

ORDINANCE NO. NS-1100.127

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA ADDING ARTICLE 7 OF CHAPTER 1 OF DIVISION C1 OF THE COUNTY OF SANTA CLARA ORDINANCE CODE RELATING TO EQUAL ACCESS IN CONSTRUCTION, DEVELOPMENT AND LAND USE

Summary

This ordinance adds an article to the County Ordinance Code to generally establish a location for addressing equal access in construction, development and land use and would specifically require equal access to baby changing stations for all users.

WHEREAS, baby changing stations are frequently provided in female restrooms and other areas that are not accessible to other users or are not family-friendly;

WHEREAS, this practice reinforces gender-based stereotypes concerning childcare responsibilities, imposes barriers for others to care for their children's basic needs, and may contribute to unsanitary conditions; and

WHEREAS, requiring equal accessibility to baby changing stations for all users in publicly accessible restrooms would address these concerns and, thus, promote the public health, safety and welfare.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA ORDAINS AS FOLLOWS:

SECTION 1. Chapter 1 of Division C1 of Title C of the County of Santa Clara Ordinance Code is hereby amended by adding a new Article to be numbered and titled and to read as follows.

ARTICLE 7. EQUAL ACCESS

Sec. C1-90. Purpose.

The purpose of this Article is to promote equal access to facilities that are accessible to the public.

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Sec. C1-91. Access to Baby Changing Stations.

- (a) Baby changing stations shall be installed in all new buildings with restroom facilities that are in “public use areas” as defined by the County Building Code or are intended to be available for use by the public. Baby changing stations shall also be provided in existing buildings when restroom facilities that are in “public use areas” as defined by the County Building Code or are intended to be available for use by the public are added or altered in a manner that requires a building permit. In lieu of installing a baby changing station in a restroom as required by this Article, a baby changing station may be installed in another space provided the baby changing station is (i) located in the same public use area served by the restroom, (ii) provides for privacy, (iii) is equipped with a handwashing facilities, and (iv) meets all other requirements in this section.
- (b) Baby changing stations shall comply with all of the following requirements:
 - (1) Where baby changing stations are installed in a restroom or other space designated for a particular gender, baby changing stations shall also be installed in a restroom or other space that serves the same public use area and that is available to all other users in an equivalent manner.
 - (2) Baby changing stations shall be manufactured for commercial use and shall be self-certified by the manufacturer or listed or labeled by an accredited third-party testing agency as compliant with ASTM F2285-04(2016) E1- *Standard Consumer Safety Performance Specification for Diaper Changing Tables for Commercial Use*, ANSI Z535.3 and Z535.4 *Universal safety symbols*, ASTM G1 *Anti-Bacterial* and ASTM G22 *Anti-Fungal* and other nationally recognized standards approved by the Building Official.
 - (3) Baby changing stations shall be installed in accordance with the manufacturer’s installation requirements or in accordance with the recommendation of a licensed design professional when no manufacturer’s instructions are available. The installation details shall be designed to carry all loads identified in ASTM F2285-04(2016) E1.
 - (4) Baby changing stations shall be installed in accordance with all County Building Code accessibility requirements.

- (5) Baby changing stations shall not encroach into any clearances required by the County Building, Plumbing, Mechanical, or Electrical Code.
- (6) Baby changing stations shall not be installed in any hazardous location.
- (c) Baby changing stations are not required in the following areas:
 - (1) Areas or restrooms that are not “public use areas” as defined in the County Building Code.
 - (2) Where baby changing stations cannot be accommodated in new or altered public-use restrooms in existing buildings because of inadequate space due to structural or accessibility issues.
 - (3) In occupancies where persons under the age of 21 are prohibited by law.
- (d) Signage for baby changing stations shall be provided as follows:
 - (1) Where baby changing stations are installed in a space other than a restroom, signs identifying the location of the baby changing station shall be installed in all restrooms that serve the same public use area if no baby changing station is installed in the restroom.
 - (2) Where a building has a central directory, that directory shall identify the location of all public use restrooms and other spaces with baby changing stations.

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- (e) This section is intended to be consistent with, and shall be interpreted to be furtherance of the purposes and intent of, Health and Safety Code section 118506.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on MAY 01 2018 by the following vote:

AYES: **CHAVEZ, CORTESE, SIMITIAN, WASSERMAN, YEAGER**

NOES: **NONE**

ABSENT: **NONE**

ABSTAIN: **NONE**


Signed and Certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.


S. JOSEPH SIMITIAN, President
Board of Supervisors

ATTEST:


MEGAN DOYLE
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:


LIZANNE REYNOLDS
Deputy County Counsel