

Missouri Laws accompanied by the Department of Health and Senior Services Rule



Governing Lodging Establishments



Missouri Department of Health and Senior Services
Environmental Regulation and Licensure Unit

Table of Contents

Missouri Laws for Lodging Establishments

	Page
315.005 Definitions.....	1
315.007 Department to enforce law.....	1
315.011 License required, may be transferred.....	1
315.015 License fees.....	2
315.019 Safety and sanitation standards.....	2
315.024 Drinking water to be approved, when, by whom.....	2
315.028 Sewage and wastewater treatment.....	3
315.033 Compliance with local codes required, when.....	3
315.037 Inspections by department, when--right of entry.....	3
315.041 License refused or revoked, when.....	3
315.045 Violation of licensing provision, penalty.....	4
315.055 Advertising restrictions.....	4
315.065 Exemptions to provisions of sections 315.005 to 315.065.....	4

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Table of Contents
Department of Health & Senior Service Rule for
Lodging Establishments

	Page
(1)(A)Definitions.....	5
(2)Requirements for Obtaining a Lodging License (Existing, New or Renovated).....	9
(3)(A)Drinking Water Supply.....	10
(3)(B)Wastewater Handling.....	12
(3)(C)Sanitation/Housekeeping.....	13
(3)(D)Life Safety.....	16
(3)(E)Fire Safety.....	18
(3)(F)Swimming Pools/Spas.....	22
(3)(G)Plumbing/Mechanical.....	27
(3)(H)Heating, Venting & Air conditioning Equipment.....	29

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315.005. Definitions. -- As used in sections 315.005 to 315.065, unless the context clearly indicates otherwise, the following terms mean:

- (1) "Code", the standards relating to fire safety, sanitation, electrical wiring, fuel-burning appliances, plumbing, swimming pools and spas, sewage and waste treatment and disposal as adopted by the department. The department in its discretion, may incorporate, in whole or in part, the standards or codes promulgated by the National Fire Protection Association, Building Officials and Code Administration International, Inc., Great Lakes Upper Mississippi River Board of State Sanitary Engineers, and American Society of Sanitary Engineers;
- (2) "Department", the director of the department of health and senior services or an agent of the director of the department of health and senior services;
- (3) "Guest room", any room or unit where sleeping accommodations are regularly furnished to the public;
- (4) "Lodging establishment", any building, group of buildings, structure, facility, place, or places of business where five or more guest rooms are provided, which is owned, maintained, or operated by any person and which is kept, used, maintained, advertised or held out to the public for hire which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort, cabins, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as lodging establishments for either transient guests, permanent guests, or for both transient and permanent guests;
- (5) "Owner", the person responsible for obtaining a license from the department for operating the lodging establishment;
- (6) "Permanent guest", any person who rents and occupies a guest room in a lodging establishment for a period of thirty-one days or more;
- (7) "Person", any individual, partnership, corporation, association, organization, firm, or federal, state, county, city, village, or municipal association or corporation;
- (8) "Transient guest", any person who rents and occupies a guest room in a lodging establishment for a period of less than thirty-one days.

315.007. Department to enforce law--keep records for public use, contents. --

- (1) The department shall administer the provisions of sections 315.005 to 315.065.
- (2) The department shall keep a complete set of records for public use and inspection showing the condition of each lodging establishment inspected, together with the name of the owner thereof, and whether the lodging establishment is currently licensed.

315.011. License required, may be transferred. --

- (1) No person shall operate a lodging establishment who does not possess a license from the department to operate such establishment. Only a person who complies with the provisions of sections 315.005 to 315.065 shall be entitled to receive and retain such a license.
- (2) A valid license shall be transferred to a new owner upon notification to the department.
- (3) Lodging establishments constructed prior to 1965 which provide thirty units or less and possessing a valid license may continue operation, provided major public health needs such as water supply, sewage disposal, venting, and fire safety are in compliance.

(L. 1985 S.B. 279 § 3)
Effective 8-9-85

315.015. License fees--where deposited--notice of fee, issued when--license to be issued, when, displayed, where--revocation, grounds--expiration, when. --

- (1) The license fee shall be fifty dollars for each lodging establishment, plus two dollars per guest room for each guest room above ten and through twenty, plus one dollar per guest room for each guest room above twenty.
- (2) After the lodging establishment has been inspected by the department and approved for licensing, notice of the license fee shall be issued to the owner. Upon subsequent payment of such fee, the director of the department of health and senior services shall issue a license which shall be kept properly framed and in a conspicuous place at the lodging establishment. The department director may revoke the license as prescribed in subsection 1 of section 315.041, when the law or applicable code is not held in compliance.
- (3) Each license shall expire on the thirtieth day of September next following its issuance. All fees collected under the provisions of sections 315.005 to 315.065 shall be paid to the director of revenue and deposited by him in the state treasury to the credit of the general revenue fund.

(L. 1985 S.B. 279 § 4, A.L. 2004 S.B. 842)
Effective 6-25-04

315.019. Safety and sanitation standards--city or county ordinances in lieu of department standards, when. --

- (1) Fire safety of lodging establishments shall be in accordance with the applicable code.
- (2) Electrical wiring shall be properly installed and maintained in accordance with the applicable code.
- (3) Fuel-burning appliances shall be properly vented in accordance with the applicable code.
- (4) Plumbing shall be properly installed and maintained in accordance with the applicable code. At no time shall plumbing be arranged in a manner that may allow pollution or contamination of potable water supplies.
- (5) Swimming pools, spas, and similar facilities shall be installed and maintained in accordance with the applicable code.
- (6) Lodging establishments which are located within the jurisdiction of city or county ordinances or regulations, and which are erected and maintained in compliance with such local city or county ordinances or regulations, will be accepted as complying in lieu of subsections 1 to 5 of this section.
- (7) Lodging establishments shall be kept in a clean and sanitary condition, in good repair, and shall be maintained and operated with strict regard to health and safety of the transient or permanent guest.

315.024. Drinking water to be approved, when, by whom. -- An adequate, accessible supply of potable drinking water approved by the department of natural resources or the department of health and senior services shall be provided at all lodging establishments. Water from a source other than a public water supply shall not be used until it has been approved by the department of health and senior services.

315.028. Sewage and wastewater treatment. –

- (1) Sewage and wastewater treatment and disposal shall be accomplished in a manner so as to not create a health hazard, pollute or contaminate groundwater, or create a nuisance.
- (2) Sewage and wastewater treatment systems with a discharge shall be installed and maintained in compliance with the laws and/or regulations of the department of natural resources.

315.033. Compliance with local codes required, when. -- Sections 315.005 to 315.065 shall not relieve any lodging establishment from compliance with local ordinances, regulations, or codes having requirements not contained or greater than those found in sections 315.005 to 315.065.

315.037. Inspections by department, when--right of entry. -- The department director shall inspect or cause to be inspected as often as shall be deemed necessary but at least annually every lodging establishment in the state to implement the provisions of sections 315.005 to 315.065. Seasonal resorts located in counties of the third classification shall be inspected by August first of each year. For this purpose, the department shall have the right to entry and access thereto at all reasonable times and no order of court shall be necessary therefore.

315.041. License refused or revoked, when--notice, how served--extension of time to comply with standards granted when--hearing, request when, held when--rights of licensee.

- (1) The department director may refuse the issuance of a license, or may revoke a license as provided for herein, at any time the director determines that such lodging establishment is not in compliance with sections 315.005 to 315.065. If at any time the department director determines that a lodging establishment is not in compliance with sections 315.005 to 315.065, the department director shall notify the owner of the lodging establishment of such alterations or changes as may be deemed necessary to be in compliance therewith. Upon receipt of any such notice of noncompliance, an owner may request a hearing before the department director upon filing a written request within ten days after receipt of such notice. The owner shall be allowed a reasonable period of time following receipt of the notice, or the hearing before the department director, in order to comply with the department standards. At the expiration of the period of time allowed by the department director, the department director shall review the progress of the owner's attempts to be in compliance with the department standards and may grant additional reasonable periods of time for compliance. Upon expiration of the time to comply with such department standards, and any extensions thereof, the department director is authorized to revoke or not renew the license to operate the lodging establishment as provided for in sections 315.005 to 315.065. Before revoking or not renewing the license, the department director shall give written notice to the licensee setting forth the reasons for the proposed action and fixing the date of a hearing, not less than thirty days from the date of mailing or delivering of such notice, before the department director. The licensee is entitled to appear with an attorney and will call witnesses as may be desired. Any decision of the department director shall be subject to the provisions of chapter 536,

RSMo. An establishment may remain in operation during a judicial review unless the department director determines that an imminent health or safety hazard exists.

(2) All notices served by the department shall be in writing and shall be either delivered in person by the department or by registered or certified mail to the owner.

315.045. Violation of licensing provision, penalty. -- Any person establishing, conducting, managing, or operating any lodging establishment without a license is guilty of a class B misdemeanor.

315.055. Advertising restrictions. -- No person who operates a lodging establishment as defined in sections 315.005 to 315.065 shall advertise by any means that his establishment is a lodging establishment unless such establishment complies with all the provisions of sections 315.005 to 315.065.

315.065. Exemptions to provisions of sections 315.005 to 315.065. -- The provisions of sections 315.005 to 315.065 shall not apply to dormitories and other living or sleeping facilities owned or maintained by public or private schools, colleges, universities, or churches unless made available to the general public and not used exclusively for students and faculty, school-sponsored events, baseball camps, conferences, dance camps, equitation camps, football camps, learned professional society meetings, music camps, retreats, seminars, soccer camps, swimming camps, track camps, youth leadership conferences, or church-sponsored events.

(L. 1985 S.B. 279 § 12)
Effective 8-9-85

Title 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and Communicable Disease Prevention
Chapter 3—General Sanitation

19 CSR 20-3.050 Sanitation and Safety Standards for Lodging Establishments

PURPOSE: This rule establishes sanitation and safety standards pertaining to life safety, fire safety, electrical wiring, fuel-burning appliances, plumbing and swimming pools/spas for lodging establishments.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) General.

(A) Definitions.

1. "Administrative authority" shall mean local or state health department representative or local codes administrator/fire marshal, state fire marshal or his/her representative.
2. "Air break" shall mean a piping arrangement in which a drain from a fixture, appliance or device discharges indirectly into another fixture, receptacle or interception at a point below the flood level rim. The connection does not provide an unobstructed vertical distance and is not solidly connected but precludes the possibility of backflow to a potable water source.
3. "Air gap" shall mean the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or outlet supplying fixture, or other device, and the flood level rim of the receptacle. The vertical physical separation shall be at least two (2) times the inside diameter of the water inlet pipe above the flood rim level but shall not be less than one inch (1").
4. "Approved" shall mean acceptable to the administrative authority having jurisdiction.
5. "Bed and breakfast" shall mean an existing building(s) with no more than three (3) occupiable stories, with at least five (5) but no more than ten (10) guest rooms. The building shall have interior corridors and be provided with a kitchen; breakfast shall be provided to guests and the owner must live in or adjacent to the building.
6. "Dead-end corridor" shall mean a corridor, aisle or passageway arranged without an exit access in two (2) directions.
7. "Equivalent code" shall mean any code that is accepted by state regulatory authorities and the industry that contains the same definition or standard as the code referenced in this rule, including but not limited to, fire alarm systems, wireless smoke detectors and supervised sprinkler systems.
8. "Existing lodging establishment" shall mean a building, component or feature that is operating as a licensed lodging establishment or has a current inspection conducted by or for the Missouri Department of Health and Senior Services

(DHSS) and is in the process of obtaining a lodging license as of the effective date of this rule.

9. "Exit" shall mean the portion of a means of egress that is separated from all other spaces of the building or structure by construction or equipment required to provide a protected way of travel to the exit discharge. Exits include exterior exit doors, exit passageways, horizontal exits, separated exit stairs and separated exit ramps.
10. "Exit access" shall mean the portion of a means of egress that leads to an exit.
11. "Exit discharge" shall mean the portion of a means of egress between the termination of an exit and a public way.
12. "Fire alarm system" is as described in the National Fire Protection Association 72, National Fire Alarm Code 2002 Edition, which is incorporated by reference in this rule or equivalent code. Any interested person may view this material at the agency's headquarters or may purchase a copy from the National Fire Protection Association, 11 Tracy Drive, Avon, MA 02322. This rule does not incorporate any subsequent amendments or additions.
13. "Fire barrier" shall mean a structural element, either vertical or horizontal, such as a wall or floor assembly, that is designed and constructed with a specified fire resistance rating to limit the spread of fire and restrict the movement of smoke. Such barriers may have protected openings.
14. "Fire resistance rating" shall mean the length of time, in minutes or hours, that materials or structural elements can withstand fire exposure.
15. "Flame resistant material" shall mean the property of material or its structural elements that prevents or retards the passage of excessive heat, hot gases or flames under conditions in which they are used.
16. "Furnace" shall mean a heating device with forced air ductwork.
17. "Group of buildings" as referenced in the lodging establishment definition, shall mean any building, structure, facility, place, bed and breakfast, or places of business, including but not limited to, multiple, individual or multi-unit cabins and guest rooms that are not attached to the main building but receive the same services/amenities as those guest rooms within the main building.
18. "Guest room" shall mean any room or unit where sleeping accommodations are regularly furnished to the public.
19. "Hardwired" shall mean wired directly and permanently into the building's main electrical wiring system and/or a wireless system as described in the National Fire Protection Association 72, National Fire Alarm Code 2002 Edition or equivalent code.
20. "Hazardous areas" shall mean areas of structures or buildings posing a degree of hazard greater than normal to the general occupancy of a building or structure, such as areas used for the storage or use of combustibles or flammable, toxic, noxious or corrosive materials, or heat-producing appliances.
21. "Historic building" shall mean a building that is listed individually in the National Register of Historic Places or is located in a registered historic district and certified by the Secretary of the Interior as contributing to the historic significance of the district.
22. "Lodging establishment" shall include any building, group of buildings, structure, facility, place, or places of business where five (5) or more guest rooms are provided, which is owned, maintained, or operated by any person and which is

kept, used, maintained, advertised or held out to the public for hire which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort, cabins, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as lodging establishments for either transient guests, permanent guests, or for both transient and permanent guests. This definition shall not apply to dormitories and other living or sleeping facilities owned or maintained by public or private schools, colleges, universities, or churches unless made available to the general public and not used exclusively for students and faculty, school-sponsored events, baseball camps, conferences, dance camps, equitation camps, football camps, learned professional society meetings, music camps, retreats, seminars, soccer camps, swimming camps, track camps, youth leadership conferences, or church-sponsored events.

23. "Major renovation" shall mean a physical change to a lodging establishment or portion thereof, including the replacement or upgrading of major systems, which extends the useful life. Examples include, but are not limited to, demolition of the interior or exterior of a building or portion thereof, including the removal and subsequent replacement of electrical, plumbing, heating, ventilating and air conditioning systems, fixed equipment and interior walls and partitions (whether fixed or moveable). Replacement of broken, dated or worn equipment/items, including but not limited to, individual air conditioning units, bathroom tile, shower stalls that do not require any additional or new plumbing, electrical, etc. shall not be considered a major renovation.
24. "Means of egress" shall mean a continuous and unobstructed way of travel from any point in a building or structure to a public way. A means of egress consists of three (3) distinct parts, the exit access, the exit and the exit discharge.
25. "New lodging establishment" shall mean a building, component or feature that begins operation as a lodging establishment after the effective date of this rule or an existing lodging establishment that has ceased operation for a time period of eighteen (18) months or more and reopens as a lodging establishment after the effective date of this rule.
26. "Occupiable story" shall mean a story available to guests.
27. "Potable water" shall mean water which is safe for human consumption in that it is free from impurities in amounts sufficient to cause disease or harmful physiological effects and, for the purpose of this rule, must be approved by the Department of Natural Resources (DNR) or the DHSS prior to serving to the general public.
28. "Potentially hazardous food" shall mean those foods that are referenced in 19 CSR 20-1.025 Sanitation of Food Establishments.
29. "Prepackaged" shall mean bottled, canned, cartoned, securely bagged or securely wrapped, whether packaged in a food establishment or a food processing plant. It does not include a wrapper, carryout box or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.
30. "Primary means of egress" shall consist of, but is not limited to, an enclosed interior stair, an exterior stair, horizontal exit, door, stairway, or ramp providing a means of unobstructed travel without traversing any corridor or space exposed to an unprotected vertical opening. The primary means of escape shall lead outside

of the dwelling unit at street or ground level. Stairways serving as part of the primary means of egress shall be enclosed with fire barriers (vertical), such as wall or partition assemblies with a fire resistance rating of not less than thirty (30) minutes. Such enclosures shall be continuous from floor to floor. Openings shall be protected as appropriate for the fire resistance rating of the barrier.

31. "Private water supply" shall mean a piped water supply having less than fifteen (15) service connections or serving less than twenty-five (25) people at least sixty (60) days out of the year.
32. "Public water supply" shall mean a piped water supply having fifteen (15) or more service connections or serving twenty-five (25) or more people at least sixty (60) days out of the year. It may be a community water system, transient noncommunity water system or nontransient noncommunity water system.
33. "Public way" shall mean an area such as a street or sidewalk that is open to the outside and is used by the public for moving from one (1) location to another.
34. "Remote exit or means of egress" shall mean when two (2) exits or two (2) exit access doors are required.
35. "Secondary means of egress" shall consist of, but is not limited to, a door, outside window, stairway, passage, fire escape or hall providing a way of unobstructed travel to the outside of the dwelling at street or ground level; a passage through an adjacent nonlockable space to any approved means of escape; an outside window or door operable from the inside without the use of tools, keys, or special effort and providing a clear opening of not less than twenty inches (20") in width, twenty-four inches (24") in height, and 5.7 square feet in area. The bottom of the opening shall not be more than forty-four inches (44") above the floor. Such means of escape shall be acceptable if the window is within twenty feet (20') of grade or opens onto an exterior balcony and is directly accessible to fire department rescue apparatus as approved by the local fire inspector or State Fire Marshal's office.
36. "Self-closing" shall mean to be equipped with an approved device that will ensure closing after having been opened.
37. "Sleeping room" shall mean the part of the guest room where people sleep.
38. "Smoke proof enclosure" shall mean a stair enclosure designed to limit the movement of combustion products, produced by a fire occurring in any part of the building, into such enclosure.
39. "Spa" shall mean a pool designed for recreational and/or therapeutic use and not drained, cleaned and refilled for each individual. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction systems or any combination thereof.
40. "Story" shall mean the portion of a building located between the upper surface of a floor and the upper surface of the floor or roof next above.
41. "Supervised sprinkler system" is as described in the National Fire Protection Association 13, Standard for the Installation of Sprinkler Systems 2002 Edition and the National Fire Protection Association 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height 2002 Edition, which are incorporated by reference in this rule or equivalent code. Any interested person may view this material at the agency's headquarters or may purchase a copy from the National Fire Protection

Association, 11 Tracy Drive, Avon, MA 02322. This rule does not incorporate any subsequent amendments or additions.

42. "Wet location" shall mean a location subject to saturation with water or other liquids, including but not limited to, bathtubs, sinks and/or shower stalls.

(2) Requirements for Obtaining a Lodging License (Existing, New and Renovated). Lodging establishments shall be responsible for providing any and all documentation related to inspections and evaluations required in this rule, including but not limited to, fire extinguishers, fire alarm systems, sprinkler systems and smoke detectors.

(A) Existing lodging establishments shall:

1. Comply with Missouri laws and the DHSS rules and regulations regarding lodging establishments;
2. Comply with Missouri laws and the DNR rules and regulations regarding, but not limited to, sewage treatment, drinking water and backflow;
3. Comply with Missouri laws and the Department of Public Safety (DPS) rules and regulations regarding pressure vessels;
4. Be operated and maintained in compliance with any and all applicable ordinances and regulations; and
5. If listed as a historical building, the owner must notify the DHSS. Upon notification, the DHSS will collaborate with the DNR, State Historical Preservation Office, to determine requirements for licensing.

(B) New lodging establishments shall:

1. Comply with Missouri laws and the DHSS rules and regulations regarding lodging establishments;
2. Comply with Missouri laws and the DNR rules and regulations regarding, but not limited to, sewage treatment, drinking water and backflow;
3. Comply with Missouri laws and the DPS rules and regulations regarding pressure vessels;
4. If built within a jurisdiction with applicable local ordinance(s), be erected, operated and maintained in compliance with those ordinances and regulations, or if not built within a jurisdiction with applicable local ordinance(s), be erected, operated and maintained in accordance with the 2002 Edition of a national code(s) regarding life safety, structural, electrical, plumbing, mechanical and architectural elements of the establishment, unless otherwise specifically stated in this rule;
5. If listed as a historical building, the owner must notify the DHSS. Upon notification, the DHSS will collaborate with the DNR, State Historical Preservation Office, to determine requirements for licensing; and
6. Present an occupancy permit issued by the regulating authority, or if not located within a jurisdiction that issues occupancy permits, certify to the DHSS that the establishment has been designed and erected in accordance with the 2002 Edition of a national code(s) regarding life safety, structural, electrical, plumbing, mechanical and architectural elements of the establishment. Certification to these facts will be accepted by a professional engineer, architect or the general contractor responsible for the construction of the establishment being licensed.

(C) Lodging establishments undergoing a major renovation shall:

1. Present an occupancy permit issued by the regulating authority, or if not located within a jurisdiction that issues occupancy permits, certify to the DHSS that the addition has been designed and erected in accordance with the 2002 Edition of a national code(s) regarding life safety, structural, electrical, plumbing, mechanical

and architectural elements of the establishment. Certification to these facts will be accepted by a professional engineer, architect or the general contractor responsible for the construction of the establishment being licensed.

(3) Requirements for Operating a Lodging Establishment.

(A) Drinking Water Supply. Water supplies that serve lodging establishments shall provide safe drinking water. Bacteriological, chemical and radiological contaminants shall be within levels acceptable to the administrative authority. Supplies deemed unsafe by the DHSS or DNR shall not be used as a potable water supply.

1. Treatment equipment for community, noncommunity public and private water supplies.
 - A. New or existing treatment equipment necessary to provide a safe drinking water supply shall be installed, maintained and operated according to manufacturer's specifications and the DHSS requirements as defined in (3)(A)1.-7. or the DNR requirements.
 - B. Existing chlorinators and chlorinators required to be installed to provide safe drinking water, after the effective date of this rule, shall be a positive feed liquid chlorinator with thirty (30)-minute retention time based on pump capacity and must maintain a residual no less than 0.5 and no greater than four (4) parts per million (ppm) free available chlorine.
 - C. Equipment, approved by the administrative authority, shall be available to test the treatment system.
2. Community and noncommunity public water supplies:
 - A. Shall be in compliance with Missouri laws and the DNR rules and regulations;
 - B. Noncommunity water supplies shall have a valid DNR permit to dispense water. A current copy of the DNR permit to dispense water must be available for review by the administrative authority.
3. Private water supplies:
 - A. Shall be regulated under the jurisdiction of the DHSS and constructed and located according to 10 CSR 23-3.010-10 CSR 23-3.110 Missouri Well Construction Code with the following aboveground construction components verified by inspection:
 - (I) Well casing shall extend a minimum of twelve inches (12") above grade; and
 - (II) The top of the well casing shall be free of openings that may allow the entry of contaminants;
 - B. Potentially influenced by surface water or shallow groundwater (i.e. springs, bored and dug wells) shall be equipped with a treatment system that includes:
 - (I) Microfiltration using a filter with a one (1) micron absolute or smaller pore size; and
 - (II) A chlorinator as defined in (3)(A)1.B.
4. Routine testing for transient noncommunity public and private water supplies.
 - A. Transient noncommunity public water and private water supplies shall be in compliance with all applicable testing mandated by the DHSS or DNR.

- (I) During each inspection, but no less than annually, a bacteriological water sample shall be collected by the administrative authority and analyzed for the presence of coliform bacteria; and
 - (II) A nitrate sample shall be collected when deemed necessary by the administrative authority and at least annually when a chlorinator is present. Wells exceeding nitrate levels of ten (10) ppm shall not be used for drinking water; a permanent alternative water supply must be provided.
- B. Water supplies with chlorinators installed, after the effective date of this rule, shall:
- (I) Have a nitrate analysis conducted prior to installing a chlorinator;
 - (II) Provide two (2) consecutive bacteriological sampling results, collected by the administrative authority a minimum of five (5) days apart, that are absent for total coliform and/or E. coli; and
 - (II) Provide monthly bacteriological sampling results for twelve (12) months.
 - (a) If results are satisfactory for twelve (12) consecutive months, the administrative authority shall determine future sampling frequencies.
 - (b) If bacteriological sampling results continue to indicate the presence of total coliform, the well may be deemed unsafe by the DHSS.
 - (c) If two (2) water samples collected by the administrative authority within a twelve (12)-month period separated by at least thirty (30) days are E. coli positive, the well shall be deemed unsafe by the DHSS, unless immediate corrective actions can be taken to provide safe drinking water. These corrective actions must be approved by the DHSS.
- C. Private water supplies not meeting satisfactory bacteriological water results shall be placed under a Boil Water Order or Boil Water Notice/Advisory. Private water supplies not meeting satisfactory chemical or radiological water results shall be placed under a Limit Use Order.
5. During a Boil Water Order (including precautionary Boil Water Notice/Advisories) or a Limit Use Order issued on a public and/or private water supply, the operator shall comply with the following intermediate process(es) until permanent corrections have been made to the water supply:
- A. Notify guests, verbally and again by written notice prominently placed in each rented guest room, that the plumbed water is not potable and only potable water should be used for drinking and/or brushing of teeth. Additional restrictions for water use may be required by the DHSS;
 - B. Discard ice that may have been made from or exposed to contaminated water; and

- C. Obtain a temporary, alternate supply of potable water using one of the following practices:
 - (I) Individual containers of commercially bottled water shall be placed in each rented guest room and additional bottled water shall be available upon request by guests;
 - (II) Bulk water containers acceptable to the DHSS and which are filled from a source acceptable to the DHSS or DNR may be used. Such water shall be treated with an appropriate concentration of residual disinfectant to effectively counteract potential contamination that may be introduced between the filling of the container(s) and the dispensing of the water. This water shall be transported and handled in a safe and sanitary manner, which prevents contamination; or
 - (III) Other methods approved by the DHSS or DNR.
 - D. Community and noncommunity public water supplies shall comply with all mandated requirements issued by the DNR, local water district or utilities.
6. For a Boil Water Order to be lifted on private water supplies, the operator shall comply with one (1) of the following permanent corrections:
- A. Provide a chlorinator and comply with (3)(A)1.B. and (3)(A)4.B.(II);
 - B. Provide an alternate connection to an adjacent plumbing source of water acceptable to the DHSS and/or DNR, which is protected from contamination and capable of supplying a sufficient quantity of water; or
 - C. Other permanent disinfection process(es) or permanent corrective measure(s) as authorized by the DHSS.
7. For a Limit Use Order to be lifted for public and/or private water supplies, the operator shall comply with one (1) of the following permanent corrections
- A. Provide an alternate connection to an adjacent plumbing source of water acceptable to the DHSS and/or DNR, which is protected from contamination and capable of supplying a sufficient quantity of water; or
 - B. Other permanent corrective measures that provide a safe water supply, as approved by the DHSS.

(B) Wastewater Handling. Sewage and Wastewater Treatment and Disposal Systems.

- 1. On-site sewage treatment and disposal systems which generate three thousand (3,000) gallons or less of wastewater per day and are maintained in a subsurface treatment and disposal system shall be regulated by the DHSS.
 - A. Any on-site wastewater treatment system installed after January 1, 1996 shall be constructed according to 19 CSR 20-3.060 Minimum Construction Standards for On-Site Sewage Disposal Systems or applicable local ordinance.
 - B. On-site wastewater treatment systems shall be operated and maintained to preclude surfacing or discharging effluent, production of odors or the creation of a habitat for insect breeding, contamination of surface water or groundwater or creation of a nuisance or health hazard.
 - C. Malfunctioning systems shall be renovated according to 19 CSR 20-

3.060 Minimum Construction Standards for On-Site Sewage Disposal Systems or applicable local ordinance.

2. Wastewater treatment and disposal systems which generate more than three thousand (3,000) gallons of wastewater per day or are connected into waste stabilization ponds, or other alternative systems which discharge shall be regulated by the DNR.
 - A. Any wastewater treatment system installed after February 2002 shall have a National Pollutant Discharge Elimination System (NPDES) Permit, a General Permit or Exemption Letter issued by the DNR.
 - B. Wastewater treatment systems shall be operated and maintained to preclude the production of odors or creation of a habitat for insect breeding, growth of tall weeds or trees on or in a lagoon or its berm, or creation of a nuisance or health hazard.

(C) Sanitation/Housekeeping. Lodging establishments shall be kept in a clean and sanitary condition, in good repair, and shall be maintained and operated with strict regard to the health and safety of the patrons. The following items shall be held in compliance:

1. Walls, floors and ceilings of guest rooms shall be kept clean and in good repair. Furnishings, including draperies, beds, appliances, furniture and lamps, shall be kept clean and in good repair;
2. Clean and proper housekeeping shall be employed in guest rooms and related facilities;
 - A. A room in use shall be cleaned at least each time a different guest rents the room. If the same guest continuously occupies a room, the room shall be cleaned at least weekly.
 - B. Clean towels and washcloths shall be provided in the guest room each day that guest room is occupied by a different guest.
 - C. Clean bed linens shall be provided in the guest room each day that guest room is occupied by a different guest. If the same guest continuously occupies a room, bed linens shall be changed at least weekly. Bedspreads shall be clean and maintained in good repair.
 - D. Mattresses and boxsprings shall be clean and in good repair. The sleeping surfaces of a mattress in use shall be completely covered by a sheet. Excessively damaged or soiled mattresses and/or boxsprings shall be replaced.
 - E. Single-service drinking glasses and/or utensils, if provided in guest rooms, shall be prepackaged.
 - F. Insects, rodents, and other pests shall be controlled to minimize their presence on the premises by routinely inspecting the premises for evidence of pests, eliminating harborage conditions and using methods, if pests are found, such as trapping devices or other means of pest control. If rodenticides and/or pesticides are used and/or stored on the premises, they shall be stored away from areas containing food and not accessible to guests.
 - G. Ice provided for guests and patrons' use shall be from a commercial source or made from a potable water supply approved by the DHSS or DNR. The ice shall be protected from contamination, which shall include the following:

- (I) Ice machines, dispensers or chests shall be sheltered from the weather, kept in good repair and the ice compartment shall be kept clean and free of mold, rust, debris, foreign objects or other contaminants. Existing establishments operating before February 2002 may continue to use existing chest type ice machines and dispensers. All establishments that replace or add a new self-service ice machine for guest use shall only provide dispensing type self-service ice machines;
 - (II) Ice machines and ice trays within guest refrigerators shall be kept clean and sanitary. Ice shall be removed from the ice bin and ice trays each time a different guest rents the room;
 - (III) An approved scoop with a handle that is seamless and without cracks shall be provided for each bin-type ice machine or chest. The scoop may be stored in a holster in the ice compartment, in a smooth non-absorbent holder outside the ice machine or chest, or in another manner acceptable to the administrative authority; and
 - (IV) Individual ice buckets or containers, if provided, shall be kept clean, in good repair, and constructed of a smooth, non-absorbent, food-grade material.
 - (a) If a food-grade single service liner is provided, the individual ice buckets/containers shall be washed, rinsed and sanitized as needed. Reuse of the food-grade single service liner is forbidden.
 - (b) If a food-grade single service liner is not provided, the individual ice buckets/containers shall be washed, rinsed and sanitized at least each time a different guest rents the room.
- H. Ice buckets/containers and reusable glasses and utensils, if provided, shall not be located within the room housing the toilet unless approved by the administrative authority.
- I. Ice buckets/containers, reusable glasses and utensils, if provided, shall be washed, rinsed and sanitized using one (1) of the following practices. Exception: Guest rooms provided with kitchenettes—
- (I) A sink with at least three (3) compartments shall be provided for manually washing, rinsing, and sanitizing the reusable items. Sink compartments shall be large enough to accommodate immersion of the largest piece of equipment and utensil;
 - (II) A mechanical dishwasher that meets the requirements for washing, rinsing and sanitizing as outlined in 19 CSR 20-1.025 Sanitation of Food Establishments; or
 - (III) Other methods approved by the administrative authority.
- J. The guest rooms, buildings and premises shall be kept neat and free of refuse and debris.
- (I) Garbage and refuse shall be stored in a covered durable, leak-proof and vermin-proof non-absorbent container. If there is evidence of vermin or a creation of a nuisance or health hazard,

outdoor trash containers shall be stored on a smooth, hard surface such as concrete or machine-laid asphalt that is sloped to drain, or other methods approved by the administrative authority.

(II) Garbage and refuse shall be disposed of on a routine basis.

(III) Plant growth or other items in close proximity to the lodging establishment and its attendant facilities shall be maintained so as not to create a nuisance through harborage (cover) for pests such as rodents, vermin, reptiles and other small animals.

(IV) Items creating harborage for insects or vermin, or creating a health or safety hazard, shall be removed;

3. Lodging establishments that store, prepare, package, serve, vend or otherwise provide food(s), other than prepackaged non-potentially hazardous food, for human consumption directly or indirectly to a consumer, where consumption is on or off the premises and regardless of whether there is a charge for the food, shall be considered a food establishment and shall be regulated according to 19 CSR 20-1.025 Sanitation of Food Establishments or applicable local ordinance;
4. Lodging establishments that offer only commercially prepared, individually-portioned prepackaged foods that are nonpotentially hazardous and/or whole-uncut fresh fruits and vegetables and/or only prepare coffee for guest use shall not be considered a food establishment, and shall comply with the following requirements:
 - A. Food shall be of sound condition, free from spoilage, filth or other contamination and shall be safe for human consumption;
 - B. Condiments served shall be provided in individual packages;
 - C. Single service articles shall be stored, handled and dispensed in a manner that prevents contamination of surfaces, which may come into contact with food or with the mouth of the user;
 - D. Food serving areas and food contact surfaces shall be smooth, free of breaks, open seams, cracks, chips and similar imperfections;
 - E. Food shall be stored and presented in such a way as to be protected from cross-contamination; and
 - F. Employees shall observe good hygienic practices during all working periods of food service. Employees shall wash their hands prior to beginning work, during work, and as often as necessary to keep them clean, and after using the toilet, smoking, eating and drinking; and
5. Coffeemakers and coffeepots used by the lodging establishment for preparing coffee to the guests or provided in guest rooms, shall not be located within the room housing the toilet unless approved by the administrative authority and shall be washed, rinsed and sanitized using one (1) of the following methods and/or equipment:
 - A. A sink with at least three (3) compartments shall be provided for manually washing, rinsing, and sanitizing the coffeemakers and coffeepots. Sink compartments shall be large enough to accommodate immersion of the largest piece of equipment and utensil;

- B. A mechanical dishwasher that meets the requirements for washing, rinsing and sanitizing as outlined in 19 CSR 20-1.025 Sanitation of Food Establishments;
 - C. clean-in-place method shall be designed so that cleaning and sanitizing solutions circulate throughout the fixed system and contact all interior food contact surfaces; the system shall be self-draining or capable of being completely drained of cleaning and sanitizing solutions, and the cleaning and sanitizing solutions used are intended for food contact surfaces; or
 - D. Other methods approved by the administrative authority.
- (D) Life Safety.** The lodging establishment shall be constructed, operated and maintained with strict regard to health and safety.
- 1. Operation and maintenance requirements are as follows:
 - A. Combustibles, whether solid, liquid or gaseous, shall be properly used and stored so that they do not present a hazard to health or life safety;
 - B. Toxic, corrosive, oxidizing or other hazardous materials shall be properly used, stored, and disposed of in such a manner that they do not present a hazard to health or life safety;
 - C. All guards placed on the sides of open face stairs shall be attached to the stair in a sturdy manner and maintained in good repair. All railings for balconies shall be attached to the balcony in a sturdy manner and maintained in good repair;
 - D. There shall be no storage on stairs or landings;
 - E. Stairways, walks, ramps and porches shall be kept free of ice and snow;
 - F. If the administrative authority suspects that defects are present with regard to the integrity of the structure or electrical system of the lodging establishment, that authority may require the owner to retain the services of a professional engineer to certify the lodging establishment for building safety;
 - G. Buildings must be adequately maintained to assure safe and sanitary conditions;
 - H. All repairs, additions and maintenance must be conducted in a manner that produces safe and sanitary conditions; and
 - I. Facilities using fuel-fired equipment or appliances that pose a potential carbon monoxide risk, including facilities with attached parking garages or wood burning fireplaces, shall install a carbon monoxide detector(s). Carbon monoxide detectors shall be installed according to manufacturer's specifications and should not be placed within five feet (5') of gas-fueled appliances or near cooking or bathing areas. Exception: carbon monoxide detectors installed prior to the effective date of this rule.
 - (I) Carbon monoxide detectors shall not be required to be installed in the attached parking garage area.
 - (II) Carbon monoxide detectors shall be required in rooms adjoining or sharing a common ventilation system with the attached parking garage.
 - (III) Carbon monoxide detectors shall be in good working

condition. If the battery-operated detector is routinely not operational, the owner shall install a detector that is hardwired with battery backup.

(IV) By September 2010, all carbon monoxide detectors shall be hardwired with battery backup. All additional carbon monoxide detectors shall be maintained and in good working condition.

(V) Carbon monoxide detectors shall be tested at least monthly or as needed to ensure they are operating properly and batteries shall be changed as needed.

2. Electrical. Installation and maintenance of electrical components shall be in compliance with local codes when applicable. In the absence of local codes, the following requirements shall be met:

A. New lodging establishments having electrical outlets installed within five feet (5') of wet locations or outdoors are required to be fitted with ground-fault circuit interrupters. Existing lodging establishments undergoing a major renovation or rewiring shall be required to install ground-fault circuit interrupters in electrical outlets located within five feet (5') of wet locations or outdoors;

B. Electrical switches, outlets and junction boxes must be covered and properly protected from physical damage at all times;

C. All appliances must be grounded to design specifications;

D. Wire splices shall be located in covered junction boxes at all times;

E. Bare or frayed wiring is prohibited;

F. Three (3)-prong receptacles must be properly grounded at all times. Nongrounded three (3)-prong receptacles in existing lodging establishments shall be replaced with two (2)-prong receptacles or properly grounded;

G. Public hallways, stairways, landings, and foyers shall be sufficiently illuminated at all times to prevent tripping or other injuries to persons;

H. Exit signs shall be provided when guest room doors open to an interior corridor and where guest room doors open to the outside but not directly at grade level;

I. Exit signs shall be maintained in a clean and legible condition and shall be illuminated at all times that the building is occupied. For new construction, supplemental directions signs, when necessary, shall be installed indicating the direction and way of egress;

J. All emergency lighting shall be maintained in good working condition.

(I) Emergency lighting shall be provided when guest room doors open to an interior corridor and where guest room doors open to the outside but not directly at grade level;

K. Temporary wiring and flexible cords shall not be used in place of fixed wiring.

(I) Use of extension cords longer than six feet (6') shall be prohibited unless provided with over-current protection or rated with properly sized wire. No more than two (2) extension cords per room may be used;

L. Wattage of light bulbs shall not exceed the wattage rating of corresponding light fixtures;

- M. Empty light sockets are prohibited;
- N. Circuit boxes shall be protected from physical damage and maintained in good condition. Storage of items that obstruct the vision of or access to circuit boxes is prohibited; and
- O. Access to electrical panels shall be unobstructed; fuses and circuits must be labeled for identification.

(E) Fire Safety.

1. Operation and maintenance requirements for existing and new lodging establishments.
 - A. All facilities shall comply with all local building codes, fire codes and ordinances.
 - B. Housekeeping practices that ensure fire safety shall be maintained daily.
 - C. No fresh-cut Christmas trees shall be used unless they are treated with a flame resistant material. Documentation of the treatment shall be on file at the facility.
 - D. No door in any means of egress shall be locked against egress when the building is occupied.
 - (I) Delayed egress locks shall be permitted in buildings provided with a fire alarm system and/or an approved supervised automatic sprinkler system. No more than one (1) such device may be located in any one (1) egress path, and the door lock must unlock upon loss of power to the building, upon actuation of the fire alarm system, or upon actuation of the approved supervised automatic sprinkler system in the building.
 - E. Every bathroom door shall be designed to allow opening from the outside during an emergency when locked.
 - F. Doors serving a single dwelling unit shall be permitted to be provided with a lock, however, a key operation shall be allowed, providing that the key cannot be removed when the door is locked from the side from which egress is made.
 - G. Textile materials having a napped, tufted, looped, woven, nonwoven or similar surface shall not be applied to walls or ceilings unless they are treated with a flame resistant material. Documentation of the treatment shall be on file at the facility.
 - H. Foam plastic materials or other highly flammable or toxic material shall not be used as an interior wall, ceiling or floor finish unless approved by the administrative authority.
 - I. Hangings or draperies shall not be placed over exit doors or located to conceal or obscure any exit.
 - J. Mirrors shall not be placed on exit doors or adjacent to any exit that may confuse the direction of exit.
 - K. Portable fire extinguishers (5 pound, 2A-10BC) shall be required for the protection of all guests and located in the hallways, mechanical room(s), laundry area(s) and all other hazardous areas.
 - (I) The maximum travel distance to a fire extinguisher from a guest room door that opens into an interior corridor or a guest room door that opens to the outside but not directly at grade level

shall be no greater than seventy-five feet (75') and accessible to the guest.

- (II) All fire extinguishers shall be maintained in a fully charged and operable condition and inspected annually by a fire extinguisher company, fire department representative or other entity approved by the administrative authority.
- (III) Fire extinguishers having a gross weight not exceeding forty (40) pounds shall be installed so that the top of the extinguisher is not more than five feet (5') above the floor. Extinguishers having a gross weight more than forty (40) pounds shall be installed so that the top of the extinguisher is not more than three and one-half feet (3 1/2') above the floor. In no case shall the clearance between the bottom of the extinguisher and the floor be less than four inches (4").
- L. There shall be no louvers or other air passages penetrating the wall except properly installed heating and utility installations.
- M. Guest room doors shall be provided with room latches or other mechanisms suitable for keeping the doors closed.
- N. Guest room doors shall be self-closing or provided with a closing device that closes the door automatically upon detection of smoke. Door-closing devices shall not be required in buildings protected throughout by an approved, automatic sprinkler system or when the guest room door opens directly to the outside of the dwelling unit at or to grade level.
- O. Smoke detectors shall be installed in all sleeping rooms, cooking areas/kitchens, hallways, laundry rooms, mechanical rooms, hazardous areas and where specifically stated within this rule. Heat sensing devices may be installed in cooking areas in lieu of a smoke detector(s).
 - (I) Smoke detectors and heat sensing devices shall be maintained in good operating condition.
 - (II) If a wireless system is used, the system shall be designed, installed and maintained in accordance with the National Fire Protection Association 72, National Fire Alarm Code 2002 Edition or equivalent code.
 - (III) Smoke detectors shall be tested at least monthly or as needed to ensure they are operating properly and batteries shall be changed as needed.
 - (IV) All hardwired-interconnected smoke detectors shall be tested and approved annually by a sprinkler company, fire alarm company, fire department representative or other entity approved by the administrative authority.
 - (V) The administrative authority may require the installation of additional smoke detectors at any time.
- P. All fire alarm systems and sprinkler systems shall be tested and approved annually by a fire alarm company, sprinkler company, fire department representative or other entity approved by the administrative authority.

- Q. Individual fire sprinklers plumbed into a potable water line over gas water heaters and/or furnaces shall not be required to be tested and approved annually unless required by local ordinance.
 - R. An evacuation route diagram reflecting the actual floor or exterior doors that lead outside of the dwelling unit at street or ground level arrangement, exit locations, and room identification shall be posted in a location and manner acceptable to the administrative authority in every guest room or immediately adjacent to every guest room door. Guest room doors leading directly to the outside of the dwelling unit at grade level are not required to post an evacuation route diagram.
 - S. A copy of an emergency evacuation plan and employee instruction guide shall be kept on file that is accessible by all staff. All staff shall be able to demonstrate knowledge of the emergency evacuation plan.
 - T. Fire safety information shall be available so that guests may make an informed decision as to evacuate to the outside, evacuate to an area of refuge, remain in place, or employ any combination of the three (3) options.
2. Existing lodging establishments shall also meet the following requirements:
- A. All facilities that use stairs as a component in the means of egress shall comply with the following:
 - (I) All open face stairs shall have guards placed on the sides. Guards shall be placed so that a four inch (4") diameter sphere cannot pass through them;
 - (II) Handrails for stairs shall not be less than thirty-four inches (34") and not more than thirty-eight inches (38") above the surface of the tread, measured vertically to the top of the rail from the leading edge of the tread;
 - (II) Railings for balconies shall not be less than forty-two inches (42") in height. Guards shall be placed so that a four inch (4") diameter sphere shall not pass through them; and
 - (IV) Existing handrails, railings and guards for stairs may continue to be used subject to approval of the administrative authority;
 - B. All facilities that use ramps as a component in the means of egress shall comply with the following:
 - (I) Ramps shall have a minimum width of forty-four inches (44") in all facilities;
 - (II) Ramps shall have a slip resistant surface;
 - (III) Ramps that are greater than six inches (6") in height shall have handrails and guards placed on each side. The handrails and guards shall comply with the stair requirements in (3)(E)2.A.(I)–(IV); and
 - (IV) Existing ramps may continue to be used subject to approval of the administrative authority;
 - C. Floors that separate stories in a building shall be maintained as a smoke barrier to provide a basic degree of compartmentation;
 - D. Openings through floors, such as hoistways for elevators, shaftways

- used for light, ventilation or building services; or expansion joints and seismic joints used to allow structural movements shall be enclosed with fire barriers (vertical), such as wall or partition assemblies whose fire resistance rating is not less than thirty (30) minutes. Such enclosures shall be continuous from floor to floor. Openings shall be protected as appropriate for the fire resistance rating of the barrier;
- E. Service openings such as laundry chutes, dumbwaiters and inclined and vertical conveyors shall be provided with closing devices and must be kept closed when not in active use. Outlet doors for trash or laundry chutes shall open only to a separate room designed exclusively for that purpose. This room shall be provided with a one (1)-hour fire rated door that is self-closing. Existing installations may continue to be used upon approval of the administrative authority.
- (I) Service openings provided with closing devices shall be self-closing, with a positive-latching frame and door assembly of one (1)-hour fire rating.
- (II) Vertical conveyors and chutes shall be separately enclosed by walls or partitions. Service openings shall not open to an exit. Existing installations may continue to be used upon approval of the administrative authority;
- F. All guest rooms shall have a means of egress to the outside of the building at or to grade level;
- G. Egress routes that have been approved prior to February 2002 shall not be altered without prior approval by the administrative authority;
- H. Dead-end corridors or hallways shall not exceed fifty feet (50');
- I. No door or path of travel in a means of escape shall be less than twenty-eight inches (28") wide. Bathroom doors shall not be less than twenty-four inches (24") wide;
- J. All guest rooms opening into an interior corridor(s) shall be separated by walls and twenty (20)-minute fire protection-rated doors, forty-four millimeters (44 mm) (one and three-fourths inch (1 3/4")) solid-bonded wood-core doors, steel-clad (tin-clad) wood doors, solid-core steel doors with positive latch and closer, or as approved by the administrative authority;
- K. Existing transoms shall be permitted but must be permanently fixed in the closed position;
- L. Smoke detectors and heat sensing devices should be installed on the ceiling, preferably in the center, but no less than four inches (4") from the wall of the sleeping area or on a sleeping room wall between four and twelve inches (4"–12") from the ceiling or as otherwise approved by the administrative authority;
- M. If a battery-operated detector is routinely not operational, the owner shall install a detector that is hardwired with a battery backup;
- N. By September 2010, all smoke detectors and heat sensing devices shall be hardwired with battery backup; and
- O. Existing fire alarm systems and sprinkler systems shall be maintained in good working order.

3. New lodging establishments shall meet these additional requirements. In addition to the required certification that the establishment has been designed and erected in accordance with the 2002 Edition of a national code(s), the DHSS has outlined minimum requirements for the maintenance of fire safety components and the installation of smoke detectors, fire alarm systems, sprinkler systems, and fire extinguishment to provide adequate life safety protection to ensure the safety of the occupants.
 - A. Lodging establishments meeting the definition of a bed and breakfast may have two (2) secondary means of egress that are independent and remote from one another in lieu of a primary means of egress.
 - B. Smoke detectors and/or heat sensing devices shall be installed on the ceiling, preferably in the center, but no less than four inches (4") from the wall of the sleeping area or on a sleeping room wall between four and twelve inches (4"–12") from the ceiling.
 - (I) All smoke detectors and/or heat sensing devices shall be hardwired with battery backup.
 - C. A fire alarm system shall be installed and maintained in accordance with the National Fire Protection Association 72, National Fire Alarm Code 2002 Edition or equivalent code and maintained in good working order. Exception 1: Single story buildings with guest room doors that open directly to the outside at grade level. Exception 2: Buildings with no more than three (3) occupiable stories and with no more than four (4) guest rooms per building with guest room doors that lead directly outside at or to grade level.
 - (I) When a fire alarm system is required, all smoke detectors and/or heat sensing devices shall be interconnected, except those located in sleeping rooms.
 - D. All buildings shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with the National Fire Protection Association 13, Standard for the Installation of Sprinkler Systems 2002 Edition or the National Fire Protection Association 13R Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height 2002 Edition or equivalent code.
 - (I) Bed and breakfasts and buildings with no more than three (3) occupiable stories, where all guest rooms have a door that opens directly to the outside at or to grade level or to an exterior exit access are not required to be protected throughout by an approved, supervised automatic sprinkler system.

(F) Swimming Pools/Spas. Design, maintenance and operation of swimming pools, spas, and other bathing facilities shall be in accordance with the following requirements:

1. New swimming pools and swimming pools undergoing a major renovation, such as installing a diving board or slide, shall be designed by a professional engineer and certified by a professional engineer, architect or other qualified professional approved by the administrative authority. The design must comply with a national swimming pool code;
2. Requirements regarding the general safety of swimming pools are as follows:

- A. Swimming pools shall be protected by a fence, wall, building or other enclosure that is at least four feet (4') in height. The enclosure shall be made of a durable material. Artificial barriers shall be constructed so as to afford no external handholds, footholds, or opening large enough to pass a four inch (4") diameter sphere through. Existing installations may continue to be used upon approval of the administrative authority;
- B. Gates shall be equipped with a self-closing and positive self-latching closure mechanism. The latch shall be installed as high as possible, but no greater than four feet (4'), to preclude access of a toddler;
- C. Doors leading into an indoor pool area shall be installed with self-closing and positive self-latching closure mechanism(s). The closure mechanism shall be installed as high as possible, but no lower than four feet (4') in height. Other means of precluding the access of a toddler into the indoor pool area must be approved by the administrative authority;
- D. All natural barriers, hedges, swimming pool covers, or other protective devices must be approved by the administrative authority;
- E. Depth of water shall be plainly marked with four inch (4")-high numbers, of a contrasting color to the pool background color, at or above the water surface on the vertical pool wall and on the edge of the deck, at maximum and minimum points of break between the deep and shallow portions, and at intermediate increments of depth, spaced at not more than twenty-five feet (25') intervals measured peripherally.
 - (I) Markings shall be on both sides and ends of the swimming pool.
 - (II) Where depth markings cannot be placed on the vertical walls above the water level, other means shall be used so that the markings will be plainly visible to persons in the swimming pool;
- F. Lifesaving equipment, consisting of both a throwable device and a reaching device, shall be provided for all swimming pools. Swimming pools over two thousand (2,000) square feet and up to four thousand (4,000) square feet of water surface area shall have two (2) throwable and reaching devices. Approval by the administrative authority shall be required for swimming pools in excess of four thousand (4,000) square feet of water surface area.
 - (I) A throwable device shall be a U.S. Coast Guard approved device, fitted with a one-quarter inch (1/4")-diameter line with a length of 1.5 times the maximum width of the swimming pool or fifty feet (50'), whichever is less and a reaching device shall be a life pole or shepherd's crook type of pole, having blunted ends with a minimum length of twelve feet (12') or as approved by the administrative authority. This equipment shall:
 - (a) Be mounted in conspicuous places, distributed around the pool deck;
 - (b) Be kept in good repair and ready condition; and

- (c) Be kept in an established location and shall be used only for its intended purpose;
- G. Whenever the swimming pool area is less than two thousand (2,000) square feet of water surface area and is opened for use and no lifeguard service is provided, warning signs shall be placed in plain view of the entrances and inside the pool area which state "WARNING—NO LIFEGUARD ON DUTY" with plainly legible letters;
- H. Swimming pools having two thousand (2,000) square feet of water surface area or greater shall have a certified lifeguard present at all times the pool is available for use. In swimming pools with two thousand (2,000) square feet of water surface area or more, one (1) additional certified lifeguard shall be provided for each additional two thousand (2,000) square feet of water surface area;
- I. A first aid kit must be readily available to lodging employees for pool use at all times. The first aid kit shall be stored in an easily accessible location (such as the front office);
- J. No glass containers shall be used in the swimming pool area;
- K. The swimming pool and pool deck shall be kept clean of sediment, floating debris, visible dirt and algae; free of cracks, peeling paint and tripping hazards. Pools shall be refinished when the pool surface cannot be maintained in a safe and sanitary condition;
- L. Rooms that house a gaseous chlorine introduction system shall be located on the opposite side of the pool from the direction of the prevailing winds and must provide the following features:
 - (I) A respiratory protective device suitable to provide protection during exposure to chlorine gas. This device shall be housed in and readily accessible;
 - (II) An airtight duct at a maximum of eight inches (8") above the floor that terminates at a safe point of discharge to the outside away from the pool deck;
 - (III) A ventilating fan, capable of one (1) air change per minute and operated from a switch located outside the chlorine room door in conjunction with the airtight duct;
 - (IV) A louvered air intake near the ceiling;
 - (V) Adequate lighting with the light switch located outside the chlorine room, adjacent to the chlorine room door; and
 - (VI) A plastic bottle of ammonia for leak detection; automatic chlorine detectors are recommended;
- M. Chlorine and chlorinating equipment shall be housed in a separate room. This room shall have no openings to other interior openings; and
- N. Chlorine-feeding devices shall be designed to automatically terminate gas feed when the water supply flow is interrupted. The release of chlorine gas shall be terminated when the recirculation pump is shut off;

3. Requirements regarding the water quality of swimming pools and spas are as follows:

- A. Swimming pools and spas shall be designed and maintained to provide for continuous disinfection of the water with a chemical or process which is an effective disinfectant and which imparts an easily measurable, active residual;
 - B. The disinfecting materials and methods shall not be dangerous to public health, create objectionable physiological effects, or impart toxic properties to the water;
 - C. An easily adjustable, automatic disinfection feeder shall be provided for the continuous application of disinfectant to the pool and/or spa water. The concentration of disinfectant in the pool and/or spa water must be maintained at the following levels:
 - (I) When chlorine is the disinfectant, a free chlorine residual of at least one part per million (1.0 ppm) shall be maintained throughout the pool. When bromine is the disinfectant, a minimum residual between three and five (3–5) ppm shall be maintained throughout the spa; and
 - (II) Other disinfecting materials or methods are subject to approval of the administrative authority and may only be used when it has been demonstrated that they provide a satisfactory residual which is easily measured and operated according to the manufacturer's specifications;
 - D. An appropriate test kit shall be provided and capable of properly measuring disinfectant and pH residual;
 - E. The pH of the swimming pool and spa water shall be maintained at a level between 7.2 and 7.8; and
 - F. Swimming pool water shall have sufficient clarity that the main drain cover is readily visible at the deepest point of the pool when viewed from the side of the pool;
4. Requirements regarding the maintenance and operation of swimming pools and spas are as follows:
- A. A boundary line between the shallow and deep water shall be marked at the point where the swimming pool slope begins, or at the five foot (5') depth, by a line of contrasting color on the floor and walls of the pool, and by a safety rope and floats equipped with float keepers;
 - B. Steps, ladders or stairs shall be provided at the shallow end (less than five feet (5')) and steps or ladders shall be provided in the deep end (greater than five feet (5')). If the pool is over thirty feet (30') wide, such steps, ladders or stairs shall be installed on each side.
 - (I) Pool steps, ladders, and stairs shall be easily cleanable, corrosion-resistant and equipped with non-slip treads.
 - (II) All ladders shall be designed so as to provide a handhold. Where steps or ladders are provided, there shall be a handrail at the top of each side thereof extending over the coping of the edge of the deck. When stairs are provided, there shall be a handrail provided.
 - (III) Pool steps, ladders, stairs and handrails shall be maintained in good repair at all times;
 - C. Daily operating records shall be maintained and be available upon

- request. The residual concentration of the disinfectant used in the pool and/or spa, pH, water temperature and the date and time the information was collected shall be recorded;
- D. Indoor pool areas and chemical storage rooms shall be vented directly to the exterior or vented to a room that is vented directly to the exterior;
 - E. Any chemical applied in swimming pools and/or spas shall be used, handled, stored and labeled in accordance with the manufacturer's specifications;
 - F. Main drain grates shall be whole and openings shall not be over one-half inch (1/2") wide. Main drain grates shall be in good repair, firmly affixed at all times and designed and maintained to prevent user entrapment;
 - G. All pool and spa equipment shall be kept clean and in good repair at all times;
 - H. Diving boards and slides shall be maintained in good repair at all times;
 - I. A cleaning system shall be provided to remove dirt from the bottom of the pool;
 - J. Surface skimmers, strainer baskets and perimeter overflow systems shall be kept clean and in good repair;
 - K. Water shall be maintained at the overflow level; and
 - L. Discharged pool water shall conform to the DNR regulations;
5. Requirements regarding the lighting and electrical systems for swimming pools and spas are as follows:
- A. Artificial lighting shall be provided at swimming pools used at night or which do not have adequate natural lighting so that all portions of the pool, including the bottom, are readily seen without glare;
 - B. All lighting shall be maintained in good repair at all times;
 - C. All receptacles on the property shall be located at least ten feet (10') from the inside walls of a pool. One (1) receptacle to provide power for a recirculating pump motor on permanently installed swimming pools shall be permitted not less than five feet (5') from the inside walls of the pool provided the receptacle is single, of the locking and grounding types and protected by a ground-fault circuit interrupter;
 - D. All receptacles located within twenty feet (20') of the inside walls of a pool shall be protected by a ground-fault circuit interrupter;
 - E. Switching devices on the property shall be located at least five feet (5') from the inside walls of a pool unless separated from the pool by a solid fence, wall or other permanent barrier; and
 - F. Swimming pool areas over which utility-owned, operated and maintained supply lines, service drops, electrical lines and communication lines (i.e., telephone, cable TV) pass shall be approved in writing by the utility company;
6. The recirculation system serving the swimming pool and/or spa shall operate continuously or in accordance with manufacturer's specifications and /or recommendations or other engineering criteria;
7. Spas shall meet the additional following requirements: Exemption—a spa

used under direct supervision of qualified medical personnel is excluded:

- A. The maximum water depth shall be four feet (4') measured from the water line. The maximum depth of any seat or sitting bench shall be two feet (2') measured from the water line;
- B. Water temperature controls shall be provided to prevent water temperatures from exceeding one hundred four degrees Fahrenheit (104°F). The controls shall be accessible only to the swimming pool operator;
- C. Outlets shall be designed so that each pumping system prevents user entrapment;
- D. The agitation system shall be separate from the water treatment recirculation system. The agitation system shall be connected to a timer; and
- E. A legible sign visible from the spa shall be provided. The sign shall contain wording to the effect of:
 - (I) Caution. Any person having an acute or chronic disease such that use of this spa might adversely affect their health should consult a physician before using this spa;
 - (II) Do not use the spa alone or without supervision;
 - (III) Do not use the spa longer than ten (10) minutes;
 - (IV) Children shall be accompanied by an adult; and
 - (V) Additional precautionary information may be added as deemed necessary by the lodging establishment or manufacturer.

(G) Plumbing/Mechanical. Installation and maintenance of plumbing supply lines and equipment shall be in compliance with local codes when applicable. In the absence of local codes the following requirements shall be met:

- 1. General requirements are as follows:
 - A. Hot and cold running water shall be available at all times;
 - B. Restrooms shall be provided with adequate ventilation to prevent excessive condensation, mold or algae growth or odors. New lodging establishments shall provide mechanical ventilation;
 - C. adequate venting of the drainage system shall be provided and vents shall extend above the roof;
 - D. All fixtures shall be adequately and properly trapped;
 - E. Openings for the passage of plumbing shall be vermin proof; and
 - F. No fitting, connection, device or method of installation shall obstruct or retard the flow of water, wastes, sewage or air in the drainage or venting system;
- 2. Certification of Inspection by the Missouri Division of Fire Safety shall be required for the following water heaters, boilers and pressure vessels. Evidence of inspection and approval shall be posted on the premises, as well as on file with the State Fire Marshal's Office, Division of Fire Safety;
 - A. Water heaters with heat input greater than two hundred thousand British thermal units per hour (200,000 Btu/hr) or fifty-seven and six-tenths kilowatts (57.6 kW) if electric;
 - B. All boilers; and
 - C. Hot water storage tanks greater than one hundred twenty (120) gallon

- capacity, and water temperatures exceeding two hundred ten degrees Fahrenheit (210°F), and heat input greater than two hundred thousand (200,000) Btu/hr or fifty-seven and six-tenths (57.6) kW if electric;
3. Water heaters and pressure vessels not required to be inspected and approved by the Missouri Division of Fire Safety:
 - A. Shall be rated for a minimum working pressure of one hundred twenty-five pounds per square inch (125 psi). The maximum pressure allowed shall be permanently marked on all water heating units and holding tanks; and
 - B. A separate valve or switch shall be provided to shut the fuel supply off to water heating units;
 4. Safety devices to prevent the excessive buildup of heat and/or pressure in the vessel must be provided on water heaters and other pressure vessels.
 - A. Temperature and pressure (T&P) relief valves are required on or adjacent to hot water holding tanks but cannot be separated from the tank by a check valve or shutoff valve.
 - B. Temperature and pressure (T&P) relief valves are required on water heaters and must be installed so that the sensing element extends into the tank and monitors the temperatures in the top six inches (6") of the tank.
 - (I) Relief valves shall bear imprints, plates or tags to indicate the specifications of the valve.
 - (II) Btu rating of the temperature component of the T&P relief valve must be equal to or greater than the input Btu of the vessel it serves.
 - (III) Pressure rating of the pressure component of the T&P relief valve must be equal to or less than the pressure rating of the vessel it serves.
 - C. Relief valve discharge pipes shall be made of rigid pipe approved for water distribution with a temperature rating of two hundred ten degrees Fahrenheit (210°F) or other materials approved by the manufacturer to be used for this purpose and—
 - (I) Be the same diameter, or larger, as the relief valve outlet;
 - (II) Be installed so as to drain by gravity flow and shall have no more than one (1) elbow or be installed according to manufacturer's specifications;
 - (III) Valves shall not be connected to the relief valve discharge pipe; and
 - (IV) Shall not discharge so as to be a hazard or a potential cause of damage;
 5. All backflow devices used must meet 10 CSR 60-11.010 Prevention of Backflow or local codes. Potable water supplies shall be protected from sources of potential contamination.
 - A. The following shall be protected by reduced pressure principle backflow prevention assembly: boiler units, fire sprinkler systems with chemical additives, lawn sprinklers with facilities for injection of pesticides, herbicides or other chemicals and pumped or repressurized cooling or heating systems.

- B. The following shall be protected by a double-check valve assembly: facility wide fire sprinklers not using chemical additives and lawn sprinklers without facilities for injection of pesticides, herbicides or other chemicals.
- C. The following shall be protected by vacuum breakers: threaded faucets, flush valves and shower spray hoses. Commercial dishwashers and commercial laundry machines shall be protected by either a vacuum breaker or an air gap.
- D. The following shall be protected by air gaps: relief valve discharge pipes from water heaters and water holding tanks, make-up waterlines for cooling towers, potable water inlets to all plumbing fixtures, water softeners, condensation waterlines and discharge lines from commercial laundry machines. Swimming pool feed lines shall be protected by either an air gap or double-check valve assembly.
- E. The following shall be protected by air breaks: ice containers and ice machines.
- F. Fire sprinklers plumbed into a potable water line over gas water heaters and/or furnaces shall not be required to install a backflow device unless required by local ordinance;

6. Liquid propane (LP) gas systems shall be tested for leaks on a yearly basis.

(H) Heating, Venting and Air Conditioning (HVAC) Equipment. Air conditioning, heating, ventilating ductwork and related equipment shall be installed using acceptable procedures in a safe manner and be in good operating condition.

- 1. Unvented fuel-fired heaters, fireplaces or other appliances and portable electrical space heaters shall be prohibited from use in all areas of the lodging establishment unless approved in writing by the manufacturer for commercial use.
- 2. Existing unvented fireplace installations may continue to be used, upon approval of the administrative authority, if the following conditions are met:
 - A. The appliance and installation meet the National Fire Protection Association 54 ANSI 223.1-2002, 2002 Edition National Fuel Gas Code requirements for residential use;
 - B. The local gas company conducts an inspection to assure the appliance and installation meet the National Fire Protection Association 54 ANSI 223.1-2002, 2002 Edition National Fuel Gas Code requirements for residential use;
 - C. A carbon monoxide detector is installed in accordance with (3)(D)1.I.(III) (V); and
 - D. The unvented fireplace is not the primary source of heat.
- 3. Gas and electric heating equipment shall be equipped with thermostatic controls.
- 4. Gas water heaters, gas furnaces and other gas appliances shall be properly vented to the outside, and the flue pipe shall be constructed of galvanized pipe or material recommended by the manufacturer. All galvanized pipe shall be secured by screws at every joint in the pipe.
- 5. Joints in gas supply pipes shall be located outside the furnace cabinet housing.
- 6. Gas shutoff valves shall be located next to all gas appliances, gas furnaces and gas water heaters.

7. Rooms containing gas water heaters and/or gas furnaces shall have an automatic sprinkler head installed off the domestic water system with a hardwired smoke detector located directly outside the room or shall be protected throughout by an approved, supervised automatic sprinkler system or designed in a manner to be fire resistant.
 - A. The sprinkler head should be rated for one hundred sixty-five degrees Fahrenheit (165°F) or appropriately rated for the specific location and installed according to manufacturer's specifications or approved by the administrative authority. Existing installations may continue to be used upon approval of the administrative authority.
 - B. The sprinkler head should be installed in a manner so the water spray will encompass the gas water heater and/or furnace.
 - C. Pipes tying into the domestic water line shall be one-half inch (1/2") or three-fourths inch (3/4") copper pipe or chlorinated polyvinyl chloride (CPVC) pipe. Existing installations may continue to be used upon approval of the administrative authority.
 - D. CPVC pipe must meet National Fire Protection Association 13 Standard for the Installation of Sprinkler Systems 2002 Edition and National Fire Protection Association 13R Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height 2002 Edition.
 - E. A smoke detector is not required to be located directly outside the room if the door to the gas water heater and/or furnace room opens directly to the outside.
 - F. A smoke detector is not required to be located directly outside the room if another smoke detector is already located within ten feet (10') of the door.
 - G. A fire resistant room shall consist of walls and ceilings designed to be fire resistant for a minimum of one (1) hour, with a one (1)-hour fire rated door and doorjamb. All openings into this room shall be designed with one (1)-hour fire rated materials.
8. If a gas furnace or gas water heater is located inside a garage, it shall be at least eighteen inches (18") above the finished floor and enclosed inside a fire resistant room.
9. Furnaces shall be equipped with an electrical fused switch to protect the unit from electrical overloading and to disconnect the electrical supply.
10. Furnace rooms and rooms containing gas water heaters or any other fuel-fired appliance shall be provided with vents or other approved means to supply adequate combustion air for the units.
 - A. Except as specified in (3)(H)10.D. below, there shall be two (2) combustion air vent openings in each room containing gas or fuel-fired appliances.
 - (I) One (1) shall be located at the lower level and the other at the upper level.
 - (II) One (1) combustion air vent opening shall be permitted if the vent opening extends directly to the outside of the structure. This opening shall be one (1) square inch per three thousand (3,000) Btu input of the total gas appliances located in the room.

- B. The vent size openings for the combustion air shall be:
 - (I) Measured at one (1) square inch per one thousand (1,000) Btu input if the combustion air is drawn from inside the structure;
 - (II) Measured at one (1) square inch per four thousand (4,000) Btu input if the air is drawn from outside the structure.
 - C. Other means of venting furnace rooms and rooms containing gas water heaters or any other fuel-fired appliance may be subject to approval from the administrative authority; and
 - D. Furnace rooms and/or rooms containing gas or fuel burning appliances having a volume of fifty (50) cubic feet per one thousand (1,000) Btu/hour shall not be required to have additional venting.
 - (I) The sum of the required volume shall be calculated for all the gas appliances located within the space.
 - (II) Rooms communicating directly with the space in which the appliances are installed through openings not furnished with doors, and through combustion air openings sized and located appropriately shall be considered a part of the required volume.
11. Gas appliances shall have a clearance around them of one inch (1") from the sides and back and six inches (6") from the front of the unit or be installed to manufacturer's specifications.

AUTHORITY: sections 192.006 and 315.005–315.065, RSMo 2000 and Supp. 2004.* This rule was previously filed as 13 CSR 50-66.010. Original rule filed as Missouri Division of Health E 9.01 on Sept. 4, 1957, effective Sept. 14, 1957. Rescinded and readopted: Filed June 28, 2001, effective Feb. 28, 2002. Rescinded and readopted: Filed May 2, 2005, effective Oct. 30, 2005.

*Original authority 192.006, RSMo 1993, amended 1995, 315.005–315.065, please see **Revised Statutes of Missouri** and **Revised Statutes of Missouri Supp. 2004**.

If you have questions regarding lodging establishments, please
contact the appropriate
local health office

or

**the Missouri Department of Health and Senior Services
Environmental Regulation and Licensure Unit**

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