

ORDINANCE NO. 20191114-008

AN ORDINANCE AMENDING CHAPTER 4-16 (*COMMERCIAL FACILITIES*) OF THE CITY CODE RELATING TO DIAPER CHANGING STATIONS; CREATING AN OFFENSE; AND ESTABLISHING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Chapter 4-16 (*Commercial Facilities*) is amended to add a new Article 2 (*Diaper Changing Stations*) to read as follows:

ARTICLE 2. DIAPER CHANGING STATIONS

§ 4-16-20 DEFINITIONS

In this Article:

- (1) DIAPER CHANGING STATION means a table or other device with safety straps or other appropriate restraint to secure a baby or child, suitable for changing the diaper of a baby or child weighing up to 50 pounds.
- (2) GENDER NEUTRAL RESTROOM means a single-user public restroom that is available without preference to a specific gender.
- (3) MAJOR RENOVATION means reconstruction, alteration, or renovation of a structure that involves reconfiguration of a public restroom.
- (4) NEW CONSTRUCTION means construction of a structure that was permitted after January 1, 2020 and that requires public restrooms.
- (5) PUBLIC RESTROOM means a restroom that is publicly available and accessible.
- (6) RECONFIGURATION means relocation of any plumbing fixture or expansion of the restroom area.

§ 4-16-21 APPLICABILITY

- (A) In this Article, the following occupancies have the same meaning assigned in Chapter 25-12, Article 1 (*Building Code*):
- (1) Mercantile Group M
 - (2) Assembly Group A

- (B) This Article shall apply to all new construction and major renovations containing the use of all or a portion of a building or structure, as described in Subsection (A).

§ 4-16-22 DIAPER CHANGING STATION REQUIRED

- (A) Except as provided in Subsection (C), each floor of a structure with one or more public restrooms must include the number of compliant diaper changing stations described below:
- (1) if the diaper changing station is installed within a gender neutral restroom, at least one diaper changing station shall be provided per floor; or
 - (2) if the diaper changing station is installed within a gender specific restroom, at least one diaper changing station shall be provided for each gender per floor.
- (B) A diaper changing station is compliant if it complies with federal, state, and local accessibility and safety standards.
- (C) For existing facilities, the building official may modify or waive the requirements in Subsection (A) if the building official determines that the:
- (1) spatial or structural limitations of the public restroom will not accommodate a compliant diaper changing station; or
 - (2) installation of a compliant diaper changing station will make the public restroom noncompliant with federal, state, or local accessibility and safety requirements.

§ 4-16-23 SIGNAGE REQUIRED

- (A) A person with control over a structure subject to this article must install and maintain compliant signage that indicates the public restroom includes a diaper changing station.
- (B) A diaper changing station sign is compliant if it complies with federal, state, and local accessibility standards.

§ 4-16-24 OFFENSE AND PENALTY

- (A) A person who violates or fails to comply with a requirement of this article commits an offense.


(B) An offense under this article is a Class C misdemeanor offense, punishable in accordance with Section 1-1-99 (*Offenses; General Penalty*).

PART 2. This ordinance takes effect on November 25, 2019.

PASSED AND APPROVED

_____, November 14, 2019

APPROVED:




Anne L. Morgan
City Attorney

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ATTEST:



Steve Adler
Mayor



Jannette S. Goodall
City Clerk