

R392. Health, Disease Control and Prevention, Environmental Services.

R392-800. General Sanitation in Public Places.

R392-800-1. Authority and Purpose.

(1) This rule is authorized under Sections 26-1-5, 26-1-30(9), 26-1-30(23), 26-7-1, and 26-15-2.

(2) This rule establishes minimum standards for the sanitation, operation, and maintenance of public places, as defined, and provides for the prevention and control of health hazards associated with public places that are likely to affect public health including risk factors contributing to injury, sickness, death, and disability.

R392-800-2. Applicability.

(1) Unless exempted in Subsection R392-800-2(2), this rule applies to any person who owns or operates a facility or place listed in Subsection 26-1-30(23) or Section 26-15-2 that is made available for public use. This rule applies to the repair, maintenance, and operation of public places as defined by this rule.

(2) This rule does not apply to:

(a) a private residence or its premises;

(b) a publicly or privately owned property that is not operated or intended for public use; or

(c) a facility, institution, location, or place whose primary purpose or intent is already regulated by another rule promulgated by the Department under Title R392.

R392-800-3. Definitions.

For the purposes of this rule, the following terms, phrases, and words shall have the meanings herein expressed:

(1) "Department" means the Utah Department of Health.

(2) "Imminent Health Hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that can cause infection, disease transmission, pest infestation, or hazardous condition that requires immediate correction or cessation of operation to prevent injury, illness, or death.

(3) "Local health department" has the same meaning as provided in Section 26A-1-102(5).

(4) "Local health officer" means the health officer of the local health department having jurisdiction, or designated representative.

(5) "Nuisance" means a condition or hazard, or the source thereof, which may be deleterious or detrimental to the health, safety, or welfare of the public.

(6) "Operator" means a person with ownership or overall responsibility for managing or operating a public place.

(7) "Pest" means a noxious, destructive, or troublesome organism whether plant or animal, when found in and around places of human occupancy, habitation, or use which threatens the public health or well being of the people within the state.

(8) "Plumbing Code" means International Plumbing Code as incorporated and amended in Title 15A, State Construction and Fire Codes Act.

(9) "Plumbing fixture" means a receptacle or device that is connected to the water supply system of the premises; or discharges wastewater, liquid-borne waste materials, or sewage to the drainage system of the premises.

(10) "Premises" means any lot, parcel, or plot of land, including any buildings or structure.

(11) (a) "Public place" means a place, facility, or location listed in Section 26-15-2 or Subsection 26-1-30(23) which may be an indoor or outdoor area, whether privately or publicly owned, to which persons not employed at the place have general and regular access by right or by invitation, expressed or implied, whether by payment of money or not, including:

- (i) orphanages;
- (ii) boarding homes;
- (iii) factories;
- (iv) workshops;
- (v) private sanatoria;
- (vi) physician and dentist offices, including waiting rooms;
- (vii) public conveyances and terminals;
- (viii) public baths, including saunas;
- (ix) public bathing beaches;
- (x) amusement parks;
- (xi) public parks and green space;
- (xii) service stations; and
- (xiii) state, county, or municipal institutions, including hospitals.

(b) A public place may also include public buildings and grounds, as well as centers and places used for public gatherings such as auditoriums, theaters, libraries, museums, concert halls, indoor arenas, and meeting rooms.

(c) A public place is not a place used exclusively by one or more individuals for a private gathering or other personal purpose.

(12) "Sanitary" means the condition of being free from infective, physically hurtful, diseased, poisonous, or otherwise unhealthful substances and being free from vectors and pests and from the traces of either, and free of harborage for vectors or pests.

(13) "Toilet fixture" means:

(a) a water flush toilet that discharges to a public sanitary sewer system or an approved onsite wastewater disposal system;

(b) a privy seat in a vault privy; or

(c) a chemical toilet in a portable restroom.

(14) "Vault privy" means a toilet facility wherein the waste is deposited without flushing into a permanently installed, watertight vault or receptacle. Vault wastes is periodically removed and disposed of in accordance with Rule R317-560.

(15) "Vector" means any organism, such as insects or rodents, that transmits a pathogen that can affect public health.

(16) "Wastewater" means discharges from all plumbing facilities including rest rooms, kitchen, and laundry fixtures either separately or in combination.

R392-800-4. General Health and Sanitation Requirements.

(1) A public place shall be maintained sanitary and free of imminent health hazards.

(2) The operator shall prevent any leaking or defective water pipe, sewer pipe, hydrant, sprinkler systems, well, gutter, drain, rain-gutter, or any seepage in or about any public building or structure from creating a nuisance or public health hazard.

(3)(a) The operator shall effectively secure or make safe any vacant building, structure, storage tank, machinery, vehicle, trench, pit, shaft, or well;

(b) The operator shall remove any other deleterious object, condition, or material that is a nuisance or imminent health hazard.

(c) When a local health officer has identified a vacant public place as posing an imminent health hazard, the operator shall remediate the health hazard within a period indicated by the local health officer.

(4) The operator may be required to abate a pest infestation. All abatement activities shall be in compliance with Title 4, Chapter 14, Utah Pesticide Control Act.

(5) A person shall not demolish any infested building or structure unless provisions are made and carried out to abate pest infestations prior to demolition.

(6) The operator shall drain, make drainage possible, or employ other acceptable methods to prevent the pooling of water that may become a breeding place for mosquitoes or other vectors.

(7) The operator shall not store materials in a way that allows the accumulation of water that may become a breeding place for mosquitoes or attract other vectors.

R392-800-5. Water Supply Requirements.

(1) When an operator supplies potable drinking water for public use, the potable water supply system shall be designed, installed, and operated according to the requirements set forth by:

(a) Plumbing Code;

(b) the Utah Department of Environmental Quality, Division of Drinking Water under Title R309; and

(c) local health department regulations.

(2) Any plumbing fixture provided by the operator that normally requires water for its operation shall have an adequate potable water supply under pressure.

R392-800-6. Wastewater Disposal Requirements.

(1) When sewer systems are made available for use by the public, the operator shall ensure that sewer services are designed, installed, and operated according to the requirements set forth by:

(a) Plumbing Code;

(b) The Utah Department of Environmental Quality, Division of Water Quality under Title R317-4;

(c) local health department regulations; and

(d) the local sewer district having jurisdiction.

(2) The operator shall not discharge, allow the discharge, or allow the existence of any wastewater, or liquid waste into or on any premises.

(3) All wastewater shall be discharged to a public sanitary sewer system whenever practicable.

(4) Where connection to a public sanitary sewer is not practicable, wastewater shall be discharged to:

(a) an approved onsite wastewater disposal system; or

(b) a vault privy which shall be located, constructed, and maintained according to the requirements of Rule R317-560 and local health department regulation in such a manner that:

(i) users do not contact waste matter deposited;

(ii) access to the vault privy interior or vault is minimized for flies, insects, rats, and other animals;

(iii) surface or ground water cannot enter the vault, either as runoff or as flood water;

(iv) the waste material in the vault privy cannot contaminate a water supply, stream, or body of water; and

(v) odors are minimized both inside and outside the vault privy structure.

(5) The operator shall submit all required plans for the construction or alteration of an onsite wastewater disposal system in accordance with Title R317.

R392-800-7. Solid Wastes.

(1) The operator shall provide adequate containers conveniently located on the premises to contain litter and other solid waste and to prevent the accumulation of solid waste in or around the public place or premises.

(2) Any solid waste that may create a nuisance or imminent health hazard that is generated at a public place and stored on its exterior premises shall be stored in a leak-proof, non-absorbent container with a tight-fitting lid that shall be kept closed at all times except when placing waste in or emptying waste from the container.

(3) All solid wastes shall be disposed with sufficient frequency and in such a manner as to prevent insect breeding, rodent harborage, or nuisance.

(4) No person shall accumulate solid waste, or cause or allow any person to accumulate solid waste in any public place except for:

(a) waste properly disposed in containers meeting Subsection R392-800-7(2); or

(b) Solid waste temporarily accumulated as approved by the local health officer.

(5) Compost may be maintained in a public place if:

(a) The compost is located and maintained in a defined space and managed in a way that prevents the spread of disease, the propagation or harborage of insects or rodents, the creation of any nuisance, offensive odor at the property line, or any other condition that might adversely affect public health.

(6) An operator shall not sweep or place solid waste from sidewalks, steps, or other locations into streets.

(7) Solid waste too large or otherwise unsuitable for disposal containers may be stored temporarily on the premises of a public place if the solid waste storage does not create a health or safety hazard, nuisance, or rodent harborage.

(8) Solid waste storage areas located indoors shall be rodent and insect proof, adequately ventilated, easily cleanable, properly drained, and maintained to prevent any nuisance or unsanitary conditions.

(9) Solid waste containers shall be placed where they do not create adverse health or nuisance conditions.

R392-800-8. Maintenance Requirements.

(1) The operator shall maintain all buildings, rooms, equipment, and the premises in a sanitary condition, free of an imminent health hazard.

(2) Where necessary, all reasonable means shall be employed to eliminate or control infestations of vectors or pests within a public place. This shall include approved screening or other approved control of outside openings in structures.

R392-800-9. Operation Requirements.

(1) When an operator provides plumbing fixtures as described in Subsection R392-800-5(2), the operator shall supply in each toilet room:

- (a) handwashing facilities;
- (b) soap and toilet tissue in suitable dispensers;
- (c) individual disposable towels or other approved hand drying facilities; and
- (d) a solid, durable, and easily cleanable waste receptacle.

(2) Any toilet fixture or privy provided for or used by the public or employees shall be maintained clean, sanitary, and in good repair.

(3) When a vault privy is provided for patron use as described in Subsection R392-800-6(4)(b), and potable water is not plumbed, connected, or supplied to the toilet room, the operator shall supply in each toilet room:

- (a) a solid, durable, and easily cleanable waste receptacle; and
- (b) toilet tissue in a suitable dispenser.

R392-800-10. Inspections and Investigations.

Upon presenting proper identification, the operator shall permit a local health officer to enter the public place or premises to perform inspections, investigations, and other actions as necessary to ensure compliance with Rule R392-800.

R392-800-11. Closing or Restricting of a Public Place.

(1) If a local health officer deems a public place or portion thereof to be an imminent health hazard, the public place may be closed or its use may be restricted, as determined by the local health officer.

(2) The operator shall restrict public access to the impacted area of any public place closed or restricted to use by a local health officer within a reasonable time as ordered by the local health officer.

(3) It shall be unlawful for an operator to allow the public to utilize any public place or portion thereof that has been deemed unfit for use until written approval of the local health officer is given.

KEY: public places, public restrooms, public health, general sanitation

Date of Enactment or Last Substantive Amendment: November 14, 2018

Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-1-30(9); 26-1-30(23); 26-7-1; 26-15-2

