

**TEWKSBURY BOARD OF HEALTH
REGULATIONS FOR TOILET FACILITIES IN
FOOD SERVICE ESTABLISHMENTS**

(Adopted May 4, 2000)

1.0. Purpose

1.1. The Tewksbury Board of Health is responsible for the protection of the public and environmental health and welfare within the Town of Tewksbury. The Board finds the need to regulate the availability of toilet facilities in food service establishments, because toilet facilities are not always made available to patrons.

2.0. Authority

2.1. These regulations are adopted under the authority of M.G.L.c. 111, § 31.

3.0. Applicability

- 3.1. These regulations shall apply to all establishments licensed to serve and/or sell food.
- 3.2. Those establishments constructed or remodeled after the date of adoption of these regulations shall comply fully with these regulations.
- 3.3. Establishments in operation at the time of adoption of these regulations shall make every effort to comply with these regulations. If compliance can not be met, then a variance shall be requested in accordance with the requirements of these regulations.
- 3.4. Where these regulations conflict with other regulations, the more stringent standard shall apply.
- 3.5. These regulations shall take effect upon adoption by the Board and publishing of a legal notice in a local newspaper.

4.0. Citation

4.1. These regulations may be cited as "Toilet Regulations."

5.0. Definitions

Board shall mean the Tewksbury Board of Health.

Food Service Establishment shall mean any establishment licensed by the Board of Health to sell food, prepackaged or otherwise, in accordance with 105 CMR 590.000.

Person shall mean any natural person, business, partnership, corporation, association, club, other organization, or business entity.

Toilet Facilities shall mean facilities meant for use as restrooms, and shall include, but not be limited to, toilets and lavatories.

6.0. General

- 6.1. Toilet facilities shall comply with the Americans with Disabilities Act.
- 6.2. Separate toilet facilities for men and women shall be provided.
- 6.3. Toilet facilities shall be cleaned and sanitized daily, shall be kept in a clean condition, and shall be kept in working order.

- 6.4. Toilet facilities shall be located within the food service establishment in an area that is easily accessible, without having to leave the building or having to walk through food preparation areas.
- 6.5. The number of toilets and lavatories shall be the number required by the state plumbing code.

7.0 Variance

- 7.1. The Board may grant a variance from these regulations upon written application for such, and after the completion of a noticed public hearing. Notice of said variance request shall be published at the applicant's expense in a local newspaper at least seven (7) days prior to the hearing date.
- 7.2. For a variance to be granted, the applicant must show:
 - A. Strict enforcement of the regulations would be manifestly unjust, and
 - B. The same degree of protection required under the regulations can be achieved without strict application of the particular regulation.
- 7.3. The Board may place conditions on any variance approval granted.
- 7.4. For establishments operating at the time of adoption of these regulations, the Board, at its discretion, may consider variances without a public hearing and without public notice.

8.0. Penalties

- 8.1. Any person found to be in violation of these regulations may be fined up to One Thousand Dollars (\$1,000.00).
- 8.2. Any license or permit issued by the Board may be revoked, suspended, or modified for failure to comply with applicable local and state regulations.
- 8.3. These regulations may be enforced through the use of Non-Criminal Citations as provided by M.G.L.c. 40, § 21D.

9.0. Severability

- 9.1. If any provision of these regulations is declared invalid or not enforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.

Public Hearing: February 3, 2000

Adopted: May 4, 2000

Susan Sullivan, Chairman

Stephanie Wilkie, Vice Chairman

Edward Sheehan, Clerk