

**§1686. Toilet facilities required**

An eating establishment must provide at least one toilet facility for the use of its customers. Toilet facilities that require access through the food preparation area or the use of which would in any way cause the establishment to be in violation of any state law or rule may not be considered as fulfilling this requirement. The location of the toilets must be clearly marked, and the toilets must be maintained in a sanitary condition and in good repair and their location must be identifiable from the eating area. There may not be a charge for their use. Lavatory facilities must be located within or immediately adjacent to all toilet rooms or vestibules. [PL 2013, c. 264, §2 (AMD).]

Upon appeal, the Division of Health Engineering may exempt from the requirements of this chapter eating establishments of 13 to 25 seats which are not licensed for on-premise consumption of alcoholic beverages and which were in existence prior to September 30, 1985, and which: [PL 1987, c. 769, Pt. A, §73 (NEW).]

**1. Shopping malls.** Are part of an enclosed mall which provides customer toilet facilities which are part of the public portion of the mall and not part of a business within the mall; [PL 1987, c. 769, Pt. A, §73 (NEW).]

**2. Other locations.** Have submitted evidence of an agreement with a 2nd party that customers of the eating establishment may use toilet facilities which are on the premises owned or rented by the 2nd party in cases where such use would not create a substantial inconvenience to the customer of the eating establishment; [PL 1987, c. 769, Pt. A, §73 (NEW).]

**3. Construction costs.** Are housed in buildings of unique construction which makes installation of a toilet facility cost prohibitive; or [PL 1987, c. 769, Pt. A, §73 (NEW).]

**4. Space loss.** Would lose 1/4 or more of their existing seating space if required to provide a toilet facility of a minimum size of 3 feet by 6 feet. [PL 1987, c. 769, Pt. A, §73 (NEW).]

Any eating establishment which does not have a toilet facility available shall post a sign to that effect which may be seen upon entry to the eating establishment. [PL 1987, c. 769, Pt. A, §73 (NEW).]

**SECTION HISTORY**

PL 1987, c. 8, §2 (NEW). PL 1987, c. 769, §A73 (RPR). PL 2013, c. 264, §2 (AMD).

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