

Adopted: December 5, 2023
Effective Date: January 1, 2024

Councilmember Miller moved the following resolution's adoption:

RESOLUTION ADOPTING THE PROPOSED ENACTMENT OF SECTION 322.1 OF ARTICLE XXXI OF THE BUILDING ZONE ORDINANCE, IN RELATION TO ADULT CHANGING STATIONS.

WHEREAS, pursuant to Resolution No. 1358-2023, adopted November 21st, 2023, a public hearing was duly called, noticed for on the 5th day of December, 2023, at the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, at 10:30 o'clock in the forenoon of that day, to consider the proposed enactment of Section 322.1 of Article XXXI of the Building Zone Ordinance, in relation to adult changing stations; and

WHEREAS, after due deliberation this Town Board finds it in the public interest to amend the Building Zone Ordinance of the Town of Hempstead, as aforesaid;

NOW, THEREFORE, BE IT

RESOLVED, the enactment of Section 322.1 of Article XXXI of the Building Zone Ordinance, in relation to adult changing stations, is hereby adopted, such that it shall state as follows:

Article XXXI

General Provisions

* * *

§322.1 Adult changing stations.

A. The existing New York State Building Code contains provisions requiring the installation of restroom fixtures usable by most New Yorkers with special health needs, but the existing standards for "handicapped accessible" toilet facilities only suffice for persons whose special health need allow for the use of conventional toilet fixtures. For persons whose special health needs do not allow this, caregivers are left with the unpleasant dilemma of leaving their charges in soiled diapers and/or clothing, or perhaps improvising by laying the person in their care in extremely unsanitary places such as on the floor of a public lavatory. The effective alternative of keeping persons with severe special health needs out of public buildings entirely is simply unacceptable. Public buildings exist for the benefit of all residents, of all ages and conditions, and it is unconscionable that any person be forced to endure such an unpleasant, hazardous, and unhealthy environment within a building which exists for the impartial advantage and use of every person.

B. Definitions.

As used in this section,

"Adult Changing Station" means an Adult Changing Table placed within an enclosed restroom facility or other similar private facility that is for use by persons with special health care needs.

"Adult Changing Table" means a padded, horizontal flat raised surface area between 32 and 36

inches above the floor, which may be wall-mounted or freestanding, for safely diapering a person of at least two hundred fifty pounds weight, and equipped with either a roll of examination table paper or a system to sanitize the surface.

“Place of Public Accommodation” means an auditorium, convention center, cultural complex, exhibition hall, permanent amusement park, sports arena, theater, movie house, or hospital for which the maximum occupancy is determined to be 2,000 or more individuals.

“Public Building” means any building which is at least 100,000 square feet, exclusive of a basement, which provides a bathroom accessible to the public in an area controlled or otherwise managed by the landlord and not a tenant.

“Public Business Use” means any business use greater than 100,000 square feet, exclusive of a basement, inside of a building which provides a bathroom accessible to the public.

C. In addition to complying with the Americans with Disabilities Act and the New York State Uniform Fire Prevention and Building Code, all newly constructed Places of Public Accommodation, Public Buildings, and Public Business Uses, and all Places of Public Accommodation, Public Buildings, and Public Business Uses as of December 31, 2025, shall install and maintain at least one Adult Changing Station. Each Adult Changing Station shall be accessible to any person when the Place of Public Accommodation, Public Building, or Public Business Use is open to the public. A Place of Public Accommodation, Public Building, and Public Business Use shall ensure the entrance to each Adult Changing Station has conspicuous signage indicating the location of the Adult Changing Station. A Place of Public Accommodation’s or Public Building’s central directory shall indicate the location of the Adult Changing Station if the Place of Public Accommodation or Public Building has a central directory.

* * *

; and, BE IT FURTHER

RESOLVED, the said amendment shall take effect according to law, and that the Town Clerk shall enter said amendment in the Minutes of the Town Board and the Ordinance Book and shall publish a copy of this resolution once in a newspaper having a general circulation in the Town of Hempstead, and file in her office an affidavit of such publication.

The foregoing resolution was seconded by Councilmember Goosby and adopted upon roll call as follows:

AYES: SEVEN (7)

NOES: NONE (0)