

1 15A NCAC .1801 - .1815 are repealed as published in 31:23 NCR 2341-2343 as follows:

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3 **SECTION .1800 - SANITATION OF LODGING PLACES**
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5	15A NCAC 18A .1801	DEFINITIONS
6	15A NCAC 18A .1802	PERMITS
7	15A NCAC 18A .1803	PUBLIC DISPLAY OF GRADE CARD
8	15A NCAC 18A .1804	INSPECTIONS
9	15A NCAC 18A .1805	INSPECTION FORMS
10	15A NCAC 18A .1806	GRADING
11	15A NCAC 18A .1807	APPROVED LODGING ESTABLISHMENTS
12	15A NCAC 18A .1808	LOBBY: HALLS: STAIRS: AND VENDING AREAS
13	15A NCAC 18A .1809	LAVATORIES AND BATHS
14	15A NCAC 18A .1810	WATER SUPPLY
15	15A NCAC 18A .1811	DRINKING WATER FACILITIES
16	15A NCAC 18A .1812	GUESTROOMS
17	15A NCAC 18A .1813	STORAGE AND LAUNDRY FACILITIES
18	15A NCAC 18A .1814	DISPOSAL OF GARBAGE AND TRASH: PREMISES
19	15A NCAC 18A .1815	SEVERABILITY

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21 *History Note:* Authority G.S. 130A-248;
22 Eff. February 1, 1976;
23 Readopted Eff. December 5, 1977;
24 Amended Eff. April 1, 1997; August 1, 1996; January 1, 1996; April 1, 1992; September 1, 1990;
25 December 1, 1988; March 1, 1988; July 1, 1986; June 30, 1980; September 1, 1979;
26 Temporary Amendment Eff. June 22, 1998;
27 Temporary Amendment Expired March 12, 1999;
28 Temporary Amendment Eff. March 18, 1999;
29 Temporary Amendment Eff. January 31, 2000;
30 Amended Eff. November 1, 2006; September 1, 2002; April 1, 2001; August 1, 2000;
31 Repealed Eff. Octoberr 1, 2017.
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15A NCAC .1817 is repealed as published in 31:23 NCR 2343 as follows:

15A NCAC 18A .1817 APPEALS PROCEDURE

*History Note: Authority G.S. 130A-248;
Eff. February 1, 1987;
Amended Eff. September 1, 1990;
Repealed Eff. October 1, 2017.*

15A NCAC .1818 is repealed as published in 31:23 NCR 2343 as follows:

15A NCAC 18A .1818 PLAN REVIEW

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

Eff. August 1, 1990;

Amended Eff. January 1, 1996;

Repealed Eff. October 1, 2017.

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- (10) "Equipment" means an article that is used in the operation of a lodging establishment such as a freezer, grinder, hood, ~~ice maker machine, water fountain,~~ meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, or warewashing machine.
- (11) "Food" means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.
- (12) "Food-contact surface" means:
- (a) A surface of equipment or a utensil with which food normally comes into contact; or
 - (b) A surface of equipment or a utensil from which food may drain, drip, or splash:
 - (i) Into a food product; or
 - (ii) Onto a surface normally in contact with food.
- (13) "Food employee" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.
- (14) "Furnishings" means furniture, fittings, window coverings, and other accessories, including decorative accessories.
- (15) "Good Repair" means equipment and utensils shall be maintained in a state of repair and condition that meets the requirements specified under Parts 4-1 and 4-2 of the Food Code as incorporated by reference in Rule 15A NCAC 18A .2650.
- (16) "Guest Rooms" means the accommodations or designated areas for persons who pay for the services of the lodging establishment, such as bedrooms, suite areas, and bathrooms.
- (17) "Handwashing sink" means a lavatory, basin, or vessel for washing, a washbasin, or a plumbing fixture placed for use in personal hygiene and designed for the washing of the hands. This includes an automatic handwashing facility.
- ~~((18)) "Hazard" means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.~~
- ~~((19))~~(18) "Kitchenware" means food preparation and storage utensils.
- ~~((20))~~(19) "Linen" means fabric items such as bedding, towels, cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.
- ~~((21))~~(20) "Lodging establishment" means all hotels, motels, inns, tourist homes, and other places providing lodging accommodations for pay. Facilities described in G.S. 130A-250 (1) through (5) shall not be regulated as "lodging establishment." For the purposes of this Section, the term ~~lodging establishment~~ "lodging establishment" also includes bed and breakfast homes and bed and breakfast inns, ~~[unless otherwise described.] inns.~~
- ~~((22))~~(21) "mg/L" means milligrams per liter, which is the metric equivalent of parts per million (ppm).
- ~~((23))~~(22) "Packaged" means bottled, canned, ~~cartoned~~ cartoned, bagged, or wrapped, whether packaged in a food establishment or a food processing plant.

1 ~~(24)~~(23) "Permit" means the document issued by the regulatory authority that authorizes a person to operate
2 a lodging establishment.

3 ~~(25)~~(24) "Permit Holder" means:

4 (a) The person in charge who resides in and owns or rents the bed and breakfast home or bed
5 and breakfast inn.

6 (b) The legal entity responsible for the operation of the lodging establishment, such as the
7 owner, the owner's agent, or other person.

8 ~~(26)~~(25) "Person" means person as defined in G.S. 130A-2(7).

9 ~~(27)~~(26) "Person in charge" means the individual present at a lodging establishment who is responsible for
10 the operation at the time of inspection.

11 ~~(28)~~(27) "Physical facilities" means the structure and interior surfaces of a lodging establishment, including
12 furnishings and accessories such as soap and towel dispensers and attachments, such as light fixtures
13 and heating or air conditioning system vents.

14 ~~(29)~~(28) "Poisonous or toxic materials" means substances that are not intended for ingestion and are included
15 in four categories:

16 (a) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as
17 caustics, acids, drying agents, polishes, and other chemicals;

18 (b) Pesticides, except sanitizers, which include substances such as insecticides and
19 rodenticides;

20 (c) Substances that are necessary for the operation and maintenance of the establishment such
21 as nonfood grade lubricants and personal care items ~~[that may be deleterious to health;~~
22 items; and

23 (d) Substances that are not necessary for the operation and maintenance of the establishment
24 and are on the premises for retail sale, such as petroleum products and paints.

25 ~~(30)~~(29) "Potentially Hazardous Food" means potentially hazardous food (time/temperature control for
26 safety food) ~~[as defined in 15A NCAC 18A .2651.]~~ to limit pathogenic microorganism growth or
27 toxin formation.

28 ~~(31)~~(30) "Premises" means the physical facility, its contents, and the contiguous land or property under the
29 control of the permit holder.

30 ~~[(32) — "Proper" means right, correct, or accepted.]~~

31 ~~(33)~~(31) "Refuse" means solid waste not carried by water through the sewage system.

32 ~~(34)~~(32) "Registered Environmental Health Specialist" means ~~a [Registered]~~ an Environmental Health
33 Specialist as defined in G.S. 90A-51(2b) ~~and G.S. 90A-51(4) and authorized agent of the~~
34 ~~Department.~~ who has registered in accordance with G.S. 90A-51(4).

35 ~~(35)~~(33) "Regulatory Authority" means the ~~department~~ Department or authorized agent of the Department.

~~(36)~~(34) "Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms.

~~(37)~~(35) "Sewage" means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

~~(38)~~(36) "Single-use articles" means tableware, carry-out utensils, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one person use after which they are intended for discard. It also includes utensils and bulk food containers designed and constructed to be used once and discarded, such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans.

~~(39)~~(37) "Tableware" means eating, drinking, and serving utensils for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.

~~(40)~~(38) "Temperature measuring device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

~~(41)~~(39) "Transitional Permit" means a permit issued by the regulatory authority upon the transfer of ownership or lease of an existing lodging establishment to allow the correction of construction and equipment problems that do not represent an immediate threat to public health.

~~(42)~~(40) "Utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse, single-service, or single-use; gloves used in contact with food; temperature sensing probes of food temperature measuring devices; and probe-type price or identification tags used in contact with food.

~~(43)~~(41) "Warewashing" means the cleaning and sanitizing of utensils and food-contact surfaces of equipment.

History Note: Authority G.S. 130A-4; G.S. 130A-6; G.S. 130A-248;
Eff. October 1, 2017.

1 15A NCAC 18A .1822 is adopted with changes as published in ~~31:18~~ 31:23 NCR 2341 - 2351 as follows:

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3 **15A NCAC 18A .1822 MANAGEMENT AND PERSONNEL**

4 (a) Bed and breakfast homes or bed and breakfast inns shall comply with Parts 2-1 through 2-4 of the Food Code as
5 amended by Rule 15A NCAC 18A .2652, with the following exceptions:

6 (1) Food preparation shall not be prohibited in a bed and breakfast home or bed and breakfast inn.

7 (2) Nothing shall prohibit family style dining or return to self-service areas such as buffets in a bed and
8 breakfast home or bed and breakfast inn.

9 (3) ~~The [requirements of this section are shall be effective on July 1, 2018.] requirement in Section 2-~~
10 102.12 of the Food Code as amended by Rule 15A NCAC 18A .2652 shall be effective one year
11 after the effective date of this rule.

12 (b) Lodging establishment employees shall comply with the requirements of Sections 2-301.11, 2-301.12, 2-301.14,
13 2-301.15, 2-304.11, 2-401.11, 2-401.12, and 2-403.11 of the Food Code as amended by Rule 15A NCAC 18A .2652.

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15 *History Note:* Authority G.S. 130A-4; G.S. 130A-6; G.S. 130A-248;
16 Eff. October 1, 2017.
17

1 15A NCAC 18A .1823 15A adopted with changes as published in ~~34:18~~ 31:23 NCR 2341 - 2351 as follows:

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3 **15A NCAC 18A .1823 FOOD**

4 ~~(a) Except as required by G.S. 130A-247 through 130A-250, food services at lodging establishments shall not be~~
5 ~~required to obtain food establishment permits.~~ Lodging establishments that prepare and serve food shall obtain a food
6 establishment permit unless exempted by G.S. 130A-250.

7 (b) Food prepared in a bed and breakfast home or a bed and breakfast inn shall comply with Chapter 3 of the Food
8 Code as amended by Rule 15A NCAC 18A .2653. The rules in this Section shall not prohibit family style service in
9 bed and breakfast homes and bed and breakfast inns, and no additional protection or labeling of food shall be required
10 during display and service in these establishments.

11 ~~(c) In lodging establishments, ice used for room service shall be manufactured from an approved water supply that~~
12 ~~complies with 15A NCAC .1700, "Rules Governing the Sanitation of Protection of Water Supplies Rules" and 15A~~
13 ~~NCAC 18C Rules Law and shall be stored and handled in a sanitary manner.~~ manner so as to prevent contamination.
14 All ice machines for use by guests shall dispense ice without exposing stored ice to guests.

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16 *History Note:* Authority G.S. 130A-4; G.S. 130A-6; G.S. 130A-248;
17 Eff. October 1, 2017.

1 15A NCAC 18A .1824 is adopted with changes as published in ~~34-18~~ 31:23 NCR 2341 - 2351 as follows:

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3 **15A NCAC 18A .1824 EQUIPMENT AND UTENSILS**

4 (a) Food-contact surfaces shall comply with Parts 4-1 and 4-2 of the Food Code as amended by Rule 15A NCAC 18A
5 .2654. This shall not prohibit the use of domestic equipment.

6 (b) Equipment and utensils shall be kept clean and in good repair.

7 (c) All kitchenware and food-contact surfaces of equipment, excluding cooking surfaces of equipment, used in the
8 preparation or serving of food or drink, and all food storage utensils, in a bed and breakfast home or bed and breakfast
9 inn shall be cleaned and sanitized, as required in Parts 4-6 and 4-7 of the Food Code as amended by Rule ~~15A NCAC~~
10 15A NCAC 18A .2654 after each use, air dried, and stored in a manner to prevent contamination.

11 (d) Cooking surfaces of and baking equipment in a bed and breakfast home or bed and breakfast inn shall be cleaned
12 [~~at least minimum~~] no less than once each day.

13 (e) Nonfood-contact surfaces of equipment shall be clean.

14 (f) Sanitizers used for sanitization of kitchenware and food-contact surfaces shall be maintained [~~at proper~~
15 ~~concentrations~~] as required in Part 4-5 of the Food Code as amended by ~~Section .2654~~ Rule 15A NCAC 18A .2564
16 ~~of the "Rules Governing the Food Protection and Sanitation of Food Establishments,"~~

17 (g) Nothing in this Rule shall require sanitization as exempted in guest rooms per ~~GS. 130A-248 (3)~~ G.S. 130A-248
18 (a3)(3).

19 (h) Sinks in guest rooms shall be sanitized before washing multi-use utensils.

20 ~~(h)~~(i) Single-use articles may be used if discarded after each use. Single-use articles must be ~~properly~~ stored and
21 handled to prevent contamination.

22 ~~(i)~~(j) A food temperature measuring device with a small diameter probe shall be provided and accessible for use by
23 employees in ensuring attainment and maintenance of food temperatures.

24 ~~(j)~~(k) A test kit or other device that [~~accurately~~] measures the concentration in mg/L of sanitizing solutions shall be
25 provided by the lodging establishment.

26 ~~k~~(l) Equipment for preparing coffee and tea shall be kept clean, but is exempt from sanitization required by Paragraph
27 (c) of this Rule.

28 ~~Nothing in this Rule shall require sanitization as exempted in guest rooms per G.S. 130A-248 (3).~~

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30 *History Note: Authority G.S. 130A-4; G.S. 130A-6; G.S. 130A-248;*

31 *Eff. October 1, 2017.*

1 15A NCAC 18A .1825 is adopted with changes as published in ~~34-18~~ 31:23 NCR 2341 - 2351 as follows:

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3 **15A NCAC 18A .1825 WATER, PLUMBING, AND WASTE**

4 (a) Water, plumbing, and waste shall comply with Chapter 5 of the Food Code as amended by Rule 15A NCAC 18A
5 .2655. The requirements of Sections 5-202.12, 5-203.11, 5-203.12, 5-203.13, 5-204.11, and 5-205.11 of the Food
6 Code as amended by Rule 15A NCAC 18A .2655 shall be effective one year after the effective date of this Rule. ~~[Bed~~
7 ~~and Breakfast] Homes that are permitted prior to April 2017 2017. [and only serve the breakfast meal shall not be~~
8 ~~required to provide a separate handwashing sink in the kitchen.]~~

9 (b) Bed and Breakfast Homes that are permitted prior to April 2017 and only serve the breakfast meal shall not be
10 required to provide a separate handwashing sink in the kitchen.

11 (c) A handwashing sink, located to allow use by employees handling clean and soiled linen, shall be provided. This
12 requirement shall be effective one year after the effective date of [these rules.] this rule. Facilities that do not have
13 handwashing ~~[lavatories]~~ sinks in soiled linen areas ~~[required]~~ shall not be required to install additional lavatories if
14 an approved a hand hygiene program program, approved by the regulatory authority, is used.

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16 ~~(c)(d)~~ Baths, ~~[lavatories,]~~ handwashing sinks, and toilets shall be provided for each guest room or unit in lodging
17 establishments constructed on or after December 1, 1988.

18 ~~(c)(d)(e)~~ All refuse shall be collected and stored in covered receptacles. Refuse receptacles shall be kept clean and
19 in good repair.

20 ~~(d)(e)(f)~~ Where dumpsters are used, a contract for off-site cleaning shall constitute compliance with [the provision
21 for cleaning.] Paragraph (e) of this rule.

22 ~~(e)(f)(g) [Refuse, recyclables, and returnables]~~ Refuse shall be removed from the premises at a frequency that will
23 keep prevent the development of objectionable odors and other conditions that attract or harbor insects and rodents.

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25 *History Note: Authority G.S. 130A-4; G.S. 130A-6; G.S. 130A-248;*
26 *Eff. October 1, 2017.*
27

1 15A NCAC 18A .1826 is adopted with changes as published in ~~34:18~~ 31:23 NCR 2341 - 2351 as follows:

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3 **15A NCAC 18A .1826 PHYSICAL FACILITIES**

4 (a) Handwashing sinks as required in Rule .1825 in this Section shall be supplied with hand soap, and either individual,
5 disposable ~~towels or an approved hand drying device.~~ towels; a continuous towel system that supplies the user with a
6 clean towel; a heated-air hand drying device; or a hand drying device that employs an air-knife system that delivers
7 high velocity, pressurized air at ambient temperatures. Handwashing sinks in guest rooms shall be supplied with soap
8 and clean towels.

9 (b) Toilets or urinals shall be provided as in Rule .1825 ~~[in] of this Subchapter~~ Section and shall have a supply of
10 toilet tissues available at each toilet.

11 (c) Sinks, vanities, toilets, and showers in guest rooms shall be cleaned and sanitized between guests.

12 ~~(d)(e)~~ The light intensity shall be [at least] minimum 215 lux/30 lux/20 foot candles at a distance of 75 cm/30 inches
13 above the floor in areas used for handwashing, warewashing, and equipment and utensil storage, and in toilet rooms.

14 ~~(d)(e)~~ Where natural ventilation only is provided, outside openings shall be screened and in good repair. -Windows
15 and doors shall be kept clean and in good repair.

16 ~~(e)(f)~~ Physical facilities shall be kept clean and in good repair.

17 ~~(f)(g)~~ Perimeter walls and roofs shall effectively protect the lodging establishment from the weather and the entry of
18 insects, rodents, and other pests.

19 ~~(g)(h)~~ "Furnishings," Furnishings, bathroom fixtures, carpets, and other accessories in guest rooms, shall be kept
20 clean and in good repair.

21 (h)(i) The premises and guest rooms shall be maintained free of insects, rodents, and other pests. The presence of
22 insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by: -inspecting incoming
23 shipments of food and supplies; inspecting the premises for evidence of pests; and eliminating harborage conditions.

24 ~~(i)(j)~~ Live animals shall be prohibited from entering areas of food preparation, storage, sales, display, or dining. This
25 excludes service animals accompanying persons with disabilities in areas that are not used for food preparation.

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28 *History Note: Authority G.S. 130A-4; G.S. 130A-6; G.S. 130A-248;*
29 *Eff. October 1, 2017.*

1 15A NCAC 18A .1827 is adopted with changes as published in 31:18 NCR 2341 - 2351 as follows:

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3 **15A NCAC 18A .1827 PREMISES, STORAGE, POISONOUS OR TOXIC MATERIALS**

4 (a) There shall be no fly or mosquito breeding places, rodent harborage, or undrained areas on the premises. The
5 premises shall be free of litter and items unnecessary to the operation or maintenance of the lodging establishment, such
6 as equipment that is nonfunctional or no longer used.

7 (b) Only pesticides that have been registered with the EPA and with the N.C. Department of Agriculture and Consumer
8 Services shall be used and only for the specific use for which they have been approved. Such pesticides shall be used
9 as directed on the label and shall be handled and stored to avoid health hazards. Pesticides shall not be accessible to
10 guests.

11 (c) Household cleaning agents such as bleaches, detergents, and polishes shall be used and stored according to
12 manufacturer's recommendations.

13 (d) Sanitizing solutions shall not be stored in or dispensed from containers previously containing other poisonous or
14 toxic materials.

15 (e) Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces shall meet the requirements
16 specified in "§ 40 CFR 180.940," tolerance exemptions for active and inert ingredients for use in antimicrobial
17 formulations (food-contact surface sanitizing solutions). § 40 CFR 180.940 is hereby incorporated by reference,
18 including all subsequent editions and ~~amendments—amendments~~, and can be accessed free of charge at
19 [\[https://www.gpo.gov/fdsys/granule/CFR-2012-title40-vol25/CFR-2012-title40-vol25-sec180-](https://www.gpo.gov/fdsys/granule/CFR-2012-title40-vol25/CFR-2012-title40-vol25-sec180-940)
20 [940\].https://www.gpo.gov/fdsys/granule/CFR-2012-title40-vol25/CFR-2012-title40-vol25-sec180-940](https://www.gpo.gov/fdsys/granule/CFR-2012-title40-vol25/CFR-2012-title40-vol25-sec180-940). ~~and may be~~
21 ~~accessed free of charge.~~

22 (f) Medications under the control of the permit holder shall be stored ~~[in a separate cabinet, closet, or box not~~
23 ~~accessible to children and]~~ in a manner to avoid contamination of food and food contact surfaces.

24 (g) A storage area shall be provided for building and ground maintenance tools and supplies and stored in a manner
25 to avoid contamination of food and food contact ~~surfaces. surfaces, linen, and single-use articles.~~
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28 *History Note:* Authority G.S. 130A-4; G.S. 130A-6; G.S. 130A-248;
29 Eff. October 1, 2017.

1 15A NCAC 18A .1828 is adopted with changes as published in ~~34:18~~ 31:23 NCR 2341 - 2351 as follows:

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3 **15A NCAC 18A .1828 LAUNDRY AND LINENS**

4 (a) Except as specified in paragraph (b) of this rule, Clean-clean bed and bath linen in good repair shall be provided
5 for each guest who is provided accommodations and shall be changed between successive guests. Two sheets shall be
6 provided for each bed. The lower sheet shall be folded under both ends of the mattress. The upper sheet shall be
7 folded under the mattress at the lower end.

8 (b) ~~[Two sheets shall be provided for each bed. The lower sheet shall be folded under both ends of the mattress. The~~
9 ~~upper sheet shall be folded under the mattress at the lower end and folded over the cover bedding or blankets for a at~~
10 ~~least six inches at the top end.] If the bedding or blankets are washed between successive guests, the six inch~~
11 ~~requirement does~~shall not apply. If bed covers [or] are not cleaned between successive guests, the upper sheet shall
12 be folded under the mattress at the lower end and folded over the bed cover minimum six inches at the top end.

13 (c) Clean linen and supplies shall be stored in cabinets, or on shelves in linen and supply storage rooms. Cabinets,
14 shelves, and storage rooms shall be in good repair and kept clean.

15 (d) Items on housekeeping carts shall be arranged in a manner to prevent cross-contamination between soiled and
16 cleaned items. Housekeeping carts shall be kept clean and stored to protect items from contamination.

17 (e) Soiled laundry shall be handled and stored separately from clean laundry using separate cleanable carts or bags.
18 Carts used for soiled laundry shall be labeled or identified for soiled laundry use only.

19
20 *History Note:* Authority G.S. 130A-4; G.S. 130A-6; G.S. 130A-248;
21 Eff. October 1, 2017.
22

1 15A NCAC 18A .1829 is adopted as with changes published in ~~31:18~~ 31:23 NCR 2341 - 2351 as follows:

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3 **15A NCAC 18A .1829 PERMITS**

4 (a) No permit for a lodging establishment shall be issued to a person until an application is submitted in accordance
5 with Rule .1833 and an evaluation by the regulatory authority shows that the establishment complies with this Section.
6 However, for bed and breakfast homes and inns, the regulatory authority shall allow a period of 210 days after the
7 date of issuance of the permit to comply with the certified food protection manager requirements in Rule 1822~~(3)~~ of
8 this Section.

9 (b) Upon transfer of ownership of an existing lodging establishment, the regulatory authority shall complete an
10 evaluation. If the lodging establishment satisfies all the requirements of the rules, a permit shall be issued. If the
11 lodging establishment does not satisfy all the requirements of the rules, a permit shall not be issued. A transitional
12 permit shall be issued if the regulatory authority determines that the noncompliant items are construction or equipment
13 problems that do not represent an immediate threat to public health. The transitional permit shall expire 180 days
14 after the date of issuance, unless suspended or revoked before that date, and shall not be renewed. Upon expiration
15 of a transitional permit, the permit holder shall have corrected the noncompliant items and obtained a permit, or the
16 lodging establishment shall not continue to operate.

17 (c) The regulatory authority shall impose conditions on the issuance of a permit or a transitional permit if necessary
18 to ensure that a lodging establishment remains in compliance with this Section. Conditions may be specified for one
19 or more of the following areas:
20 ~~of the following areas:~~

- 21 (1) The number of bedrooms or persons housed;
22 (2) The amount of laundry or kitchen and warewashing equipment on the premises;
23 (3) Time schedules in completing minor construction items;
24 (4) Modification or maintenance of water supplies, water use fixtures, and sanitary sewage systems;
25 (5) Use of facilities for more than one purpose;
26 (6) Continuation of contractual arrangements upon which basis the permit was issued; or,
27 ~~[(7) —Submission and approval of plans for renovation, or;renovation; or,]~~
28 ~~(8)(7)~~ Any other conditions necessary for a lodging place to remain in compliance with this ~~Section;~~
29 Section.

30 (d) If a permit or transitional permit has been suspended, the suspension shall be lifted if the regulatory authority has
31 evaluated the lodging establishment and found that the violations causing the suspension have been corrected. If a
32 permit or transitional permit has been revoked, a new permit shall be issued only after a request is made by the permit
33 holder and the regulatory authority has evaluated the lodging establishment and found it to comply with ~~all applicable~~
34 rules, the rules of this Section. The evaluations shall be conducted within 15 days after the request is made by the
35 permit holder.
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37 *History Note: Authority G.S. 130A-4; G.S. 130A-6; G.S. 130A-248;*

1 15A NCAC 18A .1830 is adopted with changes as published in ~~31:18~~ 31:23 NCR 2341 - 2351 as follows:

2
3 **15A NCAC 18A .1830 PUBLIC DISPLAY OF GRADE CARD**

4 (a) Upon initial inspection of a lodging establishment or if a renovation or other change in the establishment makes
5 the grade card not visible, the regulatory authority shall designate the location for posting the grade card. The grade
6 card shall be located in a conspicuous place where it may be readily observed by the public upon entering the lodging
7 establishment. If the person in charge of the lodging establishment objects to the location designated by the regulatory
8 ~~authority authority, then the person in charge may suggest an alternative location that meets the criteria of this Rule.~~
9 the grade card may be posted in another location that meets the criteria of this Rule if agreed upon by the person in
10 charge and the regulatory authority.
11 ~~then the person in charge may suggest an alternative location that meets the criteria of this Rule.~~

12 (b) When an inspection of a lodging establishment is made, the regulatory authority shall remove the existing grade
13 card, issue a new grade card, and post the new grade card in the same location where the grade card was previously
14 posted as long as that location remains conspicuous. The person in charge of the lodging establishment shall keep the
15 grade card posted at the designated location at all times. The grade card may be posted in another location that meets
16 the criteria of this Rule if agreed upon by the person in charge and the regulatory authority.

17 (c) The grade card issued by the Department shall be posted. The posted grade card shall be black on a white
18 background. [All graphics, letters, and numbers for the grade card shall be approved by the State]. The alphabetical
19 and numerical rating shall be 1.5 inches in height.

20
21 *History Note: Authority G.S. 130A-4; G.S. 130A-6; G.S. 130A-248; G.S. 130A-249;*
22 *Eff. October 1, 2017.*
23

1 15A NCAC 18A .1831 is adopted with changes as published in ~~34:18~~ 31:23 NCR 2341 - 2351 as follows:

2
3 **15A NCAC 18A .1831 INSPECTIONS AND REINSPECTIONS**

4 (a) Upon entry into a lodging establishment, the regulatory authority shall provide identification and the purpose in
5 visiting that establishment. The regulatory authority shall inquire as to the identity of the person in charge and invite
6 the person in charge to accompany the regulatory authority during the inspection. If no employee is identified as the
7 person in charge, the regulatory authority shall invite an employee to accompany them on the inspection. Following
8 the inspection, the regulatory authority shall offer to review the results of the inspection with the person in charge or
9 employee, as applicable.

10 (b) The grading of lodging establishments shall be conducted using an inspection form furnished by the regulatory
11 authority. The form shall provide the following information:

- 12 (1) The name and mailing address of the lodging establishment;
- 13 (2) The name of the permit holder;
- 14 (3) The permit status and score given;
- 15 (4) Standards of construction and operation as listed in Rules ~~1821,1821~~ through ~~1834,1834~~ of this
16 Section.
- 17 (5) An explanation for all points deducted;
- 18 (6) The signature of the regulatory authority; and
- 19 (7) The date.

20 (c) The grading of lodging establishments shall be based on the standards of operation and construction as set forth
21 in Rules .1821 through .1834 of this Section.

22 (d) The Inspection of Lodging Establishment form shall be used to document points assessed for violation of the rules
23 of this Section as follows:

- 24 (1) Violation of Part 2-1 of the Food Code incorporated by reference in Rule .1822 of this Section
25 related to person in charge present, certification by accredited program or performs duties shall
26 equal no more than 2 points.
- 27 (2) Violation of Part 2-1 of the Food Code incorporated by reference in Rule .1822 of this Section
28 related to management awareness, policy present, and allergy awareness shall equal no more than 2
29 points.
- 30 (3) Violation of Part 2-2 of the Food Code incorporated by reference in Rule.1822 of this Section related
31 to ~~[proper]~~ use of reporting, restriction, and exclusion shall equal no more than 2 points.
- 32 (4) Violation of Part 2-4 or Chapter 3 of the Food Code incorporated by reference in RuleRules .1822
33 and .1823 of this Section related to ~~[proper]~~ eating, tasting, drinking, or tobacco use shall equal no
34 more than 1 point.
- 35 (5) Violation of Parts 2-3 through 2-4 of the Food Code incorporated by reference in Rule .1822 of this
36 Section related to personal cleanliness and hair restraints shall equal no more than 1 point.
- 37 (6) Violation of Part 2-3 or Chapter 3 of the Food Code incorporated by reference in RuleRules .1822
38 and .1823 of this Section related to hands clean ~~and washed~~ shall equal no more than 4 points.

- (7) Violation of Chapter 3 of the Food Code incorporated by reference in Rule .1823 of this Section related to food obtained from approved source, good condition, safe, and unadulterated shall equal no more than 3 points.
- (8) Violation of Chapter 3 of the Food Code incorporated by reference in Rule .1823 of this Section related to food ~~separated, protected~~ separated and protected from contamination shall equal no more than 3 points.
- (9) Violation of Rule .1823 or Chapter 3 of the Food Code incorporated by reference in Rule .1823 of this Section related to food protected from environmental or other sources of contamination, including proper dispensing of ice, shall equal no more than 3 points.
- (10) Violation of Chapter 3 of the Food Code incorporated by reference in Rule .1823 of this Section related to cooking/reheating temperatures shall equal no more than 3 points.
- (11) Violation of Chapter 3 of the Food Code incorporated by reference in Rule .1823 of this Section related to proper cooling and approved methods shall equal no more than 3 points.
- (12) Violation of Chapter 3 of the Food Code incorporated by reference in Rule .1823 of this Section related to cold/hot holding temperatures shall equal no more than 3 points.
- (13) Violation of Chapter 3 of the Food Code incorporated by reference in Rule .1823 of this Section related to date marking shall equal no more than 3 points.
- (14) Violation of Rule .1824 or Parts 4-1 through 4-2 of the Food Code incorporated by reference in Rule .1824 of this Section related to equipment, food and nonfood-contact surfaces approved, cleanable, properly designed, constructed and used shall equal no more than 1 point.
- (15) Violation of Rule .1824 of this Section related to utensils, equipment properly stored, dried and handled shall equal no more than 1 point.
- (16) Violation of Rule .1824 or Part 4-6 of the Food Code incorporated by reference in Rule .1824 of this Section related to warewashing facilities installed, maintained and used shall equal no more than 2 points.
- (17) Violation of Rule 1824 or Parts 4-5 through 4-7 of the Food Code incorporated by reference in Rule .1824 of this Section or of Rule .1827 of this Section related to food-contact surfaces cleaned and sanitized where required and sanitizers maintained as required shall equal no more than 3 points.
- (18) Violation of Rule .1824 of this Section related to cooking surfaces of equipment and nonfood-contact surfaces clean shall equal no more than 1 point.
- (19) Violation of Rule .1824 of this Section related to single-use articles properly stored and used shall equal no more than 1 point.
- (20) Violation of Rule 1824 of this Section related to temperature measuring devices and sanitizer test kits provided shall equal no more than 2 points.
- (21) Violation of ~~Rules~~ Rule .1825 or Chapter 5 of the Food Code incorporated by reference in Rule .1825 or and .1826 of this Section related to handwashing sinks supplied and accessible and toilet tissue supplied shall equal no more than 2 points.

- (22) Violation of Rule .1823 of this Section or Chapter 5 of the Food Code incorporated by reference in Rule .1825 of this Section related to water from approved ~~source~~-source, backflow prevention, plumbing in good repair shall equal no more than 4 points.
- (23) Violation of Chapter 5 of the Food Code incorporated by reference in Rule .1825 of this Section related to service sink or other approved method and mop storage shall equal no more than 2 points.
- (24) Violation of Chapter 5 of the Food Code incorporated by reference in Rule .1825 of this Section related to sewage and waste water [~~properly disposed~~]disposal shall equal no more than 4 points.
- (25) Violation of Rule .1826 of this Section related to natural ventilation and lighting requirements shall equal no more than 2 points.
- (26) Violation of Rule .1826 of this Section related to ~~window coverings~~ furnishings clean and in good repair and guest room bathroom fixtures clean and sanitized between guests shall equal no more than 4 points.
- (27) Violation of Rule .1826 of this Section related to physical facilities installed, maintained and clean shall equal no more than ~~3~~ 4 points.
- (28) Violation of Rule .1826 of this Section related to insects and rodents ~~not~~ present shall equal no more than 4 points.
- (29) Violation of Rule .1828 of this Section related to linens changed as required shall equal no more than 3 points.
- (30) Violation of Rule .1828 of this Section related to linen clean and in good repair shall equal no more than ~~3~~ 4 points.
- (31) Violation of Rule .1828 of this Section related to linen properly handled and stored shall equal no more than 3 points.
- (32) Violation of Rule .1828 of this Section related to housekeeping carts shall equal no more than ~~3~~ 4 points.
- (33) Violation of Rule .1825 or Chapter 5 of the Food Code incorporated by reference in .1825 of this Section or of Rule .1827 of this Section related to garbage and refuse ~~properly disposed~~ disposal and facilities maintained shall equal no more than 2 points.
- (34) Violation of Rule .1826 or .1827 of this Section related to premises maintained to prevent breeding and harborages shall equal no more than ~~2~~ 3 points.
- (35) Violation of Rule .1827 of this Section related to storage areas maintained clean, provided for maintenance equipment shall equal no more than 3 points.
- (36) Violation of Rule .1827 of this Section related to approved pesticide use shall equal no more than ~~2~~ 3 points.
- (37) Violation of Rule .1827 of this Section related to household cleaning agents, sanitizers, and medicines properly stored and handled shall equal no more than 3 points.
- (38) Violation of Rule .1827 of this Section related to premises kept neat and clean shall equal no more than 2 points.

(e) Upon request of the permit holder or his or her representative a reinspection shall be made. In the case of establishments that request an inspection for the purpose of raising the alphabetical grade, and that hold unrevoked permits, the regulatory authority shall make an unannounced inspection within 15 days from the date of the request.

*History Note: Authority G.S. 130A-4; G.S. 130A-6; G.S. 130A-248; G.S. 130A-249;
Eff. October 1, 2017.*

1 15A NCAC 18A .1832 is adopted with changes as published in ~~34:18~~ 31:23 NCR 2341 - 2351 as follows:

2
3
4 **15A NCAC 18A .1832 GRADING**

5 (a) The grading of lodging establishments shall be based on a system of scoring. A lodging establishment that earns
6 a score ~~[of at least:]~~ of:

- 7 (1) 90 percent or more shall receive a grade A;
8 (2) 80 percent and less than 90 percent shall receive a grade B;
9 (3) 70 percent and less than 80 percent shall receive a grade C.

10 (b) Permits shall be immediately revoked in accordance with G.S. 130A-23(d) for lodging establishments receiving
11 a score of less than 70 percent.

12 ~~(b) The posted grade card shall be black on a white background. [All graphics, letters,] and [numbers for the grade~~
13 ~~card shall be approved by the State.] The alphabetical and numerical rating shall be 1.5 inches in height.~~

14
15 *History Note: Authority G.S. G.S. 130A-4; G.S. 130A-6; G.S. 130A-4; G.S. 130A-6; 130A-248; G.S. 130A-249;*
16 *Eff. October 1, 2017.*

1 15A NCAC 18A .1833 is adopted with changes as published in ~~34:18~~ 31:23 NCR 2341 - 2351 as follows:

2
3 **15A NCAC 18A .1833 APPLICATION AND PLAN REVIEW**

4 (a) Plans drawn to scale for new lodging establishments shall be submitted for review and approval to the local health
5 department prior to initiating construction, or prior to construction of additions or renovations, excluding cosmetic or
6 nonstructural changes to existing lodging establishments.

7 (b) An applicant shall submit an application for a permit or transitional permit at least 30 days before the date planned
8 for opening the lodging establishment. The applicant shall submit to the regulatory authority a written application for
9 a permit on a form provided by the regulatory authority.

10 (c) The application form shall include:

- 11 (1) The name, mailing address, telephone number, and signature of the person applying for the permit
12 and the name, mailing address, and location of the lodging establishment;
- 13 (2) Information specifying whether the lodging establishment is owned by an association, corporation,
14 individual, partnership, or other legal entity;
- 15 (3) The name, title, address, and telephone number of the person in charge~~directly~~ responsible for the
16 lodging establishment;
- 17 (4) A statement specifying the number of guest rooms or units and whether the lodging establishment
18 is an operation that includes one or more of the following:
- 19 (A) Prepares, or serves potentially hazardous food (time/temperature control for safety food)
20 for guests;
- 21 (B) Prepares only food that is not potentially hazardous (time/temperature control for safety
22 food) for guests;
- 23 (C) Does not prepare, but serves only prepackaged food that is not potentially hazardous
24 (time/temperature control for safety food) for guests;
- 25 (5) Number and type of meals served, and the menu;
- 26 (6) Source of water supply and wastewater disposal; and
- 27 (7) A statement signed by the applicant that attests to the accuracy of the information provided in the
28 application.

29
30 *History Note:* Authority G.S. 130A-4; G.S. 130A-6; G.S. 130A-248;
31 Eff. October 1, 2017.

1 15A NCAC 18A .1834 is adopted with changes as published in ~~34:18~~ 31:23 NCR 2341 - 2351 as follows:

3 **15A NCAC 18A .1834 INFORMAL REVIEW PROCESS AND APPEALS PROCEDURE**

4 (a) If a permit holder disagrees with a decision of the local health department on the ~~interpretation, application, or~~
5 enforcement of the rules of this Section the permit holder may request an informal review in accordance with
6 Paragraphs ~~(d)~~ (b) and ~~(e)~~ (c) of this Rule.

7 (1) ~~Request an informal review pursuant to Paragraphs (d) and (e) of this Rule; or~~

8 (2) ~~Initiate a contested case in accordance with G.S. 150B.~~

9 ~~(b) The permit holder is not required to complete the [alternative dispute resolution] informal review prior to initiating~~
10 ~~a contested case in accordance with G.S. 150B.~~

11 ~~(e) When a petition for a contested case is filed, the informal review process shall terminate.~~

12 ~~(d)~~ (b) If the permit holder requests an informal review, the request shall be in writing and shall be postmarked or
13 hand delivered to the local health department within seven days of notice of the decision giving rise to the review. The
14 request shall state the issues in dispute. The informal review shall be conducted by a Registered Environmental Health
15 Specialist authorized as an agent of the Department. If the inspection giving rise to the informal review was conducted
16 by the Environmental Health Supervisor in the county or area where the lodging establishment is located, or when the
17 county or area has only one Registered Environmental Health Specialist assigned to inspect lodging establishments,
18 the Departmental Environmental Health Regional Specialist assigned to that county or area shall conduct the local
19 informal review. As soon as possible, but no later than 30 days of receipt of the request, the person conducting the
20 review shall:

21 (1) Contact the permit holder;

22 (2) Provide that permit holder an opportunity to be heard on the issues in dispute; and

23 (3) Issue a written decision addressing the issues raised in the ~~[appeal]~~ informal review.

24 Copies of the decision shall be delivered by the local health department to the permit holder and to the State Health
25 Director. That decision shall be ~~binding~~ followed by the Department for the purposes of future inspections of the
26 establishment in question unless modified pursuant to Paragraph ~~(e)~~ (c) of this Rule. ~~[or by the State Health Director.]~~
27 Rule.

28 ~~(e)~~ (c) Following receipt of the written decision ~~[of the Environmental Health Supervisor or his or her representative]~~
29 issued pursuant to Paragraph ~~(d)~~ (b) of this Rule, the permit holder who initiated the informal review may request a
30 State informal review of appeal the resulting decision to an Informal Review Officer employed by and designated by
31 the Department as responsible for final decisions on ~~appeals~~ requests for State informal review from throughout the
32 State. Notice of the request for State informal review ~~appeal~~ shall be in writing, shall include a copy of the
33 Environmental Health Supervisor's or his or her representative's decision, and shall be postmarked or hand-delivered
34 to the local health department and to the Department within seven days of receipt of the written decision issued
35 pursuant to Paragraph ~~(d)~~ (b) of this Rule. Within 35 days of receipt of this ~~appeal~~ request for State informal review,
36 the designated Informal Review Officer shall hold a conference in Wake County. At least 10 days prior to the
37 conference, the Informal Review Officer shall provide notice of the time and place of this conference to the permit
38 holder and the Environmental Health Supervisor for the county or area where the issue arose. Within 10 days following

1 the date of the conference, the Informal Review Officer shall issue a written decision addressing the issues raised in
2 the State informal review-appeal and that decision shall be ~~[binding]~~ followed by the Department for purposes of
3 future inspections of the establishment in ~~question-question.~~ unless modified pursuant to Paragraph (g) of this Rule.
4 ~~[or by the State Health Director.]~~

5 ~~(f)(d)~~ If the informal review ~~[on appeal at the local or State level]~~ results in a change in the score resulting from an
6 inspection of the establishment, the regulatory authority shall post a new grade card reflecting that new score.

7 ~~(g) Appeals of the decision of the designated Informal Review Officer shall be in accordance with G.S. 150B.~~

8 ~~(h)(e)~~ Nothing in this Rule shall impact the right of a permit holder to a reinspection pursuant to Rule .1831 of this
9 Section.

10 (f) Nothing in this Rule shall prohibit the permit holder from seeking remedies as set forth under G.S. 150B.

11
12 *History Note: Authority G.S. 130A-4; G.S. 130A-6; G.S. 130A-248; G.S. 248-249;*

13 *Eff. October 1, 2017.*

1 15A NCAC .2201-.2221 are repealed as published in 31:23 NCR 2350 as follows:

2
3 **SECTION .2200 - SANITATION OF BED AND BREAKFAST HOMES**
4

5 **15A NCAC 18A .2201 DEFINITIONS**

6 **15A NCAC 18A .2202 PERMITS**

7 **15A NCAC 18A .2203 INSPECTIONS: VISITS: POSTING OF GRADE CARD**

8 **15A NCAC 18A .2204 INSPECTION FORMS**

9 **15A NCAC 18A .2205 GRADING**

10 **15A NCAC 18A .2206 FLOORS**

11 **15A NCAC 18A .2207 WALLS AND CEILINGS**

12 **15A NCAC 18A .2208 LIGHTING AND VENTILATION**

13 **15A NCAC 18A .2209 TOILET: HANDWASHING: LAUNDRY: AND BATHING FACILITIES**

14 **15A NCAC 18A .2210 WATER SUPPLY**

15 **15A NCAC 18A .2211 DRINKING WATER FACILITIES: ICE HANDLING**

16 **15A NCAC 18A .2212 DISPOSAL OF WASTES**

17 **15A NCAC 18A .2213 VERMIN CONTROL: PREMISES**

18 **15A NCAC 18A .2214 STORAGE: MISCELLANEOUS**

19 **15A NCAC 18A .2215 BEDS: LINEN: FURNITURE**

20 **15A NCAC 18A .2216 FOOD SERVICE UTENSILS AND EQUIPMENT**

21 **15A NCAC 18A .2217 FOOD SUPPLIES**

22 **15A NCAC 18A .2218 FOOD PROTECTION**

23 **15A NCAC 18A .2219 FOOD SERVICE PERSONS**

24 **15A NCAC 18A .2220 SEVERABILITY**

25 **15A NCAC 18A .2221 APPEALS PROCEDURE**
26

27 *History Note: Authority G.S. 130A-250;*

28 *Eff. April 1, 1984;*

29 *Amended Eff. November 1, 2006; November 1, 2002; October 1, 1993; April 1, 1992; August 1,*
30 *1991; September 1, 1990; March 1, 1988; February 1, 1987; July 1, 1986;*

31 *Repealed October 1, 2017.*
32

1 15A NCAC .3001-.3016 are repealed as published in 31:23 NCR 2350-2351 as follows:

2
3 **SECTION .3000 - BED AND BREAKFAST INNS**
4

5 **15A NCAC 18A .3001 DEFINITIONS**

6 **15A NCAC 18A .3002 PERMITS**

7 **15A NCAC 18A .3003 INSPECTIONS: VISITS: POSTING OF GRADE CARDS**

8 **15A NCAC 18A .3004 INSPECTION FORMS**

9 **15A NCAC 18A .3005 GRADING**

10 **15A NCAC 18A .3006 FOOD SOURCES AND PROTECTION**

11 **15A NCAC 18A .3007 FOOD SERVICE PERSONS**

12 **15A NCAC 18A .3008 FOOD SERVICE UTENSILS AND EQUIPMENT AND THEIR CLEANING**

13 **15A NCAC 18A .3009 LAVATORIES AND BATHROOMS**

14 **15A NCAC 18A .3010 WATER SUPPLY**

15 **15A NCAC 18A .3011 DRINKING WATER FACILITIES**

16 **15A NCAC 18A .3012 BEDS: LINEN**

17 **15A NCAC 18A .3013 VERMIN CONTROL: PREMISES**

18 **15A NCAC 18A .3014 STORAGE: MISCELLANEOUS**

19 **15A NCAC 18A .3015 FLOORS: WALLS: CEILINGS: LIGHTING: VENTILATION**

20 **15A NCAC 18A .3016 DISPOSAL OF GARBAGE AND TRASH**
21

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

23 *Eff. July 1, 1992;*

24 *Amended Eff. November 1, 2002; October 1, 1993; July 1, 1993;*

25 *Repealed Eff. Octoberr 1, 2017.*
26
27
28