

Wheeling – Ohio County Health Department

City County Building – Room 106

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Health Officer

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Howard P. Gamble, MPH
Administrator

TO: Ohio County Food Service Establishment

FROM: Howard Gamble, MPH Administrator, Wheeling-Ohio County Health Department

DATE: March 10, 2016

RE: Toilet Facilities for Food Service Establishments

The Wheeling-Ohio County Health Department has noticed an increase in the number of outside picnic tables near permitted food service establishments in Ohio County.

The provision of outside picnic tables is considered the same as a dining area and therefore the establishment must provide public toilet facilities. An establishment that has indoor public toilet facilities and provides outside seating is considered compliant and no additional action is necessary.

However, any permitted food service operation (temporary, mobile, retail or regular food service) which does not have indoor public toilet facilities but provides outside seating needs to arrange for toilet facilities for their customers or remove the outside seating.

The following requirements for toilet facilities in food service establishments are taken from the 1995 International Plumbing Code which is part of West Virginia's State Building Code, 87 CSR 04. Establishment owners should also be advised that their facilities must comply with the Americans with Disabilities Act (ADA)

- Minimum number of fixtures: Water Closets - 1 per 75 Lavatories - 1 per 200 Urinals may be substituted for up to 50% of the required number of water closets. If employees are to use the public customer facilities, the maximum number of employees per shift shall be counted in the seating capacity.
- Separate facilities shall be provided for each sex with the following exceptions:
 - Separate male and female facilities shall not be required in establishments with a total occupant load, including both employees and customers, of 15 or less.
 - If separate employee facilities are provided, and 15 or less people are employed, separate facilities for each sex are not required.
- The number of fixtures required for each sex shall be based on 50 percent of the total occupant load unless statistical data indicates a different distribution of the sexes.
- Facilities shall be located not more than one story above or below the space required to be provided with toilet facilities and the path of travel to such facilities shall not exceed a distance of 500 feet.
- Required facilities shall be free of charge and designated by legible signs for each sex. Where pay facilities are installed, such facilities shall be in excess of the required minimum facilities.

For establishments within the city limits of Wheeling, the health department has been advised that the city would encourage the use of chemical toilets (port-o-johns) when permanent toilet facilities are not available. The city and the health department would encourage business to place these types of units in an inconspicuous location.

Establishments that choose to use chemical toilets (port-o-johns), whether in city limits in within Ohio County, are advised that these units need to be serviced regularly by the contracted vendor or another licensed pumping service.

More information and contact information can be found at our website at www.ohiocountyhealth.com. If you have questions or concerns about this issue please contact me at (304) 234-3682.