



**HAMILTON COUNTY
PUBLIC HEALTH**

PREVENT. PROMOTE. PROTECT.

**Public Accommodation Facilities
Public Health Sanitation Regulation 1-2009**

**Hamilton County General Health District
250 William Howard Taft Road, 2nd Floor
Cincinnati, Ohio 45219**

**Adopted on December 21, 2009
Effective on January 11, 2010**

Intent: The purpose of these Regulations is to protect public health, safety and the environment through preventative measures and timely correction of all public health issues relating to public accommodation facilities.

Scope: These Regulations establish definitions; set minimum standards for the operation and maintenance of public accommodation facilities; provide enforcement for violations of this Regulation.

Section 3709.21 of the Ohio Revised Code gives the Board of Health of a general health district the authority to adopt regulations for the public health, the prevention or restriction of disease, and the prevention, abatement or suppression of nuisances.

Section 1-2009-01 Definitions.

The following definitions shall apply in the interpretation and enforcement of these regulations.

- (a) **Bed and Breakfast:** A public accommodation facility, located within a home, offering bed and breakfast accommodations, including lodging and meals, and rented on a daily basis to the public for monetary compensation or other financial consideration for a period of time not to exceed thirty (30) days.
- (b) **Bedroom:** Any room used exclusively for sleeping purposes; shall also include a one-room cabin.
- (c) **Board of Health:** The Board of Health for the Hamilton County General Health District, Ohio, as provided by Section 3709.02 of the Ohio Revised Code.
- (d) **Commercial Pesticide Applicator:** A person who is licensed by the Ohio Department of Agriculture as a Commercial Applicator of pesticide and is qualified to use or supervise the use of restricted use pesticides in commercial operations.
- (e) **Communicable Disease:** A disease which is caused by a specific infectious agent or its toxic products, and which can be transmitted, either directly or indirectly, from a reservoir of infectious agents to a susceptible host organism.
- (f) **Extended Stay Hotel:** A public accommodation facility, consisting of one or more buildings, with more than five dwelling units with provisions for living, eating, cooking, sanitation, and sleeping, that is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where temporary residence is offered to the public for monetary compensation or other financial consideration, that is approved pursuant to a valid certificate of occupancy issued by the building official having jurisdiction as having all of the required dwelling unit features, and for which such valid certificate of occupancy indicates the specific rooms within the structure that can be used as dwelling units, and that is approved by the fire marshal for extended stay temporary residence purposes.
- (g) **Food Service Operation or Retail Food Establishment:** As defined in the Ohio Revised Code 3717.
- (h) **Guest:** Any person, other than employees, either paying or non-paying, that uses any part of a public accommodation facility.

- (i) Guest Room: Any sleeping or resting rooms and contiguous areas intended for private use by a guest or guests of a public accommodation facility.
- (j) Hamilton County General Health District: means general health district as created by or under authority of Chapter 3709 of the Ohio Revised Code.
- (k) Health Commissioner: means the individual occupying the office created by section 3709.11 of the Ohio Revised Code, or the health commissioner's authorized representative.
- (l) Hotel: Any public accommodation facility which is a building or group of buildings in which there are three (3) or more guest rooms used, designed, or intended to be used, let, or rented out for the purpose of offering to the general public lodging, on a day to day basis for monetary compensation or other financial consideration.
- (m) Immediate Health Condition: Condition that poses an immediate threat to life, health, or safety including exposure to contaminants which are likely to have adverse cumulative or delayed effects on health.
- (n) Laundry Facility: Includes washing machines, dryers, lint traps, linen storage areas, folding tables and shelving located at the public accommodation facility for the purpose of laundering.
- (o) Linens: Any item such as, but not limited to, sheets, mattress pads, towels, tablecloths, cloth napkins, wash clothes and work garments.
- (p) Motel: A public accommodation facility which consists of a building or group of two (2) or more detached or semi-detached buildings containing one (1) or more guest rooms, each with a separate exterior entrance, used as a room for lodging on a day-to-day basis and offered to the public for monetary compensation or other financial consideration.
- (q) Multi Use Utensil: Any utensil or item that can be used more than once which including but not limited to: ice buckets, drinking glasses, pitchers, cups, coffee pots and other equipment coming in contact with water, beverages or solid food during storage, transportation, serving or eating of food.
- (r) Operator: Any person who is in charge, care or control of the public accommodation facility.
- (s) Permit: A permit to operate a public accommodation facility that is issued by the Board of Health.
- (t) Pet: means an animal that has been adapted or tamed to live in intimate association with or for the pleasure or advantage of people and includes but is not limited to dogs, cats, birds, rabbits, and hamsters.
- (u) Public Accommodation Facility: A hotel, motel, bed and breakfast, extended stay hotel or other facility offering rooms or areas to the public for monetary compensation or other financial consideration.
- (v) Public Swimming Pool / Spa: As defined in the Ohio Revised Code 3749.
- (w) Service Animal: Any guide dog, signal dog or any other animal specially trained to provide assistance to an individual with a disability. This also includes animals used to perform work on behalf of public accommodation facility.
- (x) Tempered Water: Water with a temperature between 85°F to 110°F.

Section 1-2009-02 Permit.

- (a) No person directly or indirectly shall construct, operate, or maintain a public accommodation facility in the Hamilton County General Health District without first obtaining all necessary permits including but not limited to, building permit, electrical permit, sewage treatment permit, and a permit to operate.
- (b) Any person who is contemplating the construction, alteration, or conversion for occupancy or use, a public accommodation facility or any portion of facility thereof, or to convert a property for use or occupancy as a public accommodation facility, shall give notice in writing of his/her intent to do so to the Hamilton County General Health District at least ten (10) days before the beginning of such construction, alteration, or conversion.
- (c) The Health Commissioner may issue a permit to operate to any public accommodation facility operators, upon compliance by the applicant with the provisions of these regulations.
- (d) A permit to operate a public accommodation facility shall be valid for the calendar year from January 1st to December 31st. A permit shall not be transferable or assignable and shall automatically become invalid upon a change of operator or upon revocation.
- (e) Permits to operate must be able to be viewed by the public at the public accommodation facility.
- (f) In the event of a change of operator of a public accommodation facility, the new operator shall apply for a new permit to operate to the Health Commissioner at least ten (10) days before the proposed change is effected.
- (g) In the event of a new operator applying for a permit or the construction of a new public accommodation facility, the operator must contact the Hamilton County General Health District to perform a pre licensing inspection.
- (h) Only persons, who comply with the provisions of these regulations or any regulation adopted pursuant thereto, shall be eligible to receive and retain a permit to operate a public accommodation facility.
- (i) A permit maybe temporarily suspended upon the violation by the permit holder of any of the terms of these regulations or permanently revoked upon serious or repeated violations after having been granted an opportunity for a hearing.
- (j) Revocation of the permit to operate occurs when the Hamilton County General Health District revokes all permission to operate a public accommodation facility due to the presence of significant health and safety hazards as determined by this regulation. Upon receipt of the revocation order, the public accommodation facility must cease immediately all renting, leasing, or other occupation of guest rooms and must close all facilities. The public accommodation facility may seek relief from such order through the appeal process outlined in these regulations.

Section 1-2009-03 Fees.

- (a) The permit fee to operate a public accommodation facility shall be authorized by the Board of Health and based on costs for implementing Regulation 1-2009.

- (b) The renewal fee and application for a public accommodation facility shall be post marked or paid by January 1st of each year. If an application and fee is submitted or post marked after this date or received as a partial payment, the operator will be required to pay a late fee of 25% of the cost of the permit in addition to the regular fee.

Section 1-2009-04 Application for permit to operate.

- (a) Application for a permit to operate shall be made to the Health Commissioner in writing signed by the applicant, post marked or paid by January 1st of each year and shall contain such information as may be requested by the Hamilton County General Health District for determination as to whether the public accommodation facility will comply with the requirements of these regulations.
- (b) Application for a permit to operate a new public accommodation facility, shall be made to the Health Commissioner at least (10) days before the new proposed operation opening.
- (c) Only persons, who comply with the provisions of these regulations or any regulation adopted pursuant thereto, shall be eligible to receive and retain a permit to operate a public accommodation facility.
- (d) The Health Commissioner may suspend, revoke, or deny a public accommodation facility permit on determining that the permit holder is in violation of any requirements of the rules adopted in regulation 1-2009 applicable to public accommodation facilities, including a violation evidenced by documented failure to maintain sanitary conditions within the facility.

Section 1-2009-05 Inspection.

- (a) The Health Commissioner of Hamilton County General Health District shall conduct routine inspections of the public accommodation facility a minimum of twice a year within the Hamilton County General Health District jurisdiction from January 1 to December 31.
- (b) During a routine inspection or a complaint inspection, if the Health Commissioner of Hamilton County General Health District discovers violations of this regulation, he / she may make a re-inspection after such time as he / she deems necessary for the violations to be corrected. Any violation of this regulation not corrected at the re-inspection may result in suspension/ revocation of the permit to operate from the Health Commissioner.
- (c) A copy of the inspection report shall be given to the operator of the public accommodation facility and kept on file for one year. A copy of the inspection shall be filed with the records of the Hamilton County General Health District.
- (d) The Health Commissioner of Hamilton County General Health District shall be granted right of entry to all public accommodation facilities and all parts therein pursuant to Ohio Revised Code 3709.22.
- (e) The operator of any public accommodation shall keep an accurate registry of persons using the facilities at the public accommodation facility. The Health Commissioner of Hamilton County General Health District shall have the authority to inspect and examine

the register containing a record of all persons using the facilities at the public accommodation facility.

- (f) After an inspection and report of the inspection is completed by the Health Commissioner of Hamilton County General Health District, he /she shall determine if the report should be sent to other involved agencies.
- (g) Inspection shall include, but not be limited to, guest rooms, laundry, vending, storage, maintenance, sewage treatment system, solid waste storage, workout facilities, and all other areas that Hamilton County General Health District deems necessary at the time of inspection.

Section 1-2009-06 Grounds.

- (a) The grounds at a public accommodation facility site shall be well graded and drained and so located that its drainage will not endanger any private or public water supply and the sewage treatment system.
- (b) Driveways and walkways shall be paved, maintained, well defined, and well lit at night.
- (c) The storm water system shall be in compliance with the Hamilton County Storm Water District Illicit Discharge Regulations.

Section 1-2009-07 Building and construction.

- (a) All buildings and materials used for construction, rehabilitation, or repair of a public accommodation facility shall meet all applicable regulations.
- (b) All areas of a public accommodation facility building shall be maintained in good repair and free of hazards.
- (c) All areas of the public accommodation facility shall be watertight and free of water intrusion.
- (d) All water damaged areas of the public accommodation facility shall be abated as not to create a public health nuisance.
- (e) All outer openings shall be protected from the entry of insects and rodents.
 - 1. Windows shall have screens that are in good repair.
 - 2. Doors shall have intact weather-stripping.
 - 3. Floor drains shall be covered with easily cleanable and removable covers.
- (f) HVAC filtration media must be maintained as to not create a nuisance/public health concern.
- (g) Public water shall be supplied under pressure. If public water is not available, then an alternative approved water supply may be used with the approval of the Hamilton County General Health District.
- (h) Tempered water shall be delivered from public hand washing facilities through a device that conforms to an ASSE 1070.
- (i) Drinking fountains, if provided, shall be constructed of smooth and easily cleanable surfaces and shall not be installed in public restrooms.

- (j) A backflow prevention device, check valve or other device shall be installed on a water supply system utilizing storage water heating equipment such that thermal expansion causes an increase in pressure, a device for controlling pressure shall be installed.
- (k) All sanitary sewage systems shall be connected to the sanitary drainage system of the building or premises and be disposed of in an approved manner.
- (l) Sewage treatment systems shall not be permitted to create a nuisance nor endanger the safety of any water supply. All sewage treatment systems shall be operated, maintained, and monitored in compliance with all local, state, and federal regulations.
- (m) A licensed, registered plumber shall perform annual inspections of all backflow prevention assemblies and air gaps to determine whether they are operable.
- (n) Reduced pressure principle backflow prevention assemblies, double check-valve assemblies, pressure vacuum breaker assemblies, reduced pressure detector fire protection, double check detector fire protection, hose connection backflow preventers, and spill proof vacuum breakers shall be tested at the time of installation, immediately after repairs or relocation and at least annually by a licensed, registered plumber.

Section 1-2009-08 Housing and sanitation.

- (a) All guest rooms shall be cleaned and sanitized once per week or upon change in occupancy, whichever comes first.
- (b) Guest rooms shall be of adequate natural or artificial ventilation so as to prevent a nuisance.
- (c) Guest room temperatures shall be capable of maintaining temperature of no less than 70 degrees Fahrenheit if occupied. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes. Ventilation systems shall be installed and maintained to prevent any unsightly, harmful, or unlawful discharge.
- (d) Guest rooms shall have evenly distributed artificial light for cleaning purposes, safety, and normal comfort of guests.
- (e) Bathrooms shall have floors composed of smooth and easily cleanable materials and shall be kept clean and maintained in a state of good repair.
- (f) All private bathrooms available to patrons shall be provided with toilet paper, soap, clean towels, and hot or tempered water. All public restrooms shall be equipped with toilet paper, soap, single-use towels or an approved hand drying machine and tempered water. Public restrooms that provide single-use towels shall have a waste receptacle.
- (g) Furniture, draperies, and other accessories, shall be properly maintained, kept in good repair, and cleaned at reasonable intervals.
- (h) All furnishings, equipment, structure and linens in guest rooms, including but not limited to: couches, mattresses, box springs, chairs, dressers, cabinets, drapes, windows, walls, wall décor, ceilings and headboards shall be maintained sanitary and in a state of good repair.
- (i) All bed linens shall be kept clean and in good repair; pillow cases and sheets shall be changed after each occupancy. All sheets, pillow cases, and towels shall be freshly laundered before being furnished to new guests or occupants of rental units.

- (j) Mattress pads, blankets, and bedspreads shall be laundered every month or more often as necessary to be maintained clean and sanitary.
- (k) All soiled linens shall be adequately separated from clean linens by utilizing separate containers for both.
- (l) All refuse deposited in a guest room shall be collected daily or as often as necessary as to not create a nuisance.
- (m) All public accommodation facilities that allow smoking, must abide by ORC 3794, the Smoke Free Ohio Law.
- (n) All sewage backups or toilet overflows shall be cleaned and sanitized immediately as to not create a nuisance or spread disease.

Section 1-2009-09 Housekeeping.

- (a) Maintenance closets, supply carts, mops, pail brushes and other cleaning equipment shall be kept clean and in good repair or shall be replaced as needed.
- (b) All original containers of chemicals must bear the manufacturers label. All working containers of chemicals must be identified with common name of the chemical contents.
- (c) Cleaners used in cleaning bathtubs, showers, lavatories, urinals and toilet seats shall be comprised of fungicidal or bactericidal contents and shall be capable of disinfecting and sanitizing all surfaces.
- (d) All chemicals shall be handled and stored so as to prevent contamination of clothing, utensils and linens. Chemicals must be stored in a manner that is inaccessible to guests. All chemical products must be applied consistent with the label.
- (e) All chemicals stored on site shall have corresponding Material Safety Data Sheets (MSDS) available and updated accordingly.
- (f) Housekeeping carts shall be so arranged that clean replacement supplies, clean linens and cleaned and sanitized equipment and utensils shall be protected from soiled items being removed from each room and other sources of contamination.

Section 1-2009-10 Refuse disposal.

- (a) The storage, collection, and disposal of refuse shall not create a public health nuisance.
 - 1. Dumpster lids must be kept closed while not in use.
 - 2. All dumpsters must be of impervious construction, in good repair and free of leaks.
 - 3. Dumpsters must be large enough to accommodate all refuse produced by the facility as often as refuse is collected.
 - 4. All dumpsters shall be stored on flat ground to avoid tipping.
 - 5. Dumpster area must be curbed and constructed of nonabsorbent material such as concrete or asphalt. The surface shall be smooth, durable, and sloped to drain to an appropriate location and as to not create a nuisance.
- (b) At least one container for waste shall be provided for each public accommodation facility dwelling unit.
- (c) Refuse shall be collected weekly or as frequently as necessary to prevent a nuisance.

- (d) At least one sharps container must be supplied at a central location for the facility for all needles and sharp medical waste.

Section 1-2009-11 Insect and rodent control.

- (a) All insects, including bedbugs, and rodents shall be controlled as to not create a nuisance.
- (b) A licensed commercial pesticide applicator must be utilized to treat all pest issues.
- (c) All public accommodation facilities shall have a written Integrated Pest Management Policy available for review by the Health Commissioner of Hamilton County General Health District at the time of inspection.
 - 1. The Integrated Pest Management Policy at a minimum shall address the following issues:
 - i. Cleaning and sanitation standards and procedures for the entire facility.
 - ii. Maintenance schedule for facility.
 - iii. Frequency of treatment from a commercial pesticide applicator.
 - iv. Bed bug treatment procedures.
- (d) Any condition which may provide harborage or food for rodents or insects shall not be permitted at any public accommodation facility.
- (e) All outer openings, including but not limited to doors and windows, shall be sealed and protected from all insect and rodent intrusion by the operator. All such openings shall be repaired within said timeframe as ordered by the Health Commissioner of Hamilton County General Health District.
- (f) All public accommodation facility operators shall maintain records of pest control applications for one (1) year and provide the records for review by the Health Commissioner of Hamilton County General Health District.

Section 1-2009-12 Pets and service animals.

- (a) The facility operator shall maintain and enforce policies such that no pets and/or service animals may be allowed to create a nuisance.
- (b) Animal wastes shall be cleaned up and disposed of properly.
- (c) All pet rooms must be sanitized after every pet visit by the management to prevent nuisances, odors, and transmission of zoonotic diseases.
- (d) All pets and service animals owned or cared for by facility occupants shall be inoculated against rabies in compliance with the laws of Hamilton County General Health District and the State of Ohio.
- (e) No pets or animals shall be permitted to run at large or to commit any nuisance within the limits of any public accommodation facility premises.

Section 1-2009-13 Food safety.

- (a) Food safety shall be applied to a location, equipment, and/or utensils not governed by the Ohio Administrative Code 3717 in accordance with this section:

1. Multiuse utensils and food contact surfaces of equipment shall be cleaned and sanitized before each use, when rooms are serviced and at any time contamination may have occurred in accordance with the Ohio Administrative Code 3717-01-04.5 to 04.6.
 2. Opened or exposed single use utensils shall be disposed of after the departure of each guest.
 3. Equipment (i.e. ice machines) and their auxiliary components shall be operated and maintained clean in accordance with the machine's data plate and other manufacturer's instructions.
 4. An air gap between the ice machine drain line and its flood level rim of the plumbing fixture shall be at least twice the diameter of the water supply inlet and may not be less than one inch (twenty-five millimeters). Ice machines new or replaced must be automatically dispensing.
 5. Any refrigeration equipment provided in a guest room or with the intention of holding food shall have cooling and holding capacities of 41 degrees Fahrenheit or lower.
- (b) If the public accommodation facility does not have the proper sinks and/or equipment to wash, rinse, and sanitize multiuse utensils, or does not have a commercial dishwasher capable of sanitizing, then the facility must only use single use utensils.

Section 1-2009-14 Person in charge.

- (a) Every public accommodation facility shall have at least one person who is responsible for maintenance and operation of the facility present at all times of operation.

Section 1-2009-15 Employee health.

- (a) Public accommodation facility employees shall wash hands when in transition from routine cleaning operations to activities associated with food handling within the onsite licensed food service operation.
- (b) Public accommodation facility employees having a diagnosed communicable disease shall be properly restricted from work until cleared by a qualified physician to perform a normal work schedule within the facility.

Section 1-2009-16 Immediate health conditions.

- (a) In cases where immediate health conditions exist at a facility, the Health Commissioner of Hamilton County General Health District will require immediate action by the operator to correct such violations.
- (b) Immediate health conditions include, but are not limited to, fire, flood, sewage back-up, clandestine drug labs, presence of toxic substance such as asbestos or lead, or any condition that is deemed immediately dangerous to public health.
- (c) In cases where immediate action cannot be taken to correct such conditions, the facility

may be ordered closed by the inspecting Health Commissioner of Hamilton County General Health District under the authority of the Health Commissioner.

Section 1-2009-17 Licensed facilities within public accommodation facilities.

- (a) All swimming pools, spas, special use pools and wading pools located at the public accommodation facility shall comply with Chapter 3701-31 of the Ohio Administrative Code.
- (b) All food service operations, retail food establishments and vending machine operations which are located at the public accommodation facility shall be in compliance with Chapter 3717-1 of the Ohio Administrative Code.
- (c) All other required licensure shall remain in compliance with the related code sections, laws, and local regulations.

Section 1-2009-18 Penalties.

- (a) Any person, Owner, agent of the Owner, or person having any control of the accommodation facility, who violates any provisions of this Regulation, or fails to conform to any of the provisions thereof, or fails to obey any order covered by this Permit, and issued by the Hamilton County General Health District, shall be subject to the penalties of Section 3707.99 and 3709.99 of the Ohio Revised Code.
- (b) This Regulation shall be enforced in accordance with Chapter 3707 and 3709 of the Ohio Revised Code. Violation of this Regulation is punishable in accordance with Sections 3707.48, 3707.99 and 3709.99 of the Ohio Revised Code. Each and every violation under this Regulation constitutes a separate offense.
- (c) Penalties may be combined with any others applicable by law.

Section 1-2009-19 Appeal process.

- (a) Any person affected by a notice in connection with the enforcement of any provision of Environmental Health Regulation 1-2009 may request and shall be granted a hearing on the matter before the Board of Health provided that such person files a written request within 30 days following receipt of a decision or action made on the matter by the Hamilton County General Health District.
- (b) Any notice or order issued by the Board of Health shall be effective upon issuance and shall remain in effect until modified or rescinded. No person shall fail to obey any notice or order issued.

Section 1-2009-20 Repeal of former regulations.

- (a) Any Previous regulation, rule or policy adopted by the Board of Health of the Hamilton County General Health District, that are in any way conflicts with this regulation in part

or in whole, is hereby rescinded and repealed in part or in whole to the extent of any conflict.

Section 1-2009-21 Constitutionality.

- (a) If any provision or section of any regulation or part of these regulations is declared unconstitutional or the application thereof to any person or circumstances is held invalid, the validity and constitutionality of the remainder of such section or regulation and/or regulation shall not be affected thereby.