



FIRST DISTRICT HEALTH UNIT

UNIFORM LODGING CODE



ADOPTED AUGUST, 2005
AMMENDED NOVEMBER 15, 2007



Public Health
Prevent. Promote. Protect.

Rule and Regulation No. 7
Of the
First District Health Unit, Minot, North Dakota

All trailer courts, tourist camps and motels located in the area comprising the First District Health Unit shall be investigated, inspected and passed as approved by the District Health Officer before such establishments can operate within the district.

This rule and regulation made by the First District Board of Health is necessary and proper for the preservation of public health and safety.

This rule and regulation was adopted by the First District Board of Health on January 6, 1956, and published July 12, 1956, in accordance with State Law 23-0503.

By Order of the First District Board of Health.

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**First District Health Unit
Uniform Lodging Code**

The following regulations, promulgated by the First District Health Unit and approved by resolution of the First District Board of Health on August 4, 2005; and effective January 1, 2006 as authorized by section 23-35-08 of the ND Century Code, shall govern the operation of all assisted living, bed and breakfast, motel, hunting lodge/outfitter, campground, trailer park and mobile home park facilities located in the counties of the First District Health Unit. All such facilities shall operate in a manner consistent with the following rules and regulations.

Section I. Definitions. In this code, unless the context or subject matter otherwise requires:

- 1-1. "Approved" means acceptable to the Department based on a determination as to conformance with applicable standards and good public health practices.
- 1-2. "Accessory Building" means a building or structure that supplements the facilities provided in a mobile home. It is not a self-contained, separate habitable building or structure.
- 1-3. "Assisted living facility" means a building or structure containing a series of at least five living units operated as one entity to provide services for five or more individuals who are not related by blood, marriage or guardianship to the owner or manager of the entity and which is kept, used, maintained, advertised, or held out to the public as a place that provides or coordinates individualized support services to accommodate the individual's needs and abilities to maintain as much independence as possible. An assisted living facility in this code includes a facility that is defined as an assisted living facility in any other code, rule or regulation. An assisted living facility does not include a facility that is a congregate housing facility, licensed as a basic care facility, or licensed under chapter 23-16 or 25-16 or section 50-11-01.4 of the North Dakota Century Code.
- 1-4. "Bed and Breakfast facility" means a private home that is used to provide accommodations to the public, with not more than seven lodging units each capable of sleeping four persons and in which no more than two family style meals are provided.
- 1-5. "Campground" means any parcel of land containing three or more lots intended for occupancy by travel trailers or tents.
- 1-6. "Communicable disease" means any disease that can be directly or indirectly transmitted from person to person.
- 1-7. "Department" means the First District Health Unit or its designated representative.
- 1-8. "Easily cleanable" means that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.
- 1-9. "Employee" means the license holder, individuals having supervisory or management duties and any other person working in a facility.
- 1-10. "Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables and similar items other than utensils used in the operation of any food service operation.
- 1-11. "Facility" means any motel, mobile home park, bed and breakfast, assisted living establishment, hunting lodge/outfitter, campground, trailer park or other lodging establishment.
- 1-12. "Family style meal" means a meal ordered by persons staying at a bed and breakfast facility that is served from common food service containers, as long as any food not consumed by those persons is not reused or fed to other people if the food is unwrapped.
- 1-13. "Food" means any raw, cooked, processed edible substance, or combination of substances, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

- 1-14. "Food contact surfaces" means those surfaces of equipment and utensils with which food normally comes into direct contact, and those surfaces with which food may come into contact and drain back onto surfaces normally in contact with food.
- 1-15. "Guest" means an occupant of a lodging establishment.
- 1-16. "Guest room" means any room used or intended to be used by a guest for sleeping purposes.
- 1-17. "Health hazard" means a chemical agent, source of filth, cause of sickness or condition that is a health threat to others or a threat to the public health.
- 1-18. "Hotel" see "Motel".
- 1-19. "Hunting lodge" means any establishment at which lodging and/or food are provided to any person or group of persons which is not a motel, assisted living facility or bed and breakfast.
- 1-20. "Individualized support services" means services provided to individuals who may require assistance with the activities of daily living including bathing, dressing, toileting, transferring, eating, medication management and personal hygiene.
- 1-21. "Kitchenware" means any food preparation or storage utensils.
- 1-22. "Living unit" means a portion of a facility that contains a sleeping area, an entry door that can be locked, and a private bath with a toilet, bathtub or shower and sink and that is occupied as permanent or temporary living quarters for a person or persons who have entered into an agreement with the proprietor of the facility.
- 1-23. "Lodging unit" means a room with one or more beds for an unspecified number of persons.
- 1-24. "Lot" means any piece of land of required size intended for occupancy by a mobile home, travel trailer or tent.
- 1-25. "Mobile Home" means any relocatable structure or unit that is designed to be used as living quarters.
- 1-26. "Mobile Home Park" means any parcel of land containing three or more lots intended for occupancy by mobile homes.
- 1-27. "Motel" means any building or structure, or any part thereof that is kept, used, maintained or held out to the public as a place where sleeping accommodations are furnished to transient guests. This term includes any hotel, motel, resort, building or structure but does not include a facility providing personal care directly or through contract as defined in section 23-09.3-01 of the North Dakota Century Code. This term does not include primitive lodging cabins, hunting lodges/outfitters, bed and breakfasts, or ranches.
- 1-28. "Occupied Area" means the total of all the lot covered by a mobile home and roofed mobile home accessory buildings and structures on a mobile home lot.
- 1-29. "Outfitter" means any person who takes guests or clients out to any type of a short or long term camp for a fee, charge or donation and who provides sleeping accommodations and food/meals to those guests or clients.
- 1-30. "Person" means any individual, firm, trust, partnership, public or private association, corporation, or limited liability company.
- 1-31. "Potentially hazardous food" means any perishable food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.
- 1-32. "Private home" means a place of residence of an individual or family.
- 1-33. "Proprietor" means the person in charge of a motel, mobile home park, bed and breakfast facility, hunting lodge, campground or trailer park; whether as owner, lessee, manager or agent.
- 1-34. "Recreational Vehicle" or "RV" means a travel trailer.
- 1-35. "Sanitize" means effective bactericidal treatment of clean surfaces of equipment and utensils by a process that has been approved by the department as being effective in destroying microorganisms, including pathogens.

- 1-36. "Service Building" means a structure housing shower, bath, toilet, lavatory, and other such facilities as may be required by the North Dakota state plumbing code.
- 1-37. "Single service articles" means cups, containers, lids or closures, plates, knives, forks, spoons, stirrers, paddles, straws, place mats, napkins, doilies, wrapping materials and all similar articles that are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic synthetic or readily destructible materials and that are intended for one usage only and then to be discarded.
- 1-38. "Tableware" means any eating, drinking or serving utensils for table use.
- 1-39. "Tent" means a collapsible shelter of canvas, nylon or other material stretched and sustained by poles and used for camping outdoors.
- 1-40. "Trailer Park" means any parcel of land containing three or more lots intended for occupancy by travel trailers.
- 1-41. "Travel Trailer" means any portable unit designed to be used as a temporary dwelling for travel or recreational purposes. The term travel trailer includes the following:
 - a. An independent travel trailer, which is a travel trailer that has toilet and lavatory facilities.
 - b. A dependent travel trailer, which is a travel trailer containing either toilet or lavatory facilities or having neither facility.
- 1-42. "Utensil" means any implement used in the storage, preparation, transportation or service of food.

Section II. Licensing. All facilities located within the boundaries of the First District Health Unit (FDHU) are required to have a license issued by the Department prior to operating for business. All licenses are non-refundable, non-transferable and are good for one calendar year. License fees are set according to the FDHU fee schedule. The Department may revoke or suspend any license for cause. Before the license will be revoked or suspended, the Department shall notify the licensee in writing of the reason for the revocation or suspension. The licensee may appeal the revocation or suspension. The appeal shall be requested in writing, shall be signed by the licensee and shall be submitted to the Department within 10 days of the licensee being notified of the revocation. During the course of the appeal, the revocation or suspension shall remain in effect.

Section III. Inspection. The Department shall have access to and may inspect any facility at any reasonable time. The Department shall inspect each facility at least once every year. Refusal of inspection may result in suspension of or revocation of the license for that facility. All facilities shall be inspected and approved prior to being licensed and opening for business. Any proposed changes to, remodeling of, or alteration of any part of any facility shall be presented to the Department prior to being done and are subject to the approval of the Department.

Section IV. General Requirements. The following regulations shall apply to all assisted living, bed and breakfast, hunting lodge, motel, campground, trailer park and mobile home park facilities (except that bed and breakfast facilities shall be exempted from 4-1 to 4-4; potable water requirements for bed and breakfast facilities are located in Section VI).

- 4-1. An adequate supply of potable water shall be provided. The Department must approve the water supply for any facility before it may be used.
- 4-2. Where water is available from a public supply of satisfactory quantity, quality and pressure at a facility, that supply shall be used exclusively.
- 4-3. The water supply shall meet the requirements of the North Dakota Department of Health for potable water. If the water supply is from a private well, water samples from the well shall be

submitted to an approved lab for bacterial and nitrate analysis at least quarterly. If a lab other than the First District Health Unit Lab in Minot is used, a copy of the results shall be submitted to the Department in a timely manner. All bacterial and nitrate test results shall be kept on hand and available for review for a minimum of three years (five years for bed and breakfast facilities).

- 4-4. If at any time the water supply to a facility fails to meet the requirements of section 4-3, the Department may suspend or revoke the license of that facility until such time as the water supply is deemed to be in compliance with section 4-3.
- 4-5. The water supply shall be protected against backflow. Any part of the water supply to which a hose may be attached shall be equipped with an approved backflow prevention device.
- 4-6. Hot and cold running water under pressure shall be provided to any food preparation area, lavatory, shower or bath fixture or any area where water is required for cleaning.
- 4-7. Any self-closing, slow-closing or metering faucet shall be designated to provide a flow of water for at least fifteen seconds without the need to reactivate the faucet.
- 4-8. All lavatories and associated fixtures shall be kept clean and in good repair. A supply of soap and single use towels shall be provided at all lavatories. All lavatories shall be equipped with a conveniently located wastebasket.
- 4-9. No cross connections with unapproved water supplies may exist.
- 4-10. All plumbing and piping shall be installed in compliance with the requirements of the Plumbing Code. Certification from the plumbing installer stating that all installations were made in accordance with the Code shall be submitted to the Department prior to licensing.
- 4-11. The sewer system shall either be an approved municipal system or an onsite treatment system designed by and approved by the Department. If the sewer system is found to be inadequate, the Department may suspend or revoke the license of a facility until an approved system is put in place.
- 4-12. Any facility that has an onsite treatment system shall have the septic tank pumped at least once per year and more often if deemed necessary by the Department.
- 4-13. Toilet rooms shall be completely enclosed and shall have tight fitting, self-closing, solid doors that shall be kept closed except during cleaning or maintenance, unless otherwise provided by law. Toilet fixtures and rooms shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. Public toilet rooms used by women shall have at least one covered waste receptacle. If provided in any stall, containers for sanitary products shall be lined and covered.
- 4-14. All electrical installations shall be done in accordance with the North Dakota State Electrical Code. Certification from the electrical installer stating that all installations were made in accordance with the State Code shall be submitted to the Department prior to licensing.
- 4-15. All grounds shall be maintained and shall be kept free of accumulated debris, junk, trash, garbage and non-licensed/non-functional vehicles.

- 4-16. Any facility that is the location of any nuisance, source of filth or sickness may have their license suspended until the nuisance, source of filth or sickness is abated to the satisfaction of the Department.
- 4-17. Except as noted, any facility that prepares or serves food shall do so in a manner that complies with all requirements of the First District Health Unit Requirements for Food and Beverage Establishments. Any facility that prepares food for consumption by or for sale to persons not staying as an overnight guest or any facility that prepares food for guests and is not a bed and breakfast, hunting lodge or assisted living facility shall have an appropriate food service establishment license issued by the Department.
- 4-18. Any facility that includes any swimming pool or spa shall operate that swimming pool or spa in a manner that complies with all requirements of the First District Health Unit Swimming Pool and Spa Rules and Regulations.
- 4-19. All trash and garbage shall be removed from the premises at least once weekly by an approved means to an approved disposal site.
- 4-20. All trash and garbage shall be kept in approved containers while kept on the premises.
- 4-21. No person who has any communicable disease, or who is a carrier of any communicable disease, or who has any boils, infected wounds, sores, or any acute respiratory infection may work in any area of a lodging establishment in any capacity in which there is a likelihood of the person contaminating equipment with pathogenic organisms or transmitting disease to other individuals. If the owner or operator of any lodging establishment has knowledge of any employee who has contracted a communicable disease or has become a carrier of such disease, the owner or operator shall immediately notify the Department.
- 4-22. Ice, if provided to guests, shall be manufactured, stored, transported and handled in a manner consistent with the guidelines for food handling found in the First District Health Unit Requirements for Food and Beverage Establishments.

Section V. Mobile Home Park, Trailer Park and Campground Requirements. The following regulations shall be applied to all mobile home parks, trailer parks and campgrounds.

5-1. **New Facilities.** Any new facility (or any existing facility at which the proprietor is proposing extensive modifications) shall submit an application packet to the Department. The application packet shall contain the following items:

1. A complete scaled plan.
2. A legal description of the property and a description of the site location with regard to highways, streets and landmarks.
3. The name and address of the developer.
4. The name and address of the architect, engineer or designer.
5. The area and dimension of the site.
6. The number, location and dimension of all trailer and/or campground lots and details of each typical lot for each trailer or tent.
7. The location and width of roadways, automobile parking facilities, and walkways including whether they are paved, blacktopped, graveled, etc.
8. The location and details of service buildings and any other proposed structures.
9. The location and details of lighting and electrical systems.
10. The location and specifications of the water supply, sewer and refuse disposal facilities including any approved soil testing results and details for wells or onsite treatment systems, pumping stations and service riser pipes.
11. An application for license (new facilities).
12. The required license fee (new facilities).

5-2. **Water, Sewer and Electrical.**

1. Each lot in a mobile home park shall be provided with an approved plumbing system consisting of an approved hookup to an approved water supply and an approved hookup to an approved sewer system.
2. Where provided in a travel trailer park or campground, individual sewer connections shall be adequate and approved.
3. When not in use, the sewer inlet on each lot of a mobile home park or travel trailer park shall be capped gastight with an approved cap.
4. Each travel trailer parking area shall be provided with at least one sanitary dump station per every 100 lots (not provided with individual drainage system connections) or fraction thereof.
5. A sanitary dump station shall have a concrete slab with drainage system inlet located so as to be on the road (left) side of the travel trailer. The slab shall not be less than 3 feet by 3 feet and shall not be less than 3.5 inches thick. The surface of the concrete shall be of a smooth finish and sloped from each side to the drain. The drain shall consist of a 4-inch self-closing foot operated hatch of approved material with cover milled to fit tight. The hatch body shall be set in the concrete of the slab with the lip of the opening flush with the surface. The hatch shall be connected to an approved drainage system inlet. A water outlet with all necessary appurtenances shall be provided at the dump station to be used for periodic cleaning of the adjacent areas.
6. Sanitary dump stations shall be screened from other activities by visual barriers such as fences, wall, or natural growth. Sanitary dump stations shall be at least 50 feet from any lots.
7. Sanitary dump stations shall be kept clean and in good repair.

8. Each lot in a mobile home park shall be provided with an approved electrical service outlet.
9. Where provided in a trailer park or campground, electrical service outlets shall be adequate and approved.

5-3. Lots, Streets and Walkways.

1. Streets and walkways of a mobile home park shall be lighted to provide a minimum average maintained illumination of .4 foot-candles (4.31 lux), with a uniformity ratio of no greater than six to one.
2. Streets of a trailer park or campground shall be illuminated to provide .1 foot-candles (1.09 lux) throughout. Potentially hazardous locations, such as major street intersections and steps or stepped ramps shall be individually illuminated with a minimum of .3 foot-candles (3.23 lux).
3. Multiple story mobile home or trailer parks shall not be constructed.
4. The street system shall give unobstructed access to the public street, highway or access road.
5. Each facility shall be established and maintained upon dry, well-drained ground. Any natural sinkholes, collected water, or pooled water shall be artificially drained and filled. All lots shall be dry and well drained.
6. The walking and driving surfaces of all exterior areas shall be surfaced with concrete or asphalt, or with gravel or similar material effectively treated to facilitate maintenance and to minimize dust. These surfaces shall be graded to prevent pooling of water and shall be kept free of litter and refuse.
7. All streets and walkways shall be maintained in whole and sound condition free from breaks, potholes and standing water.
8. All walking and driving surfaces of exterior areas shall be kept reasonably clear of snow and ice; and walking areas that become icy shall be treated with approved materials to eliminate slippage.
9. Streets shall be adequate to accommodate contemplated parking and traffic loads. Streets shall meet the following minimum width requirements:
 - A. Two-way streets with parking on both sides- 34 feet.
 - B. Two-way streets with parking on one side only- 27 feet.
 - C. Two-way streets without parking- 24 feet.
 - D. One-way streets with parking on both sides- 27 feet.
 - E. One-way streets with parking on one side only- 18 feet.
 - F. One-way streets without parking- 13 feet.

5-4. Insect and Rodent Control.

1. All grounds, buildings and structures of a trailer park, mobile home park or campground shall be maintained in such a way that they do not provide a harborage for insects, rodents and any other vermin. Any extermination measures shall conform to all existing laws.
2. All grounds shall be maintained to prevent the overgrowth of brush, weeds and grass. All grounds shall be maintained so as to prevent the growth of noxious weeds.
3. Storage areas shall be maintained so as to prevent rodent, insect or vermin harborage. Lumber, firewood, pipe and any other building materials shall be stored neatly stacked at least one foot above the ground.

4. All mobile homes shall be skirted. Skirting shall be of a type and construction that will not provide harborage. Access shall be provided near the service connections, and any skirting shall be properly vented.

5-5. **Service Buildings.**

1. All service buildings and their contents shall be maintained in a clean and sanitized manner
2. Any service building shall be equipped with an approved utility sink.
3. Any service building shall have floors, walls and ceilings that are well maintained in a whole and sound condition, and that are non-absorbent and easily cleanable and that are durable under conditions of normal use.
4. Modern, sanitary flush toilets shall be provided where a sewer connection is available. If a sewer connection is not available, chemical or vault toilets shall be maintained. Separate toilets shall be provided for each sex. All chemical or vault toilets shall be located at least 100 feet from any well, kitchen, sleeping quarters or lot.

5-6. **Playgrounds.**

1. Each mobile home park containing twenty-five or more lots shall provide playground space equivalent to one lot for every 25 lots in the park.
2. This playground space shall be covered in grass or in an approved material for playgrounds.
3. Any playground space shall be maintained in a clean, orderly manner with any vegetation neatly trimmed.
4. All playground equipment, including, but not limited to, slides, swings, merry go-rounds and play structures, shall be of an approved design and construction and shall have an approved ground covering such as mulch, pea gravel, mats etc.
5. An approved fence of at least 4 feet in height shall completely enclose all playground spaces.
6. Playground rules shall be posted or distributed to all tenants of a mobile home park.
7. All utility connections, including sewer, water and electrical, shall be removed from, or capped off below ground level in all playground areas.

5-7. **Records.**

1. The owner or manager of any facility shall maintain a current record of the names and contact information of all occupants.
2. The owner or manager of a mobile home park shall distribute a copy of this section and all relevant rules and regulations to each tenant. The rules and regulations shall include the information specified in 5-8, and shall be distributed at least annually.
3. The owner or manager of a trailer park or campground shall conspicuously post a copy of this section and all relevant rules and regulations in the trailer park or campground or shall hand out a copy to each guest.
4. The owner of any mobile home park, trailer park, or campground shall establish a procedure for responding to emergencies or complaints by tenants with respect to the mobile home park, trailer park, or campground. This procedure shall include the ability to reach a person with authority to perform, or direct the performance of duties imposed on the owner under this section. This procedure shall also include directions on where to go in case of emergency. The procedure shall be in writing and a copy shall be provided to all

tenants (mobile home parks), or posted conspicuously (trailer parks and campgrounds). This plan shall be approved by the Department.

5. The Department shall be notified of any plans to convert any mobile home park, trailer park or campground, or any part thereof, from one type of occupancy to another. The conversion must be approved by the Department prior to being done.
6. Multiple use facilities (those with spots for both mobile homes and travel trailers) shall have a separate license for each type of use.
7. Temporary trailer parks and campgrounds shall be required to be licensed by the department and to follow all applicable rules and regulations.

5-8. Separations. Amended effective November 15, 2007.

1. No portion of a mobile home, excluding the tongue, shall be located closer than ten feet [3 meters] side to side, eight feet [2.4 meters] end to side, or six feet [1.8 meters] end to end horizontally from any other mobile home, accessory building, or structure unless the exposed composite walls and roof of either structure are without openings and constructed of materials that will provide a one-hour fire-resistant rating or the structures are separated by a one-hour fire-rated barrier.
2. Accessory buildings or structures shall be permitted to be located immediately adjacent to a lot line when constructed of materials that do not support combustion and provided that such buildings or structures are not less than three feet [.9 meter] from an accessory building or structure on an adjacent lot. An accessory building or structure constructed of combustible materials shall be located no closer than five feet [1.53 meters] from the bordering lot line.
3. No mobile home, attachment, accessory building, or structure may be located so as to create a hazard to the mobile home or park occupants or located so as to restrict emergency vehicles and personnel from performing necessary services.
4. Tenting areas shall be designated for tents only.
5. In a multiple use facility, areas for travel trailers shall be clearly designated as such.

5-9. Fire Safety. All mobile home parks, trailer parks and campgrounds shall be constructed in compliance with and operated in compliance with Section X in regards to fire safety.

Section VI. Bed and Breakfast Facilities. The following regulations shall apply to all bed and breakfast facilities.

6-1. Food Safety.

1. Food shall be in sound condition, free from spoilage, filth or other contamination and must be safe for human consumption.
2. Food shall be obtained from or be equal to food from sources that comply with all laws relating to food and food labeling.
3. Before serving any food to the public, the bed and breakfast facility shall comply with all applicable inspections of food required by law.
4. Fluid milk and fluid milk products used or served shall be pasteurized and shall meet the grade A quality standards established by law.
5. Only clean, whole uncracked odor free shell eggs shall be used.
6. Meat shall be USDA inspected product.
7. At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage, overhead leakage or overhead drippage from condensation and chemicals.
8. The temperature of potentially hazardous food must be forty-five degrees F or below or one hundred forty degrees F or above at all times, except during necessary periods of preparation and serving.
9. Frozen food shall be kept at such temperatures as to remain frozen, except when being thawed for preparation or use.
10. Potentially hazardous frozen food shall be thawed at refrigerator temperatures of forty-five degrees F or below or quick thawed as part of the cooking process.
11. An indicating thermometer shall be located in each refrigerator.
12. Raw fruits and vegetables shall be washed thoroughly before use.
13. Stuffing, poultry, stuffed meats and poultry, and pork and pork products shall be thoroughly cooked before being served.
14. Salads made of meat, poultry, potatoes, fish, shellfish, or eggs and other potentially hazardous prepared food, shall be prepared, preferably from chilled products, with a minimum of manual contact.
15. Portions of food, once served to an individual, may not be served again.
16. Potentially hazardous foods that have been cooked, then refrigerated, shall be reheated rapidly to at least 165 degrees F before being served.
17. A metal-stemmed food thermometer is required for monitoring food temperatures.
18. Refrigeration facilities, hot food storage facilities, and effective insulated facilities shall be provided as needed to assure the maintenance of all food at required temperatures during storage, preparation and serving.
19. Live pets are not allowed in any room or area in which food is being prepared for guests.
20. Multiuse equipment and utensils shall be constructed and repaired with safe materials, including finishing materials, shall be corrosion resistant and nonabsorbent; and shall be smooth, easily cleanable, and durable under conditions of normal use.
21. Single service articles shall be made from clean, sanitary, safe materials.
22. Equipment, utensils, and single-service articles may not impart odors, color, or taste, nor contribute to the contamination of food.
23. Multiuse eating and drinking utensils, kitchenware, and tableware used in a bed and breakfast shall be sanitized after each use. Acceptable means of dish washing and sanitizing include:

- A. Manual cleaning and sanitizing utilizing a sink with two or three compartments with approved chemical sanitizer. Utensils shall then be air-dried.
 - B. Mechanical home style dishwashers with a 160 degree F water supply provided by a booster heater or sanitizing cycle. When using hot water for sanitizing, a maximum registering thermometer or temperature indicative papers (Thermolabels) shall be provided for monitoring dishwasher temperature.
24. No employee, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that can cause such a disease or while afflicted with a boil, an infected wound, or an acute respiratory infection, may work in a bed and breakfast facility in any capacity in which there is a likelihood of such employee contaminating food or food contact surfaces with pathogenic organisms or transmitting disease to other persons.
25. Bed and breakfast employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices.
26. Employees shall thoroughly wash their hands with soap and warm water before preparing or serving food.
27. Employees shall not smoke, eat or consume beverages while preparing food.

6-2. **Water Supply.**

1. The water supply shall be adequate, of a safe and sanitary quality and from a source approved by the Department.
2. The water supply shall not contain bacteriological, chemical or physical impurities that affect or tend to affect public health.
3. The water supply shall meet the bacteriological standards of the United States public health service for waters used upon public or interstate common carriers and shall be subject to examination by the Department. If it is unfit for drinking under these requirements, it shall be either improved to meet the requirements or its use shall be discontinued.
4. Each private water source shall be sampled and tested for bacteria initially and annually thereafter. Seasonal facilities shall be sampled during the peak operating season.
5. Each private water source shall be sampled initially for nitrate analysis. Seasonal facilities shall be sampled during the peak operating season.
6. The Department may require additional bacteriological or chemical tests.
7. Initially each private source shall be inspected for location, source protection and design standards.
8. The proprietor of a bed and breakfast facility shall maintain on hand a record of the date, disinfectant used, concentration and person conducting the disinfection procedure whenever the well becomes contaminated or has a failing water sample.
9. Any chemical analysis records shall be kept on hand for at least ten years.
10. Any well shall be watertight and the vent shall be properly screened.

6-3. **Lighting, Ventilation, Lavatories and Restrooms.**

1. Rooms and areas used in conjunction with bed and breakfast facilities shall be lighted and ventilated as needed and shall be effective under actual use conditions.
2. Lighting fixtures and ventilating equipment shall be kept clean and in good repair.

3. Bed and breakfast facilities shall be provided with approved sanitary toilet, hand washing, and bathing facilities. These facilities, and laundry facilities used in conjunction with bed and breakfast facilities, shall be kept clean and in good repair.

6-4. Linens, Bedding, and Cleanliness.

1. Each guest shall be provided individual soap and clean individual bath cloths and towels.
2. Clean towels and bath cloths shall be stored and handled in a sanitary manner.
3. The temperature of hot water furnished to hand washing lavatories, showers and bathtubs shall not exceed 120 degrees F.
4. Furniture, mattresses, curtains and draperies, etc shall be kept clean and in good repair.
5. Clean bed linen in good repair shall be provided for each guest and shall be changed between guests and as often as necessary.
6. Clean linen shall be stored and handled in a sanitary manner and kept separate from soiled linen.
7. Bed and breakfast facilities shall be kept in a clean and sanitary condition.

6-5. Insect and Rodent Control.

1. Effective measures intended to minimize the presence of rodents, flies, and other insects on the premises shall be utilized.
2. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.
3. Openings to the outside shall be protected effectively against the entrance of rodents or insects by tight fitting, self-closing doors, closed windows, screening or other means.

6-6. Chemical Storage.

1. Pesticides, herbicides and other substances that may be hazardous if ingested, inhaled, or handled shall be stored in a closet, cabinet or box not accessible to young children.
2. Household cleaning agents shall be stored out of the reach of young children.
3. Medications shall be stored in a separate cabinet, closet or box not accessible to young children.

6-7. Fire Safety.

1. All bed and breakfast facilities shall be in compliance with the requirements of the Uniform Building Code and Uniform Fire Code as adopted and enforced by the state fire marshal. Fire safety requirements for bed and breakfast facilities include, but are not limited to, the items listed in this section (see Section X).
2. All smoke detectors shall be inspected and listed by Underwriters Laboratories or an equivalent, and shall be installed in accordance with the manufacturers installation instructions.
3. A smoke detection device in good operating condition shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes.
4. A smoke detector shall be installed in the basement of dwelling units having a stairway that opens from the basement into the dwelling. This detector shall be connected to a sounding device or other detector to provide an alarm that will be audible in the sleeping area.

5. The proprietor shall test the smoke detectors as least weekly and shall maintain written records that detail the date and results of the test.
6. Each lodging unit shall provide a minimum of fifty square feet of floor area per guest.
7. Every lodging unit shall have at least one operable window or exterior door approved for emergency escape or rescue. The window or door shall be operable from the inside to provide a full, clear opening without the use of separate tools. All escapes or rescue windows from lodging units shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall be twenty-four inches. The minimum net clear opening width dimension shall be twenty inches. Where windows are provided as a means of escape or rescue, they must have a finished sill height not more than 44 inches above the floor.
8. No lodging unit shall be in attic lofts or in basement rooms with a single major means of escape.
9. A fire extinguisher rated 2A and having a BC rating shall be conveniently located and accessible in the bed and breakfast facility. The maximum travel distance to the extinguisher shall be no more than seventy-five feet.
10. Emergency numbers shall be posted on the telephones.

Section VII. Hunting Lodges/Outfitters. The following regulations shall apply to all hunting lodge and outfitter facilities and operations.

7-1. Classification. Hunting lodges and outfitters shall be classified as one of two types:

1. Hunting lodges and outfitters that provide food. These facilities may provide all necessary meals to guests. All food preparation shall be done in compliance with section 5-16.
2. Hunting lodges and outfitters that do not provide food. These facilities may not provide any food to guests. They may provide kitchen facilities, utensils, tableware, kitchenware and single use items for use by guests so long as these items are handled as per section 5-16.

7-2. Lighting, Ventilation, Lavatories and Ventilation.

1. Rooms and areas used in conjunction with hunting lodge facilities shall be lighted and ventilated as needed. Lighting and ventilation provided shall be effective under actual use conditions.
2. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes. Ventilation systems shall be installed and operated according to law, and when vented to the outside shall not create an unsightly, harmful or unlawful discharge.
3. Lighting fixtures and ventilating equipment shall be kept clean and in good repair.
4. Hunting lodge facilities shall be provided with approved sanitary toilet, hand washing, and bathing facilities. These facilities, and laundry facilities used in conjunction with hunting lodge facilities, shall be kept clean and in good repair.

7-3. Linens, Bedding, and Cleanliness.

1. Each bath/shower facility shall be equipped with soap. Soap shall be either a gel type soap from an approved dispenser or a bar type soap, so long as each guest is issued an individual bar.
2. If provided, separate bath towels and cloths shall be issued to each individual, with all bath towels and cloths pulled from rooms and washed in between guests. Clean towels and bath cloths shall be stored and handled in a sanitary manner and kept separate from soiled items.
3. Furniture, mattresses, curtains and draperies, etc shall be kept clean and in good repair.
4. If bed linen is provided, that linen shall be clean and in good repair and shall be changed between guests and as often as necessary during the length of a guests stay so as to ensure that all guests have clean linen at all times.
5. Clean linen shall be stored and handled in a sanitary manner and kept separate from soiled linen.
6. Hunting lodge facilities shall be kept in a clean and sanitary condition.
7. All bath/shower facilities shall be sanitized between guests with an approved sanitizer.
8. All restrooms shall be cleaned as needed to maintain an approved state of cleanliness and shall be cleaned between guests or parties of guests.

7-4. Insect and Rodent Control.

1. Effective measures intended to minimize the presence of rodents, flies, and other insects on the premises shall be utilized.

2. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.
3. Openings to the outside shall be protected effectively against the entrance of rodents or insects by tight fitting, self-closing doors, closed windows, screening or other means.
4. Screen doors shall be self-closing, and screens for windows, doors, skylights, intake and exhaust air ducts and other openings to the outside shall be tight fitting and free of breaks. Screening materials shall not be less than 16 mesh to the inch.
5. If evidence of rodent occupation is found in any food preparation or food storage or utensil storage areas, the following steps shall be taken immediately:
 - A. All food and utensils shall be examined for signs of contamination. Any contaminated food shall be disposed of immediately. Any contaminated utensils (or food in sealed, waterproof metal, glass or plastic containers) shall immediately be washed, rinsed and sanitized using an approved sanitizer.
 - B. Any rodent droppings shall be swept up and all affected areas cleaned with a 200-ppm bleach solution.
 - C. Any openings to the outside or openings that could allow rodent access to any affected areas shall be sealed.
 - D. Approved traps shall be put into place and monitored daily so as to determine the effectiveness of eradication measures.

7-5. **Chemical Storage.**

1. Pesticides, herbicides and other substances that may be hazardous if ingested, inhaled, or handled shall be stored in a closet, cabinet or box not accessible to guests.
2. Household cleaning agents shall be stored out of the reach of young children in a location not accessible to guests.
3. Personal Medications shall be stored in a separate cabinet, closet or container not accessible to guests.

7-6. **Fire Safety.**

1. All hunting lodge facilities shall be in compliance with the requirements of Section X. Hunting lodges shall also adhere to the following requirements.
2. All smoke detectors shall be inspected and listed by Underwriters Laboratories or an equivalent, and shall be installed in accordance with the manufacturers installation instructions.
3. A smoke detection device in good operating condition shall be mounted:
 - A. On the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes.
 - B. In each lodging unit.
 - C. In the basement of dwelling units having a stairway that opens from the basement into the dwelling. This detector shall be connected to a sounding device or other detector to provide an alarm that will be audible in the sleeping area.
4. The proprietor shall test the smoke detectors as least weekly and shall maintain written records that detail the date and results of the test.
5. Each lodging unit shall provide a minimum of fifty square feet of floor area per guest.

6. Every lodging unit shall have at least one operable window or exterior door approved for emergency escape or rescue. The window or door shall be operable from the inside to provide a full, clear opening without the use of separate tools. All escapes or rescue windows from lodging units shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall be twenty-four inches. The minimum net clear opening width dimension shall be twenty inches. Where windows are provided as a means of escape or rescue, they must have a finished sill height not more than 44 inches above the floor.
7. Any room with an escape window or door that is higher than ten feet above the ground shall be equipped with an approved fire escape or fire escape ladder.
8. No lodging unit shall be in attic lofts or in basement rooms with a single major means of escape.
9. A fire extinguisher rated 2A and having a BC rating shall be conveniently located and easily accessible in the bed and breakfast facility. The maximum travel distance to the extinguisher shall be no more than seventy-five feet.
10. Emergency numbers shall be posted on all telephones located in guest rooms or common areas.

7-7. Water Safety.

1. The proprietor of a hunting lodge facility shall maintain on hand a record of the date, disinfectant used, concentration and person conducting the disinfection procedure whenever the well becomes contaminated or has a failing water sample.
2. Any chemical analysis records shall be kept on hand for at least ten years.
3. Any well shall be watertight and the vent shall be properly screened.

7-8. Game Laws. All hunting lodges shall be operated in a manner that is in full compliance with any and all Federal or State Game and Fish Department rules and regulations. Any notification of the Department of any violations of such regulations may result in suspension or revocation of the hunting lodge license.

7-9. Game Processing.

1. All hunting lodges where any game or non-game animals are going to be processed shall be equipped with an approved game cleaning area available for use by guests and/or employees.
2. A game cleaning area shall not be a part of any food preparation or food storage area and shall also not be a part of any living quarters, living area or restroom.
3. No game, including any private game taken by any owner, proprietor or employee, shall be processed in any part of the facility that is not an approved game cleaning area.
4. All game shall be processed and transported in a manner consistent with Game and Fish Department rules and regulations.
5. All floors, walls, ceilings and processing areas of an indoor game cleaning area shall be light colored, non-absorbent and easily cleanable. These surfaces shall be durable under conditions of normal use and shall be maintained in good repair. In outdoor game cleaning areas, any processing surfaces shall be light colored, non-absorbent and easily cleanable.
6. All game cleaning areas shall be provided with water under pressure.
7. The water supply shall be protected against backflow, and any hose bib or faucet to which a hose is attached shall be equipped with a vacuum breaker or some equivalent form of backflow prevention device.

8. All game cleaning areas shall be equipped with a lavatory.
 9. Any game cleaning area shall be equipped with a supply of disposable gloves for use by guests or employees while cleaning game.
 10. Adequate refrigeration and freezing facilities shall be provided to keep all processed game either refrigerated at 41 degrees F or colder or frozen at 0 degrees F or colder, and all game shall be kept at these temperatures except during any necessary periods of preparation or handling.
 11. Any and all utensils used in the processing of game shall be washed, rinsed, sanitized and air-dried after each use.
 12. All counters, cutting surfaces and any area contaminated by blood or other materials shall be cleaned and sanitized after each use.
 13. Where practical, any game animals taken by guests shall be field dressed as soon as possible and then cooled as rapidly as possible so as to prevent spoilage.
 14. Any game taken by guests or employees shall not be prepared by employees or served to guests or employees. If guests wish to cook and eat their own game that is acceptable, so long as it is not served to any other guests or employees.
 15. Any entrails or other remains from game shall be disposed of in an approved manner.
- 7-10. **Outfitters.** Any outfitter operation, or any temporary camp operated by a hunting lodge shall comply with the following requirements.
1. Any tents or temporary sleeping quarters shall be maintained in whole, sound condition.
 2. Any bedding, sleeping bags, blankets, cots, mats or similar items provided by the proprietor shall be clean and in good repair. All such items shall be cleaned after each guest and shall be handled and stored in a manner that protects them from contamination and from becoming dirty.
 3. Water used for drinking shall meet the requirements of the North Dakota Department of Health for potable water. Drinking water shall be from an approved source.
 4. A hand wash station shall be provided for guests and for employees who will work with any food. A hand wash station shall at a minimum consist of a supply of clean, potable water, soap and single use towels.
 5. Any trash, garbage or debris shall be disposed of at an approved disposal site.
 6. Potentially hazardous foods shall be transported in such a manner so as to maintain a temperature of below 41 degrees F or greater than 140 degrees F.
 7. Any person working with or preparing food shall do so in a way that limits bare hand contact and minimizes physical manipulation of the food.
 8. Meat and eggs and any food made with meat or eggs shall be thoroughly cooked before being served.
 9. If used, portable toilets shall be kept clean and in good repair. A supply of toilet tissue shall be provided. Portable toilets shall be emptied and serviced at least yearly, or more often as needed.

Section VIII. Assisted Living Facilities. The following regulations shall apply to all assisted living facilities.

8-1. Licensing and Records.

1. No person shall keep, operate, conduct, manage or maintain an assisted living facility or use the term "assisted living" in advertising for any facility unless that facility is licensed by the Department.
2. Religious orders providing individualized support services to vowed members residing in the order's retirement housing are not subject to this section.
3. The proprietor shall maintain a written agreement with each tenant that includes the rates for rent and services provided to the tenant, payment terms, refund policies, rate changes, tenancy criteria and living unit inspections.
4. The proprietor shall provide each tenant with written notice of how a tenant may report a complaint regarding the assisted living facility that includes the telephone number of the ND Department of Human Services' senior info-line and the address of the Aging Services Division.
5. The proprietor shall maintain records that certify that the operation of the facility is in compliance with all applicable federal, state and local laws. Upon request, the proprietor shall make available to the Department copies of current certifications, licenses, permits and other similar documents evidencing compliance with such laws.
6. No more than two people may occupy one bedroom of each living unit of an assisted living facility.

8-2. Food Service. All food preparation, handling and storage in an assisted living facility shall comply with section 4-17.

8-3. General Facility.

1. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes. Ventilation systems shall be installed and operated according to law, and when vented to the outside shall not create an unsightly, harmful or unlawful discharge.
2. Restrooms, laundry rooms or any other room from which obnoxious odors, vapors or fumes may originate shall be mechanically vented directly to outside the building.
3. Lighting fixtures, ventilating equipment, and all heating and cooling equipment shall be kept clean and in good repair.
4. Permanently fixed artificial light sources shall be installed to provide at least twenty foot-candles of light at equipment or utensil washing work or storage areas and in lavatory and toilet areas. All other areas shall be lighted with adequate lighting to prevent any safety hazard.
5. Assisted living facilities shall be provided with approved sanitary toilet, hand washing, and bathing facilities that are equipped with hot and cold running water under pressure.
6. Carpeting shall be fire rated Class II and shall be of closely woven construction, properly installed, easily cleanable and maintained in good repair.
7. Carpeting is prohibited in any area where it would be exposed to large amounts of water and in any restroom or room where any toilet or urinal is located.
8. All floors, walls, ceilings and any coverings, decorative items, doors, windows or attached items shall be kept clean and maintained in good repair. Concrete or pumice blocks used

for interior wall construction shall be finished and sealed to provide an easily cleanable surface.

9. All structures and property used in conjunction with any assisted living facility shall be kept free of litter and refuse. The walking and driving surfaces of all exterior areas shall be surfaced with concrete or asphalt, or with gravel or similar material effectively treated to facilitate maintenance and to minimize dust. These surfaces shall be graded to prevent pooling of water and shall be kept free of litter and refuse.
10. All walking and driving surfaces of exterior areas shall be kept reasonably clear of snow and ice; and walking areas that become icy shall be treated with approved materials to eliminate slippage.
11. Only those items necessary for the operation and maintenance of the facility shall be kept on premises.
12. At least one utility sink or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops or similar wet floor cleaning tools, and for the disposal of mop water or similar liquid wastes. The use of hand washing, utensil or equipment washing sinks for this purpose is prohibited.

8-4. Cleanliness.

1. Any and all bedding, blankets, linens, towels and washcloths provided to tenants shall be clean and in good repair. These items shall be cleaned as often as necessary so as to maintain an acceptable level of cleanliness.
2. All clean bedding, blankets, linens, towels and washcloths shall be handled and stored in a manner that prevents contamination and prevents commingling of clean and dirty items. Clean items shall be stored on smooth, nonabsorbent cleanable surfaces located at least six inches off of the floor.
3. All public restroom, lavatory or showering/bathing facilities along with all fixtures shall be kept clean and maintained in good repair.
4. Showering/bathing facilities shall be cleaned and sanitized daily.
5. Garbage and refuse shall be kept in durable, easily cleanable, insect and rodent resistant containers that do not leak and do not absorb liquids.
6. Trash containers stored outside the facility shall be easily cleanable, and shall be provided with tight fitting lids, doors or covers and shall be kept covered when not in actual use. Containers designed with drains shall have drain plugs in place at all times. Trash stored on the premises shall be kept in such a way so that it is not accessible to rodents or insects.
7. There shall be a sufficient number of containers to hold all garbage and trash that accumulates.
8. Trash containers and trash storage areas shall be cleaned as often as necessary to prevent insect and rodent attraction and to prevent odors from developing.
9. Garbage and trash shall be removed from the premises often enough to prevent the development of odors and trash shall be removed to an approved disposal facility not less than one time per week.
10. Intake and exhaust air ducts shall be maintained to prevent the entrance or accumulation of dust, dirt or other contaminating materials.

8-5. Chemical Storage.

1. Poisonous or toxic materials consist of the following two categories:

- A. Insecticides and rodenticides
 - B. Detergents, sanitizers, related cleaning or drying agents and caustics, acids, polishes and other chemicals.
2. Each of these two categories shall be stored and physically located separately from each other. All poisonous or toxic materials shall be stored in cabinets or in a similar physically separate place used for no other purpose.
 3. All cleaners, sanitizers and disinfectants shall comply with 21 CFR section 178.1010.
 4. Only those poisonous or toxic chemicals necessary for the operation and maintenance of the establishment shall be kept on premises.
 5. Any chemicals used in or on ice producing or dispensing equipment shall meet the provisions found in 4-16.
 6. Any chemicals used shall only be used in full accordance with the manufacturers labeling.
 7. Any chemical shall be stored or kept in a container that clearly identifies the contents with the common name.
 8. Material safety data sheets shall be maintained on premises for any and all cleaning chemicals, pesticides, herbicides or other substances that may be hazardous.
 9. Cleaning equipment, supplies, chemicals, pesticides, herbicides, paints and any other toxic or harmful substances shall not be stored above or next to any bedding, blankets, linens, towels or washcloths.

8-6. **General Safety.**

1. The hot water temperature at lavatories and showering/bathing fixtures shall be at least 100 degrees F and shall not exceed 120 degrees F.
2. Adequate exits, as defined by the state building code, shall be provided.
3. All hallways and exits shall be kept free and clear at all times of any obstructions.
4. Bathing or shower facilities shall have a no slip floor surface, such as a manufactured no slip bathtub or shower unit or adhesive backed non- slip strips.

8-7. **Insect and Rodent Control.**

1. Effective measures intended to minimize the presence of rodents, flies, and other insects on the premises shall be utilized.
2. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.
3. Openings to the outside shall be protected effectively against the entrance of rodents or insects by tight fitting, self-closing doors, closed windows, screening or other means.
4. Screen doors shall be self-closing, and screens for windows, doors, skylights, intake and exhaust air ducts and other openings to the outside shall be tight fitting and free of breaks. Screening materials shall not be less than 16 mesh to the inch.
5. In the event that a facility has a recurring rodent or insect problem, a contract shall be maintained with a licensed exterminator for rodent and insect control and prevention.
6. If evidence of rodent occupation is found in any food preparation or food storage or utensil storage areas, the following steps shall be taken immediately:
 - A. All food and utensils shall be examined for signs of contamination. Any contaminated food shall be disposed of immediately. Any contaminated utensils (or food in sealed, waterproof metal, glass or plastic containers) shall immediately be washed, rinsed and sanitized using an approved sanitizer.

- B. Any rodent droppings shall be swept up and all affected areas cleaned with a 200-ppm bleach solution.
- C. Any openings to the outside or openings that could allow rodent access to any affected areas shall be sealed.
- D. Approved traps shall be put into place and monitored daily so as to determine the effectiveness of eradication measures.

8-8. Laundry Facilities.

1. Laundry facilities shall be used only for the washing and drying of bedding, linens, towels, clothing and other items necessary for facility operation.
2. If any bedding, linens, towels, and other items necessary for facility operation are laundered on premises, a gas or electric dryer shall be provided for drying.
3. Laundry facilities shall be located in rooms used only for that purpose.

8-9. Fire Safety. All assisted living facilities shall be operated in compliance with Section X.

Section IX. Motels. The following regulations shall apply to all motels, hotels and similar type establishments.

9-1. General Facility.

1. Each motel shall provide toilet, lavatory and bathing facilities. In motels in which more than one guest room shares these facilities, the facilities shall be provided in the ratio of at least one restroom for each ten guests; and shall be provided separately for each sex; and shall be available on each floor. For these purposes a single bed unit counts as two guests and a two-bed unit counts as four guests.
2. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes. Ventilation systems shall be installed and operated according to law, and when vented to the outside shall not create an unsightly, harmful or unlawful discharge.
3. Restrooms, laundry rooms or any other room from which obnoxious odors, vapors or fumes may originate shall be mechanically vented directly to outside the building.
4. Lighting fixtures, ventilating equipment, and all heating and cooling equipment shall be kept clean and in good repair.
5. Permanently fixed artificial light sources shall be installed to provide at least twenty foot-candles of light at equipment or utensil washing work or storage areas and in lavatory and toilet areas. All other areas shall be lighted with adequate lighting to prevent any safety hazard.
6. Motels shall be provided with approved sanitary toilet, lavatory and bathing facilities in the number required by law and that are equipped with hot and cold running water under pressure.
7. Carpeting shall meet the requirements of Section X, and shall be of closely woven construction, properly installed, easily cleanable and maintained in good repair.
8. Carpeting is prohibited in any area where it would be exposed to large amounts of water and in any restroom or room where any toilet or urinal is located.
9. All parts of the motel and its premises shall be kept neat, clean, in good repair and free from litter and rubbish. Operations and conditions shall not constitute a health hazard. Cleaning operations shall be conducted in a manner that minimizes contamination of facilities.
10. Concrete or pumice blocks used for interior wall construction shall be finished and sealed to provide an easily cleanable surface.
11. The walking and driving surfaces of all exterior areas shall be surfaced with concrete or asphalt, or with gravel or similar material effectively treated to facilitate maintenance and to minimize dust. These surfaces shall be graded to prevent pooling of water and shall be kept free of litter and refuse.
12. All walking and driving surfaces of exterior areas shall be kept reasonably clear of snow and ice; and walking areas that become icy shall be treated with approved materials to eliminate slippage.
13. Only those items necessary for the operation and maintenance of the facility shall be kept on premises.
14. At least one utility sink or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops or similar wet floor cleaning tools, and for the disposal of mop water or similar liquid wastes. The use of hand washing, utensil or equipment washing sinks for this purpose is prohibited.

15. A record shall be kept in each motel detailing the written name, address, contact information and number of people staying in the room for each individual or party occupying any room.

9-2. **Guest Rooms.**

1. The doors of all rooms used for sleeping purposes, as well as the doors to any common restrooms, shall be equipped with proper bolts or locks to permit the occupants of such rooms to lock or bolt the doors securely from within the rooms. The locks or bolts shall be constructed in a manner that renders it impossible to unbolt or unlock the door from the outside while the door is bolted or locked from within.
2. All bedding, blankets, linens, towels and washcloths provided to guests shall be clean. These items shall be changed after every guest, and shall be mechanically washed and dried before being provided to another guest.
3. Sheets shall be of sufficient width and length to cover the mattress completely.
4. All bedding, including mattresses, mattress pads, quilts, blankets, pillows, sheets and spreads as well as any and all bath towels, washcloths and mats shall be kept in good repair.
5. Bathing or shower facilities shall have a no slip floor surface, such as a manufactured no slip bathtub or shower unit or adhesive backed non-slip strips.
6. Furniture and carpet shall be clean and in good repair.
7. Bathrooms, lavatories, showers/baths, and toilets shall be clean and in good repair.
8. Any refrigerators, microwaves, stoves, ovens or any other kitchen or kitchenette type equipment shall be kept clean and in good repair. Such equipment shall be cleaned in between each guest.

9-3. **Cleanliness.**

1. Utensil washing shall be in compliance with section 5-16. After cleaning and until use, all food contact surfaces of equipment and utensils shall be wrapped, sealed or stored in a manner that protects them from contamination. These items shall be stored at least six inches off of the floor in a clean, dry location with non-absorbent and easily cleanable surfaces.
2. Any facility that lacks an approved three compartment sink or dishwasher for utensil washing and sanitizing shall use single use utensils only. Single use items shall be kept and stored in a clean location and in a manner that protects them from potential contamination. Single use items shall be used only once, and shall be made from approved materials.
3. The use of common drinking containers in public places is prohibited.
4. Ice, if provided to guests, shall be manufactured, stored, transported and handled in a manner approved by the department. Ice shall be dispensed with scoops, tongs, or other ice-dispensing utensils or through automatic self-service ice dispensing equipment. Dispensing utensils shall be maintained clean and in good repair and shall be stored in a clean location, or in the ice with the handle extended. Scooping of ice with a cup, glass or similar container or any container that does not have a handle is prohibited.
5. Ice machines and related equipment shall be constructed of durable, easily cleanable and non-absorbent materials. These items shall be located in areas where contamination is minimal (see section 5-16), and ice bins shall be covered at all times except when in use. Ice machines, bins, buckets and utensils shall be cleaned and sanitized as per section 5-16.

6. Ice storage bins shall drain by means of an air gap.
7. When existing ice storage and production equipment accessible to the public is replaced, automatic self-service ice-dispensing equipment shall be used.
8. All clean bedding, including mattresses, mattress pads, quilts, blankets, pillows, sheets and spreads as well as any and all bath towels, washcloths and mats shall be handled and stored in a manner that prevents contamination and prevents commingling of clean and dirty items. Clean items shall be stored on smooth, nonabsorbent cleanable surfaces located at least six inches off of the ground.
9. All public restroom, lavatory or showering/bathing facilities along with all fixtures shall be kept clean and maintained in good repair.
10. Any public showering/bathing facilities shall be cleaned and sanitized daily.
11. Garbage and refuse shall be kept in durable, easily cleanable, insect and rodent resistant containers that do not leak and do not absorb liquids.
12. Trash containers stored outside the facility shall be easily cleanable, and shall be provided with tight fitting lids, doors or covers and shall be kept covered when not in actual use. Containers designed with drains shall have drain plugs in place at all times. Trash stored on the premises shall be kept in such a way so that it is not accessible to rodents or insects.
13. There shall be a sufficient number of containers to hold all garbage and trash that accumulates.
14. Trash containers and trash storage areas shall be cleaned as often as necessary to prevent insect and rodent attraction and to prevent odors from developing.
15. Garbage and trash shall be removed from the premises often enough to prevent the development of odors and trash shall be removed to an approved disposal facility not less than one time per week.
16. Intake and exhaust air ducts shall be maintained to prevent the entrance or accumulation of dust, dirt or other contaminating materials.

9-4. **Chemical Storage.**

1. Poisonous or toxic materials consist of the following two categories:
 - A. Insecticides and rodenticides.
 - B. Detergents, sanitizers, related cleaning or drying agents and caustics, acids, polishes and other chemicals.
2. Each of these two categories shall be stored and physically located separately from each other. All poisonous or toxic materials shall be stored in cabinets or in a similar physically separate place used for no other purpose.
3. All cleaners, sanitizers and disinfectants shall comply with 21 CFR section 178.1010.
4. Only those poisonous or toxic chemicals necessary for the operation and maintenance of the establishment shall be kept on premises.
5. Any chemicals used in or on ice producing or dispensing equipment shall meet the provisions found in 4-16.
6. Any chemicals used shall only be used in full accordance with the manufacturers labeling.
7. Any chemical shall stored or kept be in a container that clearly identifies the contents with the common name.
8. Material safety data sheets shall be maintained on premises for any and all cleaning chemicals, pesticides, herbicides or other substances that may be hazardous.

9. Cleaning equipment, supplies, chemicals, pesticides, herbicides, paints and any other toxic or harmful substances shall not be stored above or next to any bedding, blankets, linens, towels or washcloths.

9-5. General Safety.

1. The hot water temperature at lavatories and showering/bathing fixtures shall be at least 100 degrees F and shall not exceed 120 degrees F.
2. Adequate exits, as defined by the state building code, shall be provided.
3. All hallways and exits shall be kept free and clear at all times of any obstructions.

9-6. Insect and Rodent Control.

1. Effective measures intended to minimize the presence of rodents, flies, and other insects on the premises shall be utilized.
2. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.
3. Openings to the outside shall be protected effectively against the entrance of rodents or insects by tight fitting, self-closing doors, closed windows, screening or other means.
4. Screen doors shall be self-closing, and screens for windows, doors, skylights, intake and exhaust air ducts and other openings to the outside shall be tight fitting and free of breaks. Screening materials shall not be less than 16 mesh to the inch.
5. In the event of a recurring insect or rodent problem, a contract shall be maintained with a licensed exterminator for rodent and insect control and prevention.
6. If evidence of rodent occupation is found in any food preparation or food storage or utensil storage areas, the following steps shall be taken immediately:
 - A. All food and utensils shall be examined for signs of contamination. Any contaminated food shall be disposed of immediately. Any contaminated utensils (or food in sealed, waterproof metal, glass or plastic containers) shall immediately be washed, rinsed and sanitized using an approved sanitizer.
 - B. Any rodent droppings shall be swept up and all affected areas cleaned with a 200-ppm bleach solution.
 - C. Any openings to the outside or openings that allow rodents to access to any affected areas shall be sealed.
 - D. Approved traps shall be put into place and monitored daily so as to determine the effectiveness of eradication measures.

9-7. Laundry Facilities.

1. Laundry facilities shall be used only for the washing and drying of bedding, linens, towels, and other items necessary for facility operation.
2. If any bedding, linens, towels, and other items necessary for facility operation are laundered on premises, a gas or electric dryer shall be provided for drying.
3. Laundry facilities shall be located in rooms used only for that purpose.

- 9-8. Fire Safety.** All motels shall be constructed in compliance with and operated in compliance with Section X. In addition, all motels shall comply with Section 33-33-05 of the North Dakota Administrative Rules.

Section X. Fire Safety Requirements. All lodging establishments in the First District Health Unit shall be constructed in compliance with and operated in compliance with the legally adopted fire code for the state of North Dakota as well as with the legally adopted building code for the state of North Dakota. In the event that any item contained in this code is different from either the fire code or building code, then the stricter standard shall be enforced. All battery-operated smoke detectors shall be tested at least monthly, and the results along with the initials of the person performing the test shall be recorded in a log. This log shall be kept for at least three years.

Section XI. Separation. If any part of this code is found to be or held invalid that invalidity shall not affect any of the other parts of this code.

Section XII. Source. Items in this code are taken in whole or in part from the North Dakota Century Code and the North Dakota Administrative Code. It is the responsibility of the proprietor of any facility to identify and comply with any and all other local, state or federal rules and regulations pertaining to the operation of their facility that are not contained herein.

Section XII. Penalty. A person may be charged with a misdemeanor under Section 23-35-13 of the North Dakota Century Code (NDCC) if they:

1. Violate this ordinance
2. Permit a violation to exist on the premises under their control.
3. Fail to take action to abate the existence of the violation(s) of this code within a specified time period when notified to do so by the Department.

Violations of this code may also be prosecuted under 23-09-19 of the NDCC.