

902 KAR 10:010. Public Restrooms.

RELATES TO: KRS 211.970, 211.990, 381.780

STATUTORY AUTHORITY: KRS 194A.050, 211.180, 318.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 211.180(1) (c) requires the cabinet to regulate the sanitation of public restrooms. KRS 318.160 authorizes the cabinet to review all applications for construction, installation, or alteration when a sewage subsoil drainage system or other type of on-site sewage disposal system that does not have a surface discharge is used. This administrative regulation provides standards for public restrooms in order to protect the health of the public.

Section 1. Definitions.

(1) "Cabinet" is defined by KRS 211.970(2).

(2) "On-site sewage disposal system", "on-site sewage system", or "on-site system" means a system installed on a parcel of land under the control or ownership of a person that accepts sewage for treatment and ultimate disposal under the surface of the ground, including:

(a) A conventional system consisting of a sewage pretreatment unit, distribution devices, and lateral piping within rock-filled trenches or beds;

(b) A modified system consisting of:

1. A conventional system enhanced by shallow trench or bed placement;
2. Artificial drainage systems;
3. Dosing;
4. Alternating lateral fields;
5. Fill soil over the lateral field; or
6. Other necessary modifications to the site, system, or wasteload to overcome site limitations;

(c) An alternative system consisting of:

1. A sewage pretreatment unit;
2. Necessary site modifications;
3. Wasteload modifications; and
4. A subsurface soil treatment and dispersal system using methods and technologies other than a conventional or modified system to overcome site limitations;

(d) A cluster system; and

(e) A holding tank that provides limited pretreatment and storage for off-site disposal where site limitations preclude immediate installation of a subsurface soil treatment and dispersal system or connection to a municipal sewer.

(3) "Person" is defined by KRS 211.970(6).

(4) "Public restroom" means a facility that provides toilet and hand-washing facilities for the general public..

Section 2. General Requirements for Public Restroom Facilities. If public restroom facilities are provided for the accommodation of the public or patrons at public places:

(1) The floors shall be of smooth construction and relatively impervious to water.

(2) The walls and ceilings shall:

- (a) Have a smooth washable surface;
- (b) Be painted or finished in light color; and
- (c) Be maintained in good condition.

(3) All openings shall be effectively screened against flies and other insects.

(4) All doors shall be self-closing.

(5) The plumbing installations shall comply with 815 KAR Chapter 20.

- (6) All wastes resulting from toilets, lavatories, or other fixtures shall be disposed of in a public sewer or, in the absence of a public sewer, by a method approved by the Energy and Environment Cabinet or Cabinet for Health and Family Services.
- (7) An adequate supply of toilet tissue shall be provided at each restroom facility at all times.
- (8) The rooms shall be adequately lighted and ventilated.
- (9) If drinking water is provided, it shall be from a source approved by the Energy and Environment Cabinet.
- (10) If drinking fountains are provided, they shall be installed in accordance with 815 KAR Chapter 20 and maintained in a sanitary manner.
- (11) The use of a common drinking cup is prohibited.
- (12) Hand-washing facilities, including running water, soap, and individual cloth or paper towels, or other method for drying hands approved by the cabinet, shall be provided.
- (13) The use of a common towel is prohibited.
- (14) All trash or refuse shall be kept in nonabsorbent containers and removed from the premises as frequently as necessary to prevent an unsanitary condition from developing. A covered waste container shall be provided in each women's restroom facility.
- (15) The rooms, including all fixtures, shall be kept clean, in good repair, and free from dust, dirt, insects, and other contaminating material.

Section 3. Privies.

- (1) Outdoor toilets or privies not connected to a public sewerage system or on-site system shall be prohibited within the boundaries of cities of the first or second class as provided by KRS 381.780.
- (2) In other areas, if water under pressure is not available, privies may be used for the accommodation of the public or patrons at a public place provided they comply with 902 KAR 10:081, 10:085, and the following requirements:

- (a) Construction of privies:

- 1. The privy shall not be located within 100 feet of any source of water supply;
 - 2. The floor and seat riser shall be constructed of impervious material or tongue and groove lumber, and in a manner to exclude insects and rodents;
 - 3. The seat riser shall be so constructed and bonded with the floor as to prevent seepage through the riser onto the floor and the seat opening shall be elevated at least twenty (20) inches above floor level; and
 - 4. The superstructure of the privy shall be constructed of substantial material fastened solidly to the floor.

- (b) Maintenance of privies:

- 1. The floor, seat, and other fixtures shall be kept in good repair and clean at all times;
 - 2. An adequate supply of toilet tissue shall be provided; and
 - 3. The privy shall be adequately ventilated.

- (c) No person shall install a new or replace an existing on-site sewage disposal system if a publicly or privately owned treatment facility capable of treating the pollutants to be discharged is available pursuant to 902 KAR 10:085 Section 13(2)(a),(b) and 401 KAR 5:037 Section 2(5)(b).

(San-2; 1 Ky.R. 369; eff. 2-5-1975; 18 Ky.R. 1431; 2264; eff. 1-10-1992; Crt eff. 11-18-2019; 47 Ky.R. 1283; eff. 6-16-2021.)