

Kansas Administrative Regulations

Kansas Department of Agriculture

Article 27.—Lodging Establishments

4-27-3. Licensure; plans and specifications; variances.

(a) Each person applying for a license to operate a lodging establishment shall submit the following to the secretary:

- (1) A completed application and the required application and license fees; and
- (2) if required by subsection (b), the plans and specifications of the lodging establishment.

(b) The plans and specifications shall be submitted before any of the following:

- (1) The construction of a lodging establishment;
- (2) the conversion of an existing structure for use as a lodging establishment;
- (3) the major renovation of a lodging establishment;
- (4) the addition or major renovation of a swimming pool, hot tub, recreational water facility, or spa; or
- (5) the addition or change of a food service operation within a lodging establishment.

(c) Each plan and specification for a lodging establishment shall demonstrate conformance with the applicable requirements of these regulations and shall include the following:

- (1) The proposed layout, mechanical schematics, construction materials, and completion schedules;
- (2) the equipment layout, construction materials, and completion schedules for any food preparation and service area; and
- (3) the equipment layout and completion schedules for each swimming pool, hot tub, RWF, and spa.

(d) A variance may be granted by the secretary to modify or waive one or more requirements of a regulation if the secretary determines that a health hazard, safety hazard, or nuisance will not result from the variance.

- (1) Each person requesting a variance shall submit the following to the department:

- (A) A written statement of the proposed variance of the regulatory requirement;
- (B) documentation of how the proposed variance addresses public health hazards and guest safety at the same level of protection as that of the original requirement; and
- (C) any other relevant information if required by the secretary.

(2) For each variance granted, the licensee shall meet the following requirements:

- (A) Follow the plans and procedures approved by the secretary;
- (B) maintain a permanent record of the variance at the lodging establishment; and
- (C) maintain and provide to the secretary, upon request, records that demonstrate that the variance is being followed.

(Authorized by K.S.A. 2011 Supp. 36-506, as amended by L. 2012, ch. 145, sec. 6; implementing K.S.A. 2011 Supp. 36-502, as amended by L. 2012, ch. 145, sec. 4; effective June 4, 2010; amended Feb. 8, 2013.)

***** Authenticated Kansas Administrative Regulation *****