ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, APRIL 27, 2015

ITEM 13

REQUEST FOR APPROVAL OF AN ORDINANCE CREATING A NEW SECTION 7-16 SFCC 1987 TO REQUIRE THAT SINGLE-OCCUPANT PUBLIC OR EMPLOYEE RESTROOMS IN ANY COMMERCIAL FACILITY BE GENDER NEUTRAL AND IDENTIFIED AS SUCH BY APPROPRIATE SIGNAGE **(MAYOR GONZALES, COUNCILORS LINDELL AND IVES) (GREG SMITH)**

PUBLIC WORKS COMMITTEE ACTION: Approved

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO	X		
COUNCILOR BUSHEE	X		
COUNCILOR DIMAS		X	
COUNCILOR DOMINGUEZ	X		
COUNCILOR RIVERA		X	

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Bill No. 2015-___

Gender Neutral Restrooms

SPONSOR(S): Mayor Gonzales, Councilor Lindell and Ives

SUMMARY: The proposed bill creates a new Section 7-16 SFCC 1987 to require that single-occupant public or employee restrooms in any commercial facility be gender neutral and identified as such by appropriate signage.

PREPARED BY: Rebecca Seligman, Legislative Liaison Assistant

FISCAL IMPACT: No

DATE: April 21, 2015

ATTACHMENTS: Bill
FIR

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2015-____

INTRODUCED BY:

Mayor Javier M. Gonzales

Councilor Signe Lindell

Councilor Peter Ives

AN ORDINANCE

CREATING A NEW SECTION 7-16 SFCC 1987 TO REQUIRE THAT SINGLE-OCCUPANT PUBLIC OR EMPLOYEE RESTROOMS IN ANY COMMERCIAL FACILITY BE GENDER NEUTRAL AND IDENTIFIED AS SUCH BY APPROPRIATE SIGNAGE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. A new Section 7-16 SFCC 1987 is ordained to read:

7-16 [NEW MATERIAL] SINGLE-OCCUPANT RESTROOMS.

7-16.1 [NEW MATERIAL] DEFINITIONS.

Gender neutral signage means a sign that indicates a restroom without preference to a specific gender.

Private or private use restroom means plumbing fixtures in residences and apartments, private bathrooms in hotels and hospitals, and restrooms in commercial establishments where the fixtures are intended for the use of a family or an individual and are accessible only from a private room or office.

Single-occupant restroom means a lockable restroom available for an individual for use with

or without assistance.

7-16.2 [NEW MATERIAL] Applicability.

This section applies to single-occupant restrooms within commercial facilities that are not private or private use restrooms. This section is an additional requirement to those already required in the Santa Fe City Code.

7-16.3 [NEW MATERIAL] Signage Required.

A. A single-occupant restroom subject to this Section shall have gender-neutral signage.

B. A person with control over a commercial facility with at least one (1) single-occupant restroom shall install and maintain gender-neutral signage for each single-occupant restroom.

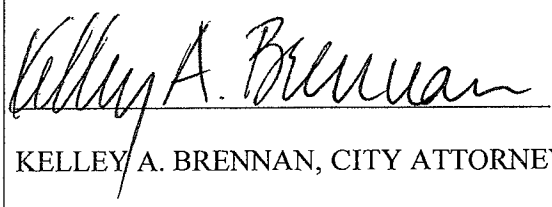
7-16.4 [NEW MATERIAL] Amendment to Section 2902.2 of the International Building Code; Separate Facilities.

2902.2 Separate facilities. Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

1. Separate facilities shall not be required for *dwelling units* and *sleeping units*.
2. Separate facilities shall not be required in structures or tenant spaces with a total *occupant load*, including both employees and customers, of 15 or less.
3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 50 or less.
4. Single-occupant public or employee restrooms shall not be restricted to use by a specific sex or gender identity by means of signage, design or installation of fixtures.

APPROVED AS TO FORM:



KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Bills 2015/Gender Neutral Restrooms v.2

FIR No. 2648

City of Santa Fe
Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. **General Information**
(Check) Bill: X Resolution: _____
(A single FIR may be used for related bills and/or resolutions)

Short Title(s): **ORDINANCE CREATING A NEW SECTION 7-16 SFCC 1987 TO REQUIRE THAT SINGLE-OCCUPANT RESTROOMS IN ANY COMMERCIAL FACILITY BE GENDER NEUTRAL AND IDENTIFIED AS SUCH BY APPROPRIATE SIGNAGE.**

Sponsor(s): Mayor Gonzales, Councilors Lindell and Ives
Reviewing Department(s): City Attorney / Land Use
Person Completing FIR: Rebecca Seligman / Lisa Martinez Date: April 2, 2015 Phone: 955-6501 / 955-6617

Reviewed by City Attorney: Kelly A. Brennan (Signature) Date: 4/21/15

Reviewed by Finance Director: (Signature) Date: 4-21-2015

Section B. **Summary**

Briefly explain the purpose and major provisions of the bill/resolution.
The purpose of this ordinance is to create a new section 7-16 SFCC 1987 to require that single-stall restrooms in any commercial facility be gender neutral and identified as such by appropriate signage.

Section C. **Fiscal Impact**
Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:
a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
b. Indicate: "A" if current budget and level of staffing will absorb the costs
"N" if new, additional, or increased budget or staffing will be required
c. Indicate: "R" – if recurring annual costs
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

_____X_____ Check here if no fiscal impact

Column #: 1	2	3	4	5	6	7	8
Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected
Personnel*	$_____	_____	_____	$_____	_____	_____	_____
Fringe**	$_____	_____	_____	$_____	_____	_____	_____
Capital Outlay	$_____	_____	_____	$_____	_____	_____	_____
Land/ Building	$_____	_____	_____	$_____	_____	_____	_____
Professional Services	$_____	_____	_____	$_____	_____	_____	_____
All Other Operating Costs	$_____	_____	_____	$_____	_____	_____	_____
Total:				$_____			

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

a. To indicate new revenues and/or

b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #: 1	2	3	4	5	6
Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected
_____	$_____	_____	$_____	_____	_____
_____	$_____	_____	$_____	_____	_____
_____	$_____	_____	$_____	_____	_____
Total:	$_____		$_____		

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

None

Section D. **General Narrative**

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None staff is aware of

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

If the ordinance is not enacted, the creation of a new Section 7-16 SFCC 1987 to require that single-occupant restrooms in any commercial facility be gender neutral and identified as such by appropriate signage would not exist.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

N/A

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

Creation of the code would make it clear to the public, through signage, that single occupant restrooms are gender neutral.

Form adopted: 01/12/05; revised 8/24/05; revised 4/17/08