



A BILL FOR AN ORDINANCE

RELATING TO BABY DIAPER-CHANGING ACCOMMODATIONS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to address the provision of baby diaper-changing accommodations for certain establishments and uses.

SECTION 2. Chapter 16, Revised Ordinances of Honolulu 1990 ("Building Code"), is amended by adding a new article to be appropriately designated by the revisor of ordinances and to read as follows:

"Article __. Baby Diaper-Changing Accommodations

Sec. 16-__.1 Definitions.

"Baby diaper-changing accommodation" means a safe, sanitary and convenient baby diaper-changing station, deck, table or similar amenity which is installed or placed in a separate, designated location in an establishment or use subject to the provisions of this article. Such accommodations may include, but are not limited to, stations, decks and tables in women's and men's restrooms or unisex/family restrooms.

"New establishment or use" means the following establishments or uses that are instituted or substantially modified after the effective date of this ordinance:

- (1) Airports.
- (2) Art galleries and museums.
- (3) Automobile sales and rentals.
- (4) Automobile service stations as defined in Section 21-10.1.
- (5) Day-care facilities as defined in Section 21-10.1.
- (6) Eating establishments.
- (7) Financial institutions as defined in Section 21-10.1.
- (8) Home improvement centers as defined in Section 21-10.1.



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- (9) Hospitals as defined in Section 21-10.1.
- (10) Hotels as defined in Section 21-10.1.
- (11) Indoor amusement and recreation facilities as defined in Section 21-10.1.
- (12) Medical clinics as defined in Section 21-10.1.
- (13) Meeting facilities as defined in Section 21-10.1.
- (14) Neighborhood grocery stores as defined in Section 21-10.1.
- (15) Office buildings.
- (16) Photography studios.
- (17) Public uses and structures as defined in Section 21-10.1.
- (18) Retail establishments as defined in Section 21-10.1.
- (19) Theaters as defined in Section 21-10.1.
- (20) Trade or convention centers as defined in Section 21-10.1.

A new establishment or use shall be deemed to be instituted on the date a certificate of occupancy is issued, or if the establishment or use has unlawfully failed to obtain such certification prior to occupancy, upon the first date of occupancy for its present use.

An establishment or use shall be deemed to be substantially modified so as to require compliance with this article upon any reconstruction, rehabilitation, addition or other improvement of the existing building or facility occupied by the establishment or use, if:

- (1) Such reconstruction, rehabilitation, addition or other improvement requires more than fifty percent of the gross floor area occupied by the establishment or use to be rebuilt;
- (2) The estimated cost of the reconstruction, rehabilitation, addition or other improvement as set forth in the applicable building permit is at least \$50,000.00; or



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- (3) The estimated cost of the new construction or renovation of any restroom or restrooms as set forth in the applicable building permit is at least \$10,000.00.

It is provided, however, that no establishment or use shall be deemed to be substantially modified if no structural changes are made to any existing restroom in the building or facility occupied by the establishment or use.

"Restroom for public use" means a restroom that is accessible to persons other than employees of the establishment in which the restroom is located.

Sec. 16-__2 Requirement to provide accommodations.

Every new establishment or use as defined herein shall be required to provide baby diaper-changing accommodations in accordance with the requirements of this article. Each such establishment or use shall be required to provide, at each floor level containing restrooms for public use, at least one accommodation that is accessible to women and one that is accessible to men, or a single accommodation accessible to both. Each such establishment shall provide signage indicating the location of the baby diaper-changing accommodations.

Sec. 16-__3 Construction documents.

Construction documents for new establishments or uses shall show whether or not a restroom is a restroom for public use as defined in Section 16-__1 and the location of each baby diaper-changing accommodation within such restroom. If a restroom is not shown as a restroom for public use on the construction documents and, subsequent to the issuance of the building permit authorizing the construction or renovation of the restroom, there is a change in the designation of the restroom to a restroom for public use, then a baby diaper-changing accommodation shall be provided in such restroom.

Sec. 16-__4 Hardship exemption.

A new establishment or use shall not be subject to the provisions of this article if compliance would create a hardship. Under this article, a hardship shall mean that:

- (1) No reasonable physical alternative exists for providing baby diaper-changing accommodations, or



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- (2) The cost of providing such accommodations exceeds 10 percent of the cost of constructing, purchasing or substantially modifying the building or facility occupied by the establishment or use.

Sec. 16-__5 Violations—Penalty.

For violation and penalty provisions of this article, see Article 10 of this chapter."



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SECTION 3. This ordinance takes effect upon its approval, provided that this ordinance shall not be applicable to new construction or renovation projects for which building permit applications were filed with the City prior to the effective date of this ordinance.

INTRODUCED BY:

[Handwritten signature]

DATE OF INTRODUCTION:

MAY 28 2015

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

[Handwritten signature]

Deputy Corporation Counsel

APPROVED this 19th day of August, 20 15.

[Handwritten signature]

KIRK CALDWELL, Mayor
City and County of Honolulu

2015 MAY 28 PM 5:42
C & C OF HONOLULU
CITY CLERK
RECEIVED

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HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 15-38

BILL 45 (2015)

Introduced: 05/28/15

By: TREVOR OZAWA

Committee: ZONING AND PLANNING

Title: A BILL FOR AN ORDINANCE RELATING TO BABY DIAPER-CHANGING ACCOMMODATIONS.

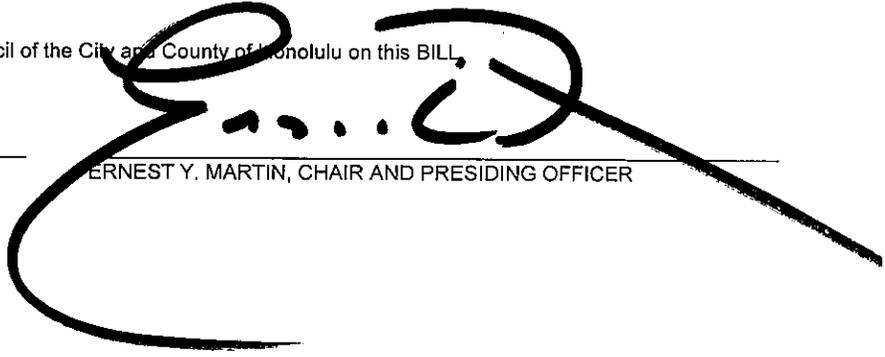
Voting Legend: * = Aye w/Reservations

06/03/15	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON ZONING AND PLANNING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
06/18/15	ZONING AND PLANNING	CR-266 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.
06/27/15	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
07/08/15	COUNCIL/PUBLIC HEARING	CR-266 ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING AND PLANNING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
07/15/15	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
07/23/15	ZONING AND PLANNING	CR-300 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.
08/05/15	COUNCIL	CR-300 ADOPTED AND BILL 45 (2015) PASSED THIRD READING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.



GLEN TAKAHASHI, CITY CLERK



ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER