

SECTION .3000 - BED AND BREAKFAST INNS

15A NCAC 18A .3001 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Section.

- (1) "Approved" means determined by the Department to be in compliance with this Section. Food which complies with the requirements of the North Carolina Department of Agriculture or the United States Department of Agriculture and the requirements of this Section shall be considered as approved.
- (2) "Bathroom" means a room with at least one shower or tub, water closet and lavatory. However, lavatories may be located within the bedrooms.
- (3) "Department of Environment and Natural Resources" or "Department" means the North Carolina Department of Environment and Natural Resources. The term also means the authorized representative of the Department.
- (4) "Person" means any individual, firm, association, organization, partnership, business trust, corporation, or company.
- (5) "Potentially hazardous food" means any food or ingredient, natural or synthetic in a form capable of supporting the growth of infectious or toxigenic microorganisms. This includes raw or heat treated foods of animal origin, raw seed sprouts, and treated food of plant origin. The term does not include foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.

*History Note: Authority G.S. 130A-248;
Eff. July 1, 1992;
Amended Eff. November 1, 2002.*

15A NCAC 18A .3002 PERMITS

- (a) No person shall operate a bed and breakfast inn within the State of North Carolina who does not possess a valid permit from the Department.
- (b) No permit to operate shall be issued to a person until an inspection by the Department shows that the bed and breakfast inn complies with the rules of this Section.
- (c) A permit issued to one person is not transferable to another person.
- (d) Upon transfer of ownership of an existing bed and breakfast inn, the Department shall complete an inspection. If the establishment satisfies all the requirements of the rules, a permit shall be issued. If the establishment does not satisfy all the requirements of the rules, a permit shall not be issued. However, if the Department determines that the noncompliant items are construction or equipment problems that do not represent an immediate threat to the public health, a transitional permit may be issued. The transitional permit shall expire 90 days after the date of issuance, unless suspended or revoked before that date, and shall not be renewed. Upon expiration of the transitional permit, the owner or operator shall have corrected the noncompliant items and obtained a permit, or the bed and breakfast inn shall not continue to operate.
- (e) The Department may impose conditions on the issuance of a permit or transitional permit. Conditions may be specified for one or more of the following areas:
 - (1) The number of rooms or persons.
 - (2) The categories of food served.
 - (3) Time schedules in completing minor construction items.
 - (4) Modification or maintenance of water supplies.
 - (5) Use of facilities for more than one purpose.
 - (6) Continuation of contractual arrangements upon which basis the permit was issued.
 - (7) Submission and approval of plans for renovation.
 - (8) Any other conditions necessary for a bed and breakfast inn to remain in compliance with this Section.
- (f) A permit is issued by and inspections are made by authorized representatives of the Department.
- (g) A permit or transitional permit shall be immediately revoked in accordance with G.S. 130A-248(b) for failure of the facility to maintain a minimum grade of C. A permit or transitional permit may otherwise be suspended or revoked in accordance with G.S. 130A-23. A new permit to operate shall be issued only after the establishment has been reinspected by the Department and found to comply with this Section. This

reinspection will be conducted within a reasonable length of time, not to exceed 15 days, after the request is made by the permittee.

History Note: Authority G.S. 130A-248;
Eff. July 1, 1992.

15A NCAC 18A .3003 INSPECTIONS: VISITS: POSTING OF GRADE CARDS

- (a) The Department shall inspect each bed and breakfast inn at least once every six months.
- (b) An inspection for the purpose of establishing a sanitation grade shall be made within 30 days from the date the permit is issued.
- (c) Whenever an inspection of a bed and breakfast inn is made, the Department shall remove the existing grade card, issue a grade card, and post the new grade card in a conspicuous place where it may be readily observed by the public upon entering the facility. The permittee shall be responsible for keeping the grade card posted at the location designated by the Department at all times.
- (d) Upon request of the management, a reinspection shall be made for the purpose of re-evaluating, the sanitation grade. The reinspection shall be conducted after a reasonable period of time, not to exceed 15 days, from the date of the request.

History Note: Authority G.S. 130A-248;
Eff. July 1, 1992.

15A NCAC 18A .3004 INSPECTION FORMS

The grading of bed and breakfast inns shall be done on an inspection form prepared and furnished by the Department.

History Note: Authority G.S. 130A-248;
Eff. July 1, 1992.

15A NCAC 18A .3005 GRADING

- (a) The grading of bed and breakfast inns shall be based on the standards of construction and operation set out in Rules .3006 to .3016 of this Section.
- (b) The sanitation grading of all bed and breakfast inns shall be based on a system of scoring wherein establishments receiving a score of at least 90 percent shall be awarded Grade A; all those receiving a score of at least 80 percent and less than 90 percent shall be awarded Grade B; all those receiving a score of at least 70 percent and less than 80 percent shall be awarded a Grade C. Permits for bed and breakfast inns receiving a score of less than 70 percent shall be immediately revoked.

History Note: Authority G.S. 130A-248;
Eff. July 1, 1992.

15A NCAC 18A .3006 FOOD SOURCES AND PROTECTION

- (a) All food shall be from approved sources, clean, wholesome, free from adulteration and spoilage, safe for human consumption and shall be stored, handled, served, or transported in such a manner as to prevent contamination, adulteration or spoilage. Only Grade "A" milk shall be used. All food storage shall be at least 15 inches (38.1 cm) above the floor or otherwise arranged to permit the thorough cleaning.

- (b) Foods that are spoiled or otherwise unfit for human consumption shall be immediately disposed of as garbage.
- (c) Potentially hazardous foods shall be kept at or below 45° F (7° C), except when being prepared or served. An air temperature thermometer accurate to 3°F (1 1/2° C) shall be provided in all refrigerators.
- (d) Thawing of potentially hazardous food shall be done in refrigerated units at a temperature not to exceed 45° F (7° C) or under cold running water no warmer than 70° F (21° C), or as a part of the cooking process.
- (e) Employees preparing food shall have used anti-bacterial soap, dips, or hand sanitizers immediately prior to food preparation or shall use clean, plastic disposable gloves or sanitized utensils during food preparation. This requirement is in addition to all handwashing requirements in Rule .3007 of this Section.
- (f) Preparation surfaces which come in contact with potentially hazardous food shall be cleaned and sanitized as provided in Rule .3008 of this Section.
- (g) Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 140° F (60° C) with no interruptions of the cooking process, except as follows:
- (1) poultry shall be cooked to heat all parts to at least 165° F (74° C), and
 - (2) pork shall be cooked to heat all parts of the food to at least 150° F (66° C), and
 - (3) potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to 165° F (74° C) or higher throughout before being served or placed in hot food storage except that, food in intact packages from regulated food manufacturing plants may initially be reheated to 140° F (60° C), and
 - (4) Ground beef and foods containing ground beef shall be cooked to an internal temperature of at least 155° F (68° C).
- (h) Raw eggs or foods containing uncooked eggs shall not be served. Pasteurized egg products may be substituted for raw eggs.
- (i) A metal stem-type thermometer accurate to 2° F (1° C) shall be available to check food temperatures.
- (j) Food once served to a customer shall not be served again and not left for the next customer. Packaged food, other than potentially hazardous food, that is still packaged and is still wholesome may be re-served.
- (k) Pets shall not be allowed at any time in any room or area in which food is prepared or stored. Pets, unless caged and restricted from the immediate eating area, shall not be allowed in any room or area in which food is served.

*History Note: Authority G.S. 130A-248;
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Amended Eff. October 1, 1993.*

15A NCAC 18A .3007 FOOD SERVICE PERSONS

- (a) All food service personnel shall wear clean outer clothing and shall be clean as to their person and methods of foodhandling. No employee shall use tobacco in any form while engaged in the washing of eating and cooking utensils or in the preparation, handling, or serving of food.
- (b) Employees shall wash their hands thoroughly in an approved handwashing lavatory, before starting work, after each visit to the toilet, and as often as may be necessary to remove soil and contamination. The kitchen sink shall not be used for handwashing.
- (c) Employees engaged in the preparation of food shall wear hairnets, caps, or other hair restraints to prevent the contamination of food or food contact surfaces. Wigs and hair spray do not constitute compliance with this Rule.
- (d) No person who has a communicable or infectious disease that can be transmitted by foods, or who is a carrier of organisms that cause such a disease, or who has a boil, infected wound, or disease with sudden onset and severe symptoms including cough or nasal discharge, shall work in a food service area in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with disease-causing organisms or transmitting the illness to other persons. If the operator has reason to suspect that any person has contracted any disease transmissible through food, or has become a carrier of such disease, the operator shall notify the local health department immediately.

*History Note: Authority G.S. 130A-248;
Eff. July 1, 1992.*

15A NCAC 18A .3008 FOOD SERVICE UTENSILS AND EQUIPMENT AND THEIR CLEANING

- (a) Domestic kitchen equipment may be used.
- (b) Multi-use eating and drinking utensils shall be washed, rinsed, sanitized and air-dried after each usage. One of the following methods shall be used:
 - (1) Utensils shall be washed, rinsed, and sanitized in a dishmachine which is constructed, operated and maintained in accordance with National Sanitation Foundation Standards or equal;
 - (2) Utensils shall be washed, rinsed and sanitized by immersion in a three-compartment sink; or
 - (3) Utensils shall be washed and rinsed in a domestic dishwasher and sanitized by immersion in a sink other than the handwash lavatory.
- (c) If sanitization is accomplished by immersion, it shall be by one of the following methods:
 - (1) immersion for at least one minute in clean hot water at least 170° F (77° C). A thermometer accurate to 3° F (1.5° C) shall be available and convenient to the compartment. Where hot water is used for bactericidal treatment, a booster heater that maintains a water temperature of at least 170° F (77° C) in the third compartment at all times when utensils are being washed shall be provided. The heating device may be integral with the immersion compartment.
 - (2) at least two minutes in a clean, tested solution containing:
 - (A) at least 50 parts per million of available chlorine of at least 75° F (24° C); or
 - (B) at least 12.5 parts per million of available iodine and having a pH not higher than 5.0 and a temperature of at least 75° F (24° C); or
 - (C) at least 200 parts per million of quaternary ammonium products and having a temperature of at least 75° F (24° C) provided that the product is labeled to show that it is effective in water having a hardness value of at least equal to that of the water being used.
- (d) All eating, drinking, and food preparation utensils shall be air-dried and handled and stored in a manner to prevent contamination.
- (e) All multi-use utensils except baking sheets and similar cooking utensils, not used for table service, that are used in the storage, preparation, or serving of food shall be cleaned and sanitized after each use. Baking sheets and similar cooking utensils, not used for table service, which are continually subjected to high temperatures do not require sanitizing after each use, but shall be kept clean and maintained in good repair.
- (f) For utensils and equipment which are either too large or impractical to sanitize in the sink or dishwashing machine, a spray-on or wipe-on sanitizer may be used. When spray-on or wipe-on sanitizers are used, the chemical strength shall be that required for sanitizing multi-use eating and drinking utensils.
- (g) Food service equipment shall be easily cleanable and kept in good repair. All surfaces with which food or drink comes in contact shall consist of smooth, not readily corrodible, non-toxic material such as stainless steel, phenolic resin, marble slabs, or tight wood in which there are no open cracks or joints that will collect food particles and slime, and be readily accessible for cleaning. A separate lavatory, including hot and cold running water, and a combination supply faucet or tempered water shall be provided in the kitchen or an adjacent area. Soap and sanitary towels shall be provided. By January 1, 1995, potentially hazardous foods shall be kept in refrigeration units that meet National Sanitation Foundation standards or equal.
- (h) All equipment and fixtures shall be kept clean. Cooking surfaces of equipment shall be cleaned at least once each day. Non-food contact surfaces of equipment shall be cleaned at such intervals as to keep them in a sanitary condition.
- (i) No polish or substance containing cyanide or other poisonous materials shall be used for the cleaning or polishing of eating or cooking utensils.
- (j) Disposable utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used and shall be handled in a sanitary manner. Disposable articles shall be made from non-toxic materials and shall be used only once.

(k) Storage facilities, including residential kitchen cabinets, shall be kept clean and free of pests.

History Note: Authority G.S. 130A-248;
Eff. July 1, 1992;
Amended Eff. July 1, 1993.

15A NCAC 18A .3009 LAVATORIES AND BATHROOMS

- (a) At least one bathroom shall be provided for every two bedrooms.
- (b) All lavatory and bathing facilities shall include hot and cold running water under pressure, individual towels and soap. Fixtures shall be kept clean and in good repair. Floors and walls shall be constructed of non-absorbent and easily cleanable materials.
- (c) Floors, walls, and ceilings shall be kept clean and in good repair.
- (d) All sewage and other liquid wastes shall be disposed of in a public sewer system or, in the absence of a public sewer system, by an approved, properly operating, sanitary sewage system.

History Note: Authority G.S. 130A-248;
Eff. July 1, 1992.

15A NCAC 18A .3010 WATER SUPPLY

- (a) Water supplies shall meet the requirements in 15A NCAC 18A .1700.
- (b) The water supply used shall be located, constructed, maintained, and operated in accordance with the Commission for Health Services' rules governing water supplies. Copies of 15A NCAC 18A .1700 and 15A NCAC 18C may be obtained from the Division of Environmental Health, Department of Environment, Health, and Natural Resources, P.O. Box 27687, Raleigh, North Carolina 27611-7687. At least once per year, a sample of water shall be collected by the Department and submitted to the Division of Laboratory Services or other laboratory certified by the Department to perform bacteriological examinations.
- (c) Cross-connections with unapproved water supplies are prohibited. Hot and cold running water under pressure shall be provided to food preparation, utensil and handwashing areas, bathrooms and any other areas in which water is required for cleaning in sufficient quantity to carry out all water using operations.
- (d) Facilities for the heating of water shall be provided. The capacity of the hot water heating facilities shall be based on the number of bathrooms, the capacity of the dishwashing machines and other food service and cleaning needs.

History Note: Authority G.S. 130A-248;
Eff. July 1, 1992.

15A NCAC 18A .3011 DRINKING WATER FACILITIES

- (a) Facilities for the dispensing of drinking water shall be of approved sanitary design. If water cooling equipment is installed, it shall be of the type in which ice does not come in contact with water. If drinking fountains are provided, they shall be of the approved angle-jet type. Common dippers or common drinking glasses or cups shall not be used.
- (b) For room service, glasses, pitchers, or multi-use tubs, or single-service cups and single-service tubs, may be used, provided all multi-use utensils are washed thoroughly, subjected to approved bactericidal treatment, and stored and handled in a manner to prevent contamination. For the washing, bactericidal treatment, and storage of multi-use utensils, facilities meeting the requirements of Rule .3008 of this Section shall be provided. Single-service cups, tubs, or similar items shall be stored and handled in a manner to prevent contamination.
- (c) Ice shall be manufactured from an approved water supply and shall be stored and handled in such a manner as to prevent contamination. Where ice is made on the premises, the machines shall be located in a

protected place; handled scoops shall be provided; and machines, equipment, utensils and the room or area in which the machines are located, shall be kept clean.

(d) Ice storage bins shall not be used for any other purpose.

*History Note: Authority G.S. 130A-248;
Eff. July 1, 1992.*

15A NCAC 18A .3012 BEDS: LINEN

(a) Mattresses shall be kept clean and in good repair.

(b) Clean bed linen, in good repair, shall be provided for each bed and shall be changed between successive guests. Clean linen shall be stored in cabinets or on shelves in linen storage areas. Soiled linen shall be handled and stored separately from clean linen.

*History Note: Authority G.S. 130A-248;
Eff. July 1, 1992.*

15A NCAC 18A .3013 VERMIN CONTROL: PREMISES

(a) All bed and breakfast inns shall be kept free of roaches, flies, and other pests. The premises shall be kept neat, clean, drained and free of litter and rodent harborages. Unless air conditioning is provided, all windows opening to the outside shall be screened to prevent the entrance of flies and other pests, and doors opening to the outside shall be self-closing.

(b) Only pesticides that have been registered shall be used and only for the specific use for which they have been approved by the Environmental Protection Agency. Such pesticides shall be used as directed on the label and shall be handled and stored to avoid health hazards and not be accessible to young children.

*History Note: Authority G.S. 130A-248;
Eff. July 1, 1992.*

15A NCAC 18A .3014 STORAGE: MISCELLANEOUS

(a) Storage rooms or spaces shall be kept clean.

(b) Cleaning agents such as bleaches, detergents, and polishes shall be stored out of the reach of children.

(c) Medications under the control of the inn keeping staff shall be stored in a separate cabinet, closet, or box not accessible to children.

*History Note: Authority G.S. 130A-248;
Eff. July 1, 1992.*

15A NCAC 18A .3015 FLOORS: WALLS: CEILINGS: LIGHTING: VENTILATION

(a) Floors, walls, ceilings, and windows shall be kept clean and in good repair. Floors and walls in rooms in which food is stored, prepared, handled, or served, or in which utensils are washed, and in toilet rooms, shall be non-absorbent and easily cleanable.

(b) Furniture, fixtures, draperies, lighting fixtures, ventilation equipment and other accessories shall be kept clean and in good repair.

History Note: Authority G.S. 130A-248;
Eff. July 1, 1992.

15A NCAC 18A .3016 DISPOSAL OF GARBAGE AND TRASH

(a) All putrescible waste shall be placed in garbage cans which are provided with approved liners such as plastic garbage bags. Rubbish, litter and other items not used in the operation of the establishment shall not be permitted to accumulate on the premises.

(b) Garbage shall be collected and stored in standard water-tight garbage cans or other approved containers or methods and provided with tight-fitting lids. Lids shall be kept in place, except for cans inside the kitchen which are being used frequently during normal operations. The contents of these cans shall be removed frequently, disposed of in accordance with applicable solid waste laws and rules, and the cans shall be washed.

History Note: Authority G.S. 130A-248;
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