

ORDINANCE NO. _____

BILL NO. _____ (2015)

A BILL FOR AN ORDINANCE TO REQUIRE BABY DIAPER-CHANGING
ACCOMMODATIONS FOR CERTAIN NEW ESTABLISHMENTS AND USES

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

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

SECTION 2. Title 8, Maui County Code, is amended by adding a new
chapter to be appropriately designated and to read as follows:

“Chapter 8.36

BABY DIAPER-CHANGING ACCOMMODATIONS

Sections:

- 8.36.010 Definitions.
- 8.36.020 Establishments or uses.
- 8.36.030 Requirement.
- 8.36.040 Exemptions.

8.36.010 Definitions. When used in this chapter, unless
the context clearly indicates a different meaning, the following
words and terms shall be defined as follows:

“Baby diaper-changing accommodation” means a safe,
sanitary, and convenient baby diaper-changing station, deck,
table, or similar amenity that is installed or placed in a separate,
designated location. Such accommodations may include stations,
decks, and tables in women’s and men’s restrooms or family
restrooms.

“New establishment or use” means establishments or uses
substantially modified after the effective date of this ordinance;
establishments or uses instituted, pursuant to a certificate of
occupancy, after the effective date of this ordinance; and

establishments or uses that have unlawfully failed to obtain certification of occupancy.

8.36.020 Establishments or uses. Establishments or uses subject to this chapter are:

1. Airports;
2. Art galleries and museums;
3. Automobile services as defined in section 19.04.040;
4. Day care facilities as defined in section 19.04.040;
5. Eating establishments;
6. Financial institutions;
7. Home improvement centers;
8. Hospitals;
9. Hotels as defined in section 19.04.040;
10. Indoor amusement and recreation facilities;
11. Medical centers as defined in section 19.04.040;
12. Meeting facilities;
13. Grocery stores;
14. Office buildings;
15. Photography studios;
16. Public facilities as defined in section 19.04.040;
17. Retail establishments;
18. Theaters; and
19. Trade or convention centers.

An establishment or use shall be deemed substantially modified and, therefore, a new establishment or use if any of the following exists:

1. Reconstruction, rehabilitation, addition, or other improvements require more than 50 percent of the gross floor area occupied by the establishment or use to be rebuilt.
2. The estimated cost of construction, rehabilitation, addition, or other improvements, as set forth in the applicable building permit, is at least \$50,000.
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.

8.36.030 Requirement. Every new establishment or use shall be required to provide baby diaper-changing accommodations. Each such establishment or use shall be required to provide, at each floor level containing restrooms for public use, at least one baby diaper-changing accommodation that is accessible to women and one that is accessible to men, or a single accommodation accessible to both. Each such

establishment or use shall provide signage indicating the location of baby diaper-changing accommodations.

8.36.040 Exemptions. A. No structural changes to existing restroom. An establishment or use shall not be deemed substantially modified if no structural changes are made to any existing restroom.

B. Hardship. An establishment or use shall not be subject to the requirement in section 8.36.030 if: (i) the cost of providing baby diaper-changing accommodations exceeds ten percent of the cost of constructing, purchasing, or substantially modifying the building or facility occupied by the establishment or use; or (ii) it is not physically possible to provide a baby diaper-changing accommodation.”

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:mkz:15-166a