

**REPORT OF THE**  
**VIRGINIA CODE COMMISSION**  
**ON**  
**REVISION OF TITLE 35 OF THE CODE OF VIRGINIA**  
**TO**  
**THE GOVERNOR**  
**AND**  
**THE GENERAL ASSEMBLY OF VIRGINIA**



**HOUSE DOCUMENT NO. 11**

**COMMONWEALTH OF VIRGINIA**  
**RICHMOND**  
**1981**

## **MEMBERS OF COMMISSION**

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**Frederick T. Gray, Chairman**  
**Theodore V. Morrison, Jr., Vice Chairman**  
**John A. Banks, Jr., Secretary**  
**Russell M. Carneal**  
**Dudley J. Emick, Jr.**  
**John Wingo Knowles**  
**A. L. Philpott**  
**Walter H. Ryland\***

\* Walter H. Ryland, Chief Deputy Attorney General, has been designated by the Attorney General to represent him at meetings of the Virginia Code Commission

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## **STAFF**

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**Report of the  
Virginia Code Commission  
On  
Revision of Title 35 of the Code of Virginia  
To  
The Governor and General Assembly of Virginia  
Richmond, Virginia  
January, 1981**

To: The Honorable John N. Dalton, Governor of Virginia  
and  
The General Assembly of Virginia

In response to a resolution of the State Board of Health to the Virginia Code Commission, the 1979 General Assembly enacted House Joint Resolution 198, requesting the Code Commission to study and recodify Title 35 of the *Code of Virginia*. The State Board of Health noted that this title had not been revised in many years and that the State Health Commissioner was encountering increasing difficulty in enforcing the provisions of the title in a uniform and fair manner because of archaic language which was not compatible with current technology in the areas regulated by Title 35.

The title has been revised extensively insofar as format is concerned. Rather than devoting a single chapter to each area regulated by the title, the Code Commission has employed a format which would consolidate by chapter the Board's various responsibilities and powers. For example, Chapter 2 concerns regulations, and in that chapter may be found statutory provisions which deal with regulations governing the various subject areas of the title.

Of all the chapters, attention should first be drawn to Chapter 1, which contains the general provisions of the title. A familiarity with Chapter 1 is essential to interpreting subsequent chapters of the revised title. It contains all of the necessary definitions for the entire title; it speaks to the ability to enforce the title; and it contains several other provisions concerning compliance with other laws of the Commonwealth.

Some of the major changes made by the Code Commission in the title revision are as follows:

Except for local ordinances governing the sale, handling and preparation of food in restaurants, all local authority to regulate matters involved in Title 35 has been abolished in favor of uniform requirements throughout the Commonwealth.

The Code Commission also decided to delete the current provision for rating hotels because the State Department of Health has never found reason to rely upon its authority to rate hotels and believes that it is unnecessary.

With respect to the statute of limitations found in § 35-14, the Code Commission deleted it, deciding instead to rely upon the statute of limitations set out in Title 8.01.

The provisions of current § 35-39 require restaurants to notify the Department of Health of any employee who is diseased, has skin lesions or other similar ailments. In light of disease control provisions in Title 32.1 and other regulations of the Board of Health, the Code Commission deleted the reporting requirement of § 35-39.

Also deleted was the chapter concerning imitation cream. The Code Commission found that the chapter has not been enforced for several years following a decision of the Circuit Court of Henrico County. It was the recommendation of both the Department of Health and the Department of Agriculture and Consumer Services that this chapter should not be retained.

In addition, the Code Commission has eliminated the provisions in Title 35 concerning trailer camps. "Trailer camps" are currently known as "mobile home parks," which are covered by the provisions of Title 15.1. It is the Commission's view that the provisions of Title 15.1, as well as the provisions for sewage and drinking water in Title 32.1, provide adequate authority to regulate these areas in the future. The Commission is submitting a companion bill concerning mobile home parks and campgrounds in case there should be any difficulties in determining whether a particular

activity is a campground to be regulated under the provisions of Title 35.1, or a mobile home park regulated under Title 15.1. The companion bill makes clear that if there is an irreconcilable difference between local and State regulation, the State regulation will prevail.

Lastly, the Code Commission has deleted the requirement that tourist camps maintain guest registers and the provision dealing with the use of a false or fictitious name at a trailer camp. The Code Commission feels that these provisions are hard to enforce, little used, and of no significant benefit to law enforcement authorities.

In addition to a number of open working sessions with members of the staff of Legislative Services and the Department of Education, the Commission held a public hearing at the Capitol in Richmond on the revision of Title 35 on November 28, 1980. This hearing was attended by representatives of the hotel, restaurant and camping businesses, and by representatives of local government jurisdictions.

Cross-reference tables follow this text which indicate the equivalent sections in proposed Title 35.1 to those in present Title 35 and vice versa.

The Virginia Code Commission recommends that the General Assembly enact the attached bill at the 1981 Session.

Respectfully submitted,

Theodore V. Morrison, Jr., Vice Chairman and Acting Chairman  
John A. Banks, Jr., Secretary  
Russell M. Carneal  
Dudley J. Emick, Jr.  
John Wingo Knowles  
A. L. Philpott  
Walter H. Ryland

Absent: Frederick T. Gray, Chairman

**TABLE OF CONTENTS**

	<b>Page</b>
<b>TABLES OF COMPARATIVE SECTIONS. ....</b>	<b>6</b>
<b>CHAPTER 1. GENERAL PROVISIONS. ....</b>	<b>9</b>
<b>CHAPTER 2. REGULATIONS. ....</b>	<b>12</b>
<b>CHAPTER 3. LICENSES; INSPECTIONS . ....</b>	<b>14</b>
<b>CHAPTER 4. EXEMPTIONS. ....</b>	<b>15</b>
<b>CHAPTER 5. POSTING HOTEL RATES; HOTEL LIABILITY. ....</b>	<b>16</b>
<b>AMENDMENT to § 15.1-466.1. ....</b>	<b>18</b>

**TABLES OF COMPARATIVE SECTIONS**

**Provisions of Title 35 As They  
Appear In This Report:**

**TITLE 35**

**THIS REPORT**

35-1	35.1-1
35-2	35.1-27
35-3	deleted
35-3.1	deleted
35-4	35.1-5, 35.1-22
35-5	35.1-2
35-6	35.1-22
35-7	35.1-7, 35.1-22
35-8	35.1-13
35-9	35.1-13
35-10	35.1-28 (A.) and (F.)
35-11	35.1-28 (B.) and (E.)
35-12	35.1-28 (C.)
35-13	35.1-28 (D.)
35-14	deleted
35-15	35.1-22
35-16	35.1-13
35-16.1	35.1-13
35-17	35.1-2
35-18	35.1-13
35-19	deleted
35-20	35.1-5
35-21	35.1-7
35-22	35.1-18
35-23	35.1-22
35-24	35.1-4
35-25	35.1-1
35-26	35.1-18, 35.1-21
35-27	35.1-5
35-28	35.1-2, 35.1-14
35-29	deleted
35-30	35.1-5
35-31	35.1-10
35-32	35.1-14
35-33	35.1-14
35-34	35.1-14
35-35	35.1-14
35-36	35.1-14
35-37	35.1-14
35-38	35.1-25
35-38.1	35.1-26
35-39	deleted
35-40	35.1-10
35-41	35.1-7
35-42	deleted
35-42.1	deleted
35-42.2	deleted
35-42.3	deleted
35-42.4	deleted
35-42.5	deleted
35-42.6	deleted
35-42.7	deleted
35-42.8	deleted
35-43	35.1-1

35-44	35.1-18
35-45	35.1-16
35-46	35.1-16, 35.1-22
35-47	35.1-16, 35.1-22
35-48	35.1-16
35-49	35.1-16
35-50	deleted
35-51	35.1-22
35-52	35.1-4
35-53	35.1-7
35-54	35.1-1
35-55	35.1-17
35-56	35.1-22
35-57	deleted
35-58	deleted
35-59	deleted
35-60	deleted
35-61	deleted
35-62	deleted
35-62.1	deleted
35-63	deleted
35-64	deleted
35-64.1	deleted
35-64.2	deleted
35-64.3	deleted
35-64.4	deleted
35-64.5	deleted
35-65	deleted
35-66	deleted
35-67	deleted
35-68	deleted
35-69	deleted
35-70	deleted
35-71	deleted
35-72	deleted
35-73	deleted
35-74	deleted
35-75	deleted
35-76	deleted
35-77	deleted
35-78	deleted

**Sources of Sections of Other Titles  
In Proposed Revision**

***TITLE 32***

***THIS REPORT***

32.1-12	35.1-3
32.1-13	35.1-4
32.1-24	35.1-5
32.1-25	35.1-6
32.1-26	35.1-7
32.1-27	35.1-8

**TITLE 35.1**

**Sources of Sections  
In Proposed Revision:**

<b>SECTION</b>	<b>SOURCE</b>
35.1-1	35-1, 35-25, 35-43 and 35-54
35.1-2	35-5, 35-17 and 35-28
35.1-3	New
35.1-4	35-24 and 35-52
35.1-5	35-4, 35-20, 35-27 and 35-30
35.1-6	New
35.1-7	35-7, 35-21, 35-41 and 35-53
35.1-8	New
35.1-9	New
35.1-10	35-31 and 35-40
35.1-11	New
35.1-12	New
35.1-13	35-8, 35-9, 35-16, 35-16.1 and 35-18
35.1-14	35-28, 35-32, 35-33, 35-34, 35-35, 35-36 and 35-37
35.1-15	New
35.1-16	35-45, 35-46, 35-47, 35-48 and 35-49
35.1-17	35-55
35.1-18	35-22, 35-26 and 35-44
35.1-19	New
35.1-20	New
35.1-21	35-26
35.1-22	35-4, 35-6, 35-7, 35-15, 35-23, 35-46, 35-47, 35-51 and 35-56
35.1-23	New
35.1-24	New
35.1-25	35-38
35.1-26	35-38.1
35.1-27	35-2
35.1-28	(A.) 35-10; (B.) 35-11; (C.) 35-12; (D.) 35-13; (E.) 35-11; (F.) 35-10



**Title 35.1**

**Hotels, Restaurants, Summer Camps and Campgrounds**

**Chapter 1**

**General Provisions**

**§ 35.1-1. Definitions .—As used in this title unless the context requires otherwise or it is otherwise provided:**

**1. “Board” or “State Board” means the State Board of Health.**

**2. “Campground” means and includes but is not limited to a travel trailer camp, recreation camp, family campground, camping resort, camping community or any other area, place, parcel or tract of land, by whatever name called, on which three or more camp sites are occupied or intended for occupancy or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the camp sites and facilities is granted gratuitously, or by rental fee, lease, or conditional sale, or by covenants, restrictions and easements. “Campground” does not include a summer camp, migrant labor camp, or park for mobile homes as defined this section and in §§ 32.1-203 and 36-71 of the Code of Virginia, or a construction camp, storage area for unoccupied camping units, or property upon which the individual owner may choose to camp and not be prohibited or encumbered by covenants, restrictions, and conditions from providing his sanitary facilities within his property lines.**

**3. “Camping unit” means and includes a tent, tent trailer, travel trailer, camping trailer, pickup camper, motor home and any other device or vehicular type structure for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time or travel.**

**4. “Camp site” means and includes any plot of ground within a campground used or intended for occupation by the camping unit.**

**5. “Commissioner” means the State Health Commissioner.**

**6. “Department” means the State Department of Health.**

**7. “Hotel” means any place offering to the public for compensation transitory lodging or sleeping accommodations, overnight or otherwise, including but not limited to facilities known by varying nomenclatures or designations as hotels, motels, travel lodges, tourist homes, or hostels.**

**8. “Person” means an individual, corporation, partnership, association or any other legal entity.**

**9. “Restaurant” means any one of the following:**

**A. Any place where food is prepared for service to the public on or off the premises, or any place where food is served. Examples of such places include but are not limited to lunchrooms, short order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or private clubs, kitchen facilities of hospitals and nursing homes and dining accommodations of public schools and private schools and colleges. Excluded from the definition are places manufacturing packaged or canned foods which are distributed to grocery stores or other similar food retailers for sale to the public.**

**B. Any place or operation which prepares or stores food for distribution to persons of the same business operation or of a related business operation for service to the public. Examples of such places or operations include but are not limited to operations preparing or storing food for catering services, pushcart operations, hotdog stands, and other mobile points of service. Such mobile points of service are also deemed to be restaurants unless the point of service and of consumption is in a private residence.**

10. "Summer camp" means and includes any building, tent or vehicle, or group of buildings, tents or vehicles, if operated as one place or establishment, or any other place or establishment, public or private, together with the land and waters adjacent thereto, which is operated or used in this Commonwealth for the entertainment, education, recreation, religious instruction or activities, physical education or health of persons under eighteen years of age who are not related to the operator of such place or establishment by blood or marriage within the third degree of consanguinity or affinity, if twelve or more such persons at any one time are accommodated, gratuitously or for compensation, overnight and during any portion of more than two consecutive days.

Source: §§ 35-1, 35-25, 35-43 and 35-54

REVISER'S NOTE: "Campground": Formerly, Title 35 did not use the term "campground"; instead, it referred to the term "tourist camp". The Code Commission made this change because "campground" is the current terminology and this is a generally recognized definition within the campground industry.

"Camping unit": This is a new definition which was necessitated by the change in terms from "tourist camp" to "campground".

"Campsite": This is a new definition necessitated by the change in terminology from "tourist camp" to "campground".

"Hotel": Other than minor changes in language, this definition remains essentially the same as the one found in Title 35.

"Restaurant": the definition of "restaurant" found in Title 35 has provided one of the major sources of problems for the fair enforcement of the laws by the State Health Commissioner. Since 1948, an evolution in the type of places offering food for sale has occurred. In particular, there has been a growth in the area of business operations which would operate at several mobile points in a city or county, offering a variety of fast foods. The new definition attempts to address specifically the new type of restaurant which offers fast food and, in particular, those restaurants which are mobile.

"Summer camp": The Code Commission has made two changes in the definition of "summer camp". In the first place, to qualify as a summer camp, twelve or more persons must be accommodated at a summer camp, whereas the current provisions of the Code refer to five persons. Secondly, the Code Commission has clarified current language to reflect that day camps which do not involve any type of overnight accommodation are encompassed in the definition of summer camp. In the past, the language was subject to different interpretations.

*§ 35.1-2. Enforcement. -This title shall be enforced by the State Board of Health and the State Health Commissioner as executive officer of the Board, acting through duly designated officers.*

Source: §§ 35-5, 35-17 and 35-28

REVISER'S NOTE: No material change.

*§ 35.1-3. Commissioner vested with Board's authority. -The Commissioner shall be vested with all the authority of the Board pursuant to this title when it is not in session, subject to such rules and regulations as may be prescribed by the Board.*

Source: New

REVISER'S NOTE: Although this is a new section, it is identical to the provisions which were found in the former Title 32 and in the current Title 32.1 concerning the State Health Commissioner.

*§ 35.1-4. Applicability of Administrative Process Act. -The Administrative Process Act shall govern the procedures for rendering all case decisions, as defined in § 9-6.14:4, and in issuing all orders and regulations promulgated pursuant to the authority of this title.*

Source: §§ 35-24 and 35-52

**REVISER'S NOTES:** This provision was written to make clear that all case decisions and appeals and regulations shall be governed by the Administrative Process Act in Title 9.

*§ 35.1-5. Right of entry to inspect, etc.; warrants. – Upon presentation of appropriate credentials and upon consent of the owner or custodian, the Commissioner or his designee shall have the right to enter at any reasonable time onto the premises of any hotel, restaurant, summer camp or campground to inspect, investigate, evaluate, conduct tests or take samples for testing as he reasonably deems necessary in order to determine whether any provision of this title, any regulation of the Board, any order of the Board or Commissioner, or any condition in a license issued by the Board or Commissioner pursuant to this title is being violated. If the Commissioner or his designee is denied entry, he may apply to an appropriate circuit court for an inspection warrant authorizing such investigation, evaluation, inspection, testing or taking of samples for testing as provided in Chapter 24 of Title 19.2 of the Code of Virginia.*

Source: §§ 35-4, 35-20, 35-27 and 35-30

**REVISER'S NOTE:** Although Title 35 provides for a right of entry, this provision has been rewritten to be identical to the provisions in Title 32.1. Specifically, it provides a mechanism for the State Health Commissioner to apply to a circuit court for an inspection warrant. This procedure is one which the United States Supreme Court in several cases has repeatedly said to be the appropriate way to inspect businesses.

*§ 35.1-6. Orders. –The Board is authorized to issue orders to require any person to comply with the provisions of this title or any regulations promulgated by the Board, or to comply with any case decision, as defined in § 9-6.14:4, of the Board or Commissioner. Any such order shall be issued only after a hearing with at least thirty days notice to the affected person of the time, place and purpose thereof. Such order shall become effective not less than fifteen days after mailing a copy thereof by certified mail to the last known address of such person. The provisions of this section shall not affect the authority of the Board to issue separate orders and regulations to meet any emergency as provided in § 35.1-12.*

Source: New

**REVISER'S NOTE:** This is a new provision identical to that found in Title 32.1.

*§ 35.1-7. Penalties, injunctions, civil penalties and charges for violations. –A. Any person willfully violating, or refusing, failing or neglecting to comply with any regulation or order of the Board or Commissioner, or any provision of this title, shall be guilty of a Class 3 misdemeanor unless a different penalty is specified. Each day of violation shall constitute a separate offense.*

*B. Any person violating or failing, neglecting, or refusing to obey any lawful regulation or order of the Board or Commissioner, or any provision of this title, may be compelled in a proceeding instituted in an appropriate court by the Board or Commissioner to obey and comply with such regulation, order, or provision of this title. The proceeding may be by injunction, mandamus, or other appropriate remedy.*

*C. Without limiting the remedies which may be obtained pursuant to subsection B., any person violating or failing, neglecting or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to subsection B. shall be subject, in the discretion of the court, to a civil penalty not to exceed ten thousand dollars for each violation. Each day of violation shall constitute a separate offense.*

*D. With the consent of any person who has violated or failed, neglected, or refused to obey any regulation or order of the Board or Commissioner or any provision of this title, the Board may provide, in an order issued by the Board against such person, for the payment of civil charges for past violations in specific sums, not to exceed the limit set forth in subsection C. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection C.*

Source: §§ 35-7, 35-21, 35-41 and 35-53

**REVISER'S NOTE:** Although the current Title 35 contains provisions dealing with penalties and

injunctions, this section has been written to track the provisions found in Title 32.1. In addition, a provision for civil penalties has been added to increase the flexibility of the State Health Department in enforcing the provisions of the law.

*§ 35.1-8. Compliance with the Uniform Statewide Building Code; Virginia Fire Safety Law; preemption of local regulation. –A. All permanent buildings and structures for hotels, restaurants, summer camps and campgrounds shall be constructed under the Uniform Statewide Building Code. Buildings erected prior to the effective date of the Uniform Statewide Building Code shall remain in conformity with the Virginia Fire Safety Law or other code in effect on the date of such construction. Any reconstruction, alteration, conversion or repairs required by the application of this title and the regulations of the Board shall be carried out in accordance with the provisions of the Uniform Statewide Building Code. Construction and alterations shall remain in conformity with the law or code under which they were constructed.*

Source: New

**REVISER'S NOTE:** This provision makes clear that the Uniform Statewide Building Code controls the construction and renovation of the facilities regulated by Title 35.1. The current Title 35 has provisions in it dealing with specific areas of construction, such as gas burning devices (see §§ 35-3 and 35-3.1). The Uniform Statewide Building Code has superceded all construction provisions of Title 35 and this section of Title 35.1 will make clear that persons must abide by the Uniform Statewide Building Code.

*§ 35.1-9. Local ordinance superceded; exception. –This title and the regulations of the Board shall supercede all local ordinances regulating hotels, restaurants, summer camps and campgrounds except for the provisions of §§ 35.1-26, except that any locality may adopt ordinances regarding the sale, preparation and handling of food, provided such ordinances are equivalent to or more stringent than the provisions of this title and the regulations of the Board.*

Source: New

**REVISER'S NOTE:** One of the areas of major change in Title 35.1 is the abolition of authority for local ordinances regulating hotels, restaurants, summer camps and campgrounds. The only exception is in the area of local regulation of the sale, preparation, and handling of food in restaurants. The Code Commission felt that requirements should be uniform throughout the Commonwealth except in those specified areas.

*§ 35.1-10. Measures to prevent transmission of disease. –Nothing in this title applicable to restaurants shall prevent the Commissioner from taking whatever action he deems necessary to control the spread of preventable diseases as set forth in Title 32.1 of this Code, including but not limited to the exclusion of employees, the examination of any employee, the immediate closing of a hotel, restaurant, summer camp or campground, and the taking of samples for testing.*

Source: New; §§ 35-31 and 35-40

**REVISER'S NOTE:** No material change.

## Chapter 2

### Regulations

*§ 35.1-11. Regulations generally.–The Board shall make, adopt, promulgate and enforce regulations necessary to carry out the provisions of this title and to protect the public health and safety. In promulgating regulations, the Board shall consider the accepted standards of health, hygiene, sanitation, safety and physical plant management.*

Source: New

**REVISER'S NOTE:** This provision is new and is one of the key provisions of the regulatory scheme of Title 35.1. With this provision, the Code Commission was endeavoring to give the State

Board of Health sufficient flexibility in its rulemaking capacity to keep its regulations current with existing technology. In Title 35, provisions can be found dealing specifically with certain requirements which, given today's technology, created hardship in those areas of industry. For example, current technology permits the cleaning and sanitation of dishes using methods which did not exist in 1948, but those methods are not permitted under the provisions of Title 35.

*§ 35.1-12. Emergency orders and regulations; Commissioner vested with authority of Board. – The Board may make separate orders and regulations to meet any emergency not provided for by general regulations for the purpose of suppressing conditions dangerous to the public health and communicable, contagious and infectious diseases.*

Source: New

REVISER'S NOTE: This provision is a new one, but is identical to that found in Title 32.1.

*§ 35.1-13. Regulations governing hotels. –Regulations of the Board governing hotels shall provide minimum standards for, but shall not be limited to: (1) food preparation and handling; (2) physical plant sanitation; (3) the provision, storage, and cleansing of linens and towels; (4) general housekeeping and maintenance practices; (5) requirements for approved water supply and sewage disposal systems; (6) vector and pest control; (7) swimming pools, saunas and other similar facilities, including personnel standards for the operation thereof; (8) ice machines and dispensers of perishable food items; and (9) a procedure for obtaining a license.*

Source: §§ 35-8, 35-9, 35-16, 35-16.1 and 35-18

REVISER'S NOTE: No material change.

*§ 35.1-14. Regulations governing restaurants; advisory standards for exempt entities. –A. Regulations of the Board governing restaurants shall include but not be limited to the following subjects: (1) a procedure for obtaining a license; (2) the safe and sanitary maintenance, storage, operation and use of equipment; (3) the sanitary maintenance and use of a restaurant's physical plant; (4) the safe preparation, handling, protection, and preservation of food, including necessary refrigeration or heating methods; (5) procedures for vector and pest control; (6) requirements for toilet and cleansing facilities for employees and customers; (7) requirements for appropriate lighting and ventilation not otherwise provided for in the Uniform Statewide Building Code; and (8) requirements for an approved water supply and sewage disposal system.*

*B. In its regulations, the Board may classify restaurants by type and specify different requirements for each classification.*

*C. The Board may issue advisory standards for the safe preparation, handling, protection and preservation of food by entities exempt from the provisions of this title pursuant to §§ 35.1-25 or 35.1-26.*

Source: §§ 35-28, 35-32, 35-33, 35-34, 35-35, 35-36 and 35-37

REVISER'S NOTE: No material change.

*§ 35.1-15. Training materials. –The Commissioner shall cause to be written materials designed to provide training for the prevention of disease transmission, symptoms of communicable disease, personal hygiene practices, hazards in food preparation, and any other matter deemed appropriate by the Commissioner for the training of restaurant personnel. The Commissioner may, if he desires, provide personnel for the training of employees of restaurants in the handling of food.*

Source: New

REVISER'S NOTE: This provision was included in recognition of the importance for restaurant personnel to become educated and aware of the need of proper food handling techniques and sanitary food preparation in order to avoid disease outbreaks.

*§ 35.1-16. Regulations governing summer camps. –The regulations of the Board governing summer camps shall include, but not be limited to: (1) an approved drinking water supply; (2) an*

*approved sewage disposal system; (3) an approved solid waste disposal system; (4) the adequate and sanitary preparation, handling, protection and preservation of food; (5) the proper maintenance of buildings, grounds, and equipment; (6) vector and pest control; (7) toilet, swimming and bathing facilities, including shower facilities; (8) a procedure for obtaining a license.*

Source: New; §§ 35-45, 35-46, 35-47, 35-48 and 35-49

REVISER'S NOTE: No material change.

*§ 35.1-17. Regulations governing campgrounds. A.—The regulations of the Board governing campgrounds shall include minimum standards for (1) an approved drinking water supply; (2) an approved sewage disposal system; (3) an approved solid waste disposal system; (4) the proper maintenance of buildings, grounds and equipment; (5) vector and pest control; (6) toilet, swimming and bathing facilities, including shower facilities; (7) effective measures for the control of animals and pets; (8) appropriate procedures and safeguards for hazardous situations including specifically the maintenance and sale of propane gas or other explosives and combustibles; and (9) a procedure for obtaining a license.*

*B. The Board may in its sole discretion prescribe regulations for classes of campgrounds and different requirements for each class.*

Source: New; 35-55

REVISER'S NOTE: No material change.

### Chapter 3

#### *Licenses; Inspections*

*§ 35.1-18. License required; name in which issued; not assignable or transferable .—No person shall own, establish, conduct, maintain, manage or operate any hotel, restaurant, summer camp or campground in this Commonwealth unless the hotel, restaurant, summer camp or campground is licensed as provided in this chapter. The license shall be in the name of the owner or lessee. No license issued hereunder shall be assignable or transferable.*

Source: § 35-22, 35-26 and 35-44.

REVISER'S NOTE: Title 35 provided only for licensing of hotels and restaurants and summer camps. No license was required for campgrounds (tourist camps). This provision of law would require a license for all of these activities.

*§ 35.1-19. Person deemed responsible for campground . —In the event that the Commissioner or his designee cannot establish which person is responsible for a campground, the owner of the parcel of land upon which the campground lies shall be deemed to be the person responsible for obtaining a license and meeting the requirements of this title and the applicable rules and regulations for retaining a license.*

Source: New

REVISER'S NOTE: This provision is new and was necessitated by the fact that the Department of Health could not, on frequent occasion, determine who was responsible for a particular campground. Oftentimes, the campground area would be owned by one individual and leased under some type of arrangement to another individual. In that case, both of those individuals disclaimed any responsibility for meeting the licensure requirements. This section clearly specifies that the owner of the land will be responsible if the Commissioner cannot establish that some other person bears the responsibility.

*§ 35.1-20. Issuance and denial of licenses . —The Commissioner shall issue a license for each hotel, restaurant, summer camp and campground which, after inspection, is found to be in compliance with all applicable regulations and provisions of this title. The Commissioner shall notify*

*by certified mail any applicant denied a license of the reasons for such denial.*

Source: New

REVISER'S NOTE: No material change.

*35.1-21. Display of restaurant and summer camp licenses. –The license of each hotel, restaurant, summer camp and campground issued pursuant to this chapter shall be prominently displayed.*

Source: § 35-26

REVISER'S NOTE: Title 35 requires the display of a license only in a restaurant. This provision will make that requirement applicable for all the activities regulated under Title 35.1.

*§ 35.1-22. Periodic inspections. –The Commissioner shall cause each hotel, restaurant, summer camp and campground in the Commonwealth to be inspected periodically, but not less often than annually, in accordance with applicable provisions of this title and the regulations of the Board. If at any time the Commissioner finds that a hotel, restaurant, summer camp or campground is not in compliance with applicable provisions of this title or regulations of the Board, he may revoke or suspend the license of that hotel, restaurant, summer camp or campground.*

Source: §§ 35-4, 35-6, 35-7, 35-15, 35-23, 35-46, 35-47, 35-51 and 35-56

REVISER'S NOTE: No material change.

*§ 35.1-23. State institutions with dining accommodations to request inspections. –The head of every State institution with dining accommodations shall request the Commissioner to inspect such dining accommodations not less often than annually. Upon receipt of any such request, the Commissioner shall cause the dining accommodations to be so inspected and a report filed with the institution.*

Source: New

REVISER'S NOTE: No material change.

*§ 35.1-24. Advice and assistance to applicants for hotel and restaurant licenses. –The Commissioner may provide for consultative advice and assistance, within such limitations and restrictions as he deems proper, to any person who applies for a license provided for in this chapter.*

Source: New

REVISER'S NOTE: No material change.

## *Chapter 4*

### *Exemptions*

*§ 35.1-25. Exemptions. –The provisions of this title applicable to restaurants shall not apply to:*

- 1. Boarding houses that do not accommodate transients;*
- 2. Cafeterias operated by industrial plants for employees only;*

*3. Churches, fraternal and social organizations and volunteer fire departments and rescue squads which hold occasional dinners and bazaars of one or two days duration on not more than twenty-four days per year, at which food prepared in the homes of members or in the kitchen of the church or organization is offered for sale to the public.*

Source: § 35-38

REVISER'S NOTE: No material change.

*§ 35.1-26. Cities and counties may by ordinance exempt certain fairs. –The governing body of any county, city or town may by ordinance provide that this title shall not apply to food booths at fairs, if such booths are promoted or sponsored by any political subdivision of the Commonwealth or by any charitable nonprofit organization or group thereof. The ordinance shall provide that the health officer of the county, city or town in which the fair is held, or a qualified person designated by him, shall exercise such supervision of the sale of food as the ordinance may prescribe.*

Source: § 35-38.1

REVISER'S NOTE: No material change.

## Chapter 5

### *Posting Hotel Rates; Hotel Liability*

*§ 35.1-27. Posting of rates.–Every hotel shall post in a conspicuous place in its office a list of the ranges of the charges for its rooms and shall post in each guest's room the maximum charge for that room. If the hotel is operated on the American or modified American plan, the notice shall contain the maximum charge for the room and the number of meals provided.*

Source: § 35-2

REVISER'S NOTE: No material change.

*§ 35.1-28. Liability. –A. It shall be the duty of any person owning or operating a hotel to exercise due care and diligence in providing honest and competent employees and to take reasonable precautions to protect the persons and property of the guests of the hotel. No hotel shall be held liable in a sum greater than three hundred dollars for the loss of any wearing apparel, baggage or other property not hereinafter mentioned belonging to a guest when such loss takes place from the room or rooms occupied by the guest. Unless the loss shall take place from the office of the hotel after the valuables are deposited there, no hotel shall be liable for any loss by any guest of jewelry, money or other valuables of like nature belonging to any guest if the hotel shall have posted in the room or rooms of the guest in a conspicuous place, and in the office of the hotel, a notice stating that jewelry, money and other valuables of like nature must be deposited in the office of the hotel. The hotel shall not be obligated to receive from any one guest for deposit in such office any property hereinbefore described exceeding a total value of five hundred dollars.*

Source: § 35-10

REVISER'S NOTE: No material change.

*B. Each guest's room shall have suitable locks on its doors and windows unless permanently secured. If a guest fails to lock the doors or windows of his room, the hotel shall not be liable for any property taken from the room in consequence of such failure on the part of the guest. The burden of proof shall be upon the operator of the hotel to show that he complied with the provisions of this section and that the guest failed to comply with these requirements.*

Source: § 35-11

REVISER'S NOTE: No material change.

*C. In the case of loss by fire or overwhelming disaster, a hotel shall exercise ordinary and reasonable care in the custody of the baggage or other property of its guests, but in no case shall the hotel's liability exceed two hundred and fifty dollars to any one guest unless the negligence of the hotel was the cause of the fire or overwhelming disaster.*

Source: § 35-12



**REVISER'S NOTE: No material change.**

*D. No liability shall attach to any hotel for the baggage, hats, umbrellas, coats or other wearing apparel of a guest until the same is placed by the guest in the actual custody of an employee of the hotel. The mere depositing of such baggage, hats, umbrellas, coats or other wearing apparel inside the hotel shall not be construed as putting in actual custody until taken in charge by the hotel or its employee, or properly placed in a room or rooms assigned to the guest.*

**Source: § 35-13**

**REVISER'S NOTE: No material change.**

*E. Nothing contained in this section be construed so as to change or alter the principles of law concerning a hotel's liability to a guest or other person for personal injury, nor to exempt in any wise the owner or operator of a hotel from being liable for the value of any property of guests taken or stolen from any room therein by any employee or agent of the hotel.*

**Source: § 35-11**

**REVISER'S NOTE: No material change.**

*F. A notice of the provisions of this section shall be posted conspicuously in each guest's room.*

**Source: § 35-10**

**REVISER'S NOTE: No material change.**

A BILL to amend and reenact § 15.1-466.1 of the Code of Virginia which relates to ordinances applicable to mobile homes.

Be it enacted by the General Assembly of Virginia:

1. That § 15.1-466.1 of the Code of Virginia is amended and reenacted as follows:

*§ 15.1-466.1. Applicability of subdivision ordinance to mobile homes. —Any county, city or town may designate by ordinance the areas within ~~their~~ its jurisdiction in which mobile homes may be located or mobile home parks may be established , notwithstanding the absence of a zoning ordinance in such county, city or town. Such ordinance may also apply any of the provisions of § 15.1-466 in the regulation and governing of the location, establishment, and operation of ~~such~~ mobile home parks. The ordinance may apply to any park or portion thereof licensed as a campground pursuant to Title 35.1 of this Code. In the event of irreconcilable conflict between the ordinance and State law, the State law shall supersede the ordinance.*



