ORDINANCE 0-05-15-01

NEWTON COUNTY ENVIRONMENTAL HEALTH

AN ORDINANCE TO ADOPT RULES AND REGULATIONS OF THE BOARD OF HEALTH OF NEWTON COUNTY, GEORGIA, FOR FOOD SERVICE, ON-SITE SEWAGE MANAGEMENT SYSTEMS, TOURIST ACCOMMODATIONS AND PUBLIC SWIMMING POOLS, TO PROVIDE FOR ENFORCEMENT OF THESE RULES AND REGULATIONS, TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES.

Section I
Adoption of Rules and Regulations

Whereas, it is the desire of the Newton County Board of Commissioners to adopt, in all the respects, the various standard rules and regulations relating to food service, on-site sewage management systems, and tourist accommodations and the recommended standards for public swimming pools promulgated by the State of Georgia's Department of Human Resources (hereinafter the "Rules and Regulations").

Whereas, the adoption of these Rules and Regulations is done to facilitate proper inspection and enforcement activities by the Newton County Environmental Health Department relating to the construction, maintenance and operation of food service establishments, on-site sewage management systems, tourist accommodations and public swimming pools within Newton County.

NOW, THEREFORE, LET IT BE ORDAINED BY THE NEWTON COUNTY BOARD OF COMMISSIONERS THAT THE FOLLOWING RULES AND REGULATIONS, COPIES OF WHICH ARE ATTACHED HERETO, ARE HEREBY ADOPTED:

1. Rules of Department of Humans Resources; Public Health; Chapter 290-5-14 of the Administrative Code of Georgia; Food Service;

2. Rules of Department of Humans Resources; Public Health; Chapter 290-5-26 of the Administrative Code of Georgia; On-site Sewage Management Systems;

3. Rules of Department of Humans Resources; Public Health; Chapter 290-5-18 of the Administrative Code of Georgia; Tourist Accommodations; and

4. Recommended Standards of the Georgia Department of Human Resources Division of Public Health for Public Swimming Pools
Section II
Enforcement

BE IT FURTHER ORDAINED, that these Rules and Regulations shall be enforced by the Newton County Board of Health. Any person violating any provision in these Rules and Regulations shall be guilty of violating a duly adopted ordinance of Newton County and, upon conviction by a court of competent jurisdiction, shall be punished either by a fine not to exceed one thousand dollars ($1,000.00) or imprisonment for a period not to exceed sixty (60) days or both.

The court shall have the power and authority to place any person found guilty of a violation on probation or to suspend or modify any fine or sentence. As a condition of such suspension, the court may require payment of restitution or impose other punishment allowed by law. Violations of these Rules and Regulations may be prosecuted upon citations issued by officers of the Newton County Sheriff's Department or by employees of the Newton County Health Department designated by the director of that department.

Section III
Repeal of Conflicting Ordinances

BE IT FURTHER ORDAINED, that all Ordinances or parts of ordinances in conflict herewith are, to the extent of any conflict, repealed.

Section IV
Effective Date

BE IT FURTHER ORDAINED, that this Ordinance shall be in force and effect beginning the 15th day of May, 2001.

SO ORDAINED this the 15th day of May, 2001

Aaron Varner, Chairman

Attest:

Jackie B. Smith, Clerk
Chapter 290-5-26  On-Site Sewage Management Systems

Rules
Of
Department of Human Resources
Public Health
Chapter 290-5-26
On-Site Sewage Management Systems

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290-5-26-.01  Applicability. These Rules will have application in all except the following cases:

(a) any facility or system under the jurisdiction of and regulated by the Department of Natural Resources or its successor;

(b) any public or community sewage treatment system;

(c) other shared jurisdiction by Memoranda of Agreement or other agreements.


290-5-26-.02  Definitions. For the purpose of this chapter, the following words and phrases shall have the meaning as indicated beside each listing:

(a) "Absorption Field" means a configuration of absorption trenches installed in a portion of land and used for the absorption and final treatment of sewage.

(b) "Absorption Line" means a pipe line of perforated pipe laid in an absorption trench to serve as a conduit for sewage effluent.
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(c) "Absorption Trench" means an excavation in which an absorption line is laid.

(d) "Absorption Trench Bottom and Side Soil Area" means the total interface of bottom and side soil area with undisturbed soils of all absorption trenches in an absorption field and occurring horizontally and downward from the point of distribution into the soil, expressed in square feet.

(e) "Aggregate" means washed gravel or washed stone meeting the Georgia Department of Transportation standards for hardness or other materials approved by the Department that shall be one half inch (1/2") to two inches (2") in diameter.

(f) "Alternative On-Site Sewage Management System" means any approved on-site sewage management system which differs in design or operation from the conventional or chamber septic tank system or privy.

(g) "Approved" or "Approval" means compliance with applicable specifications or criteria developed or accepted by the Department.

(h) "Auxiliary System" means a system to serve a portion of a residence, a pool house or other adjunct facility.

(i) "Bedroom" means any room that is designed primarily for sleeping purposes, as shown on the building plan.

(j) "Black Water" means wastewater generated by water closets, urinals, bidets, kitchen sinks and garbage disposals.

(k) "Building Drain" means that part of the lowest piping of a building drainage system inside the walls of a building, which receives the discharge from soil, waste or other drainage systems and conveys the discharge to the building sewer.

(l) "Building Sewer" means that part of the horizontal piping of a building drainage system beyond the building drain which receives the discharge from the building drain and conveys it to a public sewer, private sewer, on-site sewage management system or other disposal.

(m) "Central On-Site Sewage Management System" means an on-site sewage management system serving more than one building, business, residence or other facility designed or used for human occupancy or congregation.

(n) "Chamber Septic Tank System" means a septic tank and a chamber system as defined in (o).
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(o) "Chamber System" means a system of chambers with each chamber being a molded polyolefin plastic, arch shaped, hollow structure with an exposed bottom area and solid top and louvered sidewall for infiltration of effluent into adjoining bottom and sidewall soil areas. Chambers may be of different sizes and configurations to obtain desired surface areas.

(p) "Community Subsurface Treatment System" means any system which treats primarily domestic wastewater other than those serving single family residences or non-domestic sewage systems.

(q) "Conventional System" means a traditionally used system that is composed of perforated pipe surrounded by gravel or stone masking for the infiltration of effluent into adjoining bottom and side soil areas.

(r) "Conventional Septic Tank System" means any septic tank and conventional system as defined in (q), but does not include alternative or experimental systems.

(s) "County Board of Health" means the County Board of Health established by the Official Code of Georgia Annotated (O.C.G.A. 31-3-1) or its designee.

(t) "Department" means the Department of Human Resources of the State of Georgia or its designee.

(u) "Distribution Device" means a watertight structure which receives sewage effluent from a septic tank, dosing tank or other sewage retention device and distributes it in equal portions to two or more absorption lines.

(v) "Dosing Tank" means an approved watertight tank, located after a septic tank or other sewage retention device, to receive and retain sewage effluent, and so equipped as to discharge sewage effluent intermittently to a distribution device, either by pump or by siphon.

(w) "Experimental On-Site Sewage Management System" means any on-site sewage management system proposed for testing and observation, and provisionally approved for such purposes by the Department, but which has not been fully proven under field use.

(x) "Failure" means an on-site sewage system in such a condition that it constitutes a public hazard by inadequate treatment and/or disposal of sewage.

(y) "Filter" means an approved device that removes solids or other materials from the effluent that could cause failure of an on-site sewage management system.

(z) "Flood Plain" means a generally flat plain or depression susceptible to being flooded from any source, including small and intermittent watercourses and coastal areas subject to
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intermittent tidal action.

(aa) "Gray Water" means wastewater generated by water-using fixtures and appliances, excluding water closets, urinals, bidets, kitchen sinks and garbage disposals.

(bb) "Grease Trap" means a device in which the grease content of sewage is intercepted and congealed, and from which grease may be skimmed or otherwise removed for proper disposal.

(cc) "Individual Water Supply System" means a system of piping, pumps, tanks or other facilities, utilizing groundwater to supply a single family dwelling.

(dd) "Lot" means a portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership, or for development, or both, and shall not include any part of the right-of-way of a street or road.

(ee) "Manual for On-Site Sewage Management Systems" means the technical handbook currently adopted and periodically updated which is used by the Department in the implementation of this Chapter and is available for inspection at the appropriate State Office in Atlanta or at local health departments. The Manual for On-Site Sewage Management Systems and its provisions are herein adopted unless inconsistent with other provisions of law or regulation and is hereafter referred to as the "Manual" or "Manual for On-Site Sewage Management Systems."

(ff) "Mobile Home Park" means a parcel of land developed for subsequent rental or lease for placement of two (2) or more mobile homes.

(gg) "On-Site Sewage Management System" means a sewage management system other than a public or community sewage treatment system serving one or more buildings, mobile homes, recreational vehicles, residences, or other facilities designed or used for human occupancy or congregation. Such term shall include, without limitation, conventional and chamber septic tank systems, privies, and experimental and alternative on-site management systems which are designed to be physically incapable of a surface discharge of effluent that may be approved by the department.

(hh) "Percolation Coefficient" means the ratio of trench bottom area to percolation time; it is expressed as the allowable rate of sewage application in gallons per square foot per day.

(ii) "Percolation Rate" means the time, expressed in minutes per inch, required for water to seep into saturated soil at a constant rate.

(jj) "Percolation Test" means the method used to measure the percolation rate of water into soil as described in the Department's current Manual for On-Site Sewage Management Systems.
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kk) “Person” means any individual, partnership, corporation, or association and may extend and be applied to bodies, both political and corporate.

ll) “Physical Development” means development which includes, but is not limited to site preparation, erection of a structure, road construction, well construction or installation of on-site sewage management systems.

mm) “Privy” means a structure (and necessary appurtenances) used for the sanitary disposal or storage of human wastes without the aid of water carriage; the term does not include chemical, composting, portable or incinerator toilets.

nn) “Public Water Supply System” means a system for the provision of piped water to the public for human consumption, if such system has at least fifteen service connections, or regularly serves an average of at least twenty-five individuals daily, at least sixty (60) days out of the year.

oo) “Septage” means a waste that is a fluid mixture of partially treated or untreated sewage solids, liquids and sludge of human or domestic waste, present in or pumped from septic tanks, malfunctioning on-site sewage management systems, grease traps or privies.

pp) “Sewage Treatment System” is a system that provides primary treatment and disposal, including absorption field components, devices and appurtenances intended to be used for disposal of sewage by soil absorption, but does not include a conventional or chamber septic tank system. The system shall be designed to be physically incapable of a surface discharge of effluent.

qq) “Septic Tank” means an approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewage solids, and discharging sewage effluent to an absorption field or other management system.

rr) “Sewage” means and includes human excreta, all water carried wastes, and liquid household waste from residences or commercial and industrial establishments.

ss) “Sinkhole” means a depression in the land surface, generally in a limestone region, which communicates or has the potential to communicate with a subterranean passage developed by solution; typical sinkholes can be broad, closed basin-like features or steep-sided dropouts, or variants thereof.

tt) “Site” means the location where the absorption field will be installed to include replacement area.

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(uu) "Soil Classifier" means a person who holds at least a Bachelor of Science degree from an accredited college or university with a major in Agronomy, Soil Science, or related field, as approved by the Soil Classifiers Certification Advisory Committee. Must have completed a minimum of 15 semester hours or 25 quarter hours in approved soil science courses including a course in pedology and have four years or more of full time experience as a Soil Classifier/Soil Scientist actively mapping, identifying and classifying soil features, and interpreting the influence of soil features on soil uses. Certification shall be in accordance with guidelines published in the Manual for On-Site Sewage Management Systems.

Any person who holds a valid certificate of registration as a geologist issued pursuant to O.C.G.A. Chapter 19 of Title 43, or who holds a valid certificate of registration as an engineer issued pursuant to O.C.G.A. Chapter 15 of Title 43 and is practicing within his or her area of engineering competency may register with the Department as a Soil Classifier.

(vv) "Subdivision" means any division of a tract or parcel of land into five or more lots, building sites, mobile home sites, or other divisions, resulting in any single lot of less than three acres, for the purpose, whether immediate or future, of sale or legacy, and includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided, provided; however; that the following are not included within this definition:

1. The combination or recombination of previously platted lots or portions thereof where the total number of lots is not increased and the resultant lots conform to the standards of these rules.

2. The division of land into parcels, all of which are three acres or more in size with minimum width of one hundred and fifty feet (150') for a distance sufficient to provide an adequate area for the placement of structures and improvements including wells and approved installation of approved on-site sewage management systems.

(ww) "Well" means an excavation or opening into the ground by which groundwater is sought or obtained.


290-5-26-.03 General Provisions.

(1) "On-Site Sewage Management System Required" - Where public or community sewage treatment systems are not available, the owner, lessee or agent thereof of every building, residence or property, designed, used or intended to be used for human occupancy or congregation, shall provide an approved on-site sewage management system sufficient for
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persons normally expected to use or frequent the building, residence or other property for two hours or more. Connection shall be made to a public or community sewage treatment system when such system is available within two hundred feet (200') of the property line, or available in a public right-of-way abutting the property. Where a public or community sewage treatment system is to be constructed, or an existing public or community sewer is to be extended to serve a lot, or an approved on-site sewage management system is to be used, the building sewer shall be installed so that it will insure gravity flow at a self-cleaning velocity throughout. If an existing on-site sewage system fails, immediate connection shall be made to a public or community sewerage system if such a system is available.

(a) Any facility that produces a waste stream with BOD₅ (Biochemical Oxygen Demand) and TSS (total suspended solids) higher than 200 mg/L shall be required to pretreat the waste to reduce the BOD₅ and TSS to 200 mg/L or below before disposal through a conventional or chamber septic tank system.

(2) "On-Site Sewage Management System Construction Permit Required" - No person may begin the physical development of a lot or structure thereon, where an on-site sewage management system will be utilized, nor install an on-site sewage management system or component thereof without having first applied for and obtained from the County Health Department a construction permit for the installation.

(a) Application for such a construction permit shall be made in writing on forms provided by the County Board of Health. The County Board of Health shall approve or disapprove such application within twenty days after the receipt of a completed application. The application shall include:

1. Name and address of the owner and the applicant, if other than the owner;

2. Location of property;

3. Plans and specifications including location and design of the proposed on-site sewage management system including surface and subsurface drainage and piping;

4. Nature of the facility to be served;

5. Location of all water supplies, geothermal systems, or other utilities and trash pits on or off the lot, which will bear upon the location of the on-site sewage management system;

6. Number of bedrooms in the dwelling, or the number of persons to be served in other types of establishments, or other sewage flow or water usage data;

7. Soil characteristics, including soil types and capabilities, frequency and evaluations of
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seasonal high groundwater tables, occurrence of rock and other impervious strata;

8. Signature of the owner or agent applying for permit; and

9. Any additional information deemed necessary to determine the suitability of the site.

(b) The County Board of Health may waive submission of part of the information required for the application, provided the Board deems that such information is available from previously submitted subdivision or mobile home park data, or from other sources. The information must be sufficient to make an adequate appraisal of the acceptability of the proposed lot for the installation of an on-site sewage management system.

(c) Repairs, replacement, or additions to existing systems must be permitted and inspected.

(d) Any person preparing to modify a lot for the purpose of obtaining a construction permit for the installation of an on-site sewage management system shall submit plans showing the type and extent of modifications. No modifications shall be carried out prior to the approval of the plans by the County Board of Health. Such approval shall be in accordance with the provisions of the Department's current Manual for On-Site Sewage Management Systems.

(3) “Requirements for On-Site Sewage Management System Construction Permit Issuance or Denial” - On-site sewage management system construction permits shall be issued only after a site inspection by the County Board of Health shows favorable findings relative to absorption rates, soil characteristics, groundwater, rock and any other factors which would affect the acceptability of the lot. No construction permit for an on-site sewage management system shall be issued prior to the approval of the public water supply system, where a public water supply system is to be utilized. Lot suitability and approval is to be determined by the criteria established by the Department’s current Manual for On-Site Sewage Management Systems.

Lots shall be sized according to the regulations of the County Board of Health. The County Board of Health may deny or revoke an on-site sewage management system construction permit upon finding the lot unsuitable or for failure of the applicant to comply with the provisions of these rules. Such denial shall be made in accordance with the provisions of O.C.G.A. 12-8-1, 31-5-2, 31-5-3, 31-5-4, 31-5-5 and 31-5-6. On-site sewage management construction permits shall remain valid for not more than twelve (12) months from the date of issue.

(a) Issuance of a construction permit for an on-site sewage management system, and subsequent approval of same by representatives of the County Board of Health shall not be construed as a guarantee that such systems will function satisfactorily for a given period of time; furthermore, said representatives do not, by any action taken in affecting compliance with these rules, assume any liability for damages which are caused, or which may be caused, by the malfunction of such system.
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(b) On tracts or parcels of land of three acres or more, the conventional or chamber septic tank system may be utilized where the percolation rate does not exceed 120 minutes per inch. All other conditions must comply with the requirements of the regulations for on-site sewage management systems.

(4) “Inspections” - No person may backfill or use an on-site sewage management system until final inspection has been made by the County Board of Health to determine compliance with the provisions of the construction permit issued under Section 290-5-26-.03(3) and written approval has been issued by the County Board of Health.

(a) A copy of the final inspection of an on-site sewage management system shall be provided to the owner, builder, developer or agent, whichever is appropriate.

(b) Grading, filling, digging trash pits or other landscaping or construction activities on the lot subsequent to final inspection by the County Board of Health which may adversely affect the on-site sewage management system shall render the approval void. Removal or alteration of system components after final inspection by the County Board of Health shall render the approval void.

(5) “Design Limits for Conventional or Chamber Septic Tank Systems” - To provide for the maintenance of sanitary conditions through the proper functioning of a conventional or chamber septic tank system for a reasonable period of time, no such system may be installed, constructed, or used, having a septic tank design capacity of less than one thousand (1000) gallons or greater than ten thousand (10,000) gallons, or where the total length of absorption trenches required would exceed three thousand (3,000) linear feet, or where the total absorption trench bottom area required would exceed nine thousand (9,000) square feet.

(6) “Submission of Plans, Specifications, and Soil Data” - Plans, specifications, soil data and, if required, absorption test data, submitted to the County Board of Health for the purpose of obtaining a construction permit to install an on-site sewage management system, which will produce a sewage flow in excess of two thousand (2,000) gallons per day, shall bear the registration number and signature of a Registered Professional Engineer, certified and registered under the laws of this State. The County Board of Health may accept plans, specifications, soil data, and absorption test data for facilities with sewage flow of two thousand (2,000) gallons or less per day, when prepared in accordance with these rules, from any person who demonstrates to the satisfaction of the County Board of Health that they have sufficient knowledge of on-site sewage management system design.
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(7) "Soil Data Acceptability for Individual Lots" - Soil evaluations shall be conducted by individuals meeting the requirements established in the Department's current Manual for On-Site Sewage Management Systems.


290-5-26-.04 Sewers.

(1) "Size of Sewers" - Sewers connecting component parts of on-site sewage management systems shall be of sufficient size to serve anticipated flow conditions.

(2) "Sewers" - All solid pipe and fittings used in an on-site sewage management system, beginning at the house, shall be NSF International schedule 40 PVC or equivalent and shall be a minimum of four inches in diameter. Sewers under driveways or similar areas of load or impact shall be of material capable of withstanding anticipated loads or installed so as to provide protection from crushing.

(3) "Construction" - Sewers, other than perforated pipe or drain tiles used in absorption fields, shall be laid with sealed, watertight, root-resistant joints. Such sewers shall be laid on a firm foundation, shall not be subject to settling, and shall be installed on a grade that will insure a self-cleaning velocity. Where on-site sewage management systems are used, and where installation of building drains and building sewers is not covered by duly adopted local plumbing codes, or in the absence of a local plumbing code and/or plumbing inspections, the County Board of Health may verify the adequacy and acceptability of all or any portion of the building sewer or the building drain.


290-5-26-.05 Septic Tanks.

(1) "Minimum Design and Construction" - Septic tanks shall provide a minimum of 24 hours of retention and shall be designed and constructed to equal or exceed minimum design and construction criteria established by the Department as published in the current Manual for On-Site Sewage Management Systems. After the effective date of these regulations, any person seeking approval of septic tanks to be used in on-site sewage management systems, shall submit detailed plans and specifications for tank manufacture and other information as may be required by the Department. Manufacturers and suppliers may be subject to periodic inspection, and
approval by the County Board of Health or the Department. Both the inlet and outlet tees shall be ASTM 3034 rated or equivalent. In addition, an approved filter shall be installed on the outlet end of the septic tank in compliance with the Manual for On-Site Sewage Management Systems.

(2) "Location" - No septic tank shall be installed less than fifty feet (50') from existing or proposed wells/springs, sink holes, or suction water lines, and tanks shall be located downgrade from wells or springs if physically possible; less than twenty-five feet (25') from lakes, ponds, streams, water courses, and other impoundments; less than ten feet (10') from pressure water supply lines, or less than ten feet (10') from a property line. No septic tank shall be installed less than fifteen feet (15') from a drainage ditch or embankment. Septic tanks shall be installed so as to provide ready access for necessary maintenance. Normally, the distance a septic tank should be located from a building foundation is at least ten feet (10') but, lesser distances may be allowed by the County Board of Health. The County Board of Health, after site inspection, may require greater separation distances than cited herein due to unusual conditions of topography, or other site configuration; subsurface soil characteristics and/or groundwater interference.

(3) "Capacity" - The liquid capacity of septic tanks for single family dwellings shall be one thousand (1000) gallons for one, two, three or four bedrooms, and 250 additional gallons for each bedroom over four. Septic tank capacity shall be increased by (50%) where garbage grinders are to be used. Auxiliary systems serving single family residences or other facilities shall be based on the maximum daily flow.

(4) "Compartmented Tanks" - Two compartment tanks shall be required. The first compartment shall be at least 2/3 the liquid capacity of the tank.

(5) "Tanks in Series" - The County Board of Health may approve the installation of two septic tanks placed in series provided that the capacity of the first tank is at least one thousand (1000) gallons and at least equal to the capacity of the second tank. When tanks in series are used, they shall be connected with a sealed sewer line, and all sewage shall initially enter the first tank.

(6) "Foundation and Backfill" - Septic tanks will be constructed or installed level, on a foundation that will prevent settling; backfill shall be placed so that a stable fill results and undue strain on the tank is avoided. Earth backfill shall be free of voids, large stones, stumps, broken masonry, or other such materials. A minimum earth cover of six inches (6") over the tank is recommended. With proper documentation the County Board of Health may approve less cover. All openings and manholes shall be constructed so as to prevent the entrance of surface water.

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290-5-26-.06 Distribution Devices and Dosing Tanks.

(1) “Minimum Design and Construction of Distribution Devices” - Distribution devices shall be designed and constructed in accordance with minimum design and construction criteria established in the Department’s current Manual for On-Site Sewage Management Systems.

(2) “Minimum Design and Construction of Dosing Tanks” - Where required, dosing tanks shall be designed, constructed, and installed in accordance with the Department’s current Manual for On-Site Sewage Management Systems.


290-5-26-.07 Absorption Fields.

(1) “Absorption Area” - The absorption area shall be based upon the anticipated volume of treated sewage and upon the characteristics of the soil in which absorption fields are to be located as specified in the Department’s current Manual for On-Site Sewage Management Systems. Soil characteristics and other related data, including percolation tests, may be required by the County Board of Health. Absorption areas shall be classified as follows: aggregate, non-aggregate and other.

(2) “Prior Approved Systems” - Any “Prior approved system” as defined in the Official Code of Georgia Annotated 31-2-7 (a) (4) is approved for installation according to the manufacturer’s recommendation.

(3) “Location” - No absorption field will be constructed less than one hundred feet (100') from existing or proposed wells, springs or sinkholes; less than ten feet (10') from water supply lines and buildings with basements and less than five feet (5') from buildings without basements, other structures, drives and property lines; less than fifteen feet (15') from an embankment, drainage ditch or trash pits; not less than fifty feet (50') from the normal water level of any impoundment, tributary, stream, or other body of water, including ponded areas of wetlands. If the water supply line crosses or comes within ten feet (10') of the absorption field, the water supply line shall be installed at least twelve inches (12") above the top of the aggregate layer of the absorption line, non-aggregate absorption line or other absorption line, and shall be encased in a single length of larger diameter water pipe. No absorption field shall be installed in areas where groundwater, soil characteristics or adverse geological formation may interfere with the absorption or effective treatment of sewage effluent.
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(4) "Minimum Design and Construction for Absorption Fields" - Absorption lines and absorption trenches shall be designed and installed in accordance with the minimum design and installation criteria established in the Department's current Manual for On-Site Sewage Management Systems.


290-5-26-.08 Privies.

"Minimum Design and Construction" - Privies shall be designed and constructed in accordance with minimum design and construction criteria established by the Department's current Manual for On-Site Sewage Management Systems.


290-5-26-.09 Alternative On-Site Sewage Management Systems.

(1) "Alternative On-Site Sewage Management System" means any approved on-site sewage management system which differs in design or operation from the conventional or chamber septic tank or privy.

(2) "Design and Construction" - Alternative on-site sewage management systems shall be designed and constructed in accordance with the minimum design and construction criteria established by the Department's current Manual for On-Site Sewage Management Systems. The department shall maintain a list of approved alternative on-site sewage management systems.


290-5-26-.10 Experimental On-Site Sewage Management Systems.

"Experimental On-Site Sewage Management System" means any on-site sewage management system proposed for testing and observation, and provisionally accepted for such purposes by the Department's technical review committee. Any limitations to the use of experimental systems shall be decided by the Department's technical review committee.
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290-5-26-11 Septage Removal and Disposal.

(1) "Permit Required" - No person shall engage in the removal or disposal of the contents of septic tanks, pit privies, or other on-site sewage management or experimental systems without having first applied for and obtained from either the Department or a County Board of Health a septage removal permit, renewed annually, for such activities. The application for such septage removal permit shall be submitted in writing on forms provided by the Department or the County Board of Health at least ten (10) days prior to engaging in such activities. The application shall include but not be limited to: the business name and address, name and address of the applicant, the manner by which such contents are to be removed, transported and given final disposal, and such other documentation as may be required by the County Board of Health, including evidence that septage removed and transported will be accepted at approved disposal sites.

(a) Suspension and Revocation - The permit shall be subject to suspension and revocation for failure to comply with the requirements of these regulations or the Department's current Manual for On-Site Sewage Management Systems.

(2) "Pumping and Disposal Methods" - Approved methods of pumping and disposal of septage from on-site sewage management systems shall be: discharge to a public or community sewage treatment system for treatment in a wastewater treatment plant, treatment at separate septage handling facilities, or direct land application. Pumping and disposal shall be in accordance with the requirements of the Department's current Manual for On-Site Sewage Management Systems.

(3) "Vehicle Identification" - The name and address of the person or firm engaging in the removal of septage from on-site sewage management systems and the permit number shall be lettered on both sides of each vehicle used for septage removal purposes. Letters and numerals shall not be less than two inches (2") in height and shall be readily visible.

(4) "Vehicle Maintenance" - Every vehicle used for removal of septage from on-site sewage management systems shall be equipped with a watertight tank or body and properly maintained. Liquid wastes shall not be transported in open bodied vehicles. All pumps, hose lines, valves and fittings shall be maintained to prevent leakage.

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290-5-26-.12 Grease Traps.

(1) "Grease Traps Required" - Grease traps shall be required for commercial or industrial establishments with on-site sewage management systems where it is determined by the County Board of Health that the amount of grease introduced into the system is in excess of 50 mg/l.

(2) "Grease Trap Design" - Plans and specifications for grease traps shall be submitted to the County Board of Health for approval. The County Board of Health shall review the grease trap design in accordance with minimum design and construction criteria established by the Department's current Manual for On-Site Sewage Management Systems. Effluent from grease traps shall be disposed of in a septic tank and not directly discharged to the absorption field. Grease traps shall be located, installed and constructed so that the temperature of the sewage will be reduced to permit congealing or separation of grease, and easy access for cleaning is provided.

Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History. Original Rule entitled "Grease Traps" was filed on March 28, 1984, effective April 27, 1984, as specified by the Agency. Amended: ER has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, same title adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.

290-5-26-.13 Sewage Flow.

The design sewage flow of an on-site sewage management system shall be determined from the Department’s current Manual for On-Site Sewage Management Systems. The daily sewage flow may be determined by the Department after due consideration of data submitted by the owner or his agent on design criteria. Calculations will be made on the basis of peak flow and not on long term averages.

Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History. Original Rule entitled "Sewage Flow" was filed on March 28, 1984; effective April 27, 1984, as specified by the Agency. Amended: ER has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, same title adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.

290-5-26-.14 Subdivision and Mobile Home Parks.

(1) "Pre-development Review" - It is recommended that developers considering subdivision or mobile home park development, where public or community sewage treatment systems will not be available, seek a predevelopment review by the County Board of Health prior to developmental improvements. A predevelopment report which indicates disapproval or tentative approval may be obtained by submitting a boundary plat including:

(a) A vicinity map;
(b) A topographic map;
(c) A preliminary soil study conducted in compliance with the Department’s current Manual for On-Site Sewage Management Systems.

(2) "Proposals and Plans Required" - The following information is required for subdivision and mobile home park proposals:
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(a) A boundary plat drawn to a reasonable scale which includes:

1. A vicinity map;

2. Proposed lots and streets including lot identification, dimensions, building lines and square footage of lots;

3. A topographic map depicted in two foot (2') contour intervals. Lesser contour intervals may be approved by the County Board of Health if the slope is sufficiently steep;

4. A soil map and soil descriptions based on a high intensity soil study conducted in compliance with the Department's current Manual for On-Site Sewage Management Systems;

5. The location of all present and proposed wells, water systems, water courses, flood plains, sewage systems, structures, right-of-ways, utilities, storm water drainage systems and easements on the property and within one hundred feet (100') outside the perimeter of the property; and

6. The name, registration number and seal of the professional surveyor or engineer that prepared the development plan.

(b) A completed Subdivision Analysis Record on forms provided by the Department.

(c) A copy of the following documents issued by the Environmental Protection Division of the Department of Natural Resources:

1. The land disturbance activity permit issued by either the Environmental Protection Division or the local “Issuing Authority”. For the purposes of this section, “Issuing Authority” means the governing authority of any county or municipality, which is certified pursuant to subsection (a) of Code Section 12-7-8 by the director of the Environmental Protection Division;

2. A letter of approval to begin construction of a public water supply system and approving the source of the water supply where a public water supply system is to be utilized; and

3. For a development, which will result in the disturbance of more than five (5) acres, a copy of the Notice of Intent (NOI) submitted to the Environmental Protection Division to be covered under NPDES Permit GAR100000 for the discharge of storm water associated with construction activity.

(3) "Approval Required" - No person may sell, offer for sale, lease, rent, begin construction or otherwise begin the physical development of a lot or lots in a subdivision or mobile home park
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until written approval of plans for water supply and sewage disposal has been obtained from the County Board of Health. This approval constitutes general acceptance of all lots, except those lots excluded, for development with on-site sewage management systems. (Excluded lots may receive further consideration based on additional information.)

(4) “Limits on Use of On-Site Sewage Management Systems for Subdivision and Mobile Home Parks” - Approval of subdivisions and mobile home parks utilizing on-site sewage management systems shall not be granted:

(a) When a public or community sewage system is available within five hundred feet (500') off the subdivision or mobile home park;

(b) When soil maps, descriptions, and reports compiled by a registered Soil Classifier indicate that soil conditions prohibit safe development of on-site sewage management systems.

(c) Prior to receipt of a letter(s) from the Environmental Protection Division approving the plans to construct the public water supply system and approving the source of the water supply where a public water supply system is to be utilized.

(5) “Construction Permits” - Construction permits for on-site sewage management systems shall be issued in accordance with Section 290-5-26-03(2)(a) of the Rules for On-Site Sewage Management Systems.

Authority: O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History: Original Rule entitled “Subdivision and Mobile Home Parks” was filed on March 28, 1984; effective April 27, 1984, as specified by the Agency. Amended: ER. has been adopted. 8 Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency. to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, same title adopted. 8 Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.

290-5-26-.15 Subdivision, Mobile Home Park Water and Sewage.

(1) “Subdivision and Mobile Home Park Water Supply”

(a) Connection to a public water supply system shall be required if available within one thousand feet (1,000') of the proposed subdivision or mobile home park.

(2) “Subdivision and Mobile Home Park Percolation Tests” - Where required for planning purposes and determination of the general absorptive capacity of soils, the number of percolation tests to be made shall be one (1) per lot, in the area where absorption fields are to be located. Before construction of on-site sewage management systems, individual lots within the proposed development shall comply with Section 290-5-26-.14 of the Rules for On-Site Sewage Management Systems.

(3) “Subdivision and Mobile Home Park Test Bores” - Where required for planning purposes, test bores to determine groundwater elevations and subsurface rock formations shall be made at locations, in numbers and at depths to be determined by the Department or County Board of Health.
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290-5-26-.16 Technical Review Committee.

(1) "Technical Review Committee" - The Department shall appoint and maintain a technical review committee consisting of a maximum of fifteen individuals with technical or scientific knowledge relating to on-site sewage management systems. The duties of the committee will be to approve new systems, periodically review systems performance, assist the Department with the development of standards and guidelines for new technology, assist with the periodic updating of the Manual for On-Site Sewage Management Systems, revisions to standards and serve as the authority for product approval, evaluation, and the development of installation standards. The Committee shall also maintain a list of approved systems.

(2) "Membership" - The Committee shall include at least one individual from the following disciplines:

(a) An Environmental Health Section staff person who shall serve as the secretary;

(b) Local County Environmentalist;

(c) Health District Environmentalist;

(d) Engineering;

(e) Manufacturing;

(f) Home Builders Association;

(g) Soil Classifier;

(h) University/academia;

(I) District Health Director;

(j) Environmental Protection Division;

(k) Well Driller;

(l) Georgia On Site Wastewater Association;

(m) Land Developer;
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(n) Septic Tank Contractor.

(3) “Meetings” - The Committee shall meet as deemed appropriate by the Department.

(4) “Fee” - The Department shall adopt a fee schedule for the technical review of new products and technology.


(1) “Certification Required” - Individuals performing services related to site approval, the design, location, installation, inspection and maintenance of an on-site sewage management system, must be certified by the Department.

(a) Guidelines defining certification qualifications for septic tank contractors, inspection personnel, pumpers, soil classifiers and maintenance personnel shall be established by the Department and shall be published in the Manual for On-Site Sewage Management Systems. The guidelines shall be based on education, experience, testing and performance.

(b) The Department shall write a protocol for decertification of persons certified under the provisions of this Section.

(c) Certification shall be required every two years and shall be based on meeting continuing education requirements.

(2) “Fee” - The Department shall adopt a fee schedule for the certification and recertification of the persons listed in this Section.


290-5-26-.18 Maintenance and Operation.

(1) “Prohibited Discharge” - No person shall allow the unapproved discharge or spillage of sewage, nor shall an on-site sewage management system be used or maintained in such a manner that will allow the seepage or discharge of effluent from such system to the ground surface, to a water course, drainage ditch, open trench, canal, storm drain or storm sewer, water well, abandoned well, lake, stream, river, estuary, groundwater, or other body of water.

(2) “Maintenance” - The property owner shall be responsible for properly operating and maintaining the on-site sewage management system to increase the life expectancy and prevent failure. Maintenance of the system shall be in accordance with the criteria established in the
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Department's current Manual for On-Site Sewage Management Systems. Where an on-site sewage management system is proposed to serve facilities under separate ownership, a contract to insure proper operation and maintenance of the system signed by all owners, shall exist as a precondition to the issuance of a permit for the construction of an on-site sewage management system.

(3) “Additives” - No strong bases, acids or organic solvents shall be used in the operation of an on-site sewage management system.

(4) “Existing System Evaluations” - If a performance evaluation of an existing system is conducted, the evaluation shall be performed in accordance with the procedure established in the Department's current Manual for On-Site Sewage Management Systems.

(5) “Variances” - The County Board of Health may grant variances in the cases of hardship where existing systems are malfunctioning.

Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History. ER. has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency. to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, entitled “Maintenance and Operation” adopted. F. Jan 21, 1998; eff. Feb. 20, 1998, as specified by the Agency.

290-5-26-.19 Enforcement. The administration and enforcement of this chapter shall be in accordance with O.C.G.A. Chapter 31-5.

Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History. ER. has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency. to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, entitled “Enforcement” adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.
RULES AND REGULATIONS
TOURIST ACCOMMODATIONS
CHAPTER 290-5-18
FOR
NEWTON COUNTY, GEORGIA

NEWTON COUNTY BOARD OF HEALTH
ENVIRONMENTAL HEALTH SECTION
1115 USHER STREET
COVINGTON, GA 30014
RULES AND REGULATIONS  
TOURIST ACCOMMODATIONS  
CHAPTER 290-5-18  

NEWTON COUNTY, GEORGIA

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290-5-18-.16 Grounds
290-5-18-.17 Food Service
290-5-18-.18 Enforcement

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

(a) "Tourist Accommodation" means a Tourist Court as defined in O.C.G.A. Chapter 31-28 as any facility consisting of two or more rooms or dwelling units providing lodging and other accommodations for tourists and travelers and includes tourist courts, tourist cottages, tourist homes, trailer parks, trailer courts, motels, motor hotels, hotels, and any similar place by whatever name called and any food, beverage, laundry, recreational or other facilities or establishments operated in conjunction therewith. This definition includes any facility consisting of two or more rooms or dwelling units either joined together or separate on a common piece of property, furnished for pay and further includes campgrounds, recreational vehicle parks and bed and breakfast inns.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

(1) Permit

(a) Any person operating a tourist accommodation shall possess and display prominently in public view and as designated by the health authority a valid permit issued by the health authority on forms prepared by the Department. Permits shall be posted in public view at eye level (an approximate height of 5 feet from the floor) within 10 feet of the main entrance in a place where the public can walk up to and read the permit. Permits shall be valid until suspended or revoked.

(b) To be eligible for a permit the tourist accommodation shall be in satisfactory compliance with these rules and regulations and the provisions at law which apply to the location, construction and maintenance of tourist accommodations and the safety of persons therein.
(c) Application for a permit to operate such tourist accommodations shall be made in duplicate upon forms provided by the Department. Such forms shall be completed in all details and signed by the applicant or his authorized agent and submitted at least 10 days before the scheduled opening. The original shall be filed with the Health Authority.

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

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

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

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

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

(2) Plans: Plans and specifications for remodeling tourist accommodations and construction of new tourist accommodations must be submitted for review and approval. Plans must be submitted fourteen (14) days prior to beginning construction. The plans shall indicate the proposed layout and arrangement of rooms in establishment and what each is to be used for. Mechanical and plumbing details must be shown as well as construction materials to be used on floors, walls and ceilings. Additional plans for kitchen will be required if food is to be prepared and served to guests. A copy of the menu or list of foods to be served will be required also. If no construction changes are to be made to an existing building, requirement for plans will be at the discretion of the health authority.

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

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

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

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

(3) The signature of the operator shall not mean his agreement with all of the findings recorded thereon, but shall mean his receipt of the report and the notification of alleged non-compliances with the rules.

(4) The report of inspection shall be recorded on a form provided by the Department. This report will show violations found, corrective actions necessary for compliance with this rule, date of inspection, signature of person making inspection and the date when it is anticipated corrections to violations will be completed.

(5) The entire report shall be discussed at the time of inspection with the tourist accommodation operator and explained.
(6) The most recent inspection report shall be posted in public view in a location determined by the health authority. The most recent inspection report shall be posted in public view at eye level (an approximate height of 5 feet from the floor) within 10 feet of the main entrance in a place where the public can walk up to and read the inspection report.

(7) The health authority shall review all reports on reinspection and on the basis of corrective measures taken shall institute such action as is deemed proper in accordance with the provisions of O.C.G.A. Chapter 31-28 and these regulations.


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

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

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


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

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

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

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

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

(5) Where water, glasses, ice buckets and other multi-use utensils are used, they shall be cleaned and sanitized, in a manner approved by the health authority, after each occupancy. Where approved sanitizing methods are not provided, single service paper or plastic cups shall be made available in lieu of glasses and shall be used only once. In lieu of sanitizing ice buckets, a sanitary, food grade, plastic bag, large enough to line the bucket and overlap the top edge may be provided for use by one occupancy only.
(6) Single service items shall be commercially pre-wrapped to protect against contamination. Water glasses and other multi-use utensils shall be protected from contamination in a manner approved by the health authority. Equipment, utensils, dishes, etc. in kitchenettes provided for guest use shall be kept clean. Dishwashing detergent shall be provided for guest use.

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

(8) Where self-service ice is provided, it shall be from an a source approved water supply. In all new tourist accommodations and in existing tourist accommodations machines are replaced, only automatic dispensing ice machines will be allowed. In existing tourist accommodations permitted prior to the adoption of this rule, self-service ice-storage bins presently being used may be continued, provided that the machines are maintained in good repair and capable of being properly cleaned. Scoops, ice buckets and other ice handling equipment shall be of easily cleanable material and construction. shall be stored in a clean place and shall be kept clean. Glass wares shall not be used to scoop ice.


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

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

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

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

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

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

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

(7) Individual towels shall be provided in guest rooms and shall have been laundered, since last used, by a method approved by the health authority used. If fabric bath mats are provided, they shall have been laundered or cleaned since last used. Towels, whenever provided in the public wash rooms or baths, shall be individual towels and if cloth, shall have been laundered since last used.

(8) Toilet tissue shall be provided in a dispenser at each toilet.
(9) Where dependent trailers are located, central toilet facilities shall be provided for each ten trailer spaces or fraction thereof, and for each ten dwelling units of non-permanent structure, or fraction thereof, with not less than one commode, one lavatory and one tub or shower head for each sex. In addition, at least one urinal shall be provided in each central toilet designated for men. It is not required for independent trailer sites to have access to central toilet facilities.

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

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

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


290-5-18-.07 Sewers. Amended.

(1) Sewers shall be designed in accordance with recognized engineering practices for the estimated sewage flow and shall be laid with watertight joints to a grade that will insure a self-cleaning velocity. Sewers shall be constructed of durable materials properly vented and shall be installed at sufficient depth to withstand anticipated loads or other equally suitable means for protection of what facilities shall be used.

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


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

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

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

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


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

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

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

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

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


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

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

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

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

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

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

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

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

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

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


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

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

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

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

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

(5) Each gas-fired heating unit shall be inspected at least annually by a qualified heating contractor before its use at the onset of cool weather. Points to be inspected are proper construction and installation, malfunctions and adjustments of controls and burners, faulty heat exchangers and vent obstructions. Any defects found on inspection
must be corrected by a qualified heating contractor prior to use of the equipment. Upon request, the operator shall provide evidence of inspection and/or correction of any deficiency.


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

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

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


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


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

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

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

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

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

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

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

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

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

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

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

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

(c) A thermometer, accurate to ±3°F (±1.5°C) shall be provided in refrigerator and located to be easily readable.

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

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

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

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

(b) Food Supplies:

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

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

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

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

(c) Food Protection:

1. All food shall be prepared, stored, displayed, dispensed, placed, transported, sold and served so as to be protected from dirt, vermin, unnecessary handling, droplet contamination, overhead leakage or other contamination.
2. The temperature of potentially hazardous foods shall be 41°F (5°C) or below or 140°F (60°C) or above at all times, except during necessary times of preparation.

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

(b) A thermometer accurate to ±3°F shall be provided for each refrigeration unit, shall be located to indicate the air temperature in the warmest part of the unit and shall be affixed to be readily visible.

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

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

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

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

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

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

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

(d) Food Preparation:

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

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

3. Potentially hazardous food processed by cooking shall be cooked to heat all parts of the food to a minimum temperature of 140°F (60°C) except that shell eggs and unground meat and fish shall be cooked to an internal
temperature of 145°F (63°C) or above for 15 seconds. Pork and ground meat or fish shall be cooked to an internal temperature of 155°F (68°C) for 15 seconds. Roast beef and beef steak shall be cooked to an internal temperature of 130°F (54°C). Poultry or any stuffed meat, poultry or fish shall be cooked to an internal temperature of 165°F (74°C) for 15 seconds.

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

   a. Cooling and reheating prior to service.

   b. Hot holding for more than two hours.

   c. Service of leftovers.

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

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

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

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

   d) As part of the conventional cooking process.

(e) Food Display and Service:

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

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

   a. Potentially hazardous foods are kept at or below 41°F (5°C) or at or above 140°F (60°C).

   b. Food is displayed no more than two hours.

   c. No open food or potentially hazardous foods is reserved or reused.

   d. Tongs or other suitable utensils are provided so that there is no hand contact with the food.

(f) Health and Practices:

1. No person, while infected with a disease in a communicable form that can be transmitted by foods, or who is a carrier of organisms that cause such a disease, or while affected with a boil, infected wound, or acute respiratory infection, shall work in any capacity in which there is a likelihood of such person contaminating food or food contact surfaces with pathogenic organisms or transmitting disease to other persons.
2. Persons engaged in food preparation, service and warewashing operations shall wear clean clothing and thoroughly wash their hands and the exposed portions of their arms with soap or detergent and warm water before starting work. After smoking, eating or using the toilet and as often as is necessary during work to keep them clean. Employees shall keep their fingernails trimmed and clean. All bed and breakfast inns permitted or extensively remodeled after the effective date of this rule shall provide facilities exclusively for handwashing within or adjacent to each kitchen. In bed and breakfast inns existing prior to the effective date of these "Rules", the utensil washing sink may be used for handwashing. Soap and paper towels in dispensers must be provided.

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

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

(g) Equipment and Utensils:

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

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

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

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

(h) Cleaning and Sanitization of Equipment and Utensils

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

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

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

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

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

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

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

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

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

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

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

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

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

a. A commercial dishwasher must be certified by NSF standards or equivalent, in good repair and operating to manufacturer’s specifications.

b. If using a non-commercial dishwasher, it must remove all physical soil from all surfaces of dishes and must be equipped with a high temperature rinse cycle such as a semi-cycle and all cycles on the machine must be used (preshave, wash, sanitizing rinse) or if no high temperature rinse cycle is provided, the hot water supplied to the machine must be at a minimum of 155°F (68°C). The operator shall use daily, a maximum registering thermometer or a heat thermal label to determine that the sanitizing rinse water temperature is a minimum of 155°F (68°C). The dishwasher must be installed and operated according to manufacturer’s instructions for the highest level of sanitization possible when sanitizing residential kitchen facilities’ utensils and tableware. A copy of the instructions must be available on the premises at all times.

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


220-5-18-.18 Enforcement: The administration and enforcement of these rules and regulations shall be as prescribed in the Official Code of Georgia, Annotated, Chapter 31-5. This regulation, upon adoption by the Newton County Board of Commissioners, shall be enforced by the Newton County Board of Health as a duly adopted ordinance of Newton County. Any person violating any provision in this regulation shall be guilty of violating a duly adopted ordinance of Newton County and, upon conviction by a court of competent jurisdiction, shall be punished either by a fine not to exceed one thousand dollars ($1,000.00) or by confinement in the county jail for a total term not to exceed sixty (60) days or both. The court shall have the power and authority to place any person found guilty of a violation of this regulation on probation and to suspend or modify any fine or sentence. As a condition of such suspension, the court may require payment of restitution or impose other punishment allowed by law. Violations of this regulation may be prosecuted upon citations issued by officers of the Newton County Sheriff’s Department or by employees of the Newton County Health Department designated by the director of that department.

290-4-14-.01 Definitions. Amended. The following definitions shall apply in the interpretation and enforcement of this Chapter.

(a) "Approved" means acceptable to the health authority based on its determination as to conformance with applicable standards and/or good public health practice.

(b) "Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored for subsequent transport, sale or service elsewhere.

(c) "Corrosion-Resistant Material" means a material which maintains its original surface characteristics under prolonged influence of environmental conditions and of food, cleaning compounds, and sanitizing solutions.

(d) "County Board of Health" means the Board of Health as established by the O.C.G.A. 31-3-1 or other law.

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

(f) "Easily Cleanable" means readily accessible nonabsorbent and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.

(g) "Employee" means the permit holder, individuals having supervisory or management duties and any other person working in a food service establishment.

(b) "Enough" means occurring in such quantity and quality or scope as to fully satisfy demand or need.
(i) "Equipment" means all stoves, ranges, hoods, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, ice machines, slicers, and similar items, other than utensils, used in the operation of a food-service establishment.

(j) "Food" means any raw, cooked, or processed edible substances, beverage, ice or ingredient used or intended for use or for sale in whole or in part for human consumption.

(k) "Food-Contact Surfaces" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip or splash back onto surfaces normally in contact with food.

(l) "Food-Processing Establishment" means a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary operation.

(m) "Food Service Establishment" means establishments for the preparation and serving of meals, lunches, short orders sandwiches, frozen desserts, or other edible products. The term includes restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms, places which manufacture, wholesale, or retail sandwiches or salads; soda fountains; institutions, both public and private; food carts; itinerant restaurants; industrial cafeterias; catering establishments; food vending machines and vehicles and operations connected therewith; and similar facilities by whatever name called. The term "food service establishment" shall not mean a "food sales establishment," as defined in Code Section 26-2-21, which does not provide seating or facilities for consumption of food on the premises.

NOTE: "Food Sales Establishment" means retail and wholesale grocery stores; retail seafood stores and places of business; food processing plants, except those food processing plants which are currently required to obtain a license from the Commissioner under any other provision of law; bakeries; confectioneries; fruit, nuts and vegetable stores and places of business, and similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off the premises. This term shall not include "food service establishments" as defined in Code Section 26-2-370.

(n) "Health Authority" means the Department, or the County Board of Health acting as its agent.

(o) "Hermetically Sealed Container" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its content after processing.

(p) "Kitchenware" means all multiuse utensils other than tableware used in the storage, preparation, conveying, or serving of food.

(q) "Law" includes Federal, State and local statutes and rules.

(r) "Mobile Food Unit" means a Trailer, Pushcart, Vehicle Vendor, or any other conveyance operating off the premise of a permitted food service establishment.

(s) "Packaged" means bottled, canned, cartoned, or securely wrapped.

(t) "Permit" means authorization granted by the health authority to the management to operate a food service establishment and signifies satisfactory compliance with these rules.
(u) "Person" means any individual, firm, partnership, corporation, trustee or association, or combination thereof.

(v) "Person in Charge" means the individual present in a food service establishment who is the designated supervisor of the food service establishment at the time of inspection. If no individual has been designated as the supervisor, then any employee present is the person in charge.

(w) "Potable" means water intended for human consumption that meets the bacteriological and chemical requirements of the Federal Environmental Protection Agency's Safe Drinking Water Act, or other regulatory agency having equivalent authority.

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

(y) "Restricted Food Service Operation" means a food service operation that serves only food products that requires cooking immediately prior to serving.

(z) "Safe Materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component of or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in the Federal Food, Drug, and Cosmetic Act they are "safe" only if, as used, they are not food additives or color additives as defined in the Act and are used in conformity with all applicable regulations of the U.S. Food and Drug Administration.

(aa) "Safe Temperatures" as applied to potentially hazardous foods means temperatures of 41°F (5°C) or below, or 140°F (60°C) or above.

(bb) "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to destroy disease causing agents and not leave a residue which would be considered harmful.

(cc) "Sealed" means free of cracks or other openings which permit the entry or passage of moisture or vermin.

(dd) "Servicing Area" means a location with specific provisions for supplying cleaning and servicing a mobile food unit.

(ee) "Single-Service Articles" means articles intended for one use only, such as cups, containers, lids or closures; plates, knives, forks, spoons, stirrers, toothpicks, paddles, straws, placemats, napkins, doilies, wrapping materials; and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials that cannot be cleaned and sanitized by an approved method.

(ff) "Special Food Service Operation" includes Mobile Food Unit, Temporary Food Service Operation and Restricted Food Service Operation.
(gg) "Tableware" means all multiuse eating and drinking utensils, including flatware (knives, forks and spoons).

(hh) "Temporary Food Service Operation" means any food-service establishment which operates at the same location for a temporary period of time, not to exceed 14 consecutive days, in conjunction with a fair, carnival, circus, public exhibition or similar transitory gathering.

(ii) "Utensil" means any implement, tableware and/or kitchen-ware used in the storage, preparation, transportation or serving of food.


290-5-14-.02 Provisions. amended.

(1) Permit:

(a) It shall be unlawful for any person to operate a food service establishment, or mobile food unit, a temporary food service operation or a restricted food service operation without having first obtained a valid food service permit from the health authority pursuant to this Chapter;

(b) Permits are invalidated by change of ownership or location;

(c) Prior to the issuance of the permit to new or existing establishments the applicant shall provide evidence of satisfactory compliance with the provisions of these rules and all other provisions of laws which apply to the location, construction and maintenance of food service establishments and the safety of persons therein;

(d) The permit shall be prominently displayed at all times, as near the main entrance as practicable;

(e) The permit shall be property of the health authority and shall be returned within seven days to the local health authority when the food service establishment ceases to operate or is moved to another location or when the permit is revoked;

(f) Any addition of a "food item" that changes the method of food preparation must be reported to the health authority prior to implementation.

(2) Application for a permit:

(a) The management of the food service establishment or a mobile food unit, a temporary food service operation or a restricted food service operation shall submit to the local health authority an application for a permit at least ten (10) days prior to the anticipated date of opening and commencement of the operation of the food service establishment or a mobile food unit, a temporary food service operation or a restricted food service operation.

(b) The application shall be prepared in duplicate on forms provided by the Department. The original shall be forwarded to the local health authority and the copy retained by the management.
(c) The application for a temporary and restricted food service operation shall show the inclusive dates of the proposed operation.

(3) Plans:

(a) Submission of Plans: Properly prepared plans and specifications must be submitted for review and approval when a food service establishment is constructed or extensively remodeled, or when an existing structure is converted to use as a food service establishment.

(b) Plans and Specifications: The plans and specifications shall be submitted to the health authority of the county in which the food service establishment will be constructed at least fourteen (14) days prior to beginning construction. The plans shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas, and the type and model of proposed fixed equipment and facilities.

290-5-14-.03 Food Care. Amended.

(1) Food Supplies:

(a) Food shall be in sound condition, free from spoilage, filth, or other contamination and shall be safe for human consumption.

(b) Food shall be obtained from approved sources that comply with all laws relating to food processing and shall have no information on the label that is false or misleading.

(c) The use of food in hermetically sealed containers that was not prepared in a food processing establishment is prohibited.

(d) Fluid milk and fluid milk products used or served shall be pasteurized and shall meet the Grade A quality standards as established by law. Dry milk and dry milk products shall be made from pasteurized milk and milk products.

(e) Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be packed in non-returnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the interstate certification number issued according to law. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used. Each container of unshucked shell stock (oysters, clams, or mussels) shall be identified by an attached tag that states the name and address of the original shell stock processor, the kind and quantity of shell stock, and an interstate certification number issued by an approved shellfish control agency. The food service management shall retain on file for at least 90 days information pertaining to the source of shellfish products.

(f) All bakery products shall have been prepared in permitted food service establishments or in an approved food processing establishment; provided, that the health authority may accept other sources which are in compliance with applicable State and local laws and regulations. Bakery products which
contain potentially hazardous foods shall be prepared and handled in accordance with all requirements for potentially hazardous foods.

(g) Only clean whole eggs, with shell intact and without cracks or checks, or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products shall be used, except that hard-boiled, peeled eggs, commercially prepared and packaged, may be used.

(h) Only game animals as specified below may be received for sale or service.

1. Game animals will be approved for sale or service which are commercially raised for food slaughtered and processed under a voluntary inspection program that is conducted by the agency that has animal health jurisdiction, or are under a routine inspection program conducted by a regulatory agency other than the agency that has animal health jurisdiction and be raised, slaughtered, and processed according to the laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program. The agencies shall consider factors such as the need for antemortem and postmortem examination by a veterinarian or a veterinarian's designee, approved by the regulatory authority.

2. Exotic species of animals including animals raised for exhibition purposes in a zoo or circus will be approved for sale or service that meet subparagraph (h) 1. or receive antemortem and postmortem examination by a veterinarian or a veterinarian's designee, approved by the regulatory authority, and are slaughtered and processed according to laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program.

(2) Food Protection:

(a) At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected from potential contamination, including toxic materials, dust, insects, rodents, unclean equipment and utensils, unnecessary handling, cross contamination, coughs and sneezes, flooding, drainage, and overhead leakage or overhead drippage from condensation.

(b) The temperature of potentially hazardous food shall be 41°F (5°C) or below, or 140°F (60°C) or above at all times, except as otherwise provided in this Chapter.

(c) In the event of a fire, flood, power outage, or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the health authority. Upon receiving notice of this occurrence, the health authority shall take whatever action that it deems necessary to protect the public health.

(3) Food Storage:

(a) Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored in an approved, clean, and covered container except during necessary periods of preparation of service.

1. Container covers shall be tight fitting, impervious, nonabsorbent and of safe material.
2. Solid cuts of meat shall be protected by being covered in refrigerated storage, except that quarters or sides of meat may be hung uncovered on clean sanitized hooks if no food product is stored beneath the meat.

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

(c) Food and containers of food shall not be stored under exposed plumbing, tubes and refrigeration components or otherwise located where contamination may occur. This requirement does not apply to automatic fire protection sprinkler heads.

(d) Food not subject to further washing or cooking before serving shall be stored in a way that protects it against cross-contamination from food requiring washing or cooking.

(e) Packaged food shall not be stored in contact with water or undrained ice. Wrapped sandwiches shall not be stored in direct contact with ice.

(f) Bulk food such as cooking oil, syrup, salt, sugar, and flour shall be stored in an approved, clean and covered container with the contents identified by common name.

(g) Enough conveniently located refrigeration facilities or effectively insulated facilities shall be provided to assure the maintenance of perishable and potentially hazardous food at required temperatures during storage. Each refrigerated facility storing potentially hazardous food shall be provided with a numerically scaled thermometer, accurate to ±3°F measuring the air temperature in the warmest part of the facility and located to be easily readable.

(h) Potentially hazardous foods requiring refrigeration after preparation shall be placed in shallow pans not to exceed four (4) inches in depth and shall be rapidly cooled by refrigeration to an internal temperature of 41°F (5°C) or below within four (4) hours. Rapid cooling may be accelerated by using smaller portions, chilling in refrigerator and/or agitation. Accumulated times in the danger zone, 41°F (5°C) to 140°F (60°C) shall not exceed four (4) hours.

(i) Frozen food shall be kept frozen and should be stored at a temperature of 0°F or below.

(j) Ice used for cooling stored food and food containers shall not be used for human consumption, except that such ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head.

(k) Enough conveniently located hot food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage. Each hot food facility storing potentially hazardous food shall be provided with a numerically scaled thermometer, accurate to ±3°F, measuring the air temperature in the coolest part of the facility and located to be easily readable.

(l) Where it is impractical to install thermometers on equipment or insulated food transport carriers a product thermometer must be available and used to check internal food temperature. The internal temperature of potentially hazardous food requiring hot storage shall be 140°F or above except during necessary periods of preparation.
(4) Food Preparation:

(a) Food shall be prepared with the least possible manual contact, with suitable utensils, and on surfaces that prior to use have been cleaned, rinsed and sanitized to prevent cross-contamination.

(b) Raw fruits and vegetables shall be thoroughly washed with potable water under pressure before being cooked or served. A separate sink shall be provided for this purpose.

(c) All potentially hazardous foods requiring cooking except as stated below shall be cooked to heat all parts of the food to a temperature of at least 140°F (60°C).

1. Except as specified in subparagraph 2, raw animal foods such as unpasteurized eggs, fish, poultry, meat and foods containing these raw animal foods, shall be cooked to heat all parts of the food to a temperature and for a time that are at least:

a. 145°F (63°C) or above for 15 seconds for:

(1) Shell eggs that are broken and prepared in response to a consumer's order and for immediate service, and

(2) Fish and meat that are not specified in b. of this section:

b. For pork and game animals, comminuted fish and meats, injected meats and eggs that are not prepared as specified in subparagraph 1. a. (1) of this section, 155°F (68°C) for 15 seconds.

c. For rare roast beef, an initial internal temperature of at least 130°F (54°C) shall be obtained and rare beef steak shall be cooked to a temperature of 130°F (54°C). Roast beef must be rapidly reheated to 165°F (74°C). Because of shorter cooking time, roast beef cannot be cooked in a microwave oven.

d. 165°F (74°C) or above for 15 seconds for field-dressed wild game animals, poultry, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry or stuffing containing fish, meat or poultry.

2. Except for establishments serving a highly susceptible population such as the sick, elderly and children, subparagraph 1 of this section does not apply if the food is a raw animal food such as raw marinated fish; raw molluscan shellfish; steak tartare; or a partially cooked food such as lightly cooked fish, rare meat and soft cooked eggs that is served or offered for sale in a ready-to-eat form and the consumer is informed that to assure its safety, the food should be cooked as specified under paragraph 1. of this section. Notification shall be given by brochures, delicacy or menu advisories, label statements, table tents, placards or other effective written means of the significantly increased risk associated with eating such foods in raw or undercooked form. The notification shall read as follows:

ADVISORY: THE CONSUMPTION OF RAW OR UNDERCOOKED FOODS SUCH AS MEAT, FISH AND EGGS WHICH MAY CONTAIN HARMFUL BACTERIA, MAY CAUSE SERIOUS ILLNESS OR DEATH.

3. Raw animal foods cooked in a microwave oven shall be rotated and stirred throughout or midway during cooking to compensate for uneven distribution of heat, covered to retain surface moisture and heated an additional 25°F (14°C) above the temperature specified in subparagraph 1. of this section with
the exception of roast beef, to compensate for shorter cooking times. The food shall be allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

(d) Reconstituted dry milk and dry milk products may be used in instant desserts and whipped products, or for cooking and baking purposes.

(e) Nondairy creaming, whitening, or whipping agents may be reconstituted on the premises only when they will be stored in sanitized, covered containers not exceeding one-half gallon in capacity and rapidly cooled to and maintained at 45°F or below.

(f) Dry milk products may be used as an ingredient in nutritional supplement or prescription formulas when served immediately after preparation.

(g) Liquid, frozen, dry eggs and egg products shall be used only for cooking and baking purposes.

(h) When potentially hazardous foods that have been cooked and then refrigerated, are to be served hot, they shall be reheated rapidly to 165°F or higher throughout before being served or before being placed in a hot food storage facility. Steam tables, bainmaries, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

(i) A metal stem-type numerically scaled thermometer, accurate to ±3°F, shall be provided and used to assure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods.

(j) Potentially hazardous foods shall be thawed:

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

2. Under potable running water of a temperature of 70°F (21°C) or below with sufficient water velocity to agitate and float off loose food particles into the overflow; or

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

4. As part of the conventional cooking process, additional time must be allowed for product to reach required internal temperature.

(k) For special events, foods requiring only cooking may be prepared, if served immediately, in an outside area on the premise of a permitted food service establishment. Prior approval must be obtained from the health authority.

(5) Food Display and Service:

(a) Potentially hazardous food shall be kept at an internal temperature of 41°F (5°C) or below or at an internal temperature of 140°F (60°C) or above during display and service, except that rare roast beef shall be held for service at a temperature of at least 130°F (54°C). Animal products which are to be consumed raw must be served at a temperature of 41°F (5°C) or below.
1. Milk and milk products for drinking purposes shall be provided to the consumer in an unopened, commercially filled package not exceeding 1 pint in capacity, or drawn from a commercially filled container stored in mechanically refrigerated bulk milk dispenser. Where a bulk dispenser for milk and milk products is not available and portions of less than 1/2 pint are required for mixed drinks, cereal, or dessert service, milk and milk products may be poured from a commercially filled container or not more than 1/2 gallon capacity.

2. Cream or half and half shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.

3. Nondairy creaming or whitening agents shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.

(b) Condiments, seasonings and dressings for self-service use shall be provided in individual packages, from dispensers, or from containers protected in accordance with Rule .03 subparagraph (5)(g).

1. Condiments provided for table or counter service shall be individually portioned, except that catsup, non-potentially hazardous dressings and sauces may be served in the original container or approved pour-type dispenser.

2. Sugar for consumer use shall be provided in individual packages or in an approved pour-type dispenser.

(c) Ice for consumer use shall be dispensed only by employees using a scoop that has a handle and is constructed of approved materials, tongs, or other ice-dispensing utensils or through automatic self-service, ice-dispensing equipment.

1. Ice-dispensing utensils shall be stored on a clean surface or in the ice with dispensing utensil’s handle extended out of the ice.

2. Ice transfer container shall be stored and used in a way that protects the container and ice from contamination.

3. Ice storage bins shall be drained through an air gap or indirect connection.

(d) To avoid unnecessary manual contact with food, other than ice, suitable dispensing utensils shall be used by employees or provided to consumers who serve themselves. Between uses during service, dispensing utensils shall be:

1. Stored in the food with the dispensing utensil handle extended out of the food; or

2. Stored clean and dry; or

3. Stored in running water; or

4. Stored either in a running water dipper well, or clean and dry in the case of dispensing utensils and malt collars used in preparing frozen desserts.
(e) Once served to a consumer or placed on the table for service, portions of food shall not be served again, except that, unopened packaged food, other than potentially hazardous food, still in sound condition, may be re-served.

(f) Foods that have not been served to a consumer or exposed to contamination by the consumer may be re-served when handled and reprocessed as required by Rule .03, subparagraphs (2), (3), and (4).

(g) Food on display shall be protected from consumer contamination by the use of packaging or by the use of easily cleanable counter, serving line or salad bar protective devices, display cases, or by other effective means.

1. Protective devices for counters, serving lines, salad bars and other similar food displays in public eating establishments shall be designed (see Rule .10) and constructed so as to intercept contaminants which may be expelled from the customer's mouth or nose.

2. All food, whether on display, being prepared for service or placed for consumer self-service must be protected from contamination from consumers standing or sitting within eight (8) feet of the food.

3. Enough hot or cold food facilities shall be available to maintain the required temperature of potentially hazardous food on display.

4. All requirements of paragraph (5) shall be met until the food product is received by the consumer.

5. All food display facilities shall be designed or operated to minimize contact by consumer.

(b) The presentation of food orders and limited tableside finishing, such as tossing salad and flaming desserts, is permissible from a permitted food service establishment in an adjoining outdoor seating area. Outdoor salad bars or unenclosed dessert carts are prohibited.

(i) Clean tableware for self-service consumers returning to the service area for additional food shall be provided. A public notice to this effect shall be posted in a conspicuous place in the service area. Beverage cups and glasses are exempt from this requirement.

(6) Food Transportation:

(a) During transportation, food and food utensils shall be kept in covered containers or completely wrapped or packaged so as to be protected from contamination and spoilage.

(b) Foods in original individual packages do not need to be overwrapped or covered if the original package has not been torn or broken.

(c) During transportation, including transportation to another location for service or catering operations, potentially hazardous food shall be maintained at 45°F or below for cold foods or 140°F or above for hot foods.

290-5-14-.04 Personnel. Amended.

(1) Employee Health:

(a) No person, while infected with or suspected of having a disease that can be transmitted by food or who is a carrier of microorganisms that cause such a disease or while afflicted with a boil, a cut or wound, or an acute respiratory infection, shall be permitted, by management, to work in a food service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces or transmitting disease to other persons.

(b) The manager or person in charge of the establishment shall promptly notify the health authority when any employee of a food service establishment is known or suspected of having an infectious disease or one that can be transmitted by food.

(2) Personal Cleanliness:

(a) Employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work as often as is necessary to keep them clean, and immediately after using tobacco products, eating, drinking, using the toilet, or being potentially contaminated by other means.

(b) Employees shall keep their fingernails clean and trimmed.

(c) Approved measures should be taken to prevent perspiration from contaminating foods, food contact surfaces, equipment and utensils.

(3) Clothing:

(a) The outer layer of clothing of all employees shall be clean.

(b) Employees preparing, handling and serving food shall use effective and clean, disposable or easily cleanable nets or other hair restraints approved by the health authority, worn properly to restrain loose hair.

(4) Employee Practices:

(a) Employees shall consume food or use tobacco products only in approved designated areas separate from preparation and serving areas.

(b) Employees shall not use tobacco in any form while engaged in food preparation or service, nor while in areas used for equipment of utensil washing or for food preparation.

(c) Employees shall handle soiled tableware in a way that minimizes contamination of their hands.
(d) Employees shall maintain a high degree of personal cleanliness and shall use good hygienic practices during all working periods in the food service establishment.

290-5-14-.05 Equipment and Utensils. Amended.

(1) Materials:

(a) Multiuse equipment and utensils shall be constructed of and repaired with safe materials, including finishing materials; shall be corrosion resistant and nonabsorbent; and shall be smooth, easily cleanable, and durable under conditions of normal use. Equipment, utensils, and single-service articles shall not impart odors, color, or taste, nor contribute to the contamination of food.

(b) If solder is used, it shall be composed of safe materials and be corrosion resistant.

(c) Hard maple or equivalently nonabsorbent material that meets the general requirements set forth in subparagraph (1)(a) of this Rule may be used for cutting blocks, cutting boards, salad bowls, and baker’s tables. The use of wood as a food-contact surface under other circumstances is prohibited.

(d) Safe plastic or safe rubber or safe rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping, and distortion, that are of sufficient weight and thickness to permit cleaning and sanitizing by normal dishwashing methods, and which meet the general requirements set forth in subparagraph (1)(a) of this Rule, are permitted for repeated use.

(e) Mollusk and crustacea shells may be used only once as a serving container.

(f) Single-service articles shall be made from clean, sanitary, safe materials. Re-use of single service articles is prohibited. Wood may be used for single-service articles, such as chop sticks, stirrers, or ice cream spoons.

(2) Design and Fabrication:

(a) All equipment and utensils, including plastic ware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, breaking, bulking, pitting, chipping, and crazing.

1. Food-contact surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, internal corners, and crevices and similar imperfections.

2. Cast iron may be used as a food-contact surface only if the surface is heated, such as in grills, griddle tops, and skillets.

3. Threads shall be designed to facilitate cleaning; ordinary "V" type threads are prohibited in food-contact surfaces, except that in equipment such as ice makers or hot oil cooking equipment and hot oil filtering systems, such threads shall be minimized.
(b) Equipment containing bearings and gears requiring unsafe lubricants shall be designed and constructed so that the lubricant cannot leak, drip or be forced into food or onto food-contact surfaces. Only safe lubricants shall be used on equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces.

(c) Tubes conveying beverages or beverage ingredients to dispensing heads may be in contact with stored ice: Provided, that such tubes are fabricated from safe materials, are grommeted at entry and exit points to preclude moisture (condensation) from entering the ice machine or the ice storage bin, and are kept clean. Drainage or drainage tubes from dispensing units shall not pass through the ice machine or the ice storage bin.

(d) Sinks and drain boards shall be self-draining.

(e) Unless designed for in-place cleaning, food-contact surfaces shall be accessible for cleaning and inspection:

1. without being disassembled; or
2. by disassembling without the use of tools; or
3. by easy disassembling with the use of only simple tools such as a mallet, a screwdriver, or a wrench kept available near the equipment.

(f) Equipment intended for in-place cleaning shall be so designed and fabricated that:

1. cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing procedure; and
2. cleaning and sanitizing solutions will contact all interior food-contact surfaces; and
3. the system is self-draining or capable of being completely emptied.

(g) Fixed equipment designed and fabricated to be cleaned and sanitized by pressure spray methods shall have sealed electrical wiring, switches, and connections.

(h) Thermometers required for immersion into food or cooking media shall be of metal stem type construction, numerically scaled, and accurate to ±3°F.

(i) Surfaces of equipment not intended for contact with food, but which are exposed to splash or food debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and shall be of an approved material and in such repair as to be easily maintained in a clean and sanitary condition.

(j) Ventilation hoods and devices shall be designed or operated to prevent grease or condensation from collecting on walls and ceilings, and from dripping into food or onto food-contact surfaces. Filters or other grease extracting equipment shall be readily removable for cleaning and replacement if not designed to be cleaned in place.
(k) Equipment that was installed in a food service establishment prior to the effective date of this Rule, and that does not fully meet all of the material, design and fabrication requirements of this Rule shall be deemed acceptable in that establishment if it is in good repair, capable of being maintained in a sanitary condition, and the food-contact surfaces are nontoxic. Replacement equipment and new equipment acquired after the effective date of this Rule shall meet the requirements of this Rule.

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

(3) Equipment Installation and Location:

(a) Equipment, including ice makers and ice storage equipment, shall not be located under exposed plumbing, tubes and refrigeration components or otherwise located where contamination may occur. This requirement does not apply to automatic fire protection sprinkler heads.

(b) Equipment that is placed on tables or counters, unless portable, shall be sealed to the table or counter or evaluated on legs to provide at least a 4-inch clearance between the table or counter and equipment and shall be installed to facilitate the cleaning of the equipment and adjacent areas.

1. Equipment is portable within the meaning of this section if:

(i) it is small and light enough to be moved easily by one person; and

(ii) it has no utility connection, or has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning.

(c) Floor-mounted equipment, unless easily movable, shall be:

1. sealed to the floor; or

2. installed on a raised platform of concrete or other smooth masonry in a way that meets all the requirements for sealing or floor clearance; or

3. elevated on approved legs to provide at least a 6-inch clearance between the floor and equipment, except that vertically mounted floor mixers may be elevated to provide at least a 4-inch clearance between the floor and equipment if no part of the floor under the mixer is more than 6 inches reach for cleaning access.

4. sufficient space shall be provided for easy cleaning between, behind, and above all fixed equipment. If exposed to seepage, the space between the adjoining equipment of adjacent walls or ceilings shall be sealed.
(d) Equipment is easily movable if:

1. it is mounted on wheels or casters; and

2. it has no utility connection or has a utility connection that disconnects quickly, or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.

(e) Aisles and working spaces between units of equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. All easily movable storage equipment such as pallets, racks, and dollies shall be positioned to provide accessibility to working areas.


290-5-14-.06 Cleaning, Sanitization and Storage of Equipment and Utensils. Amended.

(1) Equipment and Utensil Cleaning and Sanitization:

(a) After each use tableware shall be washed, rinsed, sanitized, and air dried only. A spoon or other utensil, once used for tasting food, shall not be reused until it has been cleaned and sanitized.

(b) To prevent cross-contamination, kitchenware and food-contact surfaces of equipment shall be washed, rinsed, and sanitized after each use and following any interruption of operations during which time contamination may have occurred.

(c) Where equipment and utensils are used for the preparation of potentially hazardous foods on a continuous basis, utensils and the food-contact surfaces of equipment shall be washed, rinsed, and sanitized at intervals throughout the day on an approved schedule based on food temperature, type of food, and amount of food particle accumulation.

(d) The food-contact surfaces of grills, griddles, and similar cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once a day; except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil.

(e) Non-food-contact surfaces of equipment shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

(f) Cloths used for wiping food spills on tableware, such as plates or bowls being served to the consumer, shall be clean, dry and used for no other purpose.

(g) Moist cloths and sponges shall be clean and rinsed frequently in one of the approved sanitizing solutions listed in subparagraph (2)(e) of this Rule and shall be stored in a freshly prepared sanitizing solution between uses.

1. Moist cloths and sponges used for wiping food spills on kitchenware and food-contact surfaces of equipment shall be used for no other purpose.
2. Moist cloths and sponges used for cleaning non-food-contact surfaces of equipment such as counters, dining table tops and shelves shall be used for no other purpose.

(2) Manual Cleaning and Sanitizing:

(a) For manual washing, rinsing, and sanitizing of utensils and equipment, a sink with not fewer than three compartments shall be provided and used. These sinks shall not be used for the preparation of food, such as thawing and washing of vegetables. Sink compartments shall be large enough to accommodate utensils, and each compartment of the sink shall be supplied with hot and cold potable water under pressure. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments shall be washed, rinsed, and sanitized manually or cleaned through pressure spray methods.

(b) Drain boards or easily movable dish tables of adequate size shall be provided for proper handling of soiled utensils prior to washing and for cleaned utensils following sanitizing and shall be located so as not to interfere with the proper use of the dishwashing facilities.

(c) Equipment and utensils shall be prefushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

(d) Manual washing, rinsing, and sanitizing shall be conducted in the following sequence:

1. prefush or prescraped, when necessary presoaked;

2. sinks shall be cleaned prior to use;

3. utensils shall be thoroughly washed in the first compartment with warm detergent solution that is kept clean;

4. utensils shall be rinsed free of detergent and abrasives with clean warm water in the second compartment;

5. utensils shall be sanitized in the third compartment according to one of the methods included in subparagraph (2)(e) 1. thru 4. of this Rule;

6. utensils shall be air dried only.

(e) The food-contact surfaces of all equipment and utensils shall be sanitized by:

1. immersion for at least one-half (½) minute in clean, hot water at a temperature of at least 170°F; or

2. immersion for at least one minute in a clean solution containing at least 50 parts per million of available chlorine as hypochlorite and at a temperature of at least 75°F; or

3. immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0 and at a temperature of at least 75°F; or
4. Immersion in a clean solution containing any other chemical sanitizing agent allowed under 21 Code of Federal Regulation 178.1010 or its successor that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as hypochlorite at a temperature of at least 75°F for one minute.

(f) Large equipment which cannot be immersed must be sanitized by:

1. Rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for the particular sanitizing solution under subparagraph (2)(e) of this Rule in the case of equipment too large to sanitize by immersion.

2. In the case of equipment in which steam can be confined, may be treated with steam free from materials of additives other than those specified in 21 Code of Federal Regulation 173.310 or its successor.

(g) When hot water is used for sanitizing, the following facilities shall be provided and used:

1. an integral heating device or fixture, installed in, on, or under the sanitizing compartment of the sink, capable of maintaining the water at a temperature of at least 170°F, and

2. a numerically scaled thermometer, accurate to ±3°F, convenient to the sink for frequent checks of water temperature; and

3. dish baskets of such size and design to permit complete immersion of the tableware and kitchenware in the hot water.

(h) When chemicals are used for sanitization, they shall not have concentration higher than the maximum allowed under 21 Code of Federal Regulation 178.1010 or its successor and a test kit or other device that accurately measures the concentration of that solution, in parts per million, shall be provided and used according to recommended procedure.

3) Mechanical Cleaning and Sanitizing:

(a) Cleaning and sanitizing may be done by spray-type or immersion dishwashing machines or by any other type of machine, device or procedure if it is demonstrated that it thoroughly cleans and sanitizes utensils. These machines and devices shall be properly installed and maintained in good repair. Machines and devices shall be operated in accordance with manufacturer's instructions, and utensils and equipment placed in the machine shall be exposed to all dishwashing cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors, if any, shall be properly installed and maintained.

(b) The pressure of final rinse water supplied to spray-type dishwashing machines shall not be less than 15 nor more than 25 pounds per square inch measured in the water line immediately adjacent to the final rinse control valve. A ¾-inch IPS valve, with a pressure gauge installed, shall be provided immediately upstream from the final rinse control valve to permit checking the flow pressure of the final rinse water on all spray-type dishwashing machines installed after the effective date of this Rule.
(c) Machine or water line mounted numerically scaled thermometers, accurate to ±3°F, shall be provided to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.

(d) Rinse water tanks shall be protected by baffles, curtains, or other effective means to minimize the entry of wash water into the rinse water. Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles in accordance with manufacturer's specifications attached to the machines.

(e) Separate drain boards shall be provided for the proper handling of soiled utensils prior to washing and for cleaned utensils following sanitization. Such drain boards shall be of adequate size and shall be located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or for the storage of clean utensils following sanitization.

(f) Kitchenware and tableware shall be flushed or scraped and when necessary, soaked to remove gross food particles and soil prior to being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Utensils shall be placed in racks, trays or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse waters and that permits free draining.

(g) Machines (single-tank, stationary-rack, door-type machines and spray-type glass washers) using chemicals for sanitization may be used; provided that,

1. The temperature of the wash water shall not be less than 120°F.

2. The wash water shall be kept clean.

3. Chemicals added for sanitization purposes shall be automatically dispensed.

4. Kitchenware and tableware shall be exposed to the final chemical sanitizing rinse in accordance with manufactures' specifications for time and concentration. After sanitization, all equipment and utensils shall be air dried only.

5. The chemical sanitizing rinse water temperature shall be not less than 75°F nor less than the temperature specified by the machine's manufacturer.

6. Chemical sanitizers used shall meet the requirements of 21 Code of Federal Regulation 178-1010.

7. A test kit or other device that accurately measures the parts per million concentration of the solution shall be available and used according to recommended procedure.

(h) Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water shall be kept clean and water shall be maintained at not less than the temperature listed below.
1. Single-tank, stationary-rack, dual-temperature machine:

   Wash Temperature .................. 150°F
   Final rinse temperature ......... 180°F

2. Single-tank, stationary-rack, single-temperature machine:

   Wash temperature ................. 165°F
   Final rinse temperature ......... 165°F

3. Single-tank, conveyer machine:

   Wash temperature .................. 160°F
   Final rinse temperature ......... 180°F

4. Multitank conveyor machine:

   Wash temperature .................. 150°F
   Pumped rinse temperature ...... 160°F
   Final rinse temperature ......... 180°F

5. Single-tank, pot, pan, and utensil washer (either stationary or moving-rack):

   Wash temperature .................. 140°F
   Final rinse temperature ......... 180°F

(i) All dishwashing machines shall be thoroughly cleaned at least once a day or more often when necessary to maintain effective cleaning and sanitizing of utensils.

(4) Equipment and Utensil Storage:

(a) Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination. Spoons, knives, and forks shall be touched only by their handles. Cups, glasses, bowls, plates, and similar items shall be handled without contact with inside surfaces or surfaces that contact the user's mouth.

(b) Cleaned and sanitized utensils and equipment shall be stored at least 6 inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. The food-contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under exposed plumbing, tubes and refrigeration components or otherwise located where contamination may occur. This requirement does not apply to automatic fire protection sprinkler heads.

(c) Utensils shall be air dried only before being stored or shall be stored in self-draining position.

(d) Glasses and cups shall be stored inverted. When stacked a clean rack shall be used between each layer. Other stored utensils shall be covered or inverted, wherever practical. Facilities for the storage of knives, forks, and spoons at self-service locations shall protect these articles from contamination and
present the handle of the utensil to the consumer.

(c) Single-service articles shall be stored at least 6 inches above the floor in closed cartons or containers which protect them from contamination and shall not be placed under exposed sewer lines or water lines, except for automatic fire protection sprinkler heads.

(f) Single-service articles shall be handled and dispensed in a manner that prevents contamination of surfaces which may come in contact with food or with the mouth of the user.

(g) Single-service knives, forks and spoons packaged in bulk shall be inserted into holders or be wrapped by an employee who has washed his hands immediately prior to storing or wrapping the utensils. Unless single-service knives, forks and spoons are prewrapped or prepackaged, holders shall be provided to protect these items from contamination and present the handle of the utensil to the consumer.

(h) Pre-setting flatware is acceptable when:

1. Flatware is pre-set immediately prior to the food serving period; all flatware, including unused settings, is washed and sanitized following each use of the table; and all pre-set flatware is washed and sanitized following the serving period.

2. Pre-set flatware is properly wrapped.

3. Pre-set flatware for banquets complies with subparagraph 1. or 2. above, or in lieu thereof, the room is closed to the public, and unwrapped flatware is pre-set within a reasonable time prior to the serving period.

(i) The storage of food equipment, utensils or single-service articles in toilet rooms or vestibules is prohibited.


(1) Water Supply:

(a) Enough potable water for the needs of the food service establishment shall be provided from a source constructed and operated according to applicable State or local plumbing code as amended.

(b) Bottled and packaged potable water shall be obtained from a source that complies with all laws and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container.

(c) Enough water under pressure at the required temperatures shall be provided to all equipment that use water and at approved temperatures at all fixtures.

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(d) Steam used in contact with food or food-contact surfaces shall be free from any materials or additives other than those specified in 21 Code of Federal Regulation 173.310 or its successor.

(e) Ice for human consumption shall be made from potable water.

(2) Sewage: All sewage, including liquid waste, shall be disposed of by a public sewerage system or by a sewage disposal system constructed and operated according to applicable State or local plumbing code as amended. Non-water-carried sewage disposal facilities are prohibited, except as permitted by Rule .09, subparagraph (2)(a) through (r) of this Chapter (pertaining to temporary food service operations) or as permitted by the health authority in remote areas or because of special situations.

(3) Plumbing:

(a) All plumbing shall be sized, installed, and maintained according to applicable State or local plumbing code as amended. There shall be no cross-connection between the potable water supply and any non-potable water supply nor any source of pollution through which the potable water supply might become contaminated.

(b) A non-potable water system is permitted only for purposes such as air-conditioning and/or fire protection and only if the system is installed according to law and the non-potable water does not contact, directly or indirectly, food, potable water, equipment or surfaces that contact food, or utensils. The piping of any non-potable water system shall be adequately and durably identified, such as by distinctive yellow-colored paint, so that it is readily distinguished from piping which carries potable water. Such piping shall not be connected to equipment or have outlets in the food-preparation area.

(c) The potable water system shall be installed to preclude the possibility of backflow. Devices shall be installed to protect against backflow and back siphonage at all fixtures and equipment where an air gap at least twice the diameter of the water supply inlet is not provided, between the water supply inlet and the fixture's flood level rim. A hose shall not be attached to a faucet unless a backflow prevention device is installed.

(d) Grease traps, when used, shall be located to be easily accessible for frequent cleaning.

(e) Garbage grinders, when used, shall be installed and maintained according to law.

(f) Except for properly trapped open sinks, there shall be no direct connection between the sewerage system and any drains originating from equipment in which food, portable equipment, or utensils are placed. When a dishwashing machine is located within 5 feet of a trapped floor drain, the dishwasher waste outlet may be connected directly on the inlet side of a properly vented floor drain trap if permitted by applicable State or local plumbing code as amended.

(4) Toilet Facilities:

(a) Toilet facilities for food service employees and in all new establishments, patrons toilet facilities, shall be provided and installed in accordance with applicable State or local plumbing code as amended, shall be the number required by such code and shall be accessible at all times. When not on the same premises location shall be approved by the health authority.