



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 050617

Introduced June 9, 2005

Councilmembers Rizzo, Krajewski, Miller, Clarke, Goode, Reynolds Brown, Ramos, Council President Verna, Councilmembers DiCicco, Mariano, Blackwell, Tasco, Kenney, Kelly, Cohen, O'Neill and Nutter

**Referred to the
Committee on Licenses and Inspections**

AN ORDINANCE

Amending Chapter 5 of The Philadelphia Code, entitled "Non-Residential Occupancies" by adding a new Section PM-504.5 entitled "Minimum Water Closets in Places of Public Assembly" to alleviate the unequal impact inconveniencing women.

WHEREAS, Almost every woman can recall waiting in a long line to use the bathroom, while there was no comparable line for a neighboring men's bathroom; and

WHEREAS, According to studies by Dr. Sandra Rawls on patterns of behavior in the use of bathrooms, it frequently takes women twice as long to use the bathroom as it does men; and

WHEREAS, The 2003 International Building Code requires approximately twice as many water closets for women as for men in arenas, bars, concert halls, convention halls, motion picture theatres, public dance halls, stadiums, and theatres; and

WHEREAS, The lack of equality between men and women results in the continuation of inconveniences seemingly directed at women; and

WHEREAS, Numerous jurisdictions, including California, Minnesota, Pennsylvania, Tennessee, Texas, Washington and New York City, have enacted restroom equity laws; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

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SECTION 1. Chapter 5 of The Philadelphia Code, entitled “Non-Residential Occupancies” by adding a new Section PM-504.5 entitled “Minimum Water Closets in Places of Public Assembly”

PM-504.5.1 Definitions.

PM-504.5.2 Applicability.

PM-504.5.3 Minimum requirements.

PM-504.5.4 Waivers.

PM-504.5.1 Definitions:

a. “Convention hall” shall mean any building or space utilized, during the major period of occupancy, for the holding of exhibitions or conventions.

b. “Specified place of public assembly” shall mean any arena, bar, concert hall, convention hall, motion picture theatre, public dance hall, stadium, or theatre open to the general public.

c. “Public dance hall” shall mean any building or space utilized, during the major period of occupancy, for dancing, and where alcoholic beverages are permitted to be served.

PM-504.5.2 Applicability.

a. Notwithstanding any other provision of this code, the provisions of this article shall apply to any bathroom open to the general public in the following:

(1) Any specified place of public assembly in a new building or space;

(2) Any specified place of public assembly in an existing building or space that has been altered where the alteration of the building or space results in a change in the

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occupancy group classification of the building or space under the provisions of this chapter;

(3) Any specified place of public assembly that is altered where the cost of making alterations in any twelve-month period shall exceed thirty percent of the value of such building or space, provided such bathroom is part of the work area of such alterations; and

(4) Any specified place of public assembly that is altered where the cost of making alterations in any twelve-month period shall exceed fifty percent of the value of such building or space.

b. This article shall not apply to any building or space owned by any school or hospital and used for any educational or health purpose.

PM-504.5.3 Minimum requirements.

a. The number of water closets required for any specified place of public assembly shall be as listed in Table 5-1.

TABLE 5-1

<i>Number of Persons</i>	<i>Number of Water Closets for Men</i>	<i>Number of Water Closets for Women</i>
<i>1-150^a</i>	<i>1</i>	<i>2</i>
<i>151-300</i>	<i>2</i>	<i>4</i>
<i>301-450</i>	<i>3</i>	<i>6</i>

Note for Table 5-1:

^a The requirements for the number of water closets for occupancy by 150 persons or less shall not apply to bars except that there shall be at least one water closet for men and at least one water closet for women or an equivalent number of unisex bathrooms.

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For occupancy by more than 450 persons, there shall be one water closet for men and two water closets for women for each additional 300 persons. The population used to determine the number of water closets required shall be based on the number of people to occupy the space; provided, however, that in no case shall the population be deemed less than that determined by allowing one hundred and twenty-five square feet of floor area per person.

b. Urinals may be provided in bathrooms in lieu of water closets but the number shall not exceed fifty percent of the required number of water closets.

c. Unisex bathrooms may be provided in lieu of separate bathrooms for men and women.

d. This section is only intended to change the ratio of men's and women's water closets required in this code as provided herein, and is not intended to require more than one water closet per fifty persons for occupancy by 450 persons or less, or more than one water closet per one hundred persons for occupancy by more than 450 persons.

PM-504.5.4 Waivers.

a. The commissioner may waive the requirements of this article for the alteration of existing buildings; provided, however, that such waiver is based upon a specific finding that strict compliance with these requirements:

(1) would create an undue economic burden; or

(2) would not achieve its intended objective; or

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(3) would be physically or legally impossible; or

(4) would be unnecessary in light of alternatives which insure the achievement of the intended objective or which achieve the intended objective more efficiently, effectively or economically; or

(5) would entail a change so slight as to produce a negligible additional benefit consonant with the purposes of this article.

b. Each application for a waiver under subdivision (a) of this section shall be made to the commissioner in writing, setting forth each requirement sought to be waived and the specific reason or reasons therefore. The commissioner shall determine, under all of the circumstances presented by such application, which of such requirements may appropriately be waived. The commissioner shall render such determination in a writing which shall set forth in detail the commissioner's findings and conclusions with respect to each requirement sought to be waived. A copy of such written determination shall be forwarded to the applicant. Such written determination shall be filed with the department and shall be available for public inspection.

SECTION 2. This Ordinance shall become effective upon 90 days after its enactment.

Explanation:

Italics indicate new matter added.

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