

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 18-0232

Introduced by: Councilmembers Schleifer, Henry, President Young, Councilmembers Costello,
Scott, Burnett, Dorsey, Sneed, Stokes, Middleton, Reisinger, Bullock, Cohen, Pinkett, Clarke
Introduced and read first time: April 30, 2018
Assigned to: Judiciary and Legislative Investigations Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: October 15, 2018

AN ORDINANCE CONCERNING

Diaper-Changing Amenity

FOR the purpose of requiring certain buildings and occupancies to provide diaper-changing amenities accessible to both male and female occupants; and providing for a special effective date.

BY adding

Article - Building, Fire, and Related Codes
Section 2-103 (BC § 1210.4)
Baltimore City Revised Code
(2015 Edition)

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies
Section 40-14(e)(5c)
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:

Baltimore City Revised Code

Article – Building, Fire, and Related Codes

Part II. International Building Code

§ 2-103. City modifications.

The additions, deletions, amendments, and other modifications adopted by the City are as follows:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining 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.

Council Bill 18-0232

Chapter 12. Interior Environment

Sections 1204 to [1210] 1209 {As in IBC}

Section 1210 Toilet and Bathroom Requirements

1210.1 TO 1210.3 {AS IN IBC}

~~1210.4 DIAPER-CHANGING AMENITY.~~

~~IN EVERY ASSEMBLY GROUP A, BUSINESS GROUP B, AND MERCANTILE GROUP M OCCUPANCY AND IN EVERY CITY-OWNED OR -OCCUPIED BUILDING, ON EACH FLOOR AREA THAT CONTAINS A PUBLIC TOILET OR BATHROOM, BOTH MALE AND FEMALE OCCUPANTS MUST HAVE ACCESS TO AT LEAST ONE SAFE, SANITARY, CONVENIENT, AND DISCREET DIAPER-CHANGING STATION, DECK, TABLE, OR SIMILAR AMENITY.~~

1210.4. DIAPER-CHANGING AMENITIES.

1210.4.1. IN GENERAL.

EVERY NEW OR RENOVATED ASSEMBLY GROUP A, BUSINESS GROUP B, AND MERCANTILE GROUP M OCCUPANCY, AS THOSE TERMS ARE DEFINED IN THE INTERNATIONAL BUILDING CODE § 303, § 304, AND § 309 WITH AT LEAST ONE PUBLIC BATHROOM, AND EVERY CITY-OWNED OR -OCCUPIED BUILDING WITH AT LEAST ONE PUBLIC BATHROOM, MUST INCLUDE A DIAPER-CHANGING AMENITY IN ITS PUBLIC BATHROOMS, WHETHER DESIGNATED FOR MEN OR WOMEN OR BOTH, OR IN ANOTHER APPROPRIATE, SANITARY SPACE THAT BOTH MEN AND WOMEN CAN ACCESS.

1210.4.2. EXCEPTIONS.

THIS § 1210.4 DOES NOT APPLY TO THE FOLLOWING ASSEMBLY GROUP A, BUSINESS GROUP-B, AND MERCANTILE GROUP M OCCUPANCIES AND CITY-OWNED OR - OCCUPIED BUILDINGS:

1. ASSEMBLY GROUP A, BUSINESS GROUP B, AND MERCANTILE GROUP M OCCUPANCIES AND CITY-OWNED OR -OCCUPIED BUILDINGS UNDERGOING RENOVATIONS IF THE RENOVATIONS DO NOT REQUIRE A BUILDING PERMIT;
2. ASSEMBLY GROUP A, BUSINESS GROUP B, AND MERCANTILE GROUP M OCCUPANCIES AND CITY-OWNED OR -OCCUPIED BUILDINGS THAT PROHIBIT ENTRANCE TO MINORS; AND
3. ASSEMBLY GROUP A, BUSINESS GROUP B, AND MERCANTILE GROUP M OCCUPANCIES FOR WHICH THE BUILDING OFFICIAL DETERMINES THAT THE INSTALLATION OF A DIAPER-CHANGING AMENITY IS NOT FEASIBLE OR WOULD RESULT IN A FAILURE TO COMPLY WITH APPLICABLE BUILDING STANDARDS GOVERNING THE RIGHT OF ACCESS FOR PERSONS WITH DISABILITIES ARE EXEMPT FROM THE REQUIREMENTS OF THIS PROVISION. CITY-OWNED OR - OCCUPIED BUILDINGS WILL NOT BE EXEMPT FROM THE REQUIREMENTS OF THIS PROVISION.

Council Bill 18-0232

1210.4.3. COMPLIANCE WITH OTHER LAWS.

ALL DIAPER-CHANGING AMENITIES MUST COMPLY WITH THE REQUIREMENTS OF THIS BALTIMORE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE AND WITH ANY STATE AND FEDERAL LAWS, INCLUDING THE AMERICANS WITH DISABILITY ACT, THAT DEAL WITH THE INSTALLATION OF DIAPER-CHANGING AMENITIES.

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) Provisions and penalties enumerated.

(5c) Building, Fire, and Related Codes Article – Building Code

§ 105.14. Work without permit	<u>\$500</u>
§ 115.3. Stop-work order: Unlawful continuance	<u>\$500</u>
§ 123.8. Failure to comply with notice	
Unsafe structure {§ 116}	<u>\$900</u>
Condemnation proceedings {§ 120}	<u>\$500</u>
All other notices (excluding citations)	<u>\$250</u>
§ 1210.4. DIAPER-CHANGING AMENITIES	<u>\$500</u>
§ 3302.2. Construction Safeguards: Waste and debris	<u>\$250</u>
§ 3808. Traffic Mitigation Enforcement	<u>\$1,000</u>

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

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

Council Bill 18-0232

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

President, Baltimore City Council

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

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City