

2279

2009-2010 Regular Sessions

I N S E N A T E

February 17, 2009

Introduced by Sens. PARKER, DILAN, DUANE, HASSELL-THOMPSON, KRUEGER, ONORATO, SCHNEIDERMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the executive law, in relation to standards for the number of water closets in certain places of public assembly and increases the number of water closets for women

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The executive law is amended by adding a new section 378-a
2 to read as follows:
3 S 378-A. STANDARDS FOR WATER CLOSETS IN CERTAIN PLACES OF PUBLIC
4 ASSEMBLY. 1. NOTWITHSTANDING ANY RULE, REGULATION OR LAW TO THE CONTRA-
5 RY, STANDARDS FOR WATER CLOSETS IN THE BUILDINGS CONTAINING AREAS OF
6 PUBLIC ASSEMBLY ENUMERATED IN THIS SECTION SHALL BE AS STATED IN THIS
7 SECTION.
8 2. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ANY ARENA, AUDITORI-
9 UM, BUILDING WHERE ALCOHOLIC BEVERAGES ARE SOLD AND CONSUMED, MEETING
10 HALL, MOTION PICTURE THEATRE, PUBLIC DANCE HALL, STADIUM, OR THEATRE IN
11 THE FOLLOWING BUILDINGS OR SPACES:
12 A. NEW BUILDINGS OR SPACES;
13 B. EXISTING BUILDINGS OR SPACES THAT ARE ALTERED WHERE THE COST OF
14 MAKING ALTERATIONS IN ANY TWELVE-MONTH PERIOD SHALL EXCEED THIRTY
15 PERCENT OF THE VALUE OF THE BUILDING OR SPACE; AND
16 C. EXISTING BUILDINGS OR SPACES THAT ARE ALTERED WHERE THE ALTERATION
17 OF THE BUILDING OR SPACE RESULTS IN A CHANGE IN THE OCCUPANCY GROUP
18 CLASSIFICATION OF THE BUILDING OR SPACE UNDER THE PROVISIONS OF THE
19 BUILDING CODES APPLICABLE IN THE STATE OF NEW YORK.
20 3. BY JANUARY FIRST, TWO THOUSAND TEN, ANY ARENA, AUDITORIUM, BUILDING
21 WHERE ALCOHOLIC BEVERAGES ARE SOLD AND CONSUMED, MEETING HALL, MOTION
22 PICTURE THEATRE, PUBLIC DANCE HALL, STADIUM, OR THEATRE NOT SUBJECT TO

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD01281-01-9

1 SUBDIVISION TWO OF THIS SECTION SHALL RE-DESIGNATE EXISTING BATHROOMS
2 FOR THE USE BY PERSONS OF ONE SEX TO THE OTHER, IF MORE THAN TWO BATH-
3 ROOMS EXIST IN SUCH FACILITY, AND IF DOING SO WOULD PRODUCE A RATIO OF
4 WATER CLOSETS DESIGNATED FOR THE USE OF WOMEN AND MEN THAT MORE CLOSELY
5 APPROXIMATES THE RATIO OF WOMENS' TO MENS' WATER CLOSETS REQUIRED UNDER
6 SUBDIVISION FOUR OF THIS SECTION.

7 4. A. THE MINIMUM REQUIREMENT FOR THE NUMBER OF WATER CLOSETS PURSUANT
8 TO THIS SECTION FOR ANY ARENA, AUDITORIUM, BUILDING WHERE ALCOHOLIC
9 BEVERAGES ARE SOLD AND CONSUMED, MEETING HALL, MOTION PICTURE THEATRE,
10 PUBLIC DANCE HALL, STADIUM, OR THEATRE SHALL BE AS LISTED IN TABLE 1.

11 TABLE 1

12 NUMBER OF PERSONS	13 NUMBER OF WATER CLOSETS FOR MEN	14 NUMBER OF WATER CLOSETS FOR WOMEN
15 1-150	16 1	17 2
18 151-300	19 2	20 4
21 301-450	22 3	23 6

24 FOR OCCUPANCY BY MORE THAN FOUR HUNDRED FIFTY PERSONS, THERE SHALL BE
25 ONE WATER CLOSET FOR MEN AND TWO WATER CLOSETS FOR WOMEN FOR EACH ADDI-
26 TIONAL THREE HUNDRED PERSONS. THE POPULATION USED TO DETERMINE THE
27 NUMBER OF WATER CLOSETS REQUIRED SHALL BE BASED ON THE NUMBER OF PEOPLE
28 TO OCCUPY THE SPACE; PROVIDED, HOWEVER, THAT IN NO CASE SHALL THE POPU-
29 LATION BE DEEMED LESS THAN THAT DETERMINED BY ALLOWING ONE HUNDRED TWEN-
30 TY-FIVE SQUARE FEET OF FLOOR AREA PER PERSON.

31 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
SANITARY FIXTURES.

S 2. This act shall take effect on the ninetieth day after it shall
have become a law; provided that the secretary of state is immediately
authorized and directed to promulgate, amend and/or repeal any rules and
regulations necessary to implement the provisions of this act on its
effective date.