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Title: A Local Law to amend the New York city plumbing code, in relation to the availability of public restrooms in buildings and spaces that are accessible to the public.

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Int. No. 982

By Council Member Stewart, James, Felder, Barron, Seabrook, White Jr., Gentile, Gonzalez and Mark-Viverito

A Local Law to amend the New York city plumbing code, in relation to the availability of public restrooms in buildings and spaces that are accessible to the public.

Be it enacted by the Council as follows:

Section 1. Section 102.2 of the New York city plumbing code is amended to read as follows:

§ 102.2 Existing installations. [Plumbing] Except as specifically provided for in this code, plumbing systems lawfully in existence at the time of the adoption of this code shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by such plumbing system.

§ 2. Section 403 of the New York city plumbing code is amended by adding a new section 403.6.3 to read as follows:

§ 403.6.3 Applicability. After January 1, 2013, all structures and spaces accessible to the public shall

comply with the provisions of Sections PC 403.6 and PC 403.6.1 of this code including those structures and spaces in existence at the time of the adoption of this code.

§ 403.6.3.1 Waiver of requirements. The commissioner may waive the requirements of Section PC 403.6.3 of this code provided that such waiver is based upon a specific finding that strict compliance with the requirement would:

(1) create an undue economic burden; or

(2) be physically or legally impossible; or

(3) create an undue security risk; or

(4) be unnecessary in light of alternatives which achieve the intended objective more efficiently, effectively or economically.

§ 403.6.3.2 Application for waiver. Each application for a waiver under Section PC 403.6.3.1 of this code shall be made to the commissioner in writing, setting forth the specific reason or reasons therefor. The commissioner shall determine, under all of the circumstances presented by such application, if such requirement may appropriately be waived. The commissioner shall render such determination in a writing which shall set forth in detail the commissioner's findings and conclusions with respect the to requirement sought to be waived. A copy of such written determination shall be forwarded to the applicant. Such written determination shall be filed with the department and shall be available for public inspection.

§ 3. This local law shall take effect immediately upon enactment.

jtb
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