

LEGISLATIVE DIGEST

[Health Code - Enforcement of Service Station Bathroom Requirements and Fines]

Ordinance amending the Health Code to permit the imposition of administrative fines for violations of the duty to provide clean and sanitary washrooms for the use of gasoline station patrons

Existing Law

Section 725 of the Health Code requires that gasoline service stations provide at all times a clean and sanitary toilet and washroom for the use of the station's patrons. Although current law authorizes the Department of Public Health to conduct investigations to ensure compliance with the law, it does not establish enforcement mechanisms.

Amendments to Current Law

The proposed ordinance would amend Section 725 to permit the imposition of administrative fines for violations of the duty to provide clean and sanitary washrooms for the use of gasoline station patrons. The ordinance would authorize the Director of Health, or his designee, to issue citations upon the finding of a violation. Fines would be set at \$500 for a first violation, up to \$750 for a second violation, and up to \$1,000 for each additional violation. Where a violation pertains to building, plumbing, electrical, or other similar structural issues that do not create an immediate danger to health or safety, the person or persons operating the service station will be given time to correct the violation prior to the imposition of administrative fines. The proposed ordinance would also clarify that the duty to make a bathroom available to patrons applies only during those hours when the service station is open for business.

Background Information

Although current law requires that gasoline service stations make clean and sanitary bathrooms available to their patrons, there have been complaints that some gasoline stations have refused to give patrons access to station bathrooms, particularly at night. The denial of access to bathrooms poses a threat to public health. To improve compliance, the proposed ordinance will give the Department of Public Health the authority to impose administrative fines for violations of Section 725.

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