

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #3

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JUL 31 9 29 AM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

Division of Health

AGENCY: Department of Health and Human Resources TITLE NUMBER: 64

CITE AUTHORITY W. Va. Code § 16-1-7

AMENDMENT TO AN EXISTING RULE: YES _____ NO X

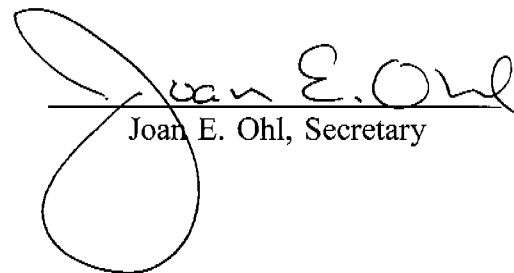
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 18

TITLE OF RULE BEING PROPOSED: General Sanitation

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Joan E. Ohl, Secretary

\$14.10

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period, Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 27, 1998

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency name, Address & Phone No.) Department of Health and Human Resources

State Capitol Complex, Building 3, Room 265, Charleston, WV 25305

Telephone: (304) 558-3223

LEGISLATIVE RULE TITLE: General Sanitation, 64 CSR 18

1. Authorizing statute(s) citation: WV Code Section 16-1-7

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:

June 22, 1998

b. What other notice, including advertising, did you give of the hearing?

Notice was provided by press release, and a notice and copy of the proposed rule was provided to each local health department, the Dept. of Education, the Div. of Corrections, the Regional Jail and Correctional Facility Authority, the Division of Natural Resources, the Dept. of Agriculture, the WV Hospitality and Travel Association and the Mountain State Ass'n of Bed and Breakfast.

c. Date of Public Hearing(s) or Public Comment Period ended:

July 22, 1998

- d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached Yes No comments received _____

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing (be exact):

7/31/98

- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all written correspondence regarding this rule (please type):

Marsha Dadisman, Acting Director

Regulatory Development/Department of Health and Human Resources

Room 265, Capitol Complex

Charleston, West Virginia 25305

(304) 558-3223 FAX: (304) 558-1130 MDadisman@WVDHHR.ORG

- g. IF DIFFERENT FROM ITEM 'f', please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule (please type):

Ronald K. Forren

Director, Public Health Sanitation

1815 Quarrier Street, suite 418

Charleston, WV 25301-2616

Phone: (304) 558-3956 Fax: (304) 558-1071

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the

time and place a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefore?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

Brief Summary of the Proposed Rule

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The proposed legislative rule will consolidate and update the general sanitation requirement currently contained in four legislative rules:

- School Sanitation, 64 CSR 44
- Tourist Resort Camp, 64 CSR 24
- Labor Camp, 64 CSR 29
- Organized Camp, 64 CSR 18.

Additionally, sanitation standards were incorporated into the proposed rule for correctional facilities, colleges and universities, bed and breakfast inns, residential care facilities, adult day care facilities, non-disaster emergency shelters, campgrounds, parks, mass gatherings and public restrooms.

**Statement of Circumstances
Which Require the Proposed Rule**

The proposed General Sanitation Rule §64 CSR 18 establishes minimum public health sanitation requirements necessary to assure a healthy and safe environment for all institutions, schools, care facilities, lodging facilities, recreational facilities, and public restrooms.

The proposed rule will revise and consolidate four existing regulations that are well over thirty (30) years old and are so antiquated that they are not applicable to the facilities in operation today. The four rules govern School Sanitation, Tourist and Resort Camps, Labor and Industrial Camps, and Organized Camps.

In addition, the proposed rule establishes general sanitation requirements for correctional facilities, colleges and universities, residential care facilities, bed and breakfast inns, adult day care facilities, non-disaster emergency shelters, campgrounds, parks, mass gatherings, and public restrooms. These new standards will allow the health department to develop effective public health programs for these facilities, including routine inspection and investigation of complaints.

**TITLE 64
WEST VIRGINIA LEGISLATIVE RULES
DIVISION OF HEALTH
DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

**SERIES 18
GENERAL SANITATION**

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

64 CSR 18
TITLE 64
WEST VIRGINIA LEGISLATIVE RULES
DIVISION OF HEALTH
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

SERIES 18
GENERAL SANITATION

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FILED

TITLE 64
WEST VIRGINIA LEGISLATIVE RULES
DIVISION OF HEALTH
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

JUL 31 9 29 AM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 18
GENERAL SANITATION

§64-18-1. General.

1.1. Scope - These regulations establish the minimum public health sanitation requirements governing all institutions and schools, care facilities, lodging facilities, recreational facilities, and public restrooms.

1.2. Authority - W. Va. Code §16-1-7.

1.3. Filing Date -

1.4. Effective Date -

1.5. Supersession of former rule - This rule repeals and replaces W. Va. Division of Health Legislative Rule, Organized Camps, 64 CSR 18; Tourist and Resort Camps, 64 CSR 24; Labor and Industrial Camps, 64 CSR 29; and School Sanitation, 64 CSR 44, all effective December 29, 1967.

1.6. Applicability - This rule applies to every person, as defined in this rule, who shall in any manner establish, conduct, control, manage, maintain, or operate a facility included under the scope of these rules.

1.6.a. For the purpose of this rule, institutions and schools shall include, but not be limited to, whether public or private, correctional facilities, colleges and universities, and primary and secondary educational facilities (kindergarten through grade twelve (12)).

1.6.b. For the purpose of this rule, care facilities shall include, but not be limited to, whether public or private, halfway houses, adult day care facilities, residential care facilities (such as juvenile group homes and work release centers), and non-disaster emergency shelters (such as homeless shelters and family violence protection shelters). The term does not include health care facilities licensed by the division of health.

1.6.c. For the purpose of this rule, lodging facilities shall include, but not be limited to, hotels, motels, and labor camps.

1.6.d. For the purpose of this rule, recreational facilities shall include, but not

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be limited to, campgrounds, parks, playgrounds, organized camps, fairs, festivals and mass gatherings.

1.6.e. For the purpose of this rule, public restrooms shall include any facility where restrooms are provided for public use.

1.7. Enforcement - This rule is enforced by the director of the division of health.¹

§64-18-2. Definitions.

2.1. Approved - A procedure of operation, installation or construction which is in accordance with the standards, specifications, and instructions established by the division of health.

2.2. Bed and Breakfast - An establishment providing sleeping accommodations, and at a minimum, a breakfast for a fee, provided that the health officer may not require an owner of a bed and breakfast providing sleeping accommodations of six or fewer rooms to install a restaurant style or commercial food service facility; and also provided that the health officer may not require an owner of a bed and breakfast providing sleeping accommodations of more than six rooms to install a restaurant-type or commercial food service facility if the entire bed and breakfast inn or those rooms numbering above six are used on an aggregate of two weeks or less per year.

2.3. Campground - A tract of land established, maintained, and offered to the public for payment for the location or placement of two or more camping units.

2.4. Camping Unit - Any tent, camping vehicle, cabin, or similar vehicle or structure designed or intended to be used for camping purposes.

2.4.a. A camping unit shall mean and include, but shall not be limited to, tents, tent campers, fold down campers, pop up campers, travel trailers, camping vans, motor homes, pick up coach campers, or any other unit built or mounted on a vehicle or chassis and capable of being self propelled or towed.

2.4.b. A camping unit shall not include any unit kept by its owner on land occupied by the owner in connection with his dwelling, or any unoccupied camping unit kept

¹ The Department of Health and Human Resources (DHHR) was created by the Legislature's reorganization of the executive branch of State government in 1989. The Department of Health was renamed the Division of Health and made a part of the DHHR (W. Va. Code § 5F-1-1 et seq.). Administratively within the DHHR the Bureau for Public Health through its Commissioner carries out the public health function of the Division of Health.

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and stored at a location that has been reserved for such storage within a campground.

2.5. Campsite - Any plot of land within a campground used or intended to be used for the location or placement of a camping unit.

2.6. Construct - The term construct shall be construed to mean and include the terms extend, alter and modify.

2.7. Director - Director of the division of health or his or her lawful designee.

2.8. Health Officer - The director of the division of health or the executive officer of the local board of health or his or her lawful representative.

2.9. Hotel - Every building where food and lodging are usually furnished to guests and payment required shall be deemed a hotel. The definition does not apply to any hotel wherein there are fewer than ten bed chambers, nor to any hotel known as a "summer hotel" which is not open for guests from November fifteenth to May fifteenth.

2.10. Institution - A public or private facility established by an organization or corporation for the purpose of providing higher education, care, training, rehabilitation or other similar services or functions.

2.11. Labor Camp - A labor camp shall include any lumber, mining, agricultural, construction, or other industrial camp where ten or more persons are employed and housed in temporary quarters, such as cars, motor homes, camper vehicles, wagons, tents, cabins, buildings, or other similar enclosures.

2.12. Mass Gatherings - Any group of two hundred fifty (250) or more persons assembled together for a meeting, festival, social gathering, concert or other similar purpose. The term shall not include assembly in any permanent buildings or permanent structures designed, equipped and intended for use by large numbers of people. Equipped shall mean supplied with adequate sanitary facilities for the intended use.

2.13. Motel - Every building constructed, designed, maintained, offered or used for the accommodation of automobile transient guests or the traveling public. The term motel shall include auto courts, motor courts, auto lodges, motor lodges, tourist cabins, tourist cottages, and tourist courts.

2.14. Nuisance - Nuisance shall mean annoyance, anything which causes injury, inconvenience, damage, or which essentially interferes with the enjoyment of life or property, and shall include, but not be limited to, inadequate or unsanitary sewage, water or plumbing

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facilities or other unsanitary conditions.

2.15. Occupant - A person utilizing a specific facility governed by this rule.

2.16. Operator - A person who has been granted a written permit, in accordance with these regulations, to operate a facility governed by this rule.

2.17. Organized Camp - Any area, place, parcel or tract of land on which facilities are established or maintained to provide an outdoor group living experience for children or adults, or where one or more permanent or semi-permanent structures are established or maintained as living or sleeping quarters for children or adults, and operated for educational, social, recreational, religious instruction or activity, physical education or health, or vacation purposes either gratuitously or for compensation. This definition shall not be construed to include a hunting, fishing, or other camp privately owned and used exclusively for the personal pleasure of the owner.

2.18. Permit - A written document issued by the health officer giving a person permission to operate a specific facility governed by this rule.

2.19. Person - Individual, partnership, association, syndicate, company, firm, trust, corporation, institution, department, division, bureau, agency, or any entity recognized by law.

2.20. Public Restroom - A structure housing toilet, lavatory, or other such facilities intended for the unrestricted use by the public.

2.21. School - A public or private organization that provides instruction for the teaching of children. The term includes early childhood / primary education centers, middle childhood / junior high education centers, adolescent / high school education centers and vocational education centers. The term does not include child care centers as defined in the division of health rule, Child Care Centers, 64 CSR 21.

2.22. Service Animal - Any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

2.23. Sewer Connection - The connection consisting of all pipes, fittings, and appurtenances from the waste drain outlet of a facility to the inlet pipe of the corresponding sewer riser pipe of the sewer system serving a specific facility governed by this rule.

2.24. Sewer System - A system whether publicly or privately owned which receives and treats sewage and provides for the disposal of effluent and sludge therefrom. Included in this definition are individual sewer systems and public sewer systems.

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2.25. Waste Disposal Station - A facility used for disposing of excreta or sewage from a camping unit waste holding tank.

2.26. Wastewater - Water containing human, animal, or domestic waste.

2.27. Water Connection - The connection consisting of all pipes, fittings and appurtenances from the water connection inlet of a facility to the outlet pipe of the corresponding water riser pipe of the water distribution system serving a specific facility governed by this rule.

2.28. Water Supply System - A system of pipes, appurtenances and equipment for the collection, treatment, storage or distribution of water.

§64-18-3. Permits, Hearings, Notices and Orders.

3.1. Construction and modification

3.1.a. Except as provided in paragraph 3.1.a.1 of this section, whenever a facility governed under the scope of this rule is constructed or extensively remodeled and whenever an existing structure is converted to use as one of the facilities governed under this rule, plans and specifications for such construction, remodeling, or conversion shall be submitted to the health officer for review and approval at least forty-five (45) days before construction, remodeling, or conversion is begun.

3.1.a.1. This section does not apply to colleges and universities or to public restrooms unless the public restroom is included as part of a facility governed under this rule.

3.1.a.2. Once completed plans are received by the health officer, the plans shall be reviewed within a period of time not to exceed forty-five (45) days.

3.2. Permit to operate

3.2.a. Except as provided in paragraph 3.2.a.1 of this section, no person shall operate a facility governed by this rule who does not possess a valid permit issued to him or her by the health officer.

3.2.a.1. This provision shall not apply to colleges and universities or to the operation of a public restroom unless it is included as part of a facility governed under this rule.

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3.2.b. An application for a permit to operate a facility governed by this rule shall be made in writing to the health officer on a form prescribed by the health officer and signed by the applicant or his or her authorized representative.

3.2.c. The application for a permit shall be made at least fifteen (15) days before the actual or proposed operation of said facility is to be effected.

3.2.d. Prior to approving the application for a permit the health officer shall inspect the proposed facility to determine compliance with this rule. Only persons who comply with the applicable provisions of this rule are entitled to a permit.

3.2.e. Facilities governed by this rule, in operation at the time this rule becomes effective, and meeting all applicable prior rules are eligible for a permit to operate, provided that the facility shall be required to meet the applicable operational requirements of this rule, and, provided further, that any construction taking place after the effective date of this rule shall be in compliance with this rule and other applicable design standards and rules.

3.2.f. Permits are not transferable or assignable and automatically become invalid upon change of ownership or upon suspension or revocation.

3.2.g. A permit to operate shall expire at midnight on the 30th day of June following the date of issuance.

3.2.h. Application for the renewal of a permit shall be made at least fifteen (15) days prior to the expiration date of the existing permit.

3.2.i. In the event of an intended change or an actual change in ownership of a facility, an application for a permit to operate shall be made to the health officer by the person concerned at least 15 days before the proposed or actual change is effected.

3.2.j. The health officer may, without warning, notice or hearing, suspend a permit to operate a facility governed by this rule if the operation of the facility constitutes an imminent hazard to public health.

3.2.j.1. When a permit is suspended, all operations shall immediately cease.

3.2.k. The health officer may revoke a permit to operate for repeated or serious violations of any of the requirements of this rule or for interference with the health officer in the performance of his or her duties.

3.2.1. Any person whose permit has been suspended or revoked may at any time, make application for a reinspection for the purpose of reinstatement of the permit.

3.2.1.1. Within ten (10) days following receipt of a written request, including a signed statement by the applicant that in his or her opinion the conditions causing the suspension or revocation of the permit have been corrected, the health officer shall reinspect the premises. If the applicant complies with the provisions of this rule, the health officer shall reinstate the permit.

3.2.m. Operational permits shall be posted within the facility and be readily available to the health officer.

3.3. Hearings, Notices and Orders

3.3.a. Any person whose application for a permit to operate a facility governed by this rule has been denied, or whose permit has been suspended or revoked, may petition and may be granted a hearing on the matter within ten (10) days after the health officer has received written petition for the hearing.

3.3.b. The filing of a petition for a hearing on a permit denial, suspension, or revocation shall not stay or suspend the execution of the notice or order resulting in the permit denial, suspension, or revocation.

3.3.c. Whenever the health officer makes an inspection of a facility and discovers that any of the provisions of this rule have been violated, he or she shall notify the operator of the violations by means of an inspection report form or other written notice. Correction of the violations shall be accomplished within the time specified in the notice.

3.3.d. Whenever the health officer finds that any facility governed by this rule constitutes an imminent hazard to public health, he or she may, without notice or hearing, issue a written order to the operator or person in charge citing the existence of the condition and requiring action to be taken to remedy the condition, including the suspension of the permit to operate. Notwithstanding any other provision of this rule, the order is effective immediately.

3.3.d.1. Any person to whom such order is directed shall comply therewith immediately, but upon written petition to the health officer shall be afforded a hearing on the matter as set forth in subdivision 3.3.a. of this rule.

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§64-18-4. Inspections.

4.1. Except as specified in subdivisions 4.1.a and 4.1.b of this section, the health officer shall inspect a facility governed by this rule at least once a year.

4.1.a. Colleges and universities and public restrooms which are not part of a facility governed by this rule may be inspected on a complaint basis only.

4.1.b. Schools shall be inspected at least once every two years.

4.2. The health officer shall also make additional inspections as necessary to determine satisfactory compliance with the provisions of this rule or any orders, notices, instructions or specifications issued pursuant to this rule.

4.3. The inspection report shall be discussed with the person in charge at the time of inspection.

§64-18-5. Animals.

5.1. Every facility falling within the scope of this rule may keep or house domestic animals or pets under conditions conducive to proper sanitation and good health.

5.2. No live reptiles shall be kept or housed unless a written plan is provided and implemented for proper sanitary handling and handwashing.

5.3. No wild, dangerous or obviously ill animals are to be kept or fed in an area that would endanger inhabitants or patrons of the facility.

5.4. No dogs, cats or other domestic animals shall be permitted to run at large.

5.5. If the facility has dogs or cats, they must be immunized by a licensed veterinarian for any disease which can be transmitted to humans and for which there is a vaccine.

5.6. Animal quarters shall be kept in a clean condition at all times and located and maintained so as not to create a nuisance.

5.7. All manure shall be removed and sanitarly disposed of at a frequency necessary to minimize objectionable odors or insect and rodent breeding.

5.8. Drainage from stables, pens, coops or other animal quarters shall be disposed of in a manner to prevent contamination of any source of potable water, groundwater, or surface

water.

5.9. The maximum number of animals in any facility shall be limited to the number that can be adequately housed, fed, and maintained.

5.10. Live animals, including birds and turtles, shall be excluded from food preparation, storage, and serving areas and in in-use dining areas. This exclusion does not apply to edible fish, crustacea, shellfish, or to fish in aquariums.

5.10.a. Service animals may be permitted in dining areas.

§64-18-6. Bedding and Sleeping Areas

6.1. All rooms or areas used for bedding and sleeping shall be kept in a clean and sanitary condition and maintained in a safe condition and in good repair.

6.2. Floors in sleeping quarters must be easily cleanable, in good repair and located to prevent ground and surface water entry.

6.3. Tents used as permanent sleeping quarters shall be placed on platforms or floors elevated at least one foot above the ground surface. Concrete pads may be used in lieu of platforms on floors.

6.4. Single occupancy sleeping areas shall contain a minimum of seventy (70) square feet of floor space per person.

6.5. In multiple occupancy rooms or areas used for combination of eating, sleeping or cooking, a minimum of fifty (50) square feet of floor space shall be required per occupant.

6.6. Except for tents, no sleeping area shall have a ceiling height of less than seven (7) feet measured from the floor.

6.7. Sleeping areas shall be designed to provide a minimum of three feet between beds, both laterally and end to end. Beds shall be placed so that the heads of sleepers are at least six feet apart. These spacing requirements for beds do not apply to hotels, motels, or bed and breakfast inns.

6.8. When double-decker beds are used, there shall not be less than twenty-seven (27) inches between the lower mattress and the bottom of the upper bed and not less than twenty-seven (27) inches between the ceiling and the top mattress of the upper bed.

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- 6.9. Triple decker beds are prohibited.
- 6.10. A bed and bedding shall be provided for each person.
- 6.11. Mats or cots used for short term napping shall be spaced two feet apart on all sides.
- 6.12. All articles of bedding and furniture shall be kept clean and in good repair.
- 6.13. All fabric mattresses shall be provided with mattress pads or mattress covers.
- 6.14. Linens shall be provided except in those facilities where the user is normally required to bring his or her own linens.
- 6.15. Linen, if provided, shall be changed at least once weekly or more often if needed, and clean linen provided.
- 6.16. A clean set of linen shall be provided for each succeeding occupant.
- 6.17. Storage area or areas shall be provided for the storage of excess clothing, luggage, or similar articles.
- 6.18. Sleeping areas in primitive or outpost camping or similar recreational activities need not meet the requirements of this section.

§64-18-7. Communicable Disease.

- 7.1. Good hygienic practices and disease control measures shall be employed to prevent the spread of communicable disease.
- 7.2. No staff member while affected with any disease in a communicable form, or while a carrier of such a disease, or while affected with boils, infected wounds, sores, or a respiratory infection shall work in any capacity in which there is likelihood of the staff member transmitting disease to other persons; and no person known or suspected of being affected with any disease or condition shall be employed in any area or capacity.
- 7.3. All staff members in care facilities, correctional facilities, schools, and similar facilities where a close staff/client relationship exists shall comply with the following requirements:
 - 7.3.a. Wear clean outer garments and maintain a high degree of personal

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cleanliness.

7.3.b. Conform to good hygienic practices while on duty.

7.3.c. Thoroughly wash hands and the exposed portions of 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.

7.3.d. Not use tobacco in any form while performing duties. If not prohibited by law, the health officer may designate specific areas for tobacco use when the staff member is not engaged in the performance of his/her duties.

7.4. The operator shall maintain a register containing a record of all occupants.

7.4.a. The register shall be available to the health officer and shall be preserved for a minimum of twelve (12) months.

7.4.b. The register shall contain the name and address of the occupants and the dates of use.

7.4.c. A register need not be maintained for mass gatherings, parks, playgrounds, and public restrooms.

§64-18-8. Garbage and Refuse.

8.1. Storage, handling, collection, transportation and disposal of garbage and refuse must be so conducted as to prevent odor, insect, rodent and other nuisance conditions.

8.2. All garbage and refuse shall be stored in approved water tight, vermin proof, and easily cleanable containers. There shall be a sufficient number of containers to hold all the garbage and refuse that accumulates.

8.3. Garbage and refuse containers shall be kept clean.

8.4. When not in continuous use, garbage and refuse containers shall be covered at all times except those containers used only for nonputrescible and noninfectious wastes.

8.5. Excluding mass gatherings, garbage and refuse containers, enclosures, dumpsters and compactor systems located outside shall be stored elevated or on metal racks or on a smooth surface of non-absorbent material such as concrete or asphalt that is kept clean and maintained in good repair.

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8.6. Outside storage areas or enclosures shall be large enough to store the garbage and refuse containers that accumulate and shall be kept clean.

8.7. Garbage and refuse storage rooms and outside enclosures, if used, shall be constructed of easily cleanable, non-absorbent, washable materials, shall be kept clean, shall be insect and rodent proof, and shall be large enough to store the garbage and refuse containers that accumulate.

8.8. Garbage and refuse containers must be readily accessible for use and servicing.

8.9. If garbage and refuse container cleaning operations are conducted outside, then a frostproof hose bibb and sanitary waste drain shall be provided.

8.10. Disposal of garbage and refuse must be in compliance with the West Virginia Solid Waste Act.

§64-18-9. Heating and Ventilation

9.1. Every indoor space intended for human occupancy shall be ventilated by natural or mechanical means. The minimum amount of outdoor air shall be five (5) cubic feet per minute per person.

9.2. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes.

9.3. Ventilation systems, when vented to the outside, shall not create a nuisance or public health hazard.

9.4. Heating, ventilation and air conditioning systems shall be in compliance with the requirements of the State Building Code.

9.5. Intake and exhaust air ducts shall be located and maintained to prevent the entrance of dust, dirt, and other contaminating materials.

9.6. For mechanical ventilation, indoor design temperature shall be sixty-eight (68) degrees Fahrenheit for heating and seventy-eight (78) degrees Fahrenheit for cooling.

9.7. If operated during the normal heating season, the facility shall be equipped with approved heating units sufficient to provide and maintain a temperature of sixty-eight (68) degrees Fahrenheit or greater in routinely occupied indoor areas unless the facility is intended or

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designed for low temperature operation.

9.8. Oil and gas fired heating devices shall be properly vented to the outside air or otherwise in compliance with the State Building Code.

9.9. Clothes dryer vent systems shall be independent of all other systems and shall convey the products of combustion and moisture to the outside.

§64-18-10. Housekeeping and Maintenance.

10.1. The entire premises and contents shall be maintained in good repair and in a clean and sanitary condition. Facilities and equipment shall be provided for this purpose.

10.2. Cleaning and sanitizing shall be conducted at a frequency necessary to maintain an environment conducive to the general safety, health and comfort of the users.

10.3. A written plan providing for a regular schedule of housekeeping tasks shall be provided and implemented for institutions, schools, care facilities, lodging facilities and organized camps.

§64-18-11. Laundry.

11.1. Laundry, if done on the premises, shall be done in a separate area, room, or rooms designed for that particular purpose.

11.2. Soiled laundry shall be stored in non-absorbent, easily cleanable, covered containers or covered laundry bags intended for laundry storage.

11.3. Clean laundry shall be stored in such a manner so as not to become soiled or contaminated.

11.4. Soiled and clean laundry shall be handled, stored, processed and transported in such a manner as to prevent the spread of infection.

11.5. Laundry rooms and equipment shall be maintained in a clean and sanitary condition.

11.6. Chemicals and materials used in laundry operations shall be labeled, stored, handled, and used so as to provide maximum cleaning and disinfecting efficiency and prevent injury to the user.

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11.7. All laundered articles must be washed at a temperature which gives the best performance in relation to the types of soil, level of soil, fabric types and chemicals used. Manufacturer's instructions regarding time, temperature, mechanical agitation and chemical action should be followed in the washing process.

11.8. All laundered articles must be rinsed to remove the cleaning agent.

11.9. After washing and rinsing, laundered articles must be either rinsed in a chemical sanitizing solution and air dried, or mechanically dried.

11.10. An individual laundering his/her own personal belongings need not meet the requirements of subsections 11.7, 11.8, and 11.9 of this section provided that the handling, storage, processing and transporting of the individual's laundry does not contaminate surrounding areas or other laundry.

11.11. Laundry facilities shall be made available on a regular basis to occupants of labor camps.

§64-18-12. Lighting.

12.1. Lighting levels shall be commensurate with the type of activity occurring within the area.

12.2. Light sources must be installed or available to provide the following minimum foot candles of light:

12.2.a. Twenty (20) foot candles of light shall be provided in critical cleaning areas, including, but not limited to, food preparation areas, utensil washing areas, toilet and bathing facilities, and laundry areas. Dining areas shall not be considered critical cleaning areas.

12.2.b. Ten (10) foot candles of light shall be provided in normal cleaning areas, including, but not limited to, corridors, lobbies, janitor's closets, storage areas, and lodging quarters.

12.2.c. One hundred (100) foot candles of light shall be provided in hazardous work areas, including, but not limited to, workshops and school laboratories.

12.2.d. Forty (40) foot candles of light shall be provided in reading and activity areas, including, but not limited to, classrooms, day rooms, play rooms, and meeting rooms.

12.3. Lighting may be by either natural or artificial means or both.

12.4. All light bulbs and fluorescent tubes must be protected by effective shields or the use of shatterproof bulbs over food preparation areas, showers, gymnasiums, and any other area where safety is a concern. This includes the classrooms in primary and secondary schools.

12.5. Tamper proof light fixtures shall be provided in areas where a safety hazard may exist to the user or where abuse is likely.

12.6. Primitive or outpost camping areas need not meet the requirements of this section.

§64-18-13. Noise.

13.1. All facilities falling under the scope of this rule and constructed after the effective date of this rule shall incorporate reasonable acoustic planning into the facility design and site selection.

13.2. Acoustic planning for the construction of a facility must take into consideration the effects of exposure to noise on the physical health, mental health, and comfort of the facility user within the context of the intended use of the facility.

13.3. The director may develop through interpretive rule ranges of design goals for ambient sound levels in facilities covered under this rule and require estimated ambient sounds levels in decibels to be shown in plans submitted for review.

§64-18-14. Plumbing.

14.1. In the absence of applicable division of health rules and design standards, water supply and wastewater systems and fixtures shall comply with the requirements of the State Building Code.

14.2. Any plumbing or drainage system under the jurisdiction of this rule shall be maintained in good repair and in a sanitary and serviceable condition by the owner or his agent.

14.3. Plumbing fixtures shall be installed in a manner to afford easy access for cleaning and shall not be located in such a manner as to interfere with the use or the normal operation of doors, windows or other exit opening.

14.3.a. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floors, walls and ceilings.

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14.3.b. Utility service lines and pipes shall not be unnecessarily exposed on floors, walls or ceilings.

14.4. Drainage system vent terminals shall extend to the outer air and be so installed as to minimize the possibilities of clogging and the return of foul air into the building or into adjoining structures.

14.5. Plumbing fixtures directly connected to a drainage system shall be equipped with a water-seal trap.

14.6. Plumbing fixtures shall have a smooth impervious surface and be constructed of materials especially suited to the use for which the fixture is intended.

14.7. A service or utility sink is required in all establishments where wet cleaning methods are used.

14.8. Plumbing fixtures shall be installed and maintained so that back siphonage, backflow, and cross connection potentials are eliminated.

§64-18-15. Safety.

15.1. All premises and facilities available to public patronage, employment, confinement, or use shall be designed, maintained and operated to minimize safety hazards and promote an accident-free environment.

15.2. Adequate protection against all electrical hazards shall be provided.

15.3. The design, installation and maintenance of the facility shall comply with applicable State Fire Marshal's rules.

15.4. The design, maintenance and arrangement of facilities, including lighting, shall minimize hazards of falls, slipping and tripping.

15.5. A fence or barrier shall be provided around any outdoor playground or activity area located in an area where safety may be a concern and which is used by children or persons not capable of self preservation.

15.6. Except for parks, playgrounds, and public restrooms, a first aid kit shall be provided.

§64-18-16. Sewage.

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16.1. Sewage and liquid waste disposal systems must comply in full with the division of health rule, Sewer Systems, Sewage Treatment Systems, and Sewage Tank Cleaners, 64 CSR 9.

16.2. Sewage and liquid waste disposal systems must be kept in good repair and properly maintained and operated.

16.3. Liquid waste shall not be deposited on the ground in a manner that may create a nuisance.

16.4. Adequate access for approved cleaning vehicles and operations shall be provided to all self-contained privies and portable excreta disposal units.

§64-18-17. Size, Space.

17.1. In campgrounds, twelve hundred (1200) square feet of space shall be provided for each campsite. The average campground density shall not exceed twenty-five (25) campsites per acre.

17.2. In campgrounds, camping units, including canopies and similar appurtenances, shall be separated from other camping units on adjacent campsites and all campground buildings and structures by a minimum distance of ten (10) feet.

17.3. There shall be at least ten (10) feet of space between a camping unit and any campground street, common parking area, or other common use areas.

17.4. Campground areas used exclusively for back-pack type of camping shall be exempted from subsections 17.2 and 17.3 of this section provided the use of such areas will not adversely affect public health.

17.5. For mass gatherings, at least twenty (20) square feet per person shall be provided at the site for day time assemblage, and at least forty (40) square feet per person shall be provided for overnight assemblage, exclusive of parking areas.

17.6. For mass gatherings, adequate parking space shall be provided for every four (4) persons with the density not to exceed one hundred (100) passenger cars or thirty (30) buses per usable acre.

17.7. School classrooms shall provide a minimum of twenty-eight (28) square feet of space per student.

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17.8. Bedding and sleeping areas shall be sized according to section 6 of this rule.

§64-18-18. Storage.

18.1. Appropriate storage facilities of cleanable construction shall be provided for, but not limited to, the following items: food, utensils, toys, work materials, cleaning supplies, clothing, linens, medicines, and toxic materials.

18.2. All storage facilities must be maintained in a neat, orderly, and clean condition.

18.3. Only those articles necessary for the operation and maintenance of the facility shall be stored on the premises.

18.4. All items intended for human consumption or human contact must be protected from contamination during storage.

18.5. Poisons and other potentially hazardous items shall be properly labeled and stored in locked storage spaces not used for any other purpose. Keys for such storage spaces shall be available only to authorized staff members.

§64-18-19. Structure, Materials, Construction and Repair.

19.1. Every foundation, roof and exterior wall, door, sky-light and window shall be reasonably weather-tight, water-tight, and damp-free, and shall be kept in sound condition and good repair.

19.2. Floors, interior walls and ceilings shall be sound and in good repair.

19.3. Materials, adhesives and coverings used in interior areas shall be limited to a type that minimizes offensive or hazardous emissions to individuals who use or occupy the facility.

19.4. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint or other protective covering or treatment using non-toxic materials where accessible to children.

19.5. The interior finish of floors, walls, and ceilings shall be constructed of materials which are suitable for the intended use of the area and the frequency and type of cleaning methods necessary to maintain these finishes in a sanitary condition.

19.6. Floors, walls and ceilings in toilet rooms, food preparation areas, bathing facilities, and similar areas shall be easily cleanable, non-absorbent, and capable of withstanding

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routine wet cleaning methods. Other types of floor coverings may be permitted in areas where necessary for safety reasons, provided it does not interfere with floor cleaning.

19.7. Accessory structures present or provided shall be structurally sound and be maintained in good repair or such structures shall be removed from the premises.

19.7.a. The exterior of accessory structures shall be made weather-resistant through the use of decay-resistant materials or the use of paint or other preservatives.

19.8. Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch, and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon.

§64-18-20. Surroundings.

20.1. All parts of property used in connection with the operation of the facility shall be kept neat, clean, adequately drained, free of litter and vermin harborage, and so designed, located, maintained and operated as not to endanger the public health or to create a nuisance or safety hazard.

§64-18-21. Toilet, Handwashing and Bathing Facilities.

21.1. Toilet, handwashing, and bathing facilities shall be provided in the number required in the State Building Code.

21.1.a. Labor camps and organized camps shall provide one water closet and one lavatory for each ten (10) occupants and one (1) bathtub or shower for each eight (8) occupants, or fraction thereof.

21.1.b. Parks and playgrounds shall provide at least one (1) water closet and one lavatory for each sex.

21.1.c. Campground comfort stations shall provide for each twenty (20) campsites or fraction thereof one (1) water closet for males, two (2) water closets for females, one (1) lavatory for each sex, and one (1) bathtub or shower for each sex.

21.1.d. In mass gatherings, a ratio of one (1) toilet for each one hundred (100) persons shall be provided for the first one thousand (1000) persons, then an additional two (2) toilets per one thousand (1000) thereafter.

21.1.e. Urinals may be substituted for up to fifty percent (50%) of the required

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number of water closets.

21.2. Toilet, handwashing and bathing facilities must be designed, constructed, installed, maintained, and operated in a sanitary manner.

21.3. Rooms containing toilet facilities must be vented to the outside air. Adequate ventilation or humidity control shall be provided as needed in shower rooms and other high humidity areas.

21.4. An adequate supply of toilet tissue shall be provided at each water closet.

21.5. All handwashing facilities shall be provided with hand cleansing soap or detergent, and sanitary towels or a hand drying device providing heated air, adjacent to each hand washing sink.

21.5.a. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the handwashing facilities.

21.6. If bathing facilities are provided, occupants shall be provided with soap and clean washcloths and towels.

21.6.a. Occupants shall be provided with clean washcloths and towels at least once weekly or more often if needed.

21.6.b. Washcloths and towels shall be freshly laundered before being furnished to occupants.

21.7. Common use towels are prohibited.

21.8. The above supplies are not required to be provided in those facilities where the user is normally required to bring his or her own soap, washcloths and towels.

21.9. Handwashing facilities, where provided, shall be in or immediately adjacent to the toilet facilities.

21.10. Toilet, handwashing, and bathing facilities shall meet the requirements of section 23 of this rule, Water Supply.

21.11. Any self-closing or metering faucet shall be designed to provide a flow of water for a minimum of fifteen seconds without the need to reactivate the faucet.

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21.12. Except for privies, unless properly constructed privacy barriers are provided, toilet rooms shall be completely enclosed and shall have tight-fitting doors which shall be closed except during cleaning or maintenance.

21.13. Privies shall meet the requirements of section 16 of this rule, Sewage.

21.14. Toilet rooms used by women shall have at least one covered waste receptacle for the disposal of sanitary napkins.

21.15. In facilities which are mainly used by children, toilet and handwashing fixtures shall be sized so that they may be used by children without assistance, or step stools that are properly constructed for safety and cleanability must be provided.

21.16. In institutions, schools, and care facilities, diaper changing or changing of soiled underwear by employees or staff members shall be done in an established diaper changing area. The changing area shall not be located in food preparation areas.

21.16.a. Handwashing facilities shall be readily accessible to the diaper changing area.

21.16.b. Diaper changing shall be done on a clean, safe, impervious, nonabsorbent surface which is used for no other purpose.

21.16.c. The individual's perineal (urinary and anal) area shall be cleaned with disposable wipes.

21.16.d. After removing a soiled diaper or soiled underwear and before putting on a fresh diaper, staff members wipe their own hands with a pre-moistened towelette or a damp paper towel.

21.16.e. Both the individual's and the staff member's hands shall be thoroughly washed after each diaper change. If disposable gloves are used, they must be discarded immediately and hands washed.

21.16.f. Changing tables and surfaces shall be cleaned and disinfected after each use by cleaning to remove visible soil, followed by wiping with an approved disinfectant solution, whether or not disposable, nonabsorbent paper is used. If disposable paper is used, it shall be discarded immediately after each diapering.

21.16.g. Soiled cloth diapers and underwear shall be stored in nonabsorbent, easily cleanable, covered containers with plastic liners. Said containers shall be emptied,

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cleaned and disinfected daily.

21.16.h. Soiled disposable diapers shall be stored in conveniently located, washable, plastic lined, tightly covered waste containers. Each container shall be labeled and kept clean and free of buildup of soil and odor.

21.16.i. Toilet training chairs, if used, shall be of easily cleanable construction, and after each use, shall be emptied into a toilet, and thoroughly cleaned and sanitized in a utility sink.

21.16.j. Hand washing sinks shall not be used for rinsing soiled diapers or clothing, or for cleaning toilet training equipment.

§64-18-22. Vector Control.

22.1. Effective measures shall be used to minimize the presence of rodents, flies, cockroaches, and other insects and vermin on the premises.

22.2. The premises shall be kept in such condition as to prevent the harborage or feeding of insects, rodents, and other vermin.

22.3. Applicable doors, windows and other exterior openings shall be effectively protected against the entrance of rodents, insects, and other vermin. Such areas shall include, but not be limited to, food service areas, toilet facilities, and housing areas. This requirement does not apply to primitive camping, outpost camping or similar recreational activities.

22.4. Screening material shall not be less than sixteen (16) mesh to the inch.

22.5. Only those pesticides approved by the United States Environmental Protection Agency and the United States Department of Agriculture shall be used.

22.6. Poisonous or toxic materials shall not be used, stored or disposed of in a way that constitutes a hazard to employees or other persons, nor in a way other than in compliance with the manufacturer's specifications.

§64-18-23. Water Supply.

23.1. An approved, adequate, easily accessible, potable water supply shall be provided. This provision may be waived by the health officer for remote campgrounds, campsites, mass gatherings, and similar areas where compliance is impractical.

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23.2. Water supplies shall be installed, constructed, maintained, operated and monitored in compliance with division of health rules 64 CSR 3, Public Water Supply Regulations, 64 CSR 19, Water Well Regulations, and 64 CSR 15, Cross-Connection and Backflow Prevention Regulations.

23.3. Hot and cold running water shall be supplied through a mixing valve or combination faucet in all areas where food is prepared, at all handwashing and bathing facilities, and all other applicable areas. This provision may be waived by the health officer for campgrounds, campsites, mass gatherings, and similar areas where compliance is impractical.

23.3.a. Hot water shall mean water heated to a temperature of not less than 110 degrees Fahrenheit.

23.3.b. Steam-mixing valves are prohibited.

23.3.c. Water temperatures for showers, bathing, or handwashing shall be thermostatically controlled to insure the safety of users.

23.4. Drinking fountains, if provided, shall be constructed of impervious material; shall have an angle-jet nozzle protected by a non-oxidizing mouthguard above the overflow rim of the bowl; shall be equipped with a pressure regulating valve; and shall be maintained in a sanitary manner.

23.4.a. Drinking fountain/lavatory combinations where the water fountain is part of the cold water faucet or is built into the sinks basin are prohibited.

23.4.b. Drinking fountains, if provided, shall be at the ratio required in the State Building Code.

23.5. No dipping vessels or cups for common use shall be permitted.

23.6. Drinking cups must be dispensed from an approved sanitary single service dispenser. This does not preclude the use of properly washed and sanitized glasses.

23.7. Where portable drinking water containers or coolers are used, they shall be of easily cleanable construction, securely closed, and so constructed and arranged where water can only be with drawn from the container by a water tap or faucet.

23.7.a. Pitchers, water jugs, or similar receptacles without water taps or faucets may be used if such containers are easily cleanable, of approved construction, and in good repair, and the water contained therein is protected against contamination.

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23.7.b. All portable water containers shall be kept clean, sanitized between uses, and properly stored and handled.

23.8. All ice intended for human consumption or for food storage shall be obtained from a source approved by the health officer and must be made, stored, transported, and handled under sanitary conditions.

23.8.a. Ice intended for self-service shall be dispensed from automatic self-service ice dispensing equipment.

23.9. The director may permit the use of potable water transported in tanks to supplement the existing water supply or as the sole source of water supply.

23.9.a. Transported water shall be from an approved public water supply and maintained with at least one (1.0) mg per liter free chlorine residual or an equivalent strength of another disinfectant as approved by the health officer.

23.9.b. Equipment and procedures used to transport and dispense potable water must be approved by the health officer.

§64-18-24. Penalty for Violating Provisions of Regulations.

24.1. Any person violating any of the provisions of this rule, or orders issued pursuant to this rule, is punishable by a fine of not more than two hundred dollars (\$200) or by imprisonment for not more than thirty (30) days, or both. Each day's failure to comply with any applicable provision of this rule constitutes a separate offense.

§64-18-25. Administrative Due Process.

25.1. Those persons adversely affected by the enforcement of this rule desiring a contested case hearing to determine any rights, duties, interests or privileges shall do so in a manner prescribed in the division of health's administrative rule, Rules of Procedure for Contested Case Hearings and Declaratory Rulings, 64 CSR 1.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: General Sanitation Rules, 64 CSR 18

Type of Rule: Legislative Interpretive Procedural

Agency: Division of Health
Department of Health and Human Resources

Address: Building 3, Capitol Complex
Charleston, W. Va. 25305

1. Effect of the Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$ 0	\$ 0	\$ 0
Personal Services					
Current Expense					
Repairs & Alterations					
Equipment					
Other					
Revenue					

2. Explanation of above estimates.

This proposed rule will not require additional general funds.

3. Objectives of this rule:

The purpose of the proposed rule is to update and consolidate general sanitation requirements contained in existing rules: School Sanitation Rules (64 CSR 44), Tourist and Resort Camp Rules (64 CSR 24), Labor Camp Rules (64 CSR 29), Organized Camp Rules (64 CSR 18) and to add sanitation requirements for correctional facilities, colleges and universities, residential care facilities, bed and breakfast inns, adult day care facilities, non-disaster emergency shelters, campgrounds, parks, mass gatherings, and public restrooms.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

none

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens.

None. The facilities covered by the scope of these proposed rules are currently being inspected by health departments.

Specific sanitation requirements, however, have not been defined for some of the facilities covered by the rule, i.e., correctional facilities, colleges and universities, residential care facilities, adult day care facilities, non-disaster emergency shelters, campgrounds, parks, mass gatherings, and public restrooms.

C. Economic Impact on Citizens/Public at Large.

None.

Date: 6/22/98

Signature of Agency Head or Authorized Representative



Joan E. Ohl, Secretary
Department of Health and Human Resources

**Responses to Comments
and
Changes Made as a Result of the Public Comment Period**

1.6.a **Comment:** What about head start programs? Might be addressed in 2.21 definition.

Response: The commenter is correct - the question is addressed adequately in section 2.21 which defines schools and references the rules for Child Care Centers, 64 CSR 21. An accredited head start program is considered a school under 64 CSR 18. A non-accredited head start program meets the definition of a child care center in 64 CSR 21.

1.6.b For clarification of applicability, a statement was added excluding from the proposed rule health care facilities licensed by the WV Division of Health.

1.6.d **Comment:** What about open air flea markets?

Response: The proposed rule is not intended to cover retail businesses or facilities established for the general sale of merchandise and flea markets do not meet the standard definition of a mass gathering. Toilet facilities at flea markets are covered by the sewage rules.

2.0 Due to a change in terminology in the section on Animals, a definition for “service animal” has been added.

2.3 **Comment:** This definition seems to imply that a campground would be a single tract of land. There are campground developments in which small campsites are sold to individuals, with public areas and facilities being maintained by a developer or association. How will these be handled?

Response: These developments will be handled as campgrounds under this rule. The “tract of land” in section 2.3 refers to the whole campground, not the individual campsites.

2.9 **Comment:** A building that offers lodging, but not food, is not a hotel? It would presumably be a motel, then. Would a summer hotel be a motel as well? Would it be subject to regulation at all?

Response: A hotel is defined in the West Virginia Code, Chapter 16, Article 6, Section 3. That definition is used in section 2.9 since a rule cannot conflict with statute. Summer hotels are considered motels in this rule. The requirements of this rule are the same for hotels and motels.

2.14 **Comment:** Inadequate or unsanitary sewage or water facilities a nuisance?

Response: Since inadequate or unsanitary sewage or water facilities may “. . . cause injury, inconvenience, damage, or . . . essentially interfere with the enjoyment of life or property”, it is reasonable to consider them nuisances. In fact, the “Sanitarian’s Handbook” by Ben Friedman includes improper disposal of human waste and pollution of wells in its list of public health nuisances.

3.1.a **Comment:** Need to give a specific time (21 days?) for a minimum submission time prior to construction.

Response: Agreed. Section revised to include a requirement that plans be submitted at least forty-five (45) days prior to the start of construction. The forty-five (45) days is consistent with 3.1.a.2 of this rule and with similar sections in other division of health rules.

3.2.a **Comment:** Will a permit be required for schools? Are there any provisions for a fee if a permit is required? What if the school, such as some private schools, doesn’t have food service?

Response: Schools will be required to obtain operational permits under this rule. The absence or presence of a food service operation is irrelevant when determining applicability of the proposed rule. A school food service operation must comply with 64 CSR 17, Food Service Sanitation rules. Fees for permits are governed by another rule, 64 CSR 30, which does not currently include a fee for schools.

4.1 **Comment:** Section 4.1 states that the health officer shall inspect a facility governed by this rule at least once a year. Our current standards require schools to be checked every other year. Will this standard be changed to annual inspections?

Response: Section 4.1 has been revised to retain the current standard. Schools shall be inspected once every two years.

5.2 For clarification, “permitted” has been changed to “kept or housed”.

5.10.a “Service animals” replaces “Patrol dogs accompanying security or police officers or guide dogs accompanying handicapped persons” in order to conform to the terminology used in the Americans with Disabilities Act (ADA).

6.2 For clarification, deleted “smooth” and added “in good repair”.

6.4 Deleted reference to “400 cubic feet of air space per person” which conflicted with

the square footage requirement. Overcrowding concerns are adequately addressed by the required square feet.

6.6 Hotels, motels, and bed and breakfast inns have been excluded from the bed spacing requirements of section 6.6 since occupants are usually related. The square footage requirements sufficiently address spacing concerns for these facilities.

6.7 Corrected misspelled word (“than” was spelled “that”) and added “and” in line two before “not less than twenty-seven (27) inches”.

6.9 For clarification changed “Individual bedding” to “A bed and bedding”.

6.11 For practical reasons, excluded tents from the ceiling height requirement.

6.13 For clarification, changed “mattress pads and covers” to “mattress pads or mattress covers”.

6.14 Deleted this section since the proposed rule is not applicable to health care facilities.

6.17 For clarification, changed wording from “Linens shall be freshly laundered before being furnished to occupants” to “A clean set of linen shall be provided for each succeeding occupant.”

7.3. The requirements for staff members to follow good hygienic practices to prevent the spread of communicable diseases have been expanded to include correctional facilities.

7.4 Retained from existing organized camp rule requirement that operator maintain a register of occupants and expanded applicability to all facilities except for mass gatherings, parks, playgrounds, and public restrooms.

9.1 For clarification, changed “Every space” to “Every indoor space”.

9.6 To eliminate a conflict with 9.7, changed design temperature for heating from 70°F to 68°F.

9.7 Added section requiring minimum temperature of 68°F in normal heating season.

10.3 For practical reasons, the requirement for a written schedule of housekeeping tasks has been changed so as to apply only to institutions, schools, care facilities, lodging facilities, and organized camps.

11.11 Added requirement that laundry facilities be made available to labor camp occupants.

14.1 To avoid conflict, deleted exception to State Building Code.

15.5 Deleted section requiring color coding. This is more appropriately covered by other agencies (State Fire Marshal, OSHA, etc.).

15.6 **Comment:** A first aid kit should be required. The posting of emergency telephone numbers should also be required.

Response: Section 15 has been revised to require that a first aid kit be provided except for facilities where it was deemed impractical (parks, playgrounds, and public restrooms). The requirement for the posting of emergency telephone numbers was not added since 911 is the well-known standard and since a telephone may not be available at all types of facilities.

17.0 **Comment:** Besides campgrounds and mass gatherings, there are no space requirements for other facilities covered by this regulation, such as school classrooms, group homes, shelters, etc. These would seem more critical to public health than those addressed in the proposed regulation.

Response: Space requirements for campgrounds and school classrooms have been added. Overcrowding concerns in group homes and shelters are adequately covered in section 6, Bedding and Sleeping Areas. A reference to that section has been added.

18.1 For clarification, "food stuffs" has been changed to "food".

18.5 **Comment:** Labeling of poisonous and toxic items should be required.

Response: Requirement for labeling of poisons has been added.

19.0 **Comment:** A soffit or fascia is inaccessible to children, but when the finish peels off and falls to the ground, it becomes so. Would it be practical to require all finishes to be non-toxic in section 19.4? A non-toxic requirement might also be considered for section 19.5 as well.

Response: Requiring all exterior and interior surfaces and finishes to be non-toxic would be impractical and too restrictive. This issue is also covered under Safety, section 15, and Surroundings, section 20.

19.7 Deleted references to rodent harborage and vermin since they are already covered in section 22, Vector Control.

21.1 Added requirements for facilities not covered by State Building Code, i.e., labor camps, organized camps, parks, playgrounds, and campground comfort stations. Moved requirements for mass gatherings from 21.17 to 21.1 for ease of reference. Added allowance for substituting urinals for water closets so as to comply with the State Building Code.

21.4 Clarified requirement for providing toilet tissue.

21.6 For clarification, changed “For bathing” to “If bathing facilities are provided”.

21.8 **Comment:** This section should be re-worded. Few facilities, except maybe primitive camping areas, require users to bring their own supplies. Facilities that are currently required to provide supplies may try to use this section to avoid providing sanitary supplies.

Response: Section was changed to require operator to provide toilet tissue. The majority of organized camps, however, require the users to bring their own soap, washcloths, and towels. Section 21.8 was written to allow this common practice to continue.

21.10 Added cross-reference to section 23, Water Supply. Deleted specific reference to mixing valves and combination faucets since they are covered under section 23.

21.16 **Comment:** Approved safety restraints must be provided. Disposable gloves should be mandatory.

Response: The procedures for diaper changing or changing of soiled underwear by employees or staff members were taken from the *National Health and Safety Performance Standards. Guidelines for Out-of-Home Child Care Programs*, U.S. Department of Health and Human Resources. These national standards do not require safety restraints or make disposable gloves mandatory.

22.1 **Comment:** IPM must be utilized in schools and care facilities.

Response: Integrated Pest Management programs are required by the WV Department of Agriculture for schools and child care centers and are covered under that agency’s rules. An informational handout listing other applicable agencies to contact will be provided to individuals requesting a copy of this rule and will include a reference to IPM programs.

23.1 **Comment:** Potable water must be provided at mass gatherings and there needs to be an amount stated. Example: 2 gallons per person.

Response: Section 23.1 was revised to require that an “adequate” potable water supply be provided. Due to the varying circumstances at each mass gathering, a universal

standard for the amount to be provided is difficult to establish. Amounts will be determined by the health officer on a case by case basis.

23.2 **Comment:** This section should also require water systems to comply with 64 CSR 15, Cross-Connection and Backflow Prevention regulations.

Response: Agree. Reference to 64 CSR 15 added to section 23.2.

23.3 **Comment:** In addition to or instead of allowing the health officer to waive this requirement, perhaps it should allow the director to approve other suitable means of hand washing.

Response: The waiver provided for in section 23.3 would allow the health officer to approve other suitable means of hand washing.

For clarification, changed "mixing faucet" to "mixing valve or combination faucet".

23.3.a **Comment:** There is a need to specify a maximum hot water temperature in schools with young children and other facilities where the users are not capable of protecting themselves.

Response: Sub-section added requiring that water temperatures for showers, bathing, or handwashing be thermostatically controlled to insure the safety of users.

23.4 Added ratio for drinking fountains per State Building Code.

23.8 **Comment:** Section 23.8.a and 23.8.b are contradictory. Recommend deleting 23.8.b and its subsections.

Response: Agree. Sections 23.8.b, 23.8.b.1, and 23.8.b.2 have been deleted.

Commenters

Judi Rice, Sanitarian
Jefferson County Health Department
Kearneysville, WV

Jonathan Hathaway, Sanitarian
Monongalia County Health Department
Morgantown, WV

Stanley Walls, R.S., Manager
Environmental Health Program
Mercer Board of Health
Bluefield, WV

Judi Rice's Comments on General Sanitation Rules

- 1.6A What about Headstart Programs?
Might be addressed in 2.21 definition.
- 1.6D What about open air Flea Markets?
- 2.14 Inadequate or unsanitary sewage or water facilities a nuisance?
- 3.1.A Need to give a specific time (21 Days?) for a minimum Submission Time Prior To Construction.
- 3.2.1 What about schools - Are we suppose to issue permits? I know the kitchen has a food service permit but so do colleges. What if the school, such as some private schools, doesn't have food service.
- 6.2 Does this allow for carpet in motel rooms?
- 21.16.B Approved Safety Restraints must be provided.
- 21.6.E Disposable gloves should be mandatory.
- 22.1 IFM must be utilized in schools, and care facilities.
- 23.1 Potable water MUST BE PROVIDED at mass gatherings and there needs to be an amount stated (Example: 2 Gallons Per Person).



BEA C PAINE
CHAIRMAN

BILL B. REYNOLDS DVM
VICE CHAIRMAN

N ALLEN DYER, M.D., M.P.H.
HEALTH OFFICER

M E M O R A N D U M

TO: Ronald K. Forren, Director
Public Health Sanitation

FROM: Stanley Walls, R.S., Manager
EHP

RE: General Sanitation Rules

DATE: July 13, 1998

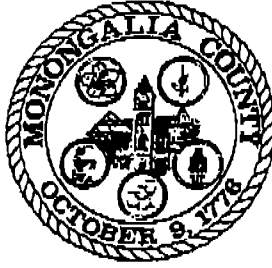
The General Sanitation Rules have been needed for some time especially to cover requirements for hotels and motels and for mass gatherings.

I have a few comments concerning these rules.

1. Will a permit be required for schools under section 3.2.a of this rule? Are there any provisions for a fee if a permit is required?
2. Section 4.1 states that the health officer shall inspect a facility governed by this rule at least once a year. Our current standards requires schools to be checked every other year. Will this standard be changed to annual inspections?
3. Sections 23.8.a and 23.8.b concerning dispensing of ice seems to be contradictory. 23.8.a states that ice intended for self-service shall be dispensed from automatic self-service ice dispensing equipment. Section 23.8.b states that manual self-service of ice may be permitted in facilities other than health care facilities under certain conditions. I would recommend that ice for self-service be dispensed from automatic self-service ice dispensers or require an attendant to do the dispensing.

This rule will give us legal justification for facilities that we had no regulations on previously.

ejh



Monongalia County Health Department

ENVIRONMENTAL HEALTH DIVISION
453 Van Voorhis Road, Morgantown, WV 26505-3408
Phone 304 / 598-5131 FAX 304 / 598-5599

July 21, 1998

Regulatory Development
Department of Health and Human Resources
Capitol Complex - Building 3, Room 265
Charleston, WV 24305
ATTN: Marsha Dadisman, Acting Director

Dear Ms. Dadisman:

The following are comments regarding the proposed legislative rule 64 CSR 18 "General Sanitation Rules.

2.3 This definition seems to imply that a campground would be a single tract of land. There are campground developments in which small campsites are sold to individuals, with public areas and facilities being maintained by a developer or association. How will these be handled?

2.9 A building that offers lodging, but not food, is not a hotel? It would presumably be a motel, then. Would a summer hotel be a motel as well? Would it be subject to regulation at all?

15.x A first aid kit should be required. The posting of emergency telephone numbers should also be required.

17.x Besides campgrounds and mass gatherings, there are no space requirements for other facilities covered by this regulation, such as school classrooms, group homes, shelters, etc. These would seem more critical to public health than those addressed in the proposed regulation.

18.5 Labeling of poisonous and toxic items should be required.

19.4 A soffit or fascia is inaccessible to children, but when the finish peels off and falls to the ground it becomes so. Would it be practical to require all finishes to be non-toxic?

19.5 A non-toxic requirement might be considered in this section as well.

21.8 This section should be re-worded. Few facilities, except maybe primitive camping areas, require users to bring their own supplies. Facilities that are currently required to provide supplies may try to use this section to avoid providing sanitary supplies.

23.2 This section should also require water systems to comply with 64 CSR 15 "Cross-Connections and Backflow Prevention Regulations" or address cross-connections in an additional section.

23.3 In addition to or instead of allowing the health officer to waive this requirement, perhaps it should allow the director to approve other suitable means of hand washing.

23.3.a There is a need to specify a maximum hot water temperature in schools with young children and other facilities where the users are not capable of protecting themselves.

23.8.a & 23.8.b Good! Giving the public access to a large open bin of ice (such as ice machines at hotels) with no protection or supervision is an issue that has needed to be addressed for a long time. But section 23.8.b contradicts this requirement. Sections 23.8.b and its subsections should be removed entirely.

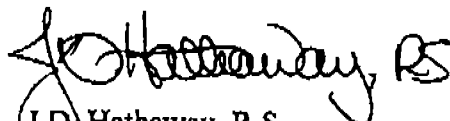
General comments:

The updating of the existing regulations replaced by the proposed regulation has been needed for decades. The new regulation is a vast improvement and should prove to be a useful tool in assuring adequate health and safety conditions at regulated facilities. It should be approved.

It might be appropriate to spell out that swimming pools or beaches, as well as food service operations require permits.

Although it is generally addressed under section 15, it may be advantageous to develop specific requirements pertaining to playgrounds.

Sincerely,


J.D. Hathaway, R.S.
Environmental Health Division

Brief Summary of the Rules to be Replaced

The proposed legislative rule will consolidate and update the general sanitation requirements currently contained in four legislative rules, all promulgated over thirty (30) years ago:

§64 CSR 18 Organized Camps

§64 CSR 24 Tourist and Resort Camps

§64 CSR 29 Labor and Industrial Camps

§64 CSR 44 School Sanitation

TITLE 64

WEST VIRGINIA LEGISLATIVE RULES
DEPARTMENT OF HEALTH

Series 18

Title: Organized Camps

Section 1. General

1.1. Scope - These legislative rules establish the sanitation requirements for organized camps.

1.2. Authority - These legislative rules are issued under the authority of and are related to Chapter 16, Article 1, Section 7 of the West Virginia Code of 1931, as amended.

1.3. Filing Date - These rules were filed on the 28th day of November, 1967, in the Secretary of State's office.

1.4. Effective Date - These legislative rules become effective on the 29th day of December, 1967.

1.5. Refiling Date - These legislative rules were refiled pursuant to Chapter 29A, Article 2, Section 5 of the West Virginia Code of 1931, as amended on the 30th day of December, 1982, in the Secretary of State's office.

Section 2. Application and Enforcement

2.1. Application - These legislative rules apply to all owners and operators of organized camps.

2.2. Enforcement - The enforcement of these legislative rules is vested with the director of the West Virginia department of health or his lawful designee.

Section 3. Definitions - The following definitions shall apply in the interpretation and enforcement of these regulations:

3.1. Health Officer - The state director of health or his authorized representative.

3.2. Person - Individuals, firms, corporations, associations, municipalities, institutions, county or state-owned or controlled property.

3.3. Permit - A written document issued by the health officer giving a designated person permission to operate a specified organized camp.

3.4. Operator - A person who has been granted a written permit, in accordance with these legislative regulations, to operate a specified organized camp.

3.5. Toilet Facilities - Any water closet, privy, or urinal, and the room, or rooms, provided for installation of these units.

3.6. Organized Camp - Any area, place, parcel, or tract of land on which facilities are established or maintained to provide an outdoor group living experience for children or adults, or where one or more permanent or semi-permanent structures are established or maintained as living or sleeping quarters for children or adults, and operated for educational, social, recreational, religious instruction or activity, physical education or health, or vacation purposes either gratuitously or for compensation, provided that this definition shall not be construed to include a hunting, fishing, or other camp privately owned and used exclusively for the personal pleasure of the owner.

Section 4. Notice of Construction - Any person who is contemplating the construction, alteration, or conversion for occupancy or use of an organized camp, or any portion or facility thereof, or to convert a property for use as an organized camp, shall give notice in writing of his intent to do so to the health officer at least 15 days prior to such construction, alteration, or conversion. Said notice shall give the name of the city, town, or village, and the county in which the property is located, a description of the proposed construction, alteration, or conversion and the name and mailing address of the person giving the notice. Upon receipt of such notice, the health officer shall furnish the persons giving notice a copy of these regulations and copies of any other state law or regulations he deems necessary.

Section 5. Application for a Permit to Operate

5.1. Application for a permit to operate an organized camp shall be made to the health officer at least 15 days before the proposed operation of such organized camp is effected and such application shall be in writing, signed by the applicant, and shall contain such information as may be requested by the health officer to enable him to determine that the establishment and its operation will comply with the regulations governing the sanitation of organized camps.

5.2. In the event of an intended change of ownership of an organized camp, a written application for a permit to operate shall be made to the health officer by the persons concerned at least 15 days before the proposed is effected.

Section 6. Permits

6.1. No persons directly or indirectly shall conduct, control, manage, operate, or maintain an organized camp in the State of West Virginia without first making an application for, and receiving, a valid permit from the health officer for operation of said organized camp.

6.2. Each person operating or maintaining an organized camp upon the date these

regulations become effective shall obtain a permit to operate an organized camp and within one year thereafter in order to obtain or retain a permit must comply in full with all the provisions of these regulations. Provided, that the health officer upon positive proof of necessity made in writing by the persons concerned may, if he deems necessary, extend the time for compliance.

6.3. Organized camps constructed after the date these regulations become effective shall comply in full with these regulations.

6.4. Only persons who comply with the provisions of these regulations shall be entitled to receive and retain a permit.

6.5. Permits shall be issued each January 1 by the health officer, or prior to the opening of the organized camps if said organized camp does not operate the entire calendar year. Such permit shall not be transferable or assignable and shall automatically become invalid upon a change of ownership or upon suspension or revocation. The permit for the operation of the organized camp shall be conspicuously posted in the office of the organized camp and said permit shall be readily available to the health officer.

6.6. A permit may be suspended, or revoked by the health officer, if he finds that the organized camp for which the permit is issued is maintained, operated, or occupied in violation of these regulations, or any law, ordinance or regulation applicable to such establishment, or in violation of the conditions stated in the permit. A new permit shall not be issued until the health officer is satisfied that the organized camp will be operated and maintained in compliance with these regulations.

6.7. A permit may be permanently revoked upon repeated violations of these regulations by the operator after said operator has been granted an opportunity for a hearing.

Section 7. Inspection

7.1. The health officer shall inspect each organized camp at least once prior to the opening of the organized camp and at least once while said organized camp is in actual operation. If the health officer discovers the violation of any item of these regulations, he shall make a second inspection after such time as he deems necessary for the violation to be remedied, and the second inspection shall be used in determining compliance with the requirements of these regulations. Any consecutive violation of the same item or items, of these regulations shall result in immediate suspension of the permit to operate.

7.2. One copy of the inspection sheet shall be posted upon an inside wall of the organized camp office and such report shall not be defaced or removed by any person except the health officer. A copy of the inspection report shall be filed with the records of the health department.

7.3. The operator of the organized camp shall upon request of the health officer permit

access to all parts of the establishment and shall furnish information necessary to make the inspection complete.

7.4. The health officer shall have the authority to inspect and examine the register containing a record of all persons using the facilities at an organized camp.

Section 8. Location, Space and Layout, Housing

8.1. Each organized camp shall be located on a well graded and drained site and so located that its drainage will not endanger a private or public water supply.

8.2. Premises shall be kept free of accumulations of refuse, rubbish and debris.

8.3. All organized camps shall be so located, maintained and operated as to be conducive to the health of their occupants, and not to endanger the health of the public or to create a nuisance.

8.4. Each tent, cabin, or other structure used for living or sleeping quarters shall have windows or openings equal to at least one-tenth (1/10) of the floor area for admission of light, said windows or openings shall be capable of adjustment for purpose of ventilation.

8.5. All permanent located cabins, or other structures used for living or sleeping purposes shall be provided with floors which are smooth, easily cleanable, and in good repair. Tents used as permanent living or sleeping quarters shall be placed on platforms or floors elevated at least one foot above the ground surface. Concrete pads may be used in lieu of platforms or floors.

8.6. Each living or sleeping unit shall contain a minimum of 400 cubic feet of air space per person, or 40 square feet of floor space per occupant.

8.7. Structures used as sleeping quarters shall be designed to provide a minimum of three (3) feet between beds; both laterally and end to end. Beds shall be placed so that heads of sleepers are at least six (6) feet apart, and if double-decked beds are used, there shall be not less than 27 inches between the lower mattress and the bottom of the upper bed.

8.8. All tents, cabins, or other structures used as living or sleeping quarters shall provide shelter to the occupants against the elements. All tents, cabins, or other structures used for camp purposes shall be constructed and maintained in a safe condition, kept clean, and in good repair.

8.9. All articles of bedding and furniture shall be kept clean and in good repair. All mattresses shall be provided with mattress pads or mattress covers.

8.10. Linen, if provided by the organized camp, shall be changed at least once weekly, more often if needed, and clean linen provided. Linens shall be freshly laundered before being furnished to occupants.

8.11. Storage area or areas shall be provided for the storage of excess clothing, luggage, or similar articles.

Section 9. Water Supply

9.1. An accessible, safe, and potable supply of running water under pressure shall be available at all times in each organized camp.

9.2. All water supplies serving an organized camp shall be installed, constructed, maintained, and operated in compliance with West Virginia state department of health standards. All organized camp operators shall have on file a bacteriological report from the West Virginia state hygienic laboratory or other laboratory approved by the West Virginia state hygienic laboratory stating that the water samples collected from said camp have been of safe, sanitary quality.

9.3. Water samples shall be collected and submitted to the West Virginia state hygienic laboratory or other laboratory approved by the West Virginia hygienic laboratory at least 15 days prior to the opening of the camp and at least once while the organized camp is in actual operation, and after any alteration or repairs are made to the water system.

9.4. Connection shall be made to an approved public water supply system whenever such approved public water supply system is available.

9.5. The water supply system serving any organized camp shall be connected with non-potable or questionable water supply nor be subjected to the hazards of backflow or backsiphonage.

9.6. Underground stop and waste cocks are prohibited and shall not be installed on any water supply connection.

9.7. Water storage reservoirs shall be watertight and constructed of impervious materials; all overflow pipes and vents shall be effectively screened and shall have a positive outlet.

9.8. No dipping vessels or cups for common use shall be permitted in or on any organized camp.

9.9. Drinking fountains, if provided, shall be constructed of impervious material, shall have an angle-jet nozzle protected by a nonoxidizing guard above the overflow rim of the bowl. Drinking fountains shall be equipped with a pressure-regulating valve and shall be maintained in a sanitary manner.

9.10. Where portable drinking water containers or coolers are used, they shall be of easily cleanable construction, securely closed, and so constructed and arranged that water can only be withdrawn from the container by a water tap or faucet. Provided that pitchers, water jugs, or similar

receptacles without water taps or faucets may be used if such containers are easily cleanable, of approved construction and in good repair, and the water contained therein is protected against contamination and is withdrawn only by pouring. All portable water containers shall be kept in a clean and sanitary condition, thoroughly cleaned and sanitized before use, and stored and handled in a sanitary manner.

9.11. Water-cooling equipment, if used, shall be of a type in which ice does not come into contact with the water.

9.12. All ice shall be procured from a source approved by the health officer and shall be stored and handled in such a manner as to prevent contamination. Where ice is manufactured on the premises, the ice-making machine shall be of approved construction, located in a protected place, and said ice made, stored, and handled under sanitary conditions. Water used to wash ice shall comply with the safety standards of Item (b), Section VII.

Section 10. Toilet, Lavatory and Bathing Facilities

10.1. Each organized camp shall be provided with toilet and bathing facilities. Toilet and bathing facilities shall not contain less than two (2) toilets, one (1) shower, and one (1) lavatory for females. Toilet and bathing facilities shall not contain less than two (2) toilets, one (1) shower, one (1) urinal, and one (1) lavatory for males. Toilet facilities for each sex shall be provided in the quantity and ratio listed in the accompanying table:

MINIMUM NUMBER OF TOILET, LAVATORY, AND BATHING FACILITIES REQUIRED

No. of Persons	Toilets		Urinals		Lavatories			Showers or Bathtubs	
	Male	Female	No. of Persons	_____	No. of Persons	Male	Female	No. of Persons	_____
1-15	2	2	1-30	1	1-15	1	1	1-7	1
16-30	2	2	31-60	2	16-30	2	3	8-15	2
31-50	3	4	61-100	3	31-50	3	4	16-25	3
51-75	4	6	101-150	4	51-75	4	5	26-35	4
76-100	6	8			76-100	6	7	36-45	5
101-150	8	10			101-125	7	9	46-55	6
Over 150 add one (1) fixture for each 25 males and each 20 females.		Over 150 add one (1) fixture for each additional 50 males.		Over 125 add one (1) fixture for each 20 males and 15 females.			Over 55 and not over 200 add one (1) fixture for each ten persons. Over 200 persons add one (1) fixture for each 20 persons.		

10.2. Lavatory facilities shall include hot and cold running water under pressure, soap, and individual sanitary towels. Provided that if centrally located toilet and bathing facilities containing hot and cold running water under pressure, soap, and individual sanitary towels are provided, then with the written approval of the health officer lavatories with only cold running water under pressure shall be permitted in those areas where it is impractical to lay hot water lines from centrally located toilet and bathing facilities to said areas or to install water heating equipment.

10.3. Bathing facilities shall include hot and cold running water under pressure.

10.4. All toilet and bathing rooms shall be well ventilated either by means of a window or by means of a vent extending to the outside of the building. The equivalent of artificial ventilation shall be acceptable.

10.5. The floors, walls, ceilings, and fixtures, in toilets and bathing rooms shall be constructed of non-absorbent washable material and shall be kept clean and in good repair.

10.6. No door or other opening in the toilet room shall open from or into any room in which food is prepared, cooked, or stored, or into any room in which eating and drinking utensils or equipment are washed or stored.

10.7. Commodes and urinals shall be cleaned daily or more frequently if needed.

10.8. All toilet and bathing rooms shall be of permanent construction and well lighted.

10.9. Walls and ceilings shall be furnished in a light color and shall be repainted or refinished as often as necessary.

10.10. Mats, grids, and walkways made of wood or other absorptive material shall not be permitted in toilet or bathing rooms. Provided that single service bath mats may be permitted in bathing areas.

10.11. Toilet or bathing rooms shall not be used for miscellaneous storage.

10.12. Toilet and bathing facilities for males and females, if in the same building, shall be separated by a solid, sound-resistant wall.

10.13. Water closets and bathing facilities shall not be located in the same compartment. Water closets and urinals shall not be located in any room used for sleeping.

10.14. Plumbing fixtures when connected to a sanitary drainage system shall be provided with water-sealed traps. Readily accessible clean-outs shall be placed in all sewer and waste lines installed after the date these regulations become effective, and in the existing sewer and waste line when extensive alterations are made.

10.15. Vent pipe shall be installed and maintained so that no drainage of sewage from any fixture may be deposited in or conveyed through said vent pipe. All plumbing installed shall conform to all state and local plumbing code requirements and ordinances and the laws and regulations of the West Virginia state department of health. The report of the coordinating committee for a national plumbing code may be used as a standard. Material used in drainage and venting systems shall be cast iron or as approved by the health officer or as recommended by the national plumbing code.

10.16. Any plumbing fixture that is in need of repair, or becomes insanitary, shall be promptly repaired or removed and replaced with a sanitary fixture.

10.17. When flush-type toilets are not provided, properly constructed and maintained pit privies shall be provided for each sex in the same quantity and ratio as toilets listed in Section 10.1.

10.18. All privies shall be prima facie considered to be sanitary when the same has been constructed and is being maintained in accordance with the plans, specifications, and instructions issued by the state department of health, or which has been approved in writing by the director of health or his authorized representative.

10.19. All privies shall be so constructed and maintained as to prevent access of flies, animals, or rodents to the contents thereof to prevent flybreeding nuisances and to prevent the polluting of any water supply.

10.20. Privies and/or urinals shall:

10.20.1. Be kept in a clean and inoffensive condition and in good repair at all times;

10.20.2. Be located at least one hundred (100) feet from any kitchen, dining room, or other place where food is prepared and stored:

10.20.3. Handwashing facilities including hot and cold running water under pressure, soap, and individual sanitary towels shall be provided in close proximity to the privies and urinals, and shall be provided in the number and ratio as listed in Section 10, Subsection 10.1 of these legislative regulations. Provided that centrally located toilet and bathing facilities with hot and cold running water under pressure, soap, and individual sanitary towels are provided, then with the written approval of the health officer, lavatories with only cold running water under pressure shall be permitted in those areas where it is impractical to lay hot water lines from centrally located toilet and bathing facilities to said areas or to install water heating equipment:

10.20.4. Artificial illumination shall be provided at each privy during the hours of darkness.

Section 11. Sewage Liquid Waste Disposal

11.1. No sewage or liquid waste disposal system, or systems, shall be installed or established

at any organized camp site unless the same is installed or established in compliance with plans, specifications, and instructions issued by the West Virginia state department of health, or which have been approved in writing by the state director of health. Plans and specifications for new sewage and liquid waste disposal facilities or for alterations and changes in existing facilities shall be submitted to the West Virginia state department of health for approval prior to construction or alterations.

11.2. All sewage and liquid shall be disposed of in a municipal sewerage system whenever said municipal sewerage system is available.

11.3. No sewage, waste, or other liquid waste shall be deposited on the surface of the ground.

11.4. Water and sewer lines shall not be installed in the same trench except with the written permission of the state director of health.

11.5. Sewage disposal systems shall not be permitted to create a nuisance nor to endanger the safety of any domestic water supply.

11.6. Sewers within fifty feet radius of a source of water shall be of cast iron with watertight joints. For other situations refer to division of sanitary engineering bulletin, SW-252.

Section 12. Heating and Fuel

12.1. All gas or oil fired heating equipment shall be of an approved type. A model or sample of every such heating device, except hot plates and cooking ranges, shall have been tested and approved by a nationally recognized standard or nationally recognized testing laboratory and such equipment shall have attached thereto an insignia of approval by such standard or testing laboratory.

12.2. All gas or oil fired heating equipment, except hot plates and cooking ranges, shall be equipped with a 100 percent safety cutoff pilot.

12.3. The construction and installation of gas or oil fired heating equipment shall be such that all noxious flue gases shall be discharged through the flue outlet. Venting practices shall be in conformity with the standards of the national board of fire underwriters and the national fire protection association.

12.4. Unvented gas or oil fired heating equipment shall not be used.

12.5. All vented gas or oil fired heating equipment shall have a draft hood or equivalent construction.

12.6. Vents shall be installed as nearly vertical as possible and shall be equipped with a rain cap.

12.7. Vent height shall be a minimum of two (2) feet higher than any obstruction within a fifteen (15) foot radius of the vent pipe.

12.8. Vent pipes shall be of sheet metal construction or other approved material and shall be of no less than the diameter of the vent outlet of the gas or oil fired equipment but in no case less than three (3) inches in internal diameter.

12.9. Every joint of vent pipe shall be securely fastened into position by supporting hangers or brackets and each joint shall be secured together with metal screws, rivets, or similar means.

12.10. Connections to gas or oil fired heating equipment shall be made only of rigid or semi-rigid metallic pipe or tubing.

12.11. Open faced gas or oil fired heating equipment shall be prohibited.

12.12. Gas or oil fired water heaters, cooking ranges, and hot plate burners shall not be used as substitutes for room heating equipment.

12.13. Liquefied petroleum gas for cooking or heating purposes shall not be permitted to be used in any organized camp unless the containers are properly connected by copper or other suitable metallic tubing.

12.14. Liquefied petroleum gas containers shall be securely fastened in place and protected from the weather.

12.15. No liquefied petroleum gas container shall be located within any building of any organized camp or within five (5) feet of a door thereof.

Section 13. Refuse Disposal

13.1. The storage, collection, and disposal of refuse shall be so conducted as to avoid the creation of health hazards, rodent harborages and insect breeding areas, and accidents.

13.2. All refuse shall be stored in durable, fly-tight, watertight, and rodent-proof containers with tight-fitting covers. Containers and covers shall be maintained in a clean condition and in good repair.

13.3. Refuse shall be properly disposed of a least twice weekly or as frequently as may be necessary to prevent the overflowing of available containers or creating a nuisance. Containers shall be thoroughly cleaned and sanitized before being reused.

13.4. Concrete platforms, racks, or holders shall be provided for all refuse containers; and such concrete platforms, racks, or holders shall be so designed as to prevent containers from being

tipped, minimize spillage and container deterioration, and facilitate cleaning around them.

13.5. All refuse shall be collected in and transported to the refuse disposal area in covered vehicles or covered containers.

13.6. Where suitable refuse disposal facilities are not provided by municipal or private agencies, the refuse shall be disposed of by one of the following methods:

13.6.1. Burning in a properly constructed incinerator. Incinerators shall be of the type approved by the state department of health:

13.6.2. Removing from premises and depositing in a pit, covered at once with 8-12 inches of compacted earth. The top 24 inches of filling in said pit shall be entirely of compacted earth. A cribbed pit with fly and rodent-tight charging doors may be substituted for earth covering;

13.6.3. Garbage grinders may be used, provided that the sewage disposal system has the necessary capacity to handle the increased solid material.

13.7. Incinerators, garbage grinders, or other means of refuse disposal shall be constructed or operated only with the written approval of the health officer.

Section 14. Insect and Rodent Control

14.1. Doors, windows, and other exterior openings of permanent structures shall be effectively screened to prevent the entrance of insects unless other approved means of excluding insects are provided. Screen doors shall open outward and shall be self-closing.

14.2. Insect and rodent control measures, as directed by the health officer, shall be applied in each organized camp.

14.3. Suitable measures, as directed by the health officer, shall be taken by the organized camp operator to control obnoxious weeds.

Section 15. Fire Prevention

15.1. Fire-fighting equipment of the type and quantity approved by the state fire marshal's office shall be available for use in fighting fires. All fire-fighting equipment shall be maintained in good operating condition and so located that it is readily available at all times.

15.2. The operator of the organized camp shall be properly informed in fire prevention and the proper use of such fire-fighting equipment.

15.3. All buildings or structures shall be maintained and used in accordance with the

provisions of the state fire marshal's office and local ordinances relative to fire prevention.

15.4. All buildings in which people eat, sleep, or congregate shall be provided with ready exits for use in case of fire. All such means of egress shall conform to rules of the state fire marshal's office.

15.5. All electrical installations and wiring shall be maintained in good repair and shall comply with all local and state electrical codes and ordinances and/or the national electric underwriters association code.

15.6. All permanently connected extension cords or electrical wiring on the ground shall be prohibited.

Section 16. Swimming Pools and Bathing Beaches

16.1. Swimming pools and bathing beaches used in connection with an organized camp shall be constructed, maintained, and operated in accordance with the West Virginia state board of health regulations governing the sanitation of bathing places.

16.2. The area used for swimming shall be clearly marked in accordance with american red cross standards, or their equivalent, for nonswimmers, beginners, and swimmers. All persons shall be confined to the limits of the areas for which they have been classified.

16.3. A method of checking swimmers shall be enforced and shall consist of one of the following methods:

16.3.1. The check system:

16.3.2. The buddy system:

16.3.3. The colored cap system:

16.3.4. An adaptation of one or three.

16.4. Lifesaving equipment as designated by the West Virginia state board of health regulations governing the sanitation of bathing places shall be readily available at the swimming pool or bathing beach.

16.5. The person actively in charge of the swimming pool or bathing beach shall have a current water safety instructor's certificate from the american red cross or an organization having equivalent standards.

16.6. At least one qualified lifeguard shall be on duty in the immediate swimming area at all

times when swimming is permitted.

16.7. No domestic animals or pets shall be permitted in the swimming pool.

Section 17. Restriction of Animals and Pets

17.1. No dogs, cats, or other domestic animals shall be permitted to run at large or to commit any nuisance within the limits of the organized camp premises.

17.2. All dogs or cats owned or under the supervision of an occupant of an organized camp shall be inoculated against rabies in compliance with the laws of this state.

17.3. Horses or other animals maintained for organized camp use shall not be permanently quartered within 500 feet of any sleeping or living quarter, kitchen or dining hall.

17.4. Temporary shelters, corrals, tie-rails, or hitching posts shall not be located within 200 feet of any kitchen, dining hall, or other place where food is prepared, cooked, or served.

17.5. Manure shall not be permitted to remain for more than twelve (12) hours at any temporary shelter, corral, tie-rail, or hitching post.

17.6. All manure from barns, stables or any other animal shelter, shall be removed from the premises at least once every four (4) days.

17.7. Fly repellents and other similar precautions shall be used to prevent such areas from becoming an attractant for or breeding places for flies.

17.8. Drainage from stables and temporary quarters shall be disposed of in such manner as to prevent the contamination or pollution of any surface or underground water supply.

Section 18. Food Service - Whenever a restaurant, dining room, or other building at an organized camp is provided and operated for the serving of food and/or drink, it shall be constructed, maintained, and operated in compliance with the West Virginia state board of health regulations governing the sanitation of eating and drinking establishments.

Section 19. Milk Supply - All milk and fluid milk products furnished to the occupants of an organized camp shall be in compliance with the West Virginia state board of health milk regulations.

Section 20. Communicable Diseases, Health, and Safety

20.1. The operator shall notify the health officer immediately of any known or suspected case of communicable disease.

20.2. In case of a disease diagnosed as quarantinable by a qualified physician, the operator shall not permit the departure of that person or the removal of clothing or other articles that have been exposed to the infection without the approval of the health officer.

20.3. The operator shall inform himself of the state laws and regulations relative to the reporting and control of communicable disease and shall comply in full with said laws and regulations.

20.4. No person known to be infected with a disease in a communicable form or to be a carrier of such disease shall be employed in the operation or maintenance of an organized camp.

20.5. In the event of an outbreak of a highly infectious disease in an organized camp, such place, or places, shall upon the order of the health officer, or other qualified health official, be immediately closed to the public.

20.6. Whenever a suspected case of communicable disease occurs, the patient shall be isolated pending diagnosis.

20.7. Outbreaks of intestinal disorders shall immediately be reported to the health officer.

20.8. Each organized camp shall maintain a well-equipped infirmary and isolation quarters and shall make arrangements necessary to insure that medical aid is readily available.

20.9. A physician or registered nurse licensed to practice in this state shall be on the camp staff, or the organized camp operator shall have made arrangements prior to the opening of the organized camp to have the services of said physician or nurse readily available.

20.10. Every tent, cabin, or other structure shall be thoroughly cleaned and disinfected after being occupied by anyone known to be suffering from any communicable disease.

20.11. Each organized camp shall have ready access to a telephone or other type of communication. Transportation shall be readily available at all times for use in case of emergency.

20.12. There shall be a definite system of health supervision of the campers, including such times when campers are away from camp on out-of-camp activity.

20.13. All organized camp staff members shall have fundamental knowledge of procedures to follow in the event of health emergencies.

20.14. When deemed necessary by the health officer or the camp management, a medical examination by a licensed physician and a medical history shall be required for all staff members and campers prior to going to camp.

20.15. Preventative inoculations as recommended by the West Virginia state department of

health shall be required of all staff members and campers before going to camp.

20.16. First-aid facilities approved by the health officer shall be maintained and readily available at all times for emergency treatment of injured persons.

20.17. A person having approved first-aid training shall accompany groups away from the organized camp on out-of-door camp activities.

20.18. Each organized camp shall carry on a continuous program of safety education for its campers and staff members.

20.19. Tools and power tools shall be used by campers only under qualified supervision.

20.20. Where riflery and archery are included in the organized camp program, firearms and archery equipment shall be used and stored under qualified supervision.

20.21. Sink holes, pits, abandoned excavations, or similar hazards shall be guarded or posted to reduce the possibility of accidents.

Section 21. Registration of Occupants

21.1. The operator of an organized camp shall maintain a register containing a record of all persons permitted to use the facilities at the organized camp.

21.2. The register shall be available to the health officer and such register shall be preserved for a period of twelve months.

21.3. The register shall contain:

21.3.1. The name and address of all occupants permitted to use the facilities at the organized camp;

21.3.2. The dates of arrival and departure of each occupant using the facilities at the organized camp.

Section 22. Alterations and Additions - The alterations, additions, or changes in the construction of any organized camp or its facilities are prohibited unless such alterations, additions, or changes have been approved in writing by the health officer.

Section 23. Auxiliary Buildings- Any auxiliary building established or maintained on the premises shall be constructed, operated, and maintained in compliance with applicable health laws and regulations governing such establishments.

Section 24. Supervision - Each organized camp when in operation shall maintain at all times at least one competent attendant or caretaker whose duties shall be to maintain the facilities and equipment in a clean, orderly, and sanitary condition.

Section 25. Posting of Regulations - Copies of these legislative regulations as furnished by the health officer shall be posted at all times in a conspicuous place in the office of the organized camp.

Section 26. Miscellaneous Laws and Regulations - In addition to the requirements set forth in these regulations, all buildings and facilities shall be established, constructed, and maintained in compliance with all existing state and local statutes, codes, ordinances, and regulations.

Section 27. Severability - If any provisions of these rules or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or the application of these rules which can be given effect without the invalid provisions or application, and to this end the provisions of these rules are declared to be severable.

Section 28. Penalties - Any person who violates any provision of these regulations or any regulation adopted by the West Virginia state board of health pursuant to authority granted by these regulations, shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than \$200 or by imprisonment for not more than 30 days, or both fine and imprisonment. Each day's failure to comply with any provision of these regulations shall constitute a separate offense.

TITLE 64
WEST VIRGINIA ADMINISTRATIVE RULES
DIVISION OF HEALTH
SERIES 24
TOURIST AND RESORT CAMPS

Section 1. General

1.1. Scope - These legislative rules establish sanitation requirements for the construction and operation of tourist and resort camps.

1.2. Authority - These legislative rules are issued under the authority of and are related to Chapter 16, Article 1, Section 7.

1.3. Filing Date - These legislative rules were filed on the 28th day of November, 1967, in the Secretary of State's office.

1.4. Effective Date - These legislative rules became effective on the 29th day of December, 1967.

1.5. Refiling Date - These legislative rules were refiled pursuant to Chapter 29A, Article 2, Section 5 of the West Virginia Code of 1931, as amended on the 30th day of December, 1982, in the Secretary of State's office.

Section 2. Application and Enforcement

2.1. Application - These legislative rules apply to the owners and operators of tourist and resort camps.

Section 3. Definitions - For the purpose of this regulation, the terms house trailer, tourist, resort or industrial camps are hereby defined to mean and include the following:

3.1 A house trailer camp is hereby defined as any tract or parcel of land, maintained, offered or used for parking or camping of occupied trailer houses, house cars, or similar portable units of habitation.

3.2. Tourists, resort or industrial camps are hereby defined as any tract or parcel of land on which temporary or permanent buildings or structures are maintained, offered, or used for dwelling or sleeping quarters for pay.

3.3. A house trailer is herein defined as any house car, house trailer, trailer home or similar mobile unit which may be used for dwelling, eating or sleeping quarters.

3.4. A cabin is herein defined as any building, tent or similar structure which is maintained, offered or used for dwelling or sleeping quarters for pay.

3.5. The term health officer as used herein shall mean the state director of health or his authorized representative.

3.6. The term person shall be construed to mean and include individuals, firms, corporations, associations, municipalities, institutions and state or federal owned or controlled property.

Section 4. Annual Permit - No person shall construct or make alterations to a house trailer, tourist, resort, or industrial camp within the State of West Virginia without first obtaining a written permit from the state director of health. The state department of health shall award to all house trailers, tourist, resort or industrial camps, meeting the following items of sanitation a permit to operate. Such permit shall be issued for one year, and shall expire at midnight on the thirty-first day of March next following the issuance thereof.

Section 5. Supervision

5.1. Caretaker - Every house trailer, tourist, resort or industrial camp, as herein defined shall maintain at all times at least one competent attendant or caretaker, whose duties shall be to maintain the house trailer, tourist, resort or industrial camp, its facilities and equipment in a clean, orderly and sanitary condition.

5.2. Registration - The caretaker or attendant shall register every guest lodging in cabins and shall keep a record of all house trailers parked in the camp under his supervision including the number of occupants of each unit. This registration shall include the license number and the state or origin of each vehicle and house trailer.

Section 6. Design, Location, Construction of House Trailers and Cabins

6.1. The house trailer, tourist, resort or industrial camp, shall be of adequate area, suitably located, properly drained and removed from swampy or wet land.

6.2. Each cabin shall abut or face on a driveway or an unoccupied space of not less than twenty (20) feet in width, which space shall have unobstructed access to public highway or alley.

6.3. There shall be a space of at least ten (10) feet between cabins and/or other buildings. A continuous roof between cabins to form a shelter for parked cars shall not be considered as violating these regulations, providing other requirements of space, lighting and ventilation for each cabin are complied with.

6.4. Each car and house trailer shall be allotted a space of not less than 700 square feet. The minimum shall be not less than twenty (20) feet wide and thirty-five (35) feet long.

6.5. Each sleeping room shall have a floor area of not less than one hundred (100) square feet, and shall not have less than four hundred (400) cubic feet air space for each occupant.

6.6. Each sleeping room shall be provided with two or more windows the total area of which shall be at least one-tenth the floor area, and in no event shall the aggregate window area in any sleeping room be less than ten (10) square feet, bath, shower and water-closet compartments must be provided with a window of an area of not less than three (3) square feet. All required windows must open into a driveway or unoccupied area of not less than ten (10) feet in width. The equivalent in artificial lighting and ventilating will be accepted.

6.7. All windows, doors and other openings to the outside, shall be effectively covered with screen, or provided with other effective means of excluding flies and mosquitoes.

6.8. All combustion-type room heating devices shall be properly ventilated.

6.9. Bathrooms shall have floors of tile, concrete, wood covered with linoleum or other impervious material.

6.10. Adequate handwashing facilities, showers, or bath, and water closet or sanitary privies shall be provided convenient to each cabin or house trailer.

6.11. Each mattress shall be required to be furnished with a mattress pad and mattress cover. Clean bed linen shall be provided after each usage.

Section 7. Waste Disposal - All sewage and other objectionable wastes shall be disposed of in accordance with the plans and specifications of the state department of health. All outside privies shall be conveniently located to the tourist, house trailer, resort or industrial camp.

Section 8. Water Supply - A water supply which meets the requirements of the state department of health shall be provided. The supply shall be convenient and the source of taps

on the distribution system shall be located not more than three hundred (300) feet from any camping place, cabin, or trailer site. Public drinking fountains shall be of a sanitary type with inclined jets.

Section 9. Milk Supply - The milk supply furnished at the house trailer, tourist, resort or industrial camps shall comply with the regulations of the state board of health relating to milk standards.

Section 10. Food Handling Establishments - The house trailer, tourist, resort or industrial camps shall comply with the regulations of the state board of health relating to the sanitation of food handling establishments.

TITLE 64
WEST VIRGINIA ADMINISTRATIVE RULES
DIVISION OF HEALTH
SERIES 44
SCHOOL SANITATION

Section 1. General

1.1. Scope - These legislative rules establishes the minimum sanitation requirements for all public or private schools.

1.2. Authority - These legislative rules are issued under the authority of and are related to Chapter 16, Article 1, Section 7 of the West Virginia Code of 1931, as amended.

1.3. Filing Date - These legislative rules were filed on the 28th day of November, 1967, in the Secretary of State's office.

1.4. Effective Date - These legislative rules became effective on the 29th day of December, 1967.

1.5. Refiling Date - These legislative rules were refiled pursuant to Chapter 29A, Article 2, Section 5 of the West Virginia Code of 1931, as amended on the 30th day of December, 1982, in the Secretary of State's Office.

Section 2. Application and Enforcement

2.1. Application - These legislative rules apply to the governing bodies of all public and private schools.

2.2. Enforcement - The enforcement of these legislative rules is vested with the director of the West Virginia department of health or his lawful designee.

Section 3. Sites - All school sites shall be dry and such drainage as may be necessary shall be provided to the end of maintaining dry grounds and a dry building site. Said site and said building shall not be nearer than 500 feet to any barn or stable where horses, mules or cattle are housed. And when said school building or school site has been established, no barn, stable or any noise-making industry or unhealthful condition shall thereafter be constructed, erected or maintained within 500 feet of any school building, school site or school grounds.

Section 4. Buildings - Foundations must be substantial and entirely closed for protection in winter. Doors to school buildings should open outward and all entrance and exit doors shall be unlocked when school is in session.

Section 5. Lighting and Seating - All schoolrooms where pupils are seated for study shall be lighted from the left or left and rear and the glass area shall not be less than one-sixth the floor area. Windows shall be narrowly separated, tops square, not less than 11 feet from the floor or at a height from floor equal to one-half room width, and bottoms not less than 3 1/2 feet from floor. Shades, where necessary, shall be translucent and adjustable from top and bottom or both ways from horizontal middle of window. Artificial lighting shall be indirect or well shaded.

Section 6. Blackboards and Cloakrooms - Blackboards shall preferably be of slate, but of whatever material the color shall afford maximum vision protection. Cloakrooms, well lighted, warmed and ventilated or sanitary lockers shall be provided for each study schoolroom.

Section 7. Water Supply and Drinking Arrangements - All schoolhouses shall be provided with an adequate, safe drinking water supply. Properly protected drilled wells or other supplies approved by the local or state health authorities shall be used. Dug wells with rope and bucket system are prohibited. The pail and common dipper are prohibited and a sanitary fountain or a sanitary water tank or cooler should be provided instead. Whenever possible, sanitary drinking fountains with slanting jet should be used. All schoolhouse wells and springs shall be protected from surface contamination by proper enclosure and providing for drainage of waste water away from the source of water supply in accordance with plans on file in the state department of health.

Section 8. Heating and Ventilation - All schoolhouses hereafter constructed shall be supplied with heating and ventilating systems. Fresh air shall be taken from outside the building and properly diffused throughout the schoolrooms without drafts. Eighteen hundred cubic feet of fresh air per hour shall be supplied for each child who shall be allotted at least two hundred and twenty-five cubic feet of schoolroom space. Heating systems shall be capable of maintaining a temperature of 70° F. in the schoolroom. It is lawful for school boards to establish and maintain open-air schools and the provisions of this section shall not apply to open-air schools.

Section 9. Sewage Disposal -- Sanitary Privies - Where water-flush toilets are provided, connection shall be made to the public sewerage system. If none is available, sanitary disposal of sewage wastes shall be by means of a septic tank system designed and installed in accordance with plans which are approved by the state department of health or county health

officer. The board of education shall provide, wherever no waterflush system is possible, two sanitary privies at each public school, one for boys and one for girls. Sanitary privies shall be considered an essential and necessary part of the equipment of each school and failure on the part of the board of education or any county superintendent to make provision for sanitary privies and maintain them in a clean and decent condition shall be considered a misdemeanor to be dealt with in accordance with the state law. The less expensive pit-type of sanitary privy properly vented and constructed in accordance with plans supplied by the state department of health may be installed in the rural schools. Chemical toilets are not considered suitable or satisfactory for rural schools.

TITLE 64
WEST VIRGINIA ADMINISTRATIVE RULES
DIVISION OF HEALTH
SERIES 29
LABOR AND INDUSTRIAL CAMPS

Section 1. General

1.1. Scope - These legislative rules establish the minimum sanitation requirements for labor and industrial camps.

1.2. Authority - These legislative rules are issued under the authority of and are related to Chapter 16, Article 1, Section 7 of the West Virginia Code of 1931, as amended.

1.3. Filing Date - These legislative rules were filed on the 28th day of November 1967, in the Secretary of State's office.

1.4. Effective Date - These legislative rules became effective on the 29th day of December 1967.

1.5. Refiling Date - These legislative rules were refiled pursuant to Chapter 29A, Article 2, Section 5 of the West Virginia Code of 1931, as amended on the 30th day of December 1982, in the Secretary of State's office.

Section 2. Application and Enforcement

2.1. Application - These legislative rules apply to the owners and operators of labor and industrial camps.

2.2. Enforcement - The enforcement of these legislative rules is vested with the director of the West Virginia department of health or his lawful designee.

Section 3. Definitions - The term camp as used in this regulation shall include any lumber, mining, construction or other industrial or labor camp, where ten or more persons are employed and housed in temporary quarters, such as cars, wagons, tents, buildings or other enclosures but shall not include buildings used as bona fide hotels, lodging and boarding houses and homes of employees, provided, that camps which are occupied by less than ten people, or camps which are established to meet emergency conditions and are not occupied longer than five days, shall not be included except that Section 19 of this regulation shall apply to them.

Section 4. General Location - All camps shall be so located and so maintained as to be conducive to the health of occupants and not to endanger the health or the public; and all tents, houses, stables or other structures used in connection therewith shall be kept in

a clean and sanitary condition at all times. When practicable, camps shall be located on high, well drained ground; any natural sink holes, pools, or other surface collections of water in the immediate vicinity shall be drained and filled when the camp first is established and during the mosquito breeding season all such water not subject to complete drainage shall be treated in a manner to prevent mosquito breeding.

Section 5. Arrangement - The general scheme of relations of the structures of a camp should be as follows: The kitchen should be located at one end of the camp; next to this should be the eating quarters, then the sleeping quarters; then the toilets and then the stable, thus bringing the kitchen and the stable at opposite ends of the camp, which should be as far apart as is consistent with the natural topography and convenience.

Section 6. Water Supplies - All water supplies for camps shall be properly chlorinated unless of a quality approved the the state department of health.

Section 7. Water Containers - All drinking water containers in camps shall be securely closed and so arranged that water can be drawn only from a tap and said containers shall be kept clean and free from contamination.

Section 8. Garbage and Refuse - All garbage, kitchen wastes and other rubbish shall be deposited in suitably covered receptacles, the contents of which shall be disposed of each day by burning; and manure from stables or corrals, shall be likewise collected and disposed of each day by burning or some other method which will prevent fly breeding or other nuisance.

Section 9. Scavenger - In all camps where there are 100 men or more there shall be one employee whose duty shall be to act as scavenger and garbage collector.

Section 10. Toilets - Every camp shall have adequate facilities for the sanitary disposal of excreta, with separate toilets for each sex, so constructed and maintained as to prevent the pollution of water or access of flies to the excreta; and the use of such facilities by the inhabitants of the camp shall be made obligatory. Facilities for disposal of excreta shall be of a type approved by the state department of health. Latrines shall not be located within less than 200 feet of any spring, stream, lake or reservoir, forming part of a public or private water supply.

Section 11. Washing Facilities - There shall be provided in all camps adequate lavatories for the use of the occupants thereof.

Section 12. Screening - The kitchen, dining halls and sleeping quarters of all camps shall be effectively screened against the entrance of flies and mosquitoes during the season of flight of these insects.

Section 13. Care of Tableware - All cooking, table and kitchen utensils, drinking glasses and crockery used in the preparation or serving of food or drink shall be thoroughly washed in boiling water and suitable cleansing material after each time they are used.

Section 14. Food Containers - Refrigerators, food boxes, or other receptacles for the storing of food shall be emptied and thoroughly washed with hot water and suitable cleansing material at least once in each seven days that they are in use.

Section 15. Food and Milk - No spoiled or tainted food, whether cooked or uncooked, shall be served; and milk, unless produced under effective municipal supervision, should be boiled.

Section 16. Health of Food Handlers - No person shall serve as a cook, waiter or in any other capacity in the preparation or serving of food who is known or suspected to have any communicable disease.

Section 17. Sick Persons - When an occupant of a camp becomes sick with a dangerous communicable disease, he shall be immediately isolated and the health officer within whose jurisdiction the camp is located shall be immediately notified.

Section 18. Vermin - It shall be the duty of someone appointed as caretaker of the camp to make regular weekly inspections of the occupants and premises in order to ascertain the presence of lice or other vermin. Persons found to be infested shall be effectively deloused. Premises found to be infested shall be treated by some effective vermin-destroying method.

Section 19. Abandoned Camps - When any camp is to be abandoned, all garbage, rubbish, and manure shall be collected and burned, the latrine trenches filled and the grounds and buildings shall be in a clean and sanitary condition.

Section 20. Duty to Enforce Regulations - It shall be the duty of the superintendent, foreman or other person in charge of a camp to see that all regulations pertaining thereto are faithfully carried out.