

LODGING ESTABLISHMENT REGULATIONS

K.A.R. 28-36-70 through K.A.R. 28-36-89



**Kansas Department of Agriculture
Division of Food Safety and Lodging**

February 5, 2008



Preface

The Kansas Department of Agriculture is responsible for ensuring that safe and sanitary lodging establishments are available for Kansans and visitors to the state. Therefore, Kansas Department of Agriculture is pleased to announce the publication of this set of new lodging establishment regulations. These regulations are effective on and after February 5, 2008.

The Lodging Advisory Committee was the linchpin in the development of the enclosed regulations. The Committee was made up of state and local health department officials, academia, lodging establishment owners and managers, and other interested parties such as the Kansas Restaurant and Hospitality Association, the Kansas Bed and Breakfast Association and the Greater Kansas City Hospitality Association. In addition, special consultation was sought from the State Fire Marshal's Office and the State Epidemiologist. Many individuals devoted considerable time and effort in addressing health and safety concerns and developing recommendations that are now reflected in this newly adopted set of lodging establishment regulations. It is only through the dedicated efforts and contributions of these experienced professionals that we are able to adopt well-focused and up-to-date industry regulations that will assure safe and sanitary lodging accommodations in Kansas.

These lodging regulations govern licensed lodging establishments, including hotels, motels, boarding houses (bed and breakfast homes), lodges, and rooming houses. The provisions of the Kansas Lodging Establishment Regulations provide a system of pro-active preventative safeguards designed to minimize health and safety hazards that may lead to illness or injury and assuring acceptable sanitation levels in Kansas lodging establishments.

Lodging Regulation: Chapters/Section

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K.S.A. 36-517
Chapter 36 – Hotels, Lodging Houses and Restaurants
Article 5 – Food Service and Lodging Establishments

36-501 Definitions. As used in the food service and lodging act, the following words and phrases shall have the meanings respectively ascribed to them herein:

(a) “Hotel” means every building or other structure which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are offered for pay primarily to transient guests and in which four or more rooms are used for the accommodation of such guests, regardless of whether such building or structure is designated as a cabin camp, tourist cabin, motel or other type of lodging unit.

(b) “Rooming house” means every building or other structure which is kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests and in which eight or more guests may be accommodated, but which does not maintain common facilities for the serving or preparation of food for such guests.

(c) “Boarding house” means every building or other structure which is kept, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests and in which eight or more guests may be accommodated, and which maintains common facilities for the serving or preparation of food for such guests. The term “boarding house” shall not include facilities licensed under paragraph (5) of subsection (a) of K.S.A. 75-3307b and amendments thereto.

(d) “Lodging establishment” means a hotel, rooming house or boarding house.

(e) “Food service establishment” means any place in which food is served or is prepared for sale or service on the premises or elsewhere. Such term shall include, but not be limited to, fixed or mobile restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, grill, tea room, sandwich shop, soda fountain, tavern, private club, roadside stand, industrial-feeding establishment, catering kitchen, commissary and any other private, public or nonprofit organization or institution routinely serving food and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

(f) “Food” means any raw, cooked or processed edible substance, beverage or ingredient used or intended for use or for sale, in whole or in part, for human consumption.

History: L. 1975, ch. 314, 5; L. 1986, ch. 324, 1; July 1.

K.S.A. 36-517
Chapter 36 – Hotels, Lodging Houses and Restaurants
Article 5 – Food Service and Lodging Establishments

36-517 Lodging establishments; smoke detectors for deaf and hearing impaired.

(a) Every licensed lodging establishment designated as a hotel shall provide at no additional charge to deaf and hearing impaired guests, upon request of such guests, portable smoke detectors of the type suitable for providing visual warning to such guests, or a room equipped with fixed visual warning smoke detectors or a ground floor guest room accessible to the out-of-doors. Each licensed lodging establishment designated as a hotel shall have available for such guests not less than one portable visual warning smoke detector, or one room equipped with a fixed visual warning smoke detector or one ground floor guest room accessible to the out-of-doors for each 50 guest rooms of such lodging establishment, except that no such lodging establishment designated as a hotel shall be required to have more than a total of six portable visual warning smoke detectors, or six rooms equipped with fixed visual warning smoke detectors or six ground floor guest rooms accessible to the out-of-doors nor shall any such lodging establishment have less than one such smoke detector, or one room equipped with a fixed visual warning smoke detector or one ground floor guest room accessible to the out-of-doors.

(b) This section shall be part of and supplemental to the food service and lodging act.

History: L. 1988, ch. 134, § 1; July 1, 1989.

Kansas Department of Agriculture
Lodging Regulations — K.A.R. 28-36-70 through K.A.R. 28-36-89

Definitions. Each of the following terms as used in K.A.R. 28-36-70 through K.A.R. 28-36-89 shall have the meaning assigned in this regulation.

- (a) “**Bathroom**” means a room provided to guests, including a locker room, shower room, or other similar room, where guests can shower, store personal items, or change into appropriate clothing for use in the spa.
- (b) “**Bed and breakfast home**” means a boarding house that is a private residence where the owner or manager resides and provides lodging and meals for guests. Any licensee operating a bed and breakfast home may serve food only to the licensee’s overnight guests, unless the licensee obtains a food service license.
- (c) “**Boarding house**” has the meaning specified in K.S.A. 36-501, and amendments thereto.
- (d) “**Egress**” means an exit or route leading out of a lodging establishment.
- (e) “**Extended-stay establishment**” means a lodging establishment in which a room is rented or leased to transient guests. Housekeeping functions are not provided on a daily basis.
- (f) “**Hotel**” has the meaning specified in K.S.A. 36-501, and amendments thereto.
- (g) “**Hot tub**” means a pool or container of water designated for recreational use in which one or more people can soak. A hot tub can use hydrojet circulation or an air induction system, or a combination of these, to provide water circulation. A hot tub can use various water temperatures and additives, including minerals and oils, to provide therapy or relaxation.
- (h) “**KDHE**” means Kansas Department of Health and Environment.
- (i) “**Kitchenette**” means a compact kitchen with cooking utensils, tableware, refrigerator, microwave, stove, or sink or any combination of these.
- (j) “**Licensee**” means a person who is responsible for the operation of the lodging establishment and possesses a valid license to operate a lodging establishment.
- (k) “**Linens**” means the cloth items used in the lodging establishment, including sheets, bedspreads, blankets, pillowcases, mattress pads, towels, and washcloths.
- (l) “**Lodge**” means a boarding house or a rooming house that provides seasonal lodging for recreational purposes. If meals are provided for overnight guests, the lodge is operating as a boarding house. If meals are not provided for overnight guests, the lodge is operating as a rooming house.

(m) “**Lodging establishment**” has the meaning specified in K.S.A. 36-501, and amendments thereto.

(n) “**Major renovation**” means a physical change to a lodging establishment or portion of a lodging establishment, including the following:

(1) Replacing or upgrading any of the following types of major systems:

- (A) Electrical;
- (B) plumbing;
- (C) heating, ventilation, and air-conditioning;

(2) demolition of the interior or exterior of a building or portion of the building; and

(3) replacement, demolition, or installation of interior walls and partitions, whether fixed or moveable.

Major renovation shall not include replacement of broken, dated, or worn equipment and other items, including individual air-conditioning units, bathroom tiles, shower stalls, and any other items that do not require additional or new plumbing or electrical repairs.

(o) “**Municipality**” has the meaning specified in K.S.A. 36-501, and amendments thereto.

(p) “**Person**” has the meaning specified in K.S.A. 36-501, and amendments thereto.

(q) “**Person in charge**” means the individual or employee who is present in the lodging establishment at the time of the inspection and who is responsible for the operation. If no designated individual or employee is the person in charge, then any employee present is the person in charge.

(r) “**Recreational water facility**” and “**RWF**” mean a water environment with design and operational features that provides guests with recreational activity and that involves immersion of the body partially or totally in the water. This term shall include water slides, watercourse rides, water activity pools, jetted pools, and wave pools. This term shall not include swimming pools and hot tubs.

(s) “**Regulatory authority**” means the secretary of the Department of Health and Environment or the secretary’s designee.

(t) “**Rooming house**” has the meaning specified in K.S.A. 36-501, and amendments thereto.

(u) “**Sanitize**” means to apply cumulative heat or chemicals on any clean surface so that, when evaluated for efficacy, the surface yields a reduction of 99.999%, of disease-causing microorganisms.

(v) “**Secretary**” has the meaning specified in K.S.A. 36-501, and amendments thereto.

(w) “**Single-service articles**” means items that are designed, constructed, and intended for one-time use and for one person’s use, after which the item is discarded. This term shall include plastic, paper, or foam tableware and utensils, lightweight metal foil, stirrers, straws, toothpicks, and other items including single-use gloves, bags, liners, containers, placemats, and wrappers.

(x) “**Spa**” means any area of a lodging establishment where a hot tub, swimming pool, fitness equipment, tanning bed, or similar guest amenities are located.

28-36-71 Licensure; Plans and Specifications; Variances

- application** (a) Each person applying for a license to operate a lodging establishment shall submit the following to the department:
- (1) A completed application and the required application and license fees; and
 - (2) if required by subsection (b), the plans and specifications of the lodging establishment.
- plans** (b) The plans and specifications shall be submitted before any of the following:
- (1) The construction of a lodging establishment;
 - (2) the conversion of an existing structure for use as a lodging establishment;
 - (3) the major renovation of a lodging establishment;
 - (4) the addition or major renovation of a swimming pool, hot tub, RWF, or spa; or
 - (5) the addition or change of a food service operation within a lodging establishment.
- equipment**
- renovation**
- food service**
- (c) Each plan and specification for a lodging establishment shall demonstrate conformance with the applicable requirements of these regulations and shall include the following:
- (1) The proposed layout, mechanical schematics, construction materials, and completion schedules;
 - (2) the equipment layout, construction materials, and completion schedules for any food preparation and service area; and
 - (3) the equipment layout and completion schedules for each swimming pool, hot tub, RWF, and spa.
- layout**
- equipment**
- schedules, pools, spa**
- variance requirements** (d) A variance may be granted by the regulatory authority to modify or waive one or more requirements of a regulation if the regulatory authority determines that a health hazard, safety hazard, or nuisance will not result from the variance.
- (1) Each person requesting a variance shall submit the following to the department:

written request

(A) A written statement of the proposed variance of the regulatory requirement;

documentation

(B) documentation of how the proposed variance addresses public health hazards and guest safety at the same level of protection as that of the original requirement; and

(C) any other relevant information if required by the secretary.

(2) For each variance granted, the licensee shall meet the following requirements:

**plans,
procedures**

(A) Follow the plans and procedures approved by the regulatory authority;

records

(B) maintain a permanent record of the variance at the lodging establishment; and

(C) maintain and provide to the regulatory authority, upon request, records that demonstrate that the variance is being followed.

28-36-72 Food Service and Food Safety

Each licensee that serves food shall comply with one of the following provisions:

- | | |
|---|---|
| general public | (a) Each licensee, if serving food to the general public, shall be required to obtain a food service license in accordance with K.S.A. 36-501 et seq., and amendments thereto, and comply with all applicable provisions of the Kansas food code regulations, K.A.R. 28-36-101 through K.A.R. 28-36-108. |
| commercially prepared, non-potentially hazardous | (b) A licensee that provides only commercially prepared, individually portioned prepackaged foods that are non-potentially hazardous or offers whole, uncut fresh fruits or coffee for guests shall not be considered to be operating a food establishment as specified in K.A.R. 28-36-101, but shall comply with all of the following requirements: |
| food safety requirements | (1) All food shall be free from spoilage, filth, or other adulteration and shall be safe for human consumption. |
| single-service | (2) Condiments, if provided, shall be in individual packages. |
| contact surfaces | (3) Only single-service articles shall be used for serving food. |
| stored | (4) Single-service articles shall be stored, handled, and dispensed in a manner that prevents contamination of food contact surfaces. |
| hygienic practices | (5) All food service areas and all food contact surfaces shall be smooth, free of breaks, open seams, cracks, chips, and similar imperfections and shall be kept clean. |
| handwashing | (6) All food shall be stored and presented in a way that protects the food from cross contamination. |
| hotel food service - license required | (7) All food service and storage areas shall be free of the evidence of insects, rodents, and other pests. |
| | (8) Employees that handle food shall observe hygienic practices during all working periods of food service. Employees shall wash their hands before working with food; after using the toilet, smoking, eating, and drinking; and as often as necessary to keep their hands clean. |
| | (c) Each licensee of a hotel that stores, prepares, packages, serves, or otherwise provides food to the licensee's overnight guests shall obtain a food service license in accordance with |

K.S.A. 36-501 et seq., and amendments thereto, and comply with all applicable provisions of the Kansas food code regulations, K.A.R. 28-36-101 through K.A.R. 28-36-108.

**boarding house -
overnight guests**

(d) Any licensee of a boarding house who does not have a food service license as specified in K.S.A. 36-501 et seq., and amendments thereto, may serve food only to the overnight guests. The licensee of each boarding house shall comply with all applicable provisions of the Kansas food code regulations, K.A.R. 28-36-101 through K.A.R. 28-36-108.

28-36-73 Imminent Health Hazard

discontinue operations

(a) Each licensee shall discontinue operations of the affected portions of the lodging establishment on discovery that an imminent health hazard exists.

examples

“Imminent health hazard” shall include fire, flood, sewage backup, rodent infestation, bed bug or other insect infestation, misuse of poisonous or toxic materials, gross unsanitary occurrence or condition, or any other condition that could endanger the health and safety of guests, employees, and the general public.

notify

(b) Each licensee shall notify the regulatory authority within 12 hours of the discovery of an imminent health hazard.

28-36-74 General Requirements

(a) Each licensee shall meet all of the following requirements:

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|-----------------------|---|
| post sign | (1) Post the license in a location in the lodging establishment that is conspicuous to guests; |
| safe, sanitary | (2) comply with the provisions of these regulations, including the conditions of any granted variance; |
| replacement | (3) ensure that no room or any portion of the lodging establishment is rented unless the room or portion of the lodging establishment is safe and sanitary; and |
| | (4) replace any existing items, including equipment, furnishings, fixtures, or items of décor, with items that meet the requirements of these regulations, under any of the following conditions: |
| | (A) The items constitute a public health hazard; |
| | (B) the items affect guest safety; or |
| | (C) the items do not meet the requirements of these regulations. |

hot water; capacity (b) Each licensee shall ensure that the hot water capacity is sufficient to meet the hot water demands of the lodging establishment.

hand sinks (c) Each licensee shall ensure that all handwashing sinks meet all of the following requirements:

- | | |
|---|---|
| hot/cold water pressure/capacity | (1) Hot and cold potable water shall be supplied under pressure to each sink in enough capacity to meet handwashing needs. |
| mixing valves | (2) A mixing valve or combination faucet shall be used, unless the lodging establishment is listed on the state historical register or a variance that alters this requirement has been granted. |
| water temperature | (3) The temperature of the hot water shall be at least 100 degrees Fahrenheit. If a mixing valve or combination faucet is not used, the temperature of the hot water shall not exceed 130 degrees Fahrenheit. |
| soap/towels | (4) A supply of hand soap and either paper towels or an electric drying device shall be available at all times at the handwashing sink. |

- cloth towels** (d) In public areas, cloth towels may be provided for one-time use by an individual. A receptacle for the soiled cloth towels shall be provided.
- common cloth towel** (e) The use of a common cloth towel shall be prohibited, except in guest rooms.
- handwashing signs** (f) A handwashing reminder sign shall be posted in each handwashing area, except in guest rooms.
- toilets/toilet rooms** (g) (1) A toilet room that is accessible at all times to employees shall be provided. A public toilet room may be used by employees in lieu of a separate employee toilet room.
- accessible** (2) A public toilet room or rooms shall be provided and accessible to the public if the lodging establishment provides space for guest or public gatherings or functions, including conferences, meetings, seminars, receptions, teas, dances, recitals, weddings, parties, wakes, and other events.
- hand sink** (3) There shall be at least one handwashing sink in or immediately adjacent to each toilet room. Each sink shall meet the requirements specified in subsection (c).
- sanitary, use, good repair, cleaning frequency** (4) Each toilet and urinal shall be sanitary, maintained in good repair, and operational at all times.
(5) Each toilet and urinal shall be cleaned and sanitized daily or more often if visibly soiled.
- floor covering; carpeting** (6) The floor in each toilet room shall be constructed of smooth, nonabsorbent, easily cleanable materials and maintained in good repair. Carpeting shall be prohibited as a floor covering in toilet rooms.
- storage** (7) Except as specified in this paragraph, the storage of items in any toilet room shall be prohibited. A small amount of commonly used toilet room supplies may be stored, including toilet paper, hand soap, and paper towels.

28-36-75 Personnel: Health, Cleanliness and Clothing

Each licensee shall ensure that all of the following requirements are met:

- exclusion** (a) Health of employees. Each employee with any of the following health problems shall be excluded from a lodging establishment:
- communicable disease** (1) The employee is infected with a communicable disease, and the disease can be transmitted to other employees or guests in the normal course of employment.
- carrier** (2) The employee is a carrier of organisms that cause a communicable disease.
- infection** (3) The employee has a boil, an infected wound, or an acute respiratory infection.
- cleanliness** (b) Cleanliness of employees.
- handwashing** (1) Each employee shall wash that employee's hands in accordance with paragraph (b)(2) before handling clean utensils or dishware, ice, beverages, food, or clean laundry.
- when** (2) Each employee shall wash that employee's hands and any exposed portions of that employee's arms with soap and water in a designated sink by vigorously rubbing together the surfaces of the lathered hands and arms for 15 seconds to 20 seconds and thoroughly rinsing with clean water.
- how**
- clothing – clean, good repair** (c) Clothing. Each employee providing services directly to guests or performing housekeeping functions shall wear clean outer clothing that is in good repair.

28-36-76 Guest and Public Safety

- structural integrity** (a) If the regulatory authority has reason to believe that defects could be present with regard to the integrity of the structure or electrical system of the lodging establishment, that authority may require the licensee to retain the services of a professional engineer or local building code officer to certify the lodging establishment for building safety. Disasters after which the structural integrity may need to be evaluated shall include a heavy snow or ice storm, flood, tornado, straight-line winds, fire, hurricane, and earthquake.
- disasters**
- repairs, construction, safety** (b) Each licensee shall ensure that all repairs, construction, renovations, and maintenance are conducted in a manner that provides safe conditions for the guests and the public.
- carbon monoxide detectors** (c) The licensee of each lodging establishment using fuel-fired equipment or appliances that pose a potential carbon monoxide risk, including lodging establishments with attached parking garages or wood-burning fireplaces, shall install one or more carbon monoxide detectors according to the manufacturer's specifications.
- (1) A carbon monoxide detector shall be required in each non-guest room adjoining or sharing a common ventilation system with an attached parking garage.
- (2) Each carbon monoxide detector shall be in working condition.
- tested** (A) Each carbon monoxide detector shall be tested at least every six months to ensure that the detector is operating properly. The batteries shall be changed, as needed.
- logs** (B) A 12-month history of all test results shall be logged and maintained at the lodging establishment and made available to the regulatory authority upon request.
- test failed** (C) If a battery-operated detector is not operational for two consecutive tests, the licensee shall install a detector that is hardwired with a battery backup.
- (3) A carbon monoxide detector shall not be required to be installed in an attached parking garage area.

- maintenance** (d) The operation and maintenance requirements for each lodging establishment shall include all of the following:
- building codes** (1) Each lodging establishment shall meet the requirements of all applicable building codes, fire codes, and ordinances.
- (2) No freshly cut Christmas trees or boughs shall be used unless the freshly cut trees or boughs are treated with a flame-resistant material. The documentation of the treatment shall be kept on file at the lodging establishment for at least one year.
- flame resistant materials** (3) Textile materials having a napped, tufted, looped, woven, nonwoven, or similar surface shall not be applied to walls or ceilings, unless the textile materials are treated with a flame-resistant material. The documentation of the treatment shall be kept on file at the lodging establishment for as long as the materials are used on the walls or ceilings. This documentation shall be made available to the regulatory authority upon request. Carpeting used as coving that covers the junction between the floor and walls shall be exempt from this requirement.
- flammable materials** (4) Foam or plastic materials or other highly flammable or toxic material shall not be used as an interior wall, ceiling, or floor finish unless approved by the regulatory authority.
- egress** (5) The doors in any public areas that lead outside the lodging establishment shall not be locked or blocked, preventing egress when the building is occupied. No exit doors shall be concealed or obscured by hangings, draperies, or any other objects.
- fire extinguishers, location** (6) (A) Portable fire extinguishers shall be required and located in the hallways, mechanical rooms, laundry areas and all other hazardous areas and within 75 feet of each guest room door. All portable fire extinguishers shall be easily accessible to the guests and employees.
- requirements** (B) Each fire extinguisher shall meet the following requirements:
- (i) Be maintained in a fully charged and operable condition;
 - (ii) be rated at least 2A-10BC;
 - (iii) contain at least five pounds of fire suppressant; and

**fire extinguisher
inspected; records**

(iv) be inspected annually by a fire extinguisher company, a fire department representative, or another entity approved by the regulatory authority. The licensee shall retain a record of these inspections at the lodging establishment for at least one year.

emergency lighting

(7) Emergency lighting shall be provided where guest room doors open to an interior corridor and where guest room doors open to the outside but not directly at ground level.

**smoke detector,
location**

(8) A smoke detector shall be installed in each guest sleeping room, cooking area and kitchen, interior stairwell, hallway, laundry area, mechanical room, and any other fire hazard area. Any heat-sensing device designed to detect fire may be installed in a cooking area in lieu of a smoke detector.

maintained

(A) All smoke detectors and heat-sensing devices shall be maintained in operating condition.

tested

(B) Each smoke detector and each heat-sensing device shall be tested at least every six months to ensure that the detector or device is operating properly. The batteries shall be replaced as needed.

logged

(C) A 12-month history of test results shall be logged and maintained at the lodging establishment and made available to the regulatory authority upon request.

test failed

(D) If a battery-operated detector is not operational for two consecutive tests, the licensee shall install a detector that is hardwired with a battery backup.

hearing impaired

(E) Smoke detectors for hearing-impaired individuals shall be available as specified in K.S.A. 36-517, and amendments thereto.

**hard-wired,
testing**

(9) If hardwired, interconnected smoke detectors are used, these detectors shall be tested and approved annually by a fire sprinkler company, fire alarm company, fire department representative, or any other entity approved by the regulatory authority. A 12-month history of test results shall be maintained at the lodging establishment and made available to the regulatory authority upon request.

records

(10) If fire alarm systems and fire sprinkler systems are used, the systems shall be tested and approved annually by a fire alarm company, fire sprinkler company, fire department representative, or any other entity approved by the regulatory authority. A 12-month history of test results shall be maintained at the lodging establishment and made available to the regulatory authority upon request.

exit signs

(11) (A) All exit signs shall be clean and legible. At least one exit sign shall be visible from each of the following locations:

- (i) The doorway of each guest room that opens to an interior corridor; and
- (ii) the doorway of each guest room that opens to the outdoors but not directly at ground level.

(B) Each newly constructed lodging establishment shall have supplemental directional signs indicating the direction and path of egress.

boarding houses

(C) Boarding houses and rooming houses shall not be required to have exit signs if the requirements in paragraphs (d)(5) and (12) are met.

evacuation route

posted

(12) An evacuation route diagram shall be posted in a conspicuous location in each guest room. The diagram shall include the location of the guest room, the layout of the floor, and the location of the nearest available exits. If the door of a guest room opens directly to the outdoors at ground level, the diagram shall not be required to be posted.

employee training

(13) A copy of an emergency management plan and employee instructions shall be kept on file in the lodging establishment, made accessible to all employees, and made available to the regulatory authority upon request. A record that each employee has received training on the emergency management plan shall be maintained at the lodging establishment in each employee's file.

28-36-77 Guest Rooms

Each licensee shall ensure that each guest room is kept clean, is in good repair, and is maintained with regard to the health and safety of each guest, in accordance with all of the following requirements:

- | | |
|---------------------------------------|--|
| good repair | (a) The walls, floors, ceilings, doors, and windows shall be constructed of materials intended for that purpose, maintained in good repair, and cleaned, painted, or replaced as necessary. |
| constructed | (1) All junctures between floors and walls shall be constructed, covered, or finished with a baseboard and readily cleanable. |
| cleaned; floor coverings | (2) All floors and floor coverings shall be cleaned as needed. The methods for cleaning shall be suitable to the finish and material. |
| maintained, repair | (3) All floor maintenance, repair, or replacement shall be done in a manner that prevents slipping or tripping hazards to any guest. |
| mold | (4) A guest room that has visible mold on the floors, walls, ceiling, or windows shall not be rented until mold cleanup is completed. |
| furnishings, clean good repair | (b) All furnishings, including draperies, beds, appliances, furniture, lamps, and decorative items, shall be kept clean and in good repair. The methods for cleaning shall be suitable to the material and finish. |
| toilet room requirements | (c) Each guest room shall have a connecting toilet room and bathing facilities, including a bathtub or shower, except for the following: |
| exceptions | (1) If the lodging establishment is listed on the state historical register and documentation is provided to the regulatory authority, at least one toilet room with bathing facilities located on the same floor shall be provided for every two guest rooms, unless otherwise specified by the regulatory authority. |
| historical register | (2) If the lodging establishment is a boarding house, including a bed and breakfast home, or a rooming house, at least one toilet room with bathing facilities located on the same floor shall be provided for every two guest rooms. |
| boarding house rooming house | |

lodge, dormitory sleeping	(3) If the lodging establishment is a lodge with dormitory sleeping areas, at least one toilet and at least one bathtub or one shower shall be provided for every six guests and shall be located within the same building as the dormitory sleeping area or adjacent to the dormitory sleeping area.
hand sink requirements	(d) Each handwashing sink shall meet the requirements specified in K.A.R. 28-36-74.
Servicing: requirements	(e) Each rented guest room shall be serviced daily in the following manner except as otherwise specified in this subsection:
clean linens	(1) Clean bathroom linens, including towels and washcloths, shall be provided. If bathmats are provided, the bathmats shall be clean. (2) Clean bed linens shall be provided, and the bed shall be made.
floors	(3) All floors shall be swept or vacuumed, if visibly soiled. All hard-surface floors shall be wet-cleaned if visibly soiled.
toilets, sinks clean	(4) Each toilet, sink, bathtub, and shower area shall be cleaned if visibly soiled.
trash containers	(5) Each trash container shall be emptied and shall be cleaned if visibly soiled. A trash container liner may be reused during the same guest's stay if the liner is not visibly soiled.
soap/toiletry items	(6) All soap and prepackaged guest toiletry items shall be replenished, as necessary.
ice bucket liners	(7) All toilet paper shall be replenished, as necessary. (8) Clean ice bucket liners shall be provided and replaced, as necessary and upon request of the guest.
glassware: cleaned/sanitized	(9) All glassware and cups, if provided, shall be replaced with clean and sanitized dishware. Single-service cups, if provided, shall be replenished.
coffeemaker	(10) If a coffeemaker is present in the guest room, the coffeemaker shall be rinsed. If the coffeepot is visibly soiled or contaminated, it shall be washed, rinsed, and sanitized. A fresh supply of coffee, condiments, and any single-service articles shall be replenished, if provided.
sanitization	
Serviced daily	(f) Each guest room shall be serviced daily during the guest's stay if the stay is less than five days, unless the guest requests that all or part of the room not be serviced.

- extended stay: frequency** (g) If the same guest continuously occupies the same room for five or more days, the room shall be serviced and cleaned at least every five days. For each extended-stay establishment, the guest room shall be serviced and cleaned at least every five days.
- Cleaning: before each new guest** (h) Each guest room that is available for rent shall be serviced and cleaned before each new guest. In addition to the required service activities in subsection (e), each guest room cleaning shall include the following:
- floors** (1) All floors shall be swept or vacuumed, and all hard-surface floors shall be wet-cleaned.
 (2) All furniture, fixtures, and any items of decoration shall be cleaned in a manner that is appropriate to the finish.
 (3) The interior of all drawers shall be cleaned.
- toilets, sinks; clean/sanitized** (4) All toilets, sinks, bathtubs, and shower areas shall be cleaned and sanitized in a manner that is appropriate to the finish.
- hair, mold, mildew** (5) All sinks, bathtubs, and shower areas shall be kept free of hair, mold, and mildew.
- linen use** (6) Bed linens and bath linens shall not be used for cleaning or dusting.
- trash liners** (7) All trash containers shall be emptied and cleaned, and new liners shall be provided.
- ice bucket liners** (8) All ice bucket liners shall be replaced with new liners.
- toiletries** (9) All used guest toiletries and soap shall be replenished.
- pest inspection** (10) The guest room shall be visually inspected for any evidence of insects, rodents, and other pests.
- linens, blankets, mattresses, clean, frequency; good repair** (i) (1) All bedspreads, top-covering linens, blankets, mattress pads, mattresses, and box springs shall be cleaned and maintained in good repair according to all of the following requirements:
- linens, holes, soiled, stained** (A) All linens with tears or holes shall be repaired or replaced and all soiled and stained linen shall be cleaned.
 (B) All bedspreads and top-covering linens shall be cleaned at least monthly.
- cleaning frequency** (C) All blankets and mattress pads shall be cleaned at least monthly. All blankets and

- mattresses clean** mattress pads that are visibly soiled or stained shall be removed and replaced with clean linen.
- mattresses damaged** (D) All mattresses and box springs shall be kept clean. Each damaged or soiled mattress and box spring shall be repaired or cleaned.
- sanitary condition** (E) Each mattress that is not kept in sanitary condition shall be replaced.
- platform cleaned** (2) The interior and surface of each enclosed mattress platform shall be cleaned if visibly soiled and either maintained in good repair or replaced.
- coffeemakers, location** (j) The requirements of one of the following paragraphs shall be met:
- single-service articles, prepackaged** (1) No coffeemaker or coffeepot shall be located within a toilet room. Each coffeepot shall be rinsed before each new guest. *(or)*
- condiments, prepackaged** (2) Each coffeepot located within a toilet room shall be washed, rinsed, and sanitized before each new guest as specified in K.A.R. 28-36-78.
- refrigerators, clean** (k) All single-service drinking glasses and utensils shall be prepackaged.
- appliances, good repair** (l) All food and condiments provided in each guest room shall be individually prepackaged.
- (m) If a refrigerator unit is provided in a guest room, the unit shall be cleaned before each new guest.
- UL approved** (n) Each appliance provided for guest use, including microwaves, stoves, dishwashing machines, coffeemakers, hair dryers, clothing irons, radios, televisions, remote controls, and video equipment, shall be operational and in good repair. All cooking appliances, including microwaves and stoves, shall be cleaned before each new guest. All appliances shall be listed with or certified by underwriters' laboratories (UL) and shall bear the UL designation.
- portable high heat appliances prohibited** (o) Except as specified in this subsection, the use of portable electrical or open-flame cooking devices shall be prohibited in a guest room. These devices shall include hot plates, electric skillets and grills, propane and charcoal grills, camping stoves, and any similar cooking devices. These devices shall not

include slow cookers. Microwaves and toasters that are provided in a guest room by the licensee shall be permitted.

insects, rodents

(p) Each guest room shall be free of any evidence of insects, rodents, and other pests.

infestations

(1) If a guest room has been vacant for at least 30 days, the licensee shall visually inspect that room for any evidence of insects, rodents, and other pests within 24 hours of occupancy by the next guest.

(2) No guest room that is infested by insects, rodents, or other pests shall be rented until the infestation is eliminated.

bed bug infestation

(3) The presence of bed bugs, which is indicated by observation of a living or dead bed bug, bed bug carapace, eggs or egg casings, or the typical brownish or blood spotting on linens, mattresses, or furniture, shall be considered an infestation.

reported

(4) The presence of bed bugs shall be reported to the regulatory authority within one business day upon discovery or upon receipt of a guest complaint.

treated

(5) All infestations shall be treated by a licensed pest control operator (PCO).

(6) All pest control measures, both mechanical and chemical, shall be used in accordance with the manufacturer's recommendations.

(7) No rodenticides, pesticides, or insecticides shall be stored in a guest room or in any area that could contaminate guest supplies, food, condiments, dishware, or utensils.

pets/guest advisory; conspicuous

(q) (1) The licensee of each lodging establishment that allows pets into any guest room shall advise consumers that the establishment is "pet-friendly" by posting a sign in a conspicuous place at the front desk to alert guests that pets are allowed.

(2) The licensee of each lodging establishment where pets or service animals have been in a guest room shall meet one of the following requirements:

pets, service animals, deep cleaned

(A) the guest room is deep cleaned before the next guest. Deep cleaning shall include servicing and cleaning the guest room as specified in subsections (e) and (h), as well as vacuuming and shampooing the carpet and upholstered furnishings and vacuuming the

- mattress. All bed linens, including sheets, mattress pads, blankets, bedspreads or top coverings, and pillows, shall be replaced with clean bed linens. *(or)*
- option-guest notification** (B) If the room is not deep cleaned, the licensee shall not offer that room to any guest without giving notification to that guest that a pet or service animal was in the room previous to the new guest.
- non-smoking room** (3) If the previous guest has smoked in a room, the licensee of any lodging establishment shall not offer that room as a non-smoking room until one of the following requirements is met:
- deep cleaned** (A) The guest room is deep cleaned as specified in paragraph (q)(2)(A). *(or)*
- option-guest notification** (B) If the room is not deep cleaned, the licensee shall give notification to the new guest that the previous guest smoked in the room.
- (r) Each guest room shall be provided with a means for locking each entrance both from the inside and from the outside, according to all of the following requirements:
- door locks** (1) The key furnished to each guest shall not unlock the door to any other guest room.
- secondary locks** (2) At least one secondary lock, including a dead bolt lock, thumb bolt, chain lock, or a similar device, shall be provided in addition to the primary key lock and shall be installed in accordance with the manufacturer's specifications.
- good repair** (3) All locks shall be in good repair and fully operational.
- (s) Each pair of connecting guest rooms shall have two doors in the connecting doorway. Each connecting door shall be equipped with a lock on only the guest room side of that door.
- connecting room locks**
- (t) If cribs are provided upon request, the cribs shall be easily cleanable, safe, and in good repair. Each crib rail, pad, and mattress shall be cleaned and sanitized after each guest.
- cribs, clean, good repair**

28-36-78 Dishware and Utensils

Each licensee shall ensure that all of the following requirements are met:

(a) General.

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| repeat use | (1) All dishware and utensils that are designed for repeat use shall be made of safe, durable, and nonabsorbent material and shall be kept in good repair. |
| good repair | No cracked or chipped dishware or utensils shall be provided for use by guests or employees. |
| single-service | (2) All single-service articles shall be constructed of safe, durable, and nonabsorbent materials. |
| reuse prohibited | (3) All single-service drinking glasses and utensils shall be prepackaged or protected in a dispenser.
(4) No single-service articles may be reused. |

(b) Storage.

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|-----------------------|--|
| single service | (1) All clean dishware and utensils and all single-service articles shall be protected from dirt, dust, liquids, insects, vermin, and any other sources of contamination at all times. |
| above floor | (2) Each licensee shall provide storage facilities for dishware and utensils in a clean, dry location at least six inches above the floor. |
| storage | (3) No dishware and utensils shall be stored under an exposed sewer line or a dripping water line.
(4) No dishware, utensils, single-service articles, ice buckets, and food containers shall be stored within a toilet room. |

- cleaning and sanitization** (c) Cleaning and sanitization. Each licensee shall use either manual cleaning and sanitizing equipment or mechanical cleaning and sanitizing equipment.

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| wash, rinse, sanitize | (1) All dirty or used glasses, dishware, and utensils that are in areas other than a guest room kitchenette shall be removed from each guest room during the servicing or cleaning of the room and upon vacancy of that room. All items shall be washed, rinsed, and sanitized using one of the approved methods in this regulation. |
|------------------------------|--|

- equipment** (2) If the licensee provides repeat service dishware or utensils to the lodging establishment's guests or to the public, the licensee shall install in the lodging establishment, or in a food service area operated in conjunction with the lodging establishment, manual or mechanical cleaning equipment for dishware and utensils that meets the requirement of this regulation.
- Manual cleaning:** (3) The manual cleaning and sanitizing of dishware, utensils, and food equipment shall meet all of the following requirements:
- three sinks** (A) (i) A sink with at least three compartments or three adjacent sinks shall be used and shall be large enough to permit the immersion of the largest item of dishware, utensil, or food equipment articles to be cleaned.
- size** (ii) All sinks and dishware drying surfaces shall be cleaned before use.
- hot/cold water** (B) Each compartment of the sink shall be supplied with hot and cold potable running water.
- (C) The wash, rinse, and sanitizing water shall be kept clean.
- Manual steps:** (D) The steps for manual cleaning and sanitizing shall consist of all of the following:
- wash** (i) All dishware, utensils, and food equipment shall be thoroughly washed in the first compartment with a hot detergent solution.
- rinse** (ii) All dishware, utensils, and food equipment shall be rinsed free of detergent and abrasives with clean water in the second compartment.
- sanitize** (iii) All dishware, utensils, and food equipment shall be sanitized in the third compartment according to one of the methods in paragraph (c)(3)(E).
- Sanitizing methods:** (E) The food contact surfaces of all dishware, utensils, and food equipment shall be sanitized during manual ware washing by one of the following methods:

chlorine: time/concentration	(i) Immersion for at least 10 seconds in a clean solution containing 50 to 200 parts per million of available chlorine, with a water temperature of at least 75 degrees Fahrenheit;
hot water: time/temperature	(ii) immersion for at least 30 seconds in clean hot water with a temperature of at least 171 degrees Fahrenheit;
QA solution: concentration	(iii) immersion in a clean solution containing a quaternary ammonium compound with a minimum water temperature of 75 degrees Fahrenheit and with the concentration indicated by the manufacturer's directions on the label; or
other	(iv) immersion in a clean solution containing a sanitization chemical other than those specified in this subsection that meets the applicable requirements specified in K.A.R. 28-36-104.
test kit, thermometer	(F) A chemical test kit, thermometer, or other device that accurately measures the concentration of sanitizing chemicals, in parts per million, and the temperature of the water shall be available and used daily.
Mechanical cleaning: machines, commercial, other	(4) The mechanical cleaning and sanitizing of dishware, utensils, and food equipment may be done by spray-type or immersion commercial dishwashing machines. Another type of dishwashing machine or device may be used if the machine or device meets the requirements of this regulation.
good repair	(A) Each dishwashing machine and device shall be properly installed and maintained in good repair and shall be operated in accordance with the manufacturer's instructions.
dispensers	(B) If an automatic detergent dispenser, rinsing agents dispenser, or liquid sanitizer dispenser is used, the dispenser shall be properly installed and maintained.
Hot water sanitizing: temperature	(C) Each dishwashing machine using hot water to sanitize shall be installed and operated according to the manufacturer's specifications and shall achieve a minimum dishware and utensil surface temperature of 160 degrees

Fahrenheit as measured by a dishwasher-safe thermometer. For each dishwashing machine using hot water to sanitize that does not cause the surface temperature of the dishware and utensils to reach a temperature of 160 degrees Fahrenheit, one of the following requirements shall be met:

**heat booster
time/temperature**

- (i) The licensee shall install a heat booster.
- (ii) The licensee shall provide the regulatory authority with documentation of a time and temperature relationship that results in the sanitization of the dishware and utensils.

final rinse

(D) The final rinse temperature of each dishwashing machine using hot water to sanitize shall be monitored by a dishwasher-safe thermometer.

(E) All dishware, utensils, and food equipment shall be exposed to all dishwashing and drying cycles.

Chemical sanitizing:

(F) Each dishwashing machine using chemicals for sanitization shall be used as follows:

temperature

(i) The temperature of the wash water shall be at least 120 degrees Fahrenheit, and the chemical sanitizing rinse water shall be at least 75 degrees Fahrenheit unless specified differently by the machine's manufacturer.

automatically dispensed

(ii) The wash water shall be kept clean.

(iii) The chemicals added for sanitization purposes shall be automatically dispensed.

(iv) All dishware, utensils, and food equipment shall be exposed to the final chemical sanitizing rinse in accordance with the manufacturer's specifications for time and concentration.

concentration

(v) All chemical sanitizers shall meet the applicable requirements of K.A.R. 28-36-104.

test kit

(G) A chemical test kit, thermometer, or other device that accurately measures the concentration of sanitizing chemicals, in parts per million, and the temperature of the water shall be available and used daily.

(H) Each dishwashing machine or device shall be cleaned as often as necessary to be maintained in operating condition according to the manufacturer's specifications.

air-dried

(d) All dishware, utensils, and food equipment shall be air-dried.

guest room dishware

(e) Each licensee that provides dishware, utensils, and food equipment in the guest room shall clean and sanitize the dishware, utensils, and food equipment provided by one of the following methods:

manual

(1) Provide manual dishwashing and sanitizing as specified in paragraph (c)(3);

mechanical

(2) provide a mechanical dishwashing machine as specified in paragraph (c)(4); or

clean set of dishware

(3) provide a complete set of clean and sanitized dishware, utensils, and food equipment before each new guest.

28-36-79 Housekeeping and Laundry Facilities; Maintenance Supplies and Equipment

Each licensee shall ensure that all housekeeping and laundry facilities and equipment are clean and maintained in good repair. Each licensee shall ensure that all of the following requirements are met:

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| housekeeping carts | (a) | (1) Each housekeeping cart shall be maintained and operated to prevent the contamination of clean linens by dirty linens. |
| maintained, operated, cross-contamination | | (2) Each housekeeping cart shall be designed, maintained, and operated to protect clean glasses, utensils, dishware, single-service articles, food, coffee, and condiments from dirty linens and other sources of contamination, including dirty glasses and dishware, cleaning and sanitizing agents, and poisonous or toxic materials. |
| service/utility cart, operated | | (3) Each service or utility cart shall be maintained and operated to prevent the contamination of clean linens by dirty linens or other sources of contamination, according to one of the following methods:

(A) Cleaning and sanitizing the service cart before transporting clean linens;
(B) lining the service cart with a clean liner before transporting clean linens;
(C) placing the clean linens in a clean container before transporting the linens in the service cart; or
(D) using another method as approved by the regulatory authority. |
| laundry bags | | (4) All laundry bags used for dirty linen shall be laundered before being used for clean linen. |
| good repair | | (5) Each housekeeping cart and each service cart shall be kept clean and in good repair. |
| laundry facilities provided | (b) | (1) Each licensee shall provide laundry facilities, unless a commercial laundry service is used. |
| separation sorting storage | | (2) All clean laundry shall be handled in a manner that prevents contact with dirty linen.
(3) Each laundry area shall be designed and arranged in a manner that provides for the functional separation of clean and dirty laundry. A space large enough for sorting and storing soiled linens and for sorting and storing clean linens shall be provided. |

located	(4) The laundry facilities shall be located in areas that are not used by guests or the public and are not used as corridors or passageways.
clean	(5) The laundry area shall be kept clean and free from accumulated lint and dust. (6) The laundry facilities and areas shall be used for their intended purpose and shall not be used for storage of equipment or supplies not related to the laundering process.
equipment; good repair	(7) All laundry equipment shall be functional and in good repair. Any laundry equipment that is no longer in use shall be removed from the laundry area.
hand sinks	(8) Each lodging establishment that is newly constructed, undergoes a major renovation, or is licensed under a new ownership shall be required to have a hand sink in the laundry area. Each hand sink shall meet the requirements specified in K.A.R. 28-36-74.
supplies stored	(9) All housekeeping and cleaning supplies and equipment shall be stored in a designated area. The storage area may be in the laundry area if the supplies and equipment are physically separated from the laundry, laundry equipment, and laundry supplies.
commercially cleaned	(c) All laundry that is cleaned commercially off the premises shall have a segregated storage space for clean and dirty laundry and shall be located and equipped for convenient pick-up and delivery.
guest laundry facility	(d) Separate laundry facilities may be provided for use by guests if these facilities are located in a room or area of the lodging establishment designated only for guest laundry. The area and equipment shall be kept clean and in good repair.
gloves available	(e) Single-use gloves shall be available for housekeeping and laundry staff and made available in the laundry and housekeeping areas.
storage areas, maintenance	(f) A specific location or area shall be provided for the storage of maintenance supplies and equipment. No other items shall be stored in this location or area.

28-36-80 Poisonous or Toxic Materials

Each licensee shall ensure that all of the following requirements are met:

- allowed** (a) Only those poisonous or toxic materials that are required for the operation and maintenance of the lodging establishment shall be allowed on the premises, including the following:
- (1) Detergents, sanitizers, cleaning or drying agents, caustics, acids, polishes, and similar chemicals;
 - (2) insecticides and rodenticides;
 - (3) building maintenance materials, including paint, varnish, stain, glue, and caulking; and
 - (4) landscaping materials, including herbicides, lubricants, and fuel for equipment.
- storage** (b) The storage of poisonous or toxic materials shall meet all of the following requirements:
- segregation** (1) The substances listed in each of the four categories specified in subsection (a) shall be stored on separate shelves or in separate cabinets. These shelves and cabinets shall be used for no other purpose.
- location** (2) To prevent the possibility of contamination, poisonous or toxic materials shall not be stored above food, ice or ice-making equipment, linens, towels, utensils, single-service articles, or guest toiletry items. This requirement shall not prohibit the availability of cleaning or sanitizing agents in dishwashing or laundry work areas.
- Labeling:** (c) Each bulk or original container of a poisonous or toxic material shall bear a legible manufacturer's label.
- bulk, working container, common name** All poisonous or toxic materials taken from a bulk container or an original container and put into another container shall be clearly identified with the common name of the material.
- use** (d) Each poisonous or toxic material shall be used according to the manufacturer's directions. Additional safety requirements regarding the safe use of poisonous or toxic materials may be established by the regulatory authority upon discovery of the unsafe use of these materials.

restricted use

(e) Each restricted-use pesticide shall be applied only by a certified applicator or a person under the direct supervision of a certified applicator and in accordance with all applicable statutes and regulations.

28-36-81 Public Indoor Areas

Each licensee shall ensure that all of the following requirements are met:

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| clean | (a) All indoor public areas shall be kept clean and free of debris. |
| equipment, appliances; good repair | (b) (1) All equipment, appliances, and fixtures shall be maintained in good repair. All equipment, appliances, and fixtures that require repair or maintenance either shall be removed for repair or maintenance or shall be designated as damaged or under repair by using signs, placards, cones, hazard tape, or other visual means to alert guests of any possible hazard.
(2) All unused or damaged equipment, appliances, and fixtures shall be removed. |
| guest safety | |
| floor covering; clean | (c) (1) All floors and floor coverings in public areas, service areas, hallways, walkways, and stairs shall be kept clean by effective means suitable to the finish.
(2) All floor coverings shall be maintained in good repair. All floor maintenance, repair, and replacement shall be done in a manner that prevents slipping or tripping hazards to guests. |
| good repair | |
| guest safety | |
| furniture; good repair, clean | (d) All furniture and items of décor shall be in good repair and kept clean by effective means suitable to the material and finish. |
| stairs, landings, hallways | (e) All stairs, landings, hallways, and other walkways shall be kept free of debris and in good repair and shall meet the following requirements: |
| storage | (1) The storage of items shall be prohibited. |
| lighting | (2) A minimum illumination of 10 foot-candles shall be required. |
| Fitness room, spa: | (f) Each fitness room, bathhouse, and spa shall meet the following requirements: |
| clean/sanitized frequency | (1) Each area shall be cleaned and sanitized daily or more frequently, if necessary to maintain cleanliness. |

- floors** (2) All floors shall be maintained in good repair and have a slip-resistant finish or covering that prevents slipping when wet.
- equipment
constructed** (3) All equipment and fixtures that come into contact with guests, including benches, tables, stools, chairs, tanning beds, and fitness equipment, shall be constructed with a covering of a nonabsorbent material suitable for the use of the equipment or fixture. The following requirements shall be met:
- clean/sanitized,
frequency** (A) All surfaces that come into contact with guests shall be cleaned and sanitized daily or more frequently, if necessary to maintain cleanliness.
- guest use
sanitizers** (B) Cleaning or sanitizing solutions shall be made available for guest use and shall be kept in clearly labeled bottles.
- showers;
clean/sanitized** (C) All showers shall be cleaned and sanitized daily or more frequently, if necessary to maintain cleanliness.
- towels** (4) (A) Towels, including bath towels, hand towels, and paper towels, shall be provided in the area and made available upon guest request.
(B) Each cloth towel shall be laundered before being provided to a guest.
- receptacles** (C) A receptacle for wet or soiled towels shall be provided for guest use in the area. The receptacle shall be emptied at least once daily.
- good repair** (5) All equipment, fixtures, and recreational items provided for guest use shall be maintained in good repair.
- tanning** (6) Protective eye equipment shall be provided if tanning equipment is provided for guest use.

28-36-82 Ice and Ice Dispensing

Each licensee shall ensure that all of the following requirements are met:

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| dispensing:
self-service | (a) (1) If ice is provided in a public area to guests or the general public, the ice shall be provided only through automatic, self-service dispensing machines that are constructed to prevent the direct access to bulk ice storage compartments by guests or the general public. |
| bulk ice
accessible | (2) Ice machines other than the type specified in paragraph (a)(1), including bin-type ice machines that allow direct access to the bulk ice storage compartments, shall not be accessible to guests or the general public. Any lodging employee may provide containers of ice to guests or the general public from this type of ice machine, from an icemaker, or from prepackaged ice. |
| potable water | (b) (1) Only ice that has been made from potable water and handled in a sanitary manner shall be provided by a lodging establishment. All ice shall be free of visible contaminants. |
| commercial source | (2) All ice that is not made on the premises of the lodging establishment shall be obtained from a commercial source and shall be protected from contamination during transportation and storage. |
| ice machines | (c) Each ice machine shall meet the following requirements: |
| constructed
easily cleanable
located | (1) Be constructed of sanitary, durable, corrosion-resistant material and be easily cleanable; |
| mold, rust | (2) be constructed, located, installed, and operated to prevent contamination of the ice; |
| air gap | (3) be kept clean, free of any mold, rust, debris, or other contaminants, and maintained in good repair; and |
| Ice buckets: | (4) be drained through an air gap. |
| non-absorbent | (d) (1) Each ice container or ice bucket shall meet the following requirements:

(A) Be made of smooth, nonabsorbent, impervious, food-grade materials and be easily cleaned; |

- stored** (B) be kept clean and stored in a sanitary manner;
- clean, sanitized** (C) be cleaned and sanitized before each new guest; and
(D) be provided with a sanitary, single-service use, food-grade liner that is changed daily.
- location** (2) All canvas or wax-coated buckets or containers shall be prohibited.
(3) No ice container or ice bucket shall be located within the room housing the toilet.
- icemaker; clean** (e) Each icemaker located in a guest room shall be kept clean and sanitary.
- ice cube trays prohibited** (1) No individual ice cube trays shall be used.
(2) All ice shall be removed from the icemaker's storage bin before each new guest.

28-36-83 Exterior Premises

Each licensee shall ensure that all of the following requirements are met:

(a) Exterior areas and surfaces.

**clean, good repair,
debris**

(1) All exterior areas and surfaces, including alleys and driveways, shall be kept clean, free of debris, and in good repair.

**graded
pooling water**

(2) Each walking, driving, and parking surface shall be graded to prevent the pooling of water.

(3) All lawns and landscaping shall be mowed or pruned as needed to promote guest safety.

(4) All parking areas and walkways shall be illuminated for guest safety and shall be kept free of debris.

(5) All unused or discarded equipment and materials shall be removed from the premises, except when placed in a designated storage area.

illuminated

(6) (A) All exterior balconies, landings, porches, decks, stairways, and ramps shall be kept in good repair and free of debris and shall be illuminated for guest safety.

(B) Storage on stairs, landings, and ramps shall be prohibited.

Exterior structures:

(C) All guards and railings shall be attached securely and shall be kept in good repair.

good repair, clean

(D) All ramps shall have a slip-resistant surface.

storage

(E) All exterior stairways, ramps, landings, and walkways shall be kept free of ice and snow.

playgrounds:

(b) Outside playgrounds and recreational areas.

**equipment clean,
good repair**

(1) All equipment shall be kept clean and in good repair at all times. All protruding bolts, screws, and nails and all sharp edges shall be removed or covered.

ground cover

(2) The ground cover under children's play equipment shall be a soft surface, including turf, rubber chips, bark mulch, clean sand, or any other surface approved by the regulatory authority.

storage

(3) Unused equipment shall be stored in a designated area.

lighting

(4) If the area is open for nighttime use, lighting shall be provided for guest safety.

(5) The area shall be kept clean and free of debris.

fencing; good repair

(6) If fencing is provided, the fencing shall be kept in good repair.

(c) Refuse containers.

area clean

(1) The area where refuse containers are located shall be kept free of debris and cleaned as necessary to prevent the attraction and harborage of insects, rodents, and other pests and to minimize odors.

pests, odors

(2) Containers of adequate capacity or number shall be available to store all refuse that accumulates between refuse pickups. All refuse containers shall be emptied at least once each week or more frequently, if necessary to meet the requirements of these regulations. All rotten waste shall be removed daily.

capacity, number

frequency

lids

(3) All refuse container lids shall be closed. All refuse containers shall be kept on a solid surface. Solid surfaces shall include concrete, asphalt, and any other hard surface approved by the regulatory authority.

solid surfaces

(d) Outdoor vector control.

pests; harborage conditions

(1) The premises shall be free of any harborage conditions that can lead to or encourage infestations of rodents, insects, and any other pests.

(2) Control measures shall be taken to protect against the entrance of rodents, insects, and any other pests into the lodging establishment. All buildings shall be vermin-proofed and kept in a vermin-proof condition.

doors

All doors leading outside shall be tight-fitting to eliminate entrance points for rodents, insects, and any other pests. All windows and doors that can be opened for ventilation shall have screening material that is at least 16 mesh to the inch and shall be tight-fitting and kept in good repair.

screening requirements

infestations

(3) Identified infestation problems shall be treated by a licensed pest control operator (PCO).

(4) All control measures, both mechanical and chemical, shall be used in accordance with each manufacturer's recommendations.

(e) Exterior storage.

storage

(1) A storage area shall be provided for maintenance and recreational equipment, machinery, and any other maintenance items.

necessary items

(2) Only those items necessary for the operation and maintenance of the lodging establishment shall be kept in a storage area.

(3) All poisonous and toxic materials shall be stored as specified in K.A.R. 28-36-80.

(4) Each storage area shall be kept free of debris, filth, and any harborage conditions.

(5) All articles in need of repair may be stored on a short-term basis, which shall not exceed six months. All articles that are not repaired within six months shall be discarded or moved to an off-site storage facility.

pets

(f) Pet Control

pets controlled

(1) All pets shall be kept on a leash or controlled in a manner that prevents the pets from running freely about the premises.

28-36-84 Swimming Pools, RWFs and Hot Tubs

(a) General requirements.

Each licensee shall ensure that all swimming pools, RWFs, and hot tubs are kept sanitary and in good repair.

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| local ordinances | (1) Each swimming pool, RWF, and hot tub shall meet the requirements in these regulations, unless local ordinances pertaining to planning and design, lifesaving and safety equipment, water quality, and sanitation exist and these ordinances are as restrictive or more restrictive than these regulations. |
| local inspection records available | (2) Each licensee shall maintain records of each inspection conducted by a local regulatory agency for at least one year. The inspection records shall be made available for review by the regulatory authority, upon request. |

(b) Design and safeguards.

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| design and safety plans submitted | (1) Each plan for a new swimming pool or RWF and for a swimming pool or RWF undergoing major renovation, including installation of a diving board, slide, or other similar recreational devices, shall be designed by a licensed engineer, architect, or other qualified professional and shall be submitted to the regulatory authority before the start of construction. Submission of documentation of plan approval by the local regulatory agency shall meet the requirements of this paragraph. |
| main grates | (2) Each grate over a main drain in each swimming pool or RWF shall be intact, firmly affixed at all times, and designed to prevent swimmer entanglement, entrapment, or injury. Other methods to prevent swimmer entanglement, entrapment, or injury may include multiple main drains, anti-vortex drain covers, or any similar device approved by the regulatory authority. |
| multiple drains anti-vortex | |
| water depth marked | (3) The depth of water in each swimming pool or RWF shall be plainly marked with at least four-inch high numbers of a color that contrasts with the color of the pool decking or vertical pool wall. |
| in-ground pool marking location | (A) Water depth markings for an in-ground swimming pool shall be clearly marked on the edge of the deck and visible at all times. In addition, |

	<p>water depth markings may be placed above the water surface on the vertical pool walls and shall be visible at all times.</p>
aboveground pool	<p>(B) Water depth markings for each aboveground swimming pool or RWF shall be on the edge of the deck and shall be visible to persons entering the swimming pool. If water depth markings cannot be placed on the edge of the deck, another means shall be used so that the water depth is visible to persons entering the swimming pool.</p>
depth marking visible	<p>(C) The water depth markings in each swimming pool or RWF shall be located in the following areas:</p>
maximum/minimum	<p>(i) At the maximum and minimum depths. Intermediate increments of depth may be used in addition to the required maximum and minimum depths; and</p>
transition points	<p>(ii) the transition point between the shallow end, which shall be five feet or less, and the deep end, which shall be more than five feet. This transition point shall be marked by a line on the floor and the walls of the swimming pool or RWF or by a safety rope equipped with buoys.</p>
lighting; good repair	<p>(4) Each lighting and electrical system for a swimming pool, RWF, or hot tub shall be kept in good repair at all times. The following requirements shall be met:</p>
lighting	<p>(A) Artificial lighting shall be provided at each swimming pool, RWF, or hot tub if used at night and for each indoor swimming pool, RWF, or hot tub. The lighting shall illuminate all portions of each swimming pool, RWF, or hot tub.</p> <p>(B) All artificial lighting located in the water shall be designed and maintained to prevent electrical shock hazards to guests.</p>
pool enclosure height	<p>(5) Each outdoor swimming pool and RWF shall be protected by a fence, wall, building, or other enclosure that is at least four feet in height.</p>
good repair	<p>(A) Each enclosure shall be made of durable material and kept in good repair.</p>
gate latch	<p>(B) Each gate shall have self-closing and self-latching mechanisms. The self-latching mechanism</p>

latch location	shall be installed at least four feet from the bottom of the gate.
hedges	(C) A hedge shall not be an acceptable protective enclosure.
door latch	(6) Each door leading into an indoor or enclosed swimming pool or RWF area shall have self-closing and self-latching mechanisms. The self-closing mechanism shall be at least four feet from the bottom of the door.
(c) Lifesaving and safety equipment.	
lifesaving equipment	(1) Each swimming pool or RWF shall have lifesaving equipment, consisting of at least one U.S. coast guard-
flotation device	approved flotation device that can be thrown into the water and at least one reaching device.
rope length	(A) The flotation device shall be attached to a rope that is at least as long as one and one-half times the maximum width of the swimming pool or RWF. If a lifeguard is on duty, lifesaving rescue equipment, including rescue tubes, may also be used.
lifeguard	(B) The reaching device shall be a life pole or a shepherd's crook-type of pole, with a minimum length of 12 feet.
reaching device; length	(C) Each lifesaving device shall be located in a conspicuous place and shall be accessible. The lifeguard personnel shall keep their rescue equipment close for immediate use.
accessible, conspicuous	(D) Each lifesaving device shall be kept in good repair.
good repair	
first-aid kit	(2) A first-aid kit shall be accessible to the lodging employees.
glass containers	(3) No glass containers shall be permitted in the swimming pool, RWF, or hot tub area.
decks	(4) Each swimming pool, RWF, and hot tub and each deck shall be kept clean of sediment, floating debris, visible dirt, mold and algae and shall be maintained free of cracks, peeling paint, and tripping hazards.
maintained	(5) Each swimming pool, RWF, and hot tub shall be refinished or relined if the bottom or wall surfaces cannot be maintained in a safe and sanitary condition.
steps marked	(6) If handrails are not present, all steps leading into the swimming pool or RWF shall be marked in a color contrasting with the color of the interior of the swimming

compliance time	pool and RWF so that the steps are visible from the swimming pool or RWF deck. If step markings are not used when these regulations become effective, step markings shall be installed the first time the swimming pool or RWF is drained on or before January 1, 2010.
steps, ladders; good repair, clean, secure	(7) All steps, ladders, and stairs shall be easily cleanable, in good repair, and equipped with nonslip treads. Handrails and ladders, if present, shall be provided with a handhold and securely attached.
rules of operation; posted	(8) The rules of operation and safety signs for each swimming pool, RWF, and hot tub shall be posted in a conspicuous place at the swimming pool, RWF, or hot tub. Each swimming pool and RWF without a lifeguard shall have posted the following sign: "Warning – No Lifeguard On Duty." The sign shall be legible, with letters at least four inches in height.
Cl equipment; location, vented	(9) If chlorinating equipment is located indoors, the chlorinating equipment shall be housed in a separate room, which shall be vented to the outside or to another room that is vented to the outside. If chlorinating equipment is located outdoors and within an enclosed structure, the structure shall be vented to the outside.
Water quality:	(d) Water quality and sanitation. Each licensee shall ensure that all of the following requirements are met:
continuous disinfection	(1) Each swimming pool, RWF, and hot tub shall be maintained to provide for continuous disinfection of the water with a chemical process. This process shall use a disinfectant that leaves a measurable residual in the water.
pool; disinfectant concentration	(A) If chlorine or bromine is used to disinfect the water of any swimming pool or RWF, the water shall have a disinfectant residual level of at least 1.0 part per million (ppm) and not more than 5.0 ppm.
hot tub; disinfectant concentration	(B) If chlorine or bromine is used to disinfect the water of any hot tub, the water shall have a disinfectant residual level of at least 2.0 ppm and not more than 5.0 ppm.
other	(C) Each means of disinfection other than those specified in paragraphs (d)(1)(A) and (B) shall be used only if the licensee has demonstrated that the alternate means provides a level of disinfection equivalent to that resulting from the residual level specified in paragraph (d)(1)(A) or (B).

- pH** (2) The pH of the water in each swimming pool, RWF, and hot tub shall be maintained at not less than 7.0 and not more than 8.0.
- test kits** (3) Each licensee shall use a chemical test kit or a testing device approved by the regulatory authority. Each testing kit or device shall be appropriate for the disinfecting chemical used and capable of accurately measuring disinfectant residual levels of 0.5 ppm to 20.0 ppm. In addition, a chemical test kit or testing device for measuring the pH of the water shall be used and capable of accurately measuring the pH of water in 0.2 increments.
- Water clarity:** (4) The water in each swimming pool, RWF, and hot tub shall have sufficient clarity at all times so that one of the following conditions is met:
- black disc test** (A) A black disc with a diameter of six inches is clearly visible in the deepest portion of the swimming pool or RWF.
- button drain clearly visible** (B) The bottom drain at the deepest point of the swimming pool or RWF is clearly visible, and the bottom of the hot tub is clearly visible.
- scum, debris, algae** (5) The water in each swimming pool, RWF, and hot tub shall be free of scum and floating debris. The bottom and walls shall be free of dirt, algae, and any other foreign material.
- (6) No chemical shall be added manually and directly to the water of any swimming pool, RWF, or hot tub while any individual is present in the water.
- hot tub temperature** (7) The temperature of the water in each hot tub shall not exceed 104 degrees Fahrenheit.
- thermometer** (A) Each hot tub shall be operated in accordance with the manufacturer's specifications.
(B) Each hot tub shall have a thermometer or other device to accurately record the water temperature within plus or minus two degrees.
- Fecal accident response:** (e) Fecal accident in a swimming pool and RWF. If a fecal accident occurs in a swimming pool or RWF, the following requirements shall be met:
- formed feces** (1) In response to any accident involving formed feces, the following requirements shall be met:

decontamination

- (A) Direct the guests to leave the swimming pool or the RWF, and do not allow any individuals to reenter until the decontamination process has been completed. The closure times can vary since the decontamination process takes from 30 to 60 minutes;
- (B) remove as much fecal material as possible using a net or scoop, and dispose of the material in a sanitary manner. Sanitize the net or scoop;
- (C) raise the disinfectant level to 2.0 ppm and ensure that the water pH is between 7.2 and 7.8; and
- (D) return the disinfectant level to the operating range specified in paragraph (d)(1)(A) before the swimming pool or RWF is reopened to guests.

Diarrheal accident response:

(2) In response to any accident involving diarrhea, the following requirements shall be met:

decontamination

- (A) Direct guests to leave the swimming pool or the RWF, and do not allow any individuals to reenter until the decontamination process has been completed;
- (B) remove as much fecal material as possible using a scoop, and dispose of the material in a sanitary manner. Sanitize the scoop. Vacuuming the fecal material shall be prohibited;
- (C) raise the disinfectant level to 20.0 ppm and maintain a water pH of at least 7.2 but not more than 7.8. This level of concentration shall be maintained at least eight hours to ensure inactivation of *Cryptosporidium*. A lower disinfectant level and a longer inactivation time may be used according to the following table:

Cryptosporidium inactivation for diarrheal accident

Disinfectant levels (ppm)	Disinfection time
1.0	6.5 days
10.0	16 hours
20.0	8 hours

- (D) ensure that the filtration system is operating and maintaining the required disinfectant levels during the disinfection process. Backwash the filter. Do not return the backwashed water through the filter. Replace the filter medium, if necessary; and

(E) return the disinfectant level to the operating range specified in paragraph (d)(1)(A) before the swimming pool or RWF is reopened to guests.

Vomiting accident response:

(f) Vomiting accident in a swimming pool or RWF. If a vomiting accident occurs in a swimming pool or RWF, the procedures in paragraph (e)(1) shall be followed.

Body fluid spills: cleanup and disinfection

(g) Body fluid spills at a swimming pool or RWF. All body fluid spills that occur on swimming pool or RWF equipment or hard surfaces, including decking, shall be cleaned and chemically sanitized. Disposable gloves shall be available for employees' use during cleanup. The following cleanup method shall be used:

- (1) Wipe up the spill using absorbent, disposable material. Paper towels may be used;
- (2) use a bleach solution by combining one part bleach and 10 parts water. Pour the bleach solution onto the contaminated surface, leave the solution on the surface for at least 10 minutes, and rinse the surface with clean water;
- (3) disinfect all nondisposable cleaning materials, including mops and scrub brushes, and allow to air-dry; and
- (4) require each employee assisting with the cleanup to wash that employee's hands with warm water and soap after the cleanup is completed.

Fecal/vomiting response:

(h) Fecal or vomiting accident in a hot tub. If a fecal accident or vomiting occurs in a hot tub, all of the following requirements shall be met:

hot tubs

- (1) All guests shall be required to leave the hot tub, and the water shall be completely drained.
- (2) The hot tub shall be disinfected according to the manufacturer's specifications.
- (3) The filtering system shall be disinfected or the filter medium shall be replaced with a clean filter medium before refilling the hot tub with clean water.

operation and maintenance

(i) Operation and maintenance of a swimming pool, RWF, or hot tub. Each licensee shall ensure that all of the following requirements for each swimming pool, RWF, and hot tub are met:

daily logs

- (1) Daily operational logs shall be maintained for at least one year at the lodging establishment and made available to the regulatory authority, upon request. These logs shall include the date and time the information was collected and

log requirements	the name or initials of the person who collected the information. These logs shall also record the following information:
disinfectant residuals, daily	(A) The disinfectant residuals shall be recorded at least once daily when the swimming pool, RWF, or hot tub is available for guest use or more often, if necessary to maintain the water quality as specified in subsection (d).
pH, daily	(B) The pH test shall be recorded at least once daily when the swimming pool, RWF, or hot tub is available for guest use or more often, if necessary to maintain the water quality as specified in subsection (d).
hot tub temperature, daily	(C) The temperature reading of each hot tub shall be recorded at least once daily when the hot tub is available for guest use.
indoor pool; chemical storage, vented	(2) Each fecal and vomiting accident log shall include the time and date of the accident and the disinfection measures taken.
chemicals; used	(3) Each indoor swimming pool area and chemical storage room shall be either vented directly to the exterior or vented to a room that is vented directly to the exterior.
recreational equipment; clean	(4) All chemicals applied to a swimming pool, RWF, or hot tub shall be used, handled, stored, and labeled in accordance with the manufacturer's specifications.
clean bottom	(5) All recreational equipment shall be kept sanitary. Recreational equipment shall include slides, diving boards, play equipment, water sports equipment, and accessory items available to guests, including floats, tubes, air mattresses, and pads for water slides.
skimmers; good repair	(6) A cleaning system shall be used to remove dirt, algae, and any other foreign material from the bottom of the swimming pool or RWF.
water level	(7) All surface skimmers, strainer baskets, and perimeter overflow systems shall be kept clean and in good repair.
recirculation system	(8) The water in each swimming pool and each RWF shall be maintained at the manufacturer's recommended level so that the water will flow into each skimmer and strainer.
	(9) The recirculation system serving each swimming pool, RWF, and hot tub shall operate continuously or in accordance with the manufacturer's specifications. The filtration and recirculation systems shall be maintained in accordance with the manufacturer's specifications.

28-36-85 Water Supply Systems

Each licensee shall ensure that all of the following requirements are met:

**potable water;
capacity**

(a) Sufficient potable water to meet the needs of the lodging establishment shall be provided from a source constructed and operated pursuant to K.S.A. 65-161 et seq., and amendments thereto.

(b) No water supply system deemed unsafe by the regulatory authority shall be used as a potable water supply.

nonpublic system

(c) (1) Each nonpublic water supply system shall be constructed, maintained, and operated as specified in K.S.A. 65-161 et seq., and amendments thereto.

**drinking water
standards**

(2) All water from a nonpublic water supply system shall meet the state drinking water quality standards specified in K.S.A. 65-161 et seq., and amendments thereto.

sample report

The most recent sample report for the nonpublic water supply system used by the lodging establishment shall be retained for at least 12 months at the lodging establishment and shall be made available to the regulatory authority upon request.

boil water advisory

(d) During any period when a boil water order is in effect, including a precautionary boil water notice or advisory issued by the regulatory authority on a public or nonpublic water supply, the licensee shall meet the following requirements until the problem has been corrected:

notify guests

(1) Notify each guest, verbally upon check-in and by written notice placed in each rented guest room, that the plumbed water is not potable and only potable water should be used for drinking and for brushing teeth;

ice

(2) discard any ice that could have been made from or exposed to contaminated water; and

alternate supply

(3) obtain a temporary, alternate supply of potable water by using one of the following:

(A) A supply of commercially bottled drinking water;

(B) one or more closed, portable, bulk water containers;

(C) an enclosed vehicular water tank;

- (D) an on-premises water storage tank; or
- (E) any other alternative water source if approved by the regulatory authority.

28-36-86 Sewage Systems

Each licensee shall ensure that all of the following requirements are met:

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| approved system | (a) All sewage shall be disposed of through an approved facility, including one of the following: |
| maintained | (1) A public sewage treatment plant; or
(2) An individual sewage disposal system that is constructed, maintained, and operated according to K.S.A. 65-161 et seq., and amendments thereto, and meets all applicable sanitation requirements. |
| disaster; temporary | (b) A temporary sewage disposal facility shall be allowed only as approved by the regulatory authority in response to a disaster. |
| non-sewage liquids, condensate, rainwater | (c) All condensate drainage, rainwater, and other nonsewage liquids shall be drained from the point of discharge to disposal pursuant to K.S.A. 65-161 et seq., and amendments thereto. |

28-36-87 Electrical Systems

local codes installed, maintained	<p>(a) Each licensee shall ensure that the electrical wiring is installed and maintained in accordance with all applicable local electrical codes. In the absence of local electrical codes, the electrical wiring shall be installed and maintained by a licensed electrician. Each licensee shall ensure that all of the following requirements are met:</p>
ground-fault circuit interrupter	<p>(1) (A) Each newly constructed lodging establishment shall have a ground-fault circuit interrupter in each electrical outlet located within five feet of any water source, including a swimming pool and hot tub.</p>
major renovation	<p>(B) Each existing lodging establishment in which major renovation or rewiring has occurred shall be required to have a ground-fault circuit interrupter in each electrical outlet located within five feet of any water source, including a swimming pool and hot tub.</p>
existing, compliance time	<p>(C) Each licensee shall ensure that the lodging establishment has a ground-fault circuit interrupter in each electrical outlet located within five feet of any water source, including a swimming pool and hot tub, on or before January 1, 2010.</p>
switch outlet; covered	<p>(2) Each electrical switch and each outlet shall be covered by a faceplate. Each junction box shall have a junction box cover.</p>
breaker boxes, electrical panels storage	<p>(3) All circuit breaker boxes, fuse boxes, and electrical panels shall be protected from physical damage and kept in good condition. All fuses and circuits shall be labeled to identify the circuit location. The storage of any item that obstructs access to any circuit box shall be prohibited.</p>
bare wires	<p>(4) All wire splices shall be located in covered junction boxes.</p>
outlets grounded	<p>(5) Bare or frayed wiring shall be prohibited. (6) All three-prong outlets shall be grounded. Each appliance shall be grounded in accordance with the manufacturer's specifications.</p>
emergency lighting maintained extension cords; permanent use	<p>(b) All emergency lighting shall be kept in working condition.</p>

- (c) (1) The permanent use of extension cords in guest rooms shall be prohibited.
Individual branch circuits, including multiple-plug outlet strips that contain fuse breakers and multiple-plug outlet adapters that do not to exceed the amperage for which the outlets are rated, shall be permitted.
(2) The licensee of each lodging establishment shall be required to meet the requirements of this subsection on or before January 1, 2010.
- (d) The temporary use of extension cords shall be allowed for housekeeping and maintenance purposes if the extension cords are rated for industrial use.
- (e) The wattage of light bulbs shall not exceed the wattage rating of the corresponding light fixtures.
Empty light sockets shall be prohibited.

28-36-88 Plumbing Systems

**installed,
maintained, local
codes**

(a) Each licensee shall ensure that all plumbing is installed and maintained in accordance with all applicable local plumbing codes. In the absence of local plumbing codes, all plumbing shall be installed and maintained by a licensed plumber.

(b) Each licensee shall ensure that all of the following requirements are met:

**potable, hot/cold
fixtures**

(1) Potable water under pressure shall be available at all times at each fixture designed to provide water. Hot water shall be provided to each fixture designed to use hot water.

ventilation,

(2) Each toilet room, bathing facility, and laundry area shall be provided with ventilation to minimize condensation and to prevent mold, algae, and odors.

**mechanical
ventilation**

Each newly constructed lodging establishment and each lodging establishment undergoing major renovation shall be required to have mechanical ventilation in each toilet room, bathing facility, and laundry area.

(3) Each fixture drain shall be plumbed with a P-trap.

(4) All openings for the passage of plumbing shall be vermin-proof.

(5) No fitting, connection, device, or method of installation of plumbing shall obstruct or retard the flow of water, wastes, sewage, or air in the drainage or venting system.

backflow device

(c) All backflow devices shall meet the design specifications for their intended use. All potable water supplies shall be protected from sources of potential contamination. Each licensee shall ensure that all of the following requirements are met:

reduce pressure

(1) If provided, each boiler unit, fire sprinkler system with chemical additives, lawn sprinkler with a means for injection of pesticides, herbicides, or other chemicals, and pumped or re-pressurized cooling or heating system shall be protected by a reduced-pressure-principle backflow prevention assembly.

- tested** (A) The backflow prevention assembly shall be tested at least annually.
- documentation** (B) Documentation of each test shall be maintained at the lodging establishment for at least one year and shall be made available to the regulatory authority upon request.
- double-check valve** (2) If provided, each fire sprinkler system not using chemical additives and lawn sprinkler system without a means for injection of pesticides, herbicides, or other chemicals shall be protected by a double-check valve assembly.
- tested** (A) The double-check valve assembly shall be tested at least annually.
- documentation** (B) Documentation of each test shall be maintained at the lodging establishment for at least one year and shall be made available to the regulatory authority upon request.
- hose to faucet;
vacuum breaker,
air gap** (3) If provided, each threaded faucet to which a hose is connected, flush valve, and any similar device shall be protected by a vacuum breaker. Each commercial dishwasher and each commercial laundry machine shall be protected by either a vacuum breaker or an air gap.
- relief valve; air gap** (4) If provided, each relief valve discharge line from a water heater, water- holding tank, cooling tower, or water softener, each discharge line from a commercial laundry machine, and each condensation line shall be protected by an air gap.
- (5) Each swimming pool water supply line shall be protected by either an air gap or a double-check valve assembly.
- (6) Fire sprinklers plumbed into a waterline over gas water heaters or furnaces, or both, shall not be required to have a backflow device unless required by local ordinance.

28-36-89 Heating, Ventilation and Air-Conditioning (HVAC) Systems

(a) Each licensee shall ensure that each guest room has heating, ventilation, and related heating and ventilation equipment.

temperature controls

- (1) All equipment shall be installed according to the manufacturer's directions and shall be kept in operating condition.
- (2) A means to control the temperature in the guest room shall be provided in each guest room that is furnished with a separate heating or air-conditioning unit.
- (3) If the guest room has air-conditioning, the air-conditioning system shall meet the requirements specified in paragraphs (a)(1) and (2).

prohibited heating devices

(b) Un-vented fuel-fired heaters, un-vented fireplaces, and similar devices and portable electrical space heaters shall be prohibited from use in all areas of the lodging establishment, unless designed by the manufacturer for commercial use and approved by the regulatory authority. The following conditions shall be met:

un-vented

(1) The un-vented fuel-fired heater, un-vented fireplace, or similar device or the portable electrical space heater is not the primary source of heat.

prohibited

(2) The un-vented fuel-fired heater, un-vented fireplace, or similar device or the portable electric space heater is not used in a guest room.

thermostat controls

(c) All gas and electric heating equipment shall be equipped with thermostatic controls.

vented

(d) All gas water heaters, gas furnaces, and other gas heating appliances shall be vented to the outside.

shut-off valves

(e) A gas shutoff valve shall be located next to each gas appliance, gas furnace, and gas water heater.

HVAC units; fuse breaker

(f) Each furnace and each air-conditioning unit shall be equipped with an electrical fuse breaker to protect the unit from electrical overload.

(g) Each furnace room or room containing a gas water heater or any other fuel-fired appliance shall be provided with adequate air for circulation.

filters

(h) Each filter shall be changed according to the manufacturer's specifications.