

City of Cincinnati

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An Ordinance No. _____

- 2021

ESTABLISHING new Chapter 886, “Equitable Restrooms,” of Title VIII, “Business Regulations,” of the Cincinnati Municipal Code, and **AMENDING** Section 1501-8, “Class C1 Civil Offenses,” of Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code to require equal access to single-occupancy toilet facilities in public buildings and places of public accommodation for all persons regardless of their sex, gender identity, physical or mental capacity, or familial status.

WHEREAS, the City of Cincinnati is committed to providing for the health, safety, and welfare of all persons who live, work, conduct business, or recreate within its limits; and

WHEREAS, all persons who live and work in Cincinnati should have equal access to restrooms regardless of their sex, gender identity, physical or mental capacity, or familial status; and

WHEREAS, all-gender, single-occupancy restrooms are a safe and efficient means of providing equal restroom access to all persons, and City Council finds that such facilities should be made available to all persons on an equal basis in public buildings and places of public accommodation; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That new Chapter 886, “Equitable Restrooms,” of Title VIII, “Business Regulations,” of the Cincinnati Municipal Code is hereby ordained to read as follows:

CHAPTER 886 - EQUITABLE RESTROOMS

Sec. 886-01. – Definitions.

(a) “Place of public accommodation” has the same meaning provided in Section 914-1-P1, “Places of Public Accommodation,” of the Cincinnati Municipal Code.

(b) “Single-occupancy restroom” means a fully enclosed room, with a locking mechanism controlled by the user, containing no more than one sink, one toilet, and one urinal.

Sec. 886-03. – Single-occupancy Restrooms.

(a) All single-occupancy restrooms located within a public building or place of public accommodation, including family restrooms and accessible restrooms, shall be made available for

use by all persons, regardless of their sex, gender identity, physical or mental capacity, or familial status.

(b) All single-occupancy restrooms located within a public building or place of public accommodation shall be outfitted with exterior signage that identifies the single-occupancy restroom as a restroom and does not indicate use of the restroom is limited to a specific gender.

(c) This provisions of this chapter apply to all existing and future public buildings and places of public accommodation operating on or after the effective date of this chapter.

Sec. 886-05. – Penalties and Enforcement.

(a) A violation of any provision of this chapter shall constitute a class C1 civil offense.

(b) The provisions of this chapter may be enforced by the city manager or the city manager’s designee, including in connection with any inspection of a public building or place of public accommodation conducted by city officials responsible for code enforcement in connection with their official duties.

Section 2. That Section 1501-8, “Class C1 Civil Offenses,” of Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code is hereby amended as follows:

Sec. 1501-8. - Class C1 Civil Offenses.

A person who violates a standard of conduct set forth in a provision of the Cincinnati Municipal Code listed below is liable for the civil fine specified in Section 1501-99 for a Class C1 Civil Offense. If the provision is listed under paragraph (a) below, the otherwise applicable civil fine is reduced by 50% if the person charged shows in accordance with Section 1501-15 that the violation has been corrected. Except that, for occupied property that is in violation of Section 731-3(a), the otherwise applicable civil fine is reduced by 100% if the owner charged shows in accordance with Section 1501-15 that the violation has been corrected and that the owner has not previously received notice of a violation under Section 731-3 at the occupied property. If the provision is listed under paragraphs (a), (b), or (c) below, and if a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within one year, that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, the amount of which fine is specified in Section 1501-99 and is not subject to reduction for correction of the violation. If the provision is listed under paragraph (d) below, and if a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within two years, that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, the amount of which fine is specified in Section 1501-99 and is not subject to reduction for correction of the violation. If the provision is listed under paragraph (e) below, the otherwise applicable civil fine is reduced by 100% if the person charged shows in accordance with Section 1501-15 and the rules and regulations of the board of health that the violation has been corrected and that the owner has not

previously received notice of a violation under Section 609-9. If the provision is listed under paragraph (e) below, and if a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within two years, that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, the amount of which fine is specified in Section 1501-99 and is not subject to reduction for correction of the violation.

(a) Class C1 Civil Offenses With Civil Fines Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 714-11	Duty to Keep Sidewalks Free of Litter	Class D
(2)	§ 714-35	Litter on Occupied or Unoccupied Private Property	Class C1
(3)	§ 714-37	Owner or Person in Control to Maintain Premises Free of Litter	Class C1
(4)	§ 714-39	Litter on Vacant Lots	Class C1
(5)	§ 731-3	Height Restrictions on Unoccupied Private Property (grass and weed control)	Class C1
(6)	Chapter 313	Outdoor Advertising Sign Excise Tax	Class C1
(7)	Chapter 315	Short Term Rental Excise Tax	Class C1
(8)	Chapter 886	Equitable Restrooms	Class C1

(b) Class C1 Civil Offenses With Civil Fines Subject to 100% Reduction for Correction of Violation and a One-Year Period for a Subsequent Offense:

			Civil Fine for Subsequent Offense
(1)	§ 731-3	Height Restrictions on Occupied Private Property (grass and weed control; reduction for first-time offenders only)	Class C1

(c) Class C1 Civil Offenses With Civil Fines Not Subject to 50% Reduction for Correction of Violation and a One-Year Period for a Subsequent Offense:

			Civil Fine for Subsequent Offense
(1)	§ 714-15	Truck and Vehicle Loads Causing Litter or Scattering Debris	Class D

(d) Class C1 Civil Offenses With Civil Fines Not Subject to 50% Reduction for Correction of Violation, and a Two-Year Period for a Subsequent Offense:

			Civil Fine for Subsequent Offense
(1)	§ 609-3	Sale of Tobacco Products to Those Under Twenty-One Years of Age Prohibited	Class E
(2)	§ 1601-57	Enforcement of Emergency Orders	Class D
(3)	§ 1601-59	Enforcement of Health Orders	Class D

(e) Class C1 Civil Offenses With Civil Fines Subject to 100% Reduction for Correction of Violation, and a Two-Year Period for a Subsequent Offense:

			Civil Fine for Subsequent Offense
(1)	§ 609-9	Tobacco Retailer Licensing (reduction for first-time offenders only)	Class E

Section 3. That existing Section 1501-8, "Class D Civil Offenses," of Title XV, "Code Compliance and Hearings," of the Cincinnati Municipal Code is hereby repealed.

Section 4. That the City Manager and the proper City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance.

Section 5. That this ordinance shall take effect and be in force from and after January 1, 2022.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Additions indicated by underline. Deletions indicated by strikethrough.