

Chapter 87

BOARD OF HEALTH

§ 87-1. Acceptance of Easements and Restrictive Covenants.

§ 87-2. Eliminating public exposure to tobacco smoke in restaurants, bars, and lounge/bar areas

[Adopted 4-10-2001 ATM by Art. 32]

§ 87-3. Bodywork [Adopted 10-18-2014 by Article 6]

§ 87-1. Acceptance of Easements and Restrictive Covenants.

The Board of Health is authorized on behalf of the Town to accept easements and restrictions in land in connection with its approval of sub-surface sewage disposal systems under Title 5 of the State Environmental Code, provided no appropriation of funds is necessary for the acquisition.

§ 87-2. Eliminating public exposure to tobacco smoke in restaurants, bars, and lounge/bar areas [Adopted 4-10-2001 by Article 32]

A- AUTHORITY

There exists conclusive evidence that tobacco smoke causes cancer, respiratory diseases, various cardiac diseases, negative birth outcomes, allergies and irritations to the eyes, nose and throat to both the smoker and nonsmoker exposed to secondhand smoke.

Therefore, the Town of Plymouth has adopted a by-law pursuant to eliminating the public exposure to tobacco smoke in restaurants, bars, and lounges/bar areas to protect and improve the health of patrons and employees of above-mentioned areas in the Town of Plymouth effective September 1, 2001.

B - DEFINITIONS

As used in this by-law:

Bar means an establishment whose business is devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

Board of Health shall mean the Plymouth Board of Health.

Lounge/bar Area means an area primarily dedicated to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

Food service establishment means a place where food is prepared intended for individual portion service, and includes the site at which individual portions are provided. The term includes such places regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term includes, but is not limited to, restaurants, take-out food establishments, delicatessens, doughnut shops, and kiosks.

Restaurant means any establishment serving food for consumption on the premises, which maintains tables for the use of its customers. This includes cafeterias in the workplace.

Smoking means the lighting of any cigar, cigarette, pipe or other tobacco product or having possession of any lighted cigar, cigarette, pipe, or other tobacco product.

C – PROHIBITION ON SMOKING IN BARS, FOOD SERVICE ESTABLISHMENTS, LOUNGE/BAR AREAS, AND RESTAURANTS.

As of September 1, 2001 no person shall smoke in any bar, food service establishment, lounge/bar area, or restaurant, nor shall any proprietor(s) or other person(s) in charge of a bar, food service establishment, lounge/bar area, or restaurant permit any person to smoke.

D – ENFORCEMENT

- (1) Any person who smokes in a bar, food service establishment, lounge/bar area, or restaurant, shall be subject to a fine of \$100.00 for each violation.
- (2) Any proprietor(s) or other person(s) in charge of a bar, food service establishment, lounge/bar area, or restaurant who fail(s) to comply with this by-law shall be subject to a fine of \$100.00 for each violation.
- (3) As an alternative to initiating criminal proceedings, violations of this by-law may be enforced in the manner provided in Massachusetts General Law, Chapter 40, Section 21D, by the Board or its agents. Any fines imposed under the provisions of Section D (1) or Section D (2) shall inure to the Town of Plymouth for such use as the Town may direct.
- (4) One method of enforcement may be periodic, unannounced inspections of those establishments subject to this regulation.

E - NON-CRIMINAL DISPOSITION

Whoever violates any provision of this regulation, the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by the filing of a criminal complaint at the appropriate venue.

Each day on which any violation exists shall be deemed to be a separate offense.

Penalty : \$100.00 for each separate offense.