



City Council Staff Report

DATE: July 13, 2016

CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1895
RELATING TO ALL-GENDER RESTROOMS IN BUSINESSES AND
PUBLIC ACCOMMODATIONS.

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance No. 1895.

RECOMMENDATION:


Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1895, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING ARTICLE IX TO CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO ALL-GENDER RESTROOMS IN BUSINESSES AND PUBLIC ACCOMMODATIONS."

STAFF ANALYSIS:


On July 6, 2016, Ordinance No. 1895 was introduced for first reading, as noted below:

ACTION: Waive the reading of the ordinance text in its entirety and introduce by title only for first reading Ordinance No. 1895, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, RELATING TO ALL-GENDER RESTROOMS IN BUSINESSES AND PUBLIC ACCOMMODATIONS."
Motion Councilmember Roberts, seconded by Pro Tem Mills and unanimously carried 5-0 on a roll call vote.

This report provides for the City Council to waive further reading and adopt the ordinance. The ordinance shall be effective 30-days from adoption.



James Thompson
City Clerk



David H. Ready, Esq., Ph.D.
City Manager

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Attachments:
Ordinance No. 1895

ORDINANCE NO. 1895

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING ARTICLE IX TO CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO ALL-GENDER RESTROOMS IN BUSINESSES AND PUBLIC ACCOMMODATIONS.

City Attorney's Summary

This Ordinance requires that access to all single-occupancy restrooms in businesses and places of public accommodation shall not be restricted to persons of a specific sex or gender identity

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:

SECTION 1. Article IX is added to Chapter 8.04 of the Palm Springs Municipal Code to read:

ARTICLE IX. ALL-GENDER RESTROOMS

8.04.900 Findings.

(a) The creation of all-gender toilet facilities through this Chapter will not affect anyone's right to use facilities consistent with their gender identity. While some transgender or gender nonconforming people may choose to use all-gender facilities, no one can be required to use an all-gender toilet facility because of their identity or appearance.

(b) Transgender and gender-nonconforming people frequently experience harassment in toilet facilities. Required use of gender-specific toilet facilities can create unnecessary risk that leads to transgender and gender-nonconforming people being denied access, being verbally harassed, or physically assaulted in these facilities. These experiences, in turn, impact one's education, employment, health, and participation in public life. This is especially true for transgender women of color, who experience the highest rates of discrimination. To address this ongoing discrimination and harassment, it is essential to provide more all-gender toilet facilities.

(c) All-gender toilet facilities also benefit the entire community. They provide universal access for families with small children, people with disabilities who rely upon personal care assistance from an attendant or family member, and seniors who require assistance or supervision.

(d) In order to be inclusive of all gender identities, this Article uses the term "all-gender" toilet facilities rather than "unisex" or "gender-neutral" toilet facilities.

8.04.901. Requirement.

(a) No later than October 1, 2016, all single-occupancy restrooms in businesses and places of public accommodation in operation on the effective date of this Article shall be all-gender, meaning that access shall not be restricted to persons of a specific sex or gender identity, and any existing gender-specific room identification signage on each such single-occupancy restroom shall be removed and replaced with signage for all genders that complies with either Title 24 of the California Code of Regulations or the Federal Americans with Disabilities Act.

(b) Any business or place of public accommodation that commences operation after the effective date of this Article shall provide the required room identification signage and make each single-user toilet facility available for use by persons of any sex or gender identity immediately upon opening to the public.

(c) Nothing in this Article shall be construed as requiring or authorizing (1) a reduction in the number of toilet facilities that are required by Title 24 of the California Code of Regulations or (2) a reduction in the number of toilet facilities accessible to persons with disabilities that are otherwise required under either Title 24 of the California Code of Regulations or the Federal Americans with Disabilities Act.

SECTION 2. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL
THIS 13th DAY OF JULY, 2016.

ROBERT MOON, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Ordinance No. 1895 is a full, true and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on the 6th day of July, 2016, and adopted at a regular meeting of the City Council held on the 13th day of July, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California