

## REGULATION 2 – 2015

### **Amending Hamilton County General Health District Regulation 1-2009, Governing the Sanitation and Safety of Public Accommodation Facilities**

The Board of Health of the Hamilton County General Health District met in regular session on September 14, 2015, with the following members present:

Tracey A. Puthoff, Esq., President

present

Mark A. Rippe, Vice President

absent

Kenneth G. Amend, M.D.

present

Thomas W. Chatham,

present

James Brett

present

Mr. Chatham moved for adoption of the following resolution:

### **Amending Hamilton County General Health District Regulation 1-2009, Governing the Sanitation and Safety of Public Accommodation Facilities**

**WHEREAS**, the Board of Health of the Hamilton County General Health District has the authority pursuant to the Ohio Revised Code Section 3709.21 to make such orders and regulations for its own government, for the public health, for the prevention or restriction of disease or nuisances, and in the event of an emergency due to an epidemic of contagious or infectious diseases, to declare such orders as emergency measures; and

**WHEREAS**, the Board of Health of the Hamilton County General Health District is mandated to provide services that protect the public health and prevent the spread of disease, and the prevention, abatement and suppression of nuisances; and

**WHEREAS**, the Board of Health of the Hamilton County General Health District has determined the need to amend Regulation 1-2009, Governing the Sanitation and Safety of Public Accommodation Facilities; and

**NOW, THEREFORE BE IT RESOLVED** that pursuant to Ohio Revised Code Section 3709.21, the Board of Health of the Hamilton County General Health District hereby authorizes the amendment of *Regulation 1-2009, Governing the Sanitation and Safety of Public Accommodation Facilities* and, attached hereto, and that it becomes part of the record of the local Regulations of the Board of Health of the Hamilton County General Health District; and

**BE IT FURTHER RESOLVED**, that the Hamilton County General Health District, Amended *Regulation 1-2009, Governing the Sanitation and Safety of Public Accommodation Facilities*, is in effect and enforceable on November 1, 2015; and

**BE IT FURTHER RESOLVED** that the Board of Health of the Hamilton County General Health District hereby finds by a vote of at least three-fourths of its members that this regulation be read only once and the requirement that it be read on three different days be dispensed with as provided by law; and

**BE IT FURTHER RESOLVED**, that any previous regulation, rule, or policy adopted by the Board of Health of the Hamilton County General Health District that in any way conflicts in part or in whole with this regulation, is hereby rescinded and repealed in part or in whole to the extent of any conflict; and

**BE IT FURTHER RESOLVED**, by this Board of Health of the Hamilton County General Health District, that this regulation be published in one newspaper of general circulation within the Hamilton County General Health District once a week for two consecutive weeks and that the first publication take place no later than ten (10) days prior to the effective date of the regulation; and

**BE IT FURTHER RESOLVED** that the Board of Health of the Hamilton County General Health District finds and determines that all formal actions relative to the passage of this resolution were taken in an open meeting of the Board and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with the applicable legal requirement, including Sections 121.22 of the Ohio Revised Code.

Mr. Brett seconded the resolution; upon roll call, the vote was as follows:

|                                    |                   |
|------------------------------------|-------------------|
| Tracey A. Puthoff, Esq., President | <u>yes</u>        |
| Mark A. Rippe, Vice President      | <u>          </u> |
| Kenneth G. Amend, M.D.             | <u>yes</u>        |
| Thomas W. Chatham,                 | <u>yes</u>        |
| James Brett                        | <u>yes</u>        |

Board of Health of the Hamilton County General Health District

Tracey A. Puthoff, Esq., President  
Tracey A. Puthoff, Esq., President of the Board

Attest:

Timothy I. Ingram  
Timothy I. Ingram,  
Health Commissioner  
Secretary of the Board

Date:

Sept. 14, 2015

This resolution was approved as to form by the office of the Hamilton County Prosecuting Attorney, Joseph T. Deters, Prosecutor.

By:

Nee Fong Chin  
Nee Fong Chin  
Chief Assistant Prosecuting Attorney

Date:

September 14, 2015



**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, 2<sup>nd</sup> Floor  
Cincinnati, Ohio 45219**

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

**Amended September 14, 2015; Effective November 1, 2015**



- (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 "Safety Data Sheets" or "SDS" 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.