is to state the minimum actions to be taken to fulfill the obligation of the Health Authority, in assuring compliance with the regulations when the continued operation of a tourist accommodation presents a substantial and imminent health hazard to the public or when a tourist accommodation is in flagrant or continuing violation of this Chapter. Suspension is effective upon service of a written notice thereof, and operation must cease immediately. The notice must state the basis for the suspension and advise the permit holder of the right to a preliminary hearing on request within 8 working hours. If requested, the preliminary hearing will be held by an experienced supervisory level employee of the Health Authority not directly involved in the suspension. The rules of evidence will not apply, but both the Health Authority and the permit holder may present witnesses, records and argument. The hearing official will be authorized immediately to rescind or modify the suspension or to continue the suspension with or without conditions. If the suspension is not rescinded, the permit holder will have the right on request to an evidentiary hearing. If a hearing is not requested, upon correction of all violations, owner may request an inspection to reinstate permit.
- (3) Notice of Revocation or Suspension: For the purpose of this Chapter a notice of revocation or suspension is properly served when delivered in person or by registered or certified mail to the responsible party.
- (4) Inspections: A tourist accommodation shall not be placed in operation until appropriate inspections show compliance with the requirements of this Chapter with no items violated on the inspection form.
- (5) The Health Authority shall inspect tourist accommodations twice annually for compliance. Additional inspections may be made as determined necessary by the Health Authority.

290-5-18-.19 Enforcement:

Authority O.C.G.A. Secs. 31-28-3 and 31-28-4.

This regulation, upon adoption by the Gwinnett County Board of Commissioners shall be enforced by the Gwinnett County Board of Health as a duly adopted Ordinance of Gwinnett County. Any person violating any provision in this Regulation shall be guilty of violating a duly adopted ordinance of Gwinnett County, and upon conviction shall be punished either by a fine not to exceed one thousand dollars (\$1,000.00), or by confinement in the county jail for a total term not to exceed sixty (60) days, or both.

The court shall have the power and authority to place any person found guilty of a violation of this regulation on probation and to suspend or modify any fine or sentence. As a condition of such suspension, the court may require payment of restitution or impose other punishment allowed by law.