occupant load shall be composed of 50 percent of each sex, unless statistical data approved by the code official indicate a different distribution of the sexes.

2. Add new text as follows:

403.1.1 Fixture calculations. To determine the occupant load of each sex, the total occupant load shall be divided in half. To determine the required number of fixtures, the fixture ratio or ratios for each fixture type shall be applied to the occupant load of each sex in accordance with Table 403.1. Fractional numbers resulting from applying the fixture ratios of Table 403.1 shall be rounded up to the next whole number. For calculations involving multiple occupancies, such fractional numbers for each occupancy shall first be summed and then rounded up to the next whole number.

Exception: The total occupant load shall not be required to be divided in half where approved statistical data indicates a distribution of the sexes of other than 50 percent of each sex.

Reason: Currently you can calculate the fixture requirement by using various methods; this can result in different fixture requirements. This proposed change provides a uniform method of calculation for the plumbing fixtures and realigns the sections involving this calculation. Currently, the code is silent on the rounding of fractions.

Cost Impact: The code change proposal will not increase the cost of construction.

Public Hearing: Committee:        AS     AM     D
Assembly:                        ASF     AMF    DF

P33—06/07
403.4 (IBC [P] 2902.4)

Proponent: Joel E. Shelton, R.P.S., R.P.E.S., J.E.S.AFEHEALTH, LLC

Revise as follows:

403.4 Required public toilet facilities. Customers, patrons and visitors shall be provided with public toilet facilities in structures and tenant spaces intended for public utilization. The accessible route to public facilities shall not pass through kitchens, storage rooms, closets or similar spaces. The required facilities shall be accessible from within the building or from the exterior of the building, provided that the path of travel does not exceed the maximum distances specified by Sections 403.4.1 and 403.4.2. Employees shall be provided with toilet facilities in all occupancies. Employee toilet facilities shall be either separate or combined employee and public toilet facilities.

Reason: The purpose of this proposed change is to provide clarification to the code that has not been previously addressed, implied or otherwise specified. Currently, the primary focus on location of required facilities is on the path of travel in distance and the limitation on path of travel through areas of the building not intended for patron access. This added language will provide needed clarification and eliminate guesswork as to the intent of the code. This clarification can provide economic relief to small businesses, particularly those that might be retrofitting to a change in occupancy of an existing building space by providing flexibility to the compliance formula.

Cost Impact: The code change proposal will not increase the cost of construction.

Public Hearing: Committee:        AS     AM     D
Assembly:                        ASF     AMF    DF

P34—06/07
403.5.1 (New) [IBC [P] 2902.5.1 (New)]

Proponent: Robert A. Brubaker, American Restroom Association

Add new text as follows:

403.5.1 Directional signage. Directional signage indicating the route to the nearest public facilities shall be clearly and conspicuously posted in accordance with Section 3107 of the IBC. Such signage shall be located in a major corridor or aisle, near the entrance to the facilities and at a height where a clear line of sight exists for customers and visitors.

Reason: To strengthen the intent of the existing code section 403, Minimum Plumbing Facilities, and in particular section 403.6, Public facilities, which currently reads as follows: Customers, patrons and visitors shall be provided with public toilet facilities in structures and tenant spaces intended for public utilization.

When toilet facilities are locked, or when the only toilet facilities are not located in customers areas, customers, patrons and visitors are sometimes told there are no restrooms or that the only toilet facilities are for the use of ‘employees only.’ Code mandated directional signs in the
customer area will likely prevent such misstatements. If the signs were to be removed, Commercial Code Enforcement Officials would have a clearly visible violation rather than a complaint of not being allowed to use the public facility, a complaint which is more difficult for the Enforcement Officials to investigate and verify.

Bibliography: The American Restroom Association frequently receives requests from people who were not allowed to use toilet facilities in places of public assembly where the adopted IPC code clearly indicated that they should have been allowed to use these facilities. We also work with the media to make the public aware of the provisions of section 403 of the IPC.

The following is from a comprehensive review of the problem that appeared in an major American newspaper …As it turns out, many U.S. merchants may be unwittingly in violation of plumbing codes when it comes to letting the public use their bathrooms. A growing number of states now include language in their codes spelling out requirements for customer restroom …

Source: The Wall Street Journal ‘Bathroom Backlash Arrives on Main Street’ July 26, 2005

Additional Media

ROCHESTER N.H. ...The city's health and plumbing inspector, ...notified store employees and the supervisor that they were wrong in denying the woman access to the bathroom... ... the state inspector, agreed, listing a series of state codes dating back to the late 1970s in addition to the 2000 edition of the International Plumbing Code....

Source: 'Woman denied use of public restroom at Rochester thrift store.' Fosters Daily Democrat June 9, 2005
http://www.fosters.com/apps/pbcs.dll/article?AID=/20050609/NEWS05/106090089/-1/CITIZEN

Story in a national sanitation trade paper,

Haven't we all been there? You're walking around in a busy tourist community. You need to use a restroom. The only available facilities are inside the shops and restaurants. And they all have signs on the front door saying, "No Public Restroom," …

Source: ‘Going Downtown - A non-profit group sees a role for portable restrooms in solving the problem of inadequate sanitary facilities in public gathering places’ October 2002 issue of PUMPER Magazine. by Ted J. Rulseh Sr Editor

Voices of real people who contacted the American Restroom Association.

Note: the following anecdotes are provided to illustrate the poignant human element of the problem. They have taken place countrywide and are not limited to only those municipalities that have adopted the IPC.

As an IC patient myself, I was shopping at [deleted reference] about two years ago when I had sudden bladder spasm that left me gasping in pain. I asked the manager if I could use the restroom and she haughtily proclaimed "No," I said, "I have a medical condition and a medic alert card. Would that make a difference?" She said "No" and urged that I walk a block (impossible at the time) to another store to use their public restroom. Funny, I was buying more than $200 worth of merchandise... and yet that wasn't worth anything in her eyes. So, I raised my voice slightly... said something about recently having surgery. She shook her head... and other customers came to my defense. About five agonizing minutes later, she grudgingly allowed an employee to escort me to their bathroom.

Source: Email: dated Jan 04, 2003 8:10 AM .

I had a very upsetting situation yesterday. I was in a [name deleted] store. It was a stand alone building, not in a mall. It was cold and rainy and I lost my car keys. My husband was on his way to get me when my 3 year old said he needed to go to the potty. The store refused to let us use their facility due to company policy. About 4 minutes later, my child urinated in his pants and on the floor. This was a large store and it is hard for me to believe that they are not legally suppose to have a public facility. This was in Raleigh NC. What is the legality of this situation?

Source: Email dated, Feb 16, 2003 5:46 AM

I had a situation yesterday where I needed to use the restroom badly & the manager of the store wouldn't let me use it. I have ulcerative colitis. So I had to go very bad. I defecated myself. That was the most embarrassing thing to happen to me. So I want to know what steps to take next. Please contact me a.s.a.p so I know what to do about this situation! Thank you.

Source: Email dated Aug 04, 2003 11:18 AM

I was x-mas shopping in a local (removed name) retail store with my 4 year old son recently. While shopping, he told me that he had a bellyache and needed to go (#2) to the bathroom. We walked up to the clerk at the counter and he waited patiently until she was finished assisting another customer. When he asked, she point blank said no to him and pointed to a fast food restaurant down the street. She claimed that it was the store's policy. [deleted text] I am furious to think that a store can be so cruel and uncaring to a child. It's difficult enough for adults to have to "hold it" in a crisis such as that let along a child who is only 4 years old.

Source: Email dated December 18, 2003 8:54 PM

I read some of the "real people voices" and found myself in the same position as some of those with young children. I too have a young child and was denied the use of their facilities because their safety door did not have a lock on it. I was unclear on what that had to do with the use of the bathroom ...

Source: Web feedback dated 07 Apr 04 01:08:25

I am pregnant and had a sudden emergency to use the bathroom. I was in a [deleted] in Lunenburg, Ma, I explained my situation and was told "no". I even went to the manager and he said that so and so would have a cow, so I couldn't. I put down my basket and left. Can they do this

Source: Web feedback dated 14 Apr 04 08:09:10

Cost Impact: The code change proposal will minimally increase the cost of construction.