

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 19-0385

Introduced by: Councilmember Cohen, Ex Officio President Middleton, Councilmembers
Dorsey, Stokes, Henry, Burnett, Bullock, Sneed, Clarke, Reisinger, Scott
Introduced and read first time: April 29, 2019
Assigned to: Education and Youth Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: May 13, 2019

AN ORDINANCE CONCERNING

Gender-Inclusive Single-User Restrooms

FOR the purpose of requiring that certain single-user restrooms in Baltimore City be made available to all individuals regardless of gender; requiring that certain single-user restrooms use gender-inclusive signage to identify the restroom; defining certain terms; establishing certain penalties; and providing for a special effective date.

BY adding

~~Article - Health~~

~~Section(s) 17-101 through 17-106, to be under the new title,~~

~~“Title 17. Public Restrooms”~~

~~Baltimore City Revised Code~~

~~(Edition 2000)~~

Article 15. Licensing and Regulation

Section(s) 43-1 through 43-6, to be under the new subtitle,

“Title 43. Public Restrooms”

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies

~~Section(s) 40-14(e)(7) and 41-14(6)~~ 40-14(e)(2) and 40-14(1)

Baltimore City Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

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| <p>Explanation: CAPITALS indicate matter added to existing law. [Brackets] indicate matter deleted from existing law. <u>Underlining</u> indicates matter added to the bill by amendment. Strike-out indicates matter stricken from the bill by amendment or deleted from existing law by amendment.</p> |
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Baltimore City Revised Code

Article—Health

Article 15. Licensing and Regulation

~~TTTLE 17~~ SUBTITLE 43. PUBLIC RESTROOMS

§ ~~43-1 17-101~~. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS TITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *GENDER-INCLUSIVE SIGNAGE.*

“GENDER-INCLUSIVE SIGNAGE” MEANS A SIGN IDENTIFYING A RESTROOM THAT DOES NOT INDICATE A SPECIFIC GENDER, SUCH AS “RESTROOM”, “BATHROOM”, “TOILET”, OR A SYMBOL INDICATING THE RESTROOM’S AVAILABILITY FOR USE BY ANY INDIVIDUAL REGARDLESS OF GENDER.

(C) *PLACE OF PUBLIC ACCOMMODATION.*

“PLACE OF PUBLIC ACCOMMODATION” HAS THE MEANING STATED IN STATE GOVERNMENT ARTICLE, § 20-301 {“PLACE OF PUBLIC ACCOMMODATION’ DEFINED”}.

(D) *PUBLIC SINGLE-USER RESTROOM.*

(1) “PUBLIC SINGLE-USER RESTROOM” MEANS A SINGLE-OCCUPANCY RESTROOM FOR PUBLIC USE WITH AT LEAST ONE WATER CLOSET AND WITH AN OUTER DOOR THAT CAN BE LOCKED BY THE OCCUPANT.

(2) “PUBLIC SINGLE-USER RESTROOM DOES NOT INCLUDE:

(I) ANY PRIVATE RESTROOM IN A RESIDENCE, APARTMENT, HOTEL, OR HOSPITAL;
OR

(II) A RESTROOM ONLY ACCESSIBLE FROM A PRIVATE ROOM OR OFFICE.

§ ~~43-2 17-102~~. *{Reserved}*

§ ~~43-3 17-103~~. REQUIREMENTS FOR SINGLE-USER RESTROOMS.

ANY PUBLIC SINGLE-USER RESTROOM IN A COMMERCIAL OR INDUSTRIAL ESTABLISHMENT, A PLACE OF PUBLIC ACCOMMODATION, OR A CITY-OWNED OR -OCCUPIED BUILDING MUST BE:

(1) MADE AVAILABLE FOR USE BY INDIVIDUALS OF ANY GENDER; AND

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1 (2) IDENTIFIED WITH GENDER-INCLUSIVE SIGNAGE.

2 **§ ~~43-4 17-104.~~ *Reserved* AGENCIES TO ENFORCE.**

3 ENFORCEMENT OF THIS SUBTITLE SHALL BE CONDUCTED BY “CODE ENFORCEMENT OFFICERS”
4 AND “ENFORCEMENT OFFICERS” (AS DEFINED IN CITY CODE ARTICLE 1, § 40(C) AND § 41-
5 1(C), RESPECTIVELY) WHO ARE EMPLOYED BY ANY OF THE FOLLOWING AGENCIES:

6 (1) DEPARTMENT OF HEALTH;

7 (2) DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT;

8 (3) DEPARTMENT OF PUBLIC WORKS;

9 (4) DEPARTMENT OF RECREATION AND PARKS;

10 (5) DEPARTMENT OF TRANSPORTATION;

11 (6) FIRE DEPARTMENT;

12 (7) POLICE DEPARTMENT; AND

13 (8) ANY OTHER AGENCY WITH ONE OR MORE EMPLOYEES WHO ARE IN A “POSITION OF
14 TRUST” AND AUTHORIZED TO SERVE AS A “CODE ENFORCEMENT OFFICER” IN ACCORD
15 WITH CITY CODE ARTICLE 1, § 40-1(C)(3).

16 **§ ~~43-5 17-105.~~ ENFORCEMENT BY CITATION.**

17 (A) *IN GENERAL.*

18 (1) A CITATION UNDER THIS SECTION MAY ONLY BE ISSUED AFTER THE ISSUANCE OF A
19 WRITTEN WARNING AND A FAILURE TO CORRECT THE VIOLATION WITHIN 30 DAYS OF
20 THE DATE OF THE WARNING.

21 (2) IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT
22 PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF:

23 (1) AN ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40
24 {“ENVIRONMENTAL CONTROL BOARD”}; OR

25 (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {“CIVIL
26 CITATIONS”}.

27 (B) *PROCESS NOT EXCLUSIVE.*

28 THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING
29 ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

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1 (C) *EACH DAY A SEPARATE OFFENSE.*

2 EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

3 **§ 43-6 17-106. CRIMINAL PENALTIES.**

4 (A) *IN GENERAL.*

5 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A
6 MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$500 FOR
7 EACH OFFENSE.

8 (B) *EACH DAY A SEPARATE OFFENSE.*

9 EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

10 **Baltimore City Code**

11 **Article 1. Mayor, City Council, and Municipal Agencies**

12 **Subtitle 40. Environmental Control Board**

13 **§ 40-14. Violations to which subtitle applies.**

14 (e) *Provisions and penalties enumerated.*

15 ~~(7) *Health Code*~~

16 (2) *Article 15. Licensing and Regulation*

17 ~~FILE 17~~ SUBTITLE 43: PUBLIC RESTROOMS

\$100

18 **Subtitle 41. Civil Citations**

19 **§ 41-14. Offenses to which subtitle applies – Listing.**

20 ~~(6) *Health Code*~~

21 (1) *Article 15. Licensing and Regulation*

22 ~~FILE 17~~ SUBTITLE 43: PUBLIC RESTROOMS

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23 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
24 are not law and may not be considered to have been enacted as a part of this or any prior
25 Ordinance.

26 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 90th day
27 after the date it is enacted.

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to his Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City