



Legislation Text

File #: O-1819-32, **Version:** 1

CONSIDERATION OF ORDINANCE O-1819-32 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 5-201 (C) AND 5-202 (C) OF ARTICLE II OF CHAPTER 5 OF THE CODE OF THE CITY OF NORMAN, SO AS TO AMEND THE 2015 INTERNATIONAL BUILDING CODE AND 2015 INTERNATIONAL EXISTING BUILDING CODE TO INCLUDE REQUIREMENTS FOR INSTALLATION OF DIAPER CHANGING TABLES; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND: At the "City Council Retreat (Annual Planning Session)" in August of this year, City Council designated, as one of their priorities: requiring installation of diaper changing tables in both male and female public restrooms in new commercial developments and those commercial developments undergoing renovations of a designated threshold. At the September 27, 2018 Community Planning and Transportation Committee meeting, City Council members reviewed the code amendment proposal presented by staff, recommended changes and directed staff to take this item forward to Council Conference for review. On December 11, 2018 at Council Conference, staff presented an amended proposal and was directed to make additional revisions for submission to City Council.

HISTORY: In October of 2016, then President Barack Obama signed into law a bill requiring diaper changing stations in both male and female restrooms in publicly accessible federal buildings. The law is titled "Bathrooms Accessible in Every Situation Act or BABIES Act". Although, even before the BABIES Act was enacted many municipalities/states had already started requiring businesses to install diaper changing tables and many retailers have been installing diaper changing tables for years without question. However, the issue is the location of the changing table.

Starting in the late 80's and early 90's there was a noticeable increase in the number of parents, both mothers and fathers, that began taking their children with them for their daily errands, family outings, dinners and a multitude of other outings. The increase in the number of children accompanying their parents pushed many businesses to look at how they could better serve their patrons, at that time the majority of parents toting the children along were the mothers. Today, there is an increase in the number of fathers caring for the children. An issue now at the forefront of this discussion of diaper changing tables is the location of the changing table; currently, the greater majority of changing tables are only installed in the women's restroom and only in the handicap accessible stall of the women's restroom. This is not to take away from the businesses that already provide the space to their patrons but additional effort should be directed at locating a changing table in areas accessible to both men and women and outside of the only handicap accessible restroom in new facilities. When the changing table is located in the accessible stall of the restroom the use of the stall can be limited to those individuals that cannot utilize a standard restroom stall. Those individuals needing the accessible stall are required to wait for the parent/caregiver to finish changing the infant before they can utilize the restroom facilities. In many existing buildings it is possible to install an accessible changing table in a restroom but not in the accessible restroom stall. This proposal provides allowances that try to balance the needs of the citizens and the cost impact to business owners in existing buildings.

FINANCIAL IMPACT: The average cost of a diaper changing table from an internet search is between \$150 and \$300. This does not include contractor's labor cost or any retrofitting of a facility to accommodate installation. A survey determined the average cost of installation for a diaper changing table could amount to \$1,200 - \$1,500, actual cost is dependent on scope of work, retrofitting the unit versus installation with new construction.

CURRENT CODE REQUIREMENTS: In the City of Norman there are currently no requirements for businesses to provide adequate diaper changing tables. As outlined above it is typical for diaper changing tables to be located in the accessible stall of the women's restroom, leaving no adequate facilities for a father to change diapers or making those required by physical limitations to wait unnecessarily for use of the accessible stall. Staff researched several municipalities in Oklahoma and found no requirements of diaper changing tables. However, if a business does install a diaper changing table the building code adopted by the State of Oklahoma outlines requirements in the ICC A117.1-2009 to establish how a table shall be installed.

ESTABLISHING STANDARDS: This memo focuses on both new construction and addition/alterations of commercial buildings for requirements of diaper changing tables. First, a definition of a diaper changing table needs to be established.

To define diaper changing table staff reviewed several cities/federal documents and developed the following definition for Council's consideration:

DIAPER CHANGING TABLE. A safe, sanitary and permanently affixed station, deck table, surface or similar amenity specifically set aside for changing a diaper. The diaper changing table shall have safety straps or other appropriate restraint to secure a baby or young child age 3 1/2 or under. The diaper changing table shall meet ASTM F2285-04 (2016) (Standard Consumer Safety Performance Specification for Diaper Changing Tables for Commercial Use) or shall be a permanently installed counter.

CODE AMENDMENTS: The attached ordinance reflects proposed amendments being presented by staff for adoption by the City of Norman. The ordinance, if adopted, will result in amendments to Chapters 2 and 12 of the 2015 International Building Code (IBC) and Chapters 2, 7, 10 and 11 of the 2015 International Existing Building Code (IEBC).

The IBC is for new construction, and the IEBC, as it sounds, is for modification to existing buildings. Both the IBC and the IEBC Codes will be amended to establish requirements for installation of diaper changing tables.

In the IBC, criteria for when diaper changing tables are required and the specific requirements for where and how the tables are installed is proposed in this ordinance.

For new construction, if determined appropriate, the following will apply:

- Diaper changing tables, available to both male and female occupants, will be installed in all buildings and tenant spaces intended for public utilization except certain business that do not have access by the public or restrict access due to age; office buildings under 10,000 square feet; inside dwelling units in places of accommodation such as hotels and apartments; public schools; and utility buildings.
- The diaper changing tables may be located in the men's, women's or a unisex restroom, provided they are not located in the only handicap accessible compartment; or may be located in any other room except kitchens, storage rooms and closet.
- The diaper changing table will be installed per adopted handicap requirements.
- Signage directing individuals to the diaper changing facilities will be located near entrances.

Unlike the IBC, the IEBC distributes requirements through several chapters based on the scope of construction for the alteration/remodel, addition and change of occupancy of the existing facility. Modification of the IEBC will require insertion of multiple sections throughout the code.

As proposed, if determined appropriate, the following will apply:

- In existing buildings undergoing any level of alteration or change of occupancy, diaper changing tables will be required when 50% of the toilet fixtures in a restroom are altered. These requirements only apply to the specific restroom being altered. For example, if only the female restroom is altered, then the diaper changing table will only be required in that restroom.
- Alternatively, if the property owner constructs a unisex restroom, they may locate the diaper changing table in this room instead of altering existing restroom(s). They may also choose to locate the diaper changing table in other than a restroom, provided the room is not a kitchen, storage room or closet.
- Also, consideration is given to allow the diaper changing table in the handicap compartment only when the cost for modifications to install a fully compliant table would discourage any renovation to the restroom(s).
- When additions to existing buildings or tenant spaces contain a restroom, a diaper changing table will be required as is required for new construction.

**When existing diaper changing tables are already available to both male and female occupants in the building there are no further requirements.

RECOMMENDATION: Staff recommends approval of Ordinance O-1819-32 to amend adoption of the 2015 International Building Code and 2015 International Existing Building Code to include requirements for installation of diaper changing tables in certain new and existing buildings undergoing construction.