

ORDINANCE NO. 31193

An ordinance amending Chapter 19, "Health and Sanitation," of the Dallas City Code by adding a new Section 19-38, "Diaper Changing Accommodations in Restrooms," to Article I; deleting Section 19.38, "Reserved," from Article II; requiring at least one safe, sanitary, and convenient diaper changing accommodation in publicly available and accessible restrooms in city-owned buildings and structures containing certain restaurant and retail uses; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Article I, "In General," of Chapter 19, "Health and Sanitation," of the Dallas City Code is amended by adding a new Section 19.38, "Diaper Changing Accommodations in Restrooms," read as follows:

"SEC. 19-38. DIAPER CHANGING ACCOMMODATIONS IN RESTROOMS.

(a) In general. Except as provided in Subsection (d), it shall be unlawful to operate a use listed in Subsection (c) or a city-owned building that is not equipped with a minimum of one safe, sanitary, and convenient diaper changing accommodation in each publicly available and accessible restroom.

(b) Definitions. In this section,

(1) **DIAPER CHANGING ACCOMMODATION** means a table or other device suitable for changing the diaper of a child age three or under.

(2) **MAJOR RENOVATION** means reconstruction, alteration, or renovation of a main structure that involves reconfiguration of a publicly available and accessible restroom.

(3) **NEW CONSTRUCTION** means construction of a main structure that did not exist as of May 8, 2019 and requires public restrooms.

(c) Applicability. This section only applies to new construction and major renovations of:

(1) city-owned buildings;

(2) structures containing the following land uses as defined in Chapter 51, "Dallas Development Code":

(A) clothing store;

(B) drive-in restaurant;

(C) drug store;

(D) hardware or sporting goods store;

(E) home improvement center;

(F) restaurant without drive-in service;

(G) retail food store;

(H) theatre; and

(3) structures containing the following land uses as defined in Chapter 51A, "Dallas Development Code":

(A) general merchandise or food store 3,500 square feet or less;

(B) general merchandise or food store greater than 3,500 square feet;

(C) general merchandise or food store 100,000 square feet or more;

(D) restaurant without drive-in or drive-through service;

(F) restaurant with drive-in or drive-through service; and

(G) theater.

(d) Exception. The requirement in Subsection (a) does not apply to a restroom that contains clear and conspicuous signage indicating where an alternative restroom with a diaper changing accommodation is located. The alternative restroom must be one that is assigned to individuals of the gender of the original restroom or one that is available to all individuals."

SECTION 2. That Section 19-38, "Reserved," of Article II, "City Health Officer," of Chapter 19, "Health and Sanitation," of the Dallas City Code is deleted as follows:

~~[SEC. 19-38. RESERVED.]~~

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 4. That Chapter 19 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By 
Assistant City Attorney

Passed MAY 08 2019



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL MAY 08 2019

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DATE PUBLISHED MAY 11 2019

ATTESTED BY: