

ORDINANCE NO. 2018-07

AN ORDINANCE of the City of Bainbridge Island, Washington, establishing a gender inclusive restroom requirement as part of a new Title 7, Human Rights, of the Bainbridge Island Municipal Code.

WHEREAS, the City’s Comprehensive Plan Vision 2036 specifically states that, “We are an optimistic, forward looking and welcoming people – open to new ideas, industrious business people, new and traditional culture, and people of all ages and backgrounds”; and

WHEREAS, transgender and gender non-conforming individuals face violence, discrimination, and lack of access at rates far exceeding other members of the community; and

WHEREAS, rolling back federal protections for transgender individuals puts the most vulnerable members of the LGBTQ community more deeply in danger; and

WHEREAS, anti-transgender organizations in Washington State have actively sought to restrict, via referendum, an individual’s rights to their gender identity limiting their access to public restroom facilities by their birth gender; and

WHEREAS, the City has a duty to protect the rights and dignity of all its residents.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN, AS FOLLOWS:

Section 1. A new Title 7, Human Rights, is added to the Bainbridge Island Municipal Code.

Section 2. A new Chapter 7.01 is hereby added to Title 7 to read as follows:

Chapter 7.01 Access to Public Restrooms and Public Facilities

7.01.010 Requirements for single-occupant restrooms

- A. Single-occupant restrooms in places of public accommodation, facilities of the City, and facilities of taxing districts located on Bainbridge Island shall not be restricted to a specific sex or gender identity and shall use appropriate signage to indicate such restrooms are designated for use by any person, regardless of sex or gender identity.
- B. Individuals or entities owning or operating restrooms covered by this chapter shall have 180 days from the effective date of this ordinance to comply by replacing existing signs on the exterior of single-occupant restrooms restricting use to a single gender with signs indicating that they are for use by all genders.

7.01.020 Individual rights.

An individual shall have the right to use a public restroom or a public facility that best conforms to their chosen gender identity and expression.

7.01.030 Enforcement.

- A. The Code Enforcement Officer shall investigate alleged violations of this chapter and shall have such powers and duties in the performance of these functions as are defined in this chapter, Chapter 1.26 BIMC, and otherwise necessary and proper in the performance of the same and provided for by law. Procedures for reporting violations of this chapter shall be determined by Director's rule.
- B. The Director is authorized and directed to promulgate rules to enforce this chapter.
- C. If, after 180 days from the effective date of the ordinance, it is determined that an individual or entity owning or operating a public restroom or public facility covered by this chapter is not in compliance with the requirements set out in this chapter, the Code Enforcement Officer shall enforce this chapter in the manner specified by Chapter 1.26 BIMC.

7.01.040 Definitions.

“Appropriate signage” means signage that indicates that single-occupant restrooms are not restricted to a single gender. Examples include, but are not limited to, signs with the words “washroom,” “restroom,” “all-gender restroom,” “gender-neutral restroom,” or “unisex,” or that use images to indicate that restrooms are accessible to all genders.

“City” means the City of Bainbridge Island.

“Code Enforcement Officer” means a city official charged with the responsibility to ensure compliance with all state, city, and zoning codes and ordinances as adopted by the City Council.

“Director” means the Director of Planning and Community Development.

“Gender identity” means a person's gender-related identity, appearance, or expression, whether or not traditionally associated with one's biological sex or

one's sex at birth, and including a person's attitudes, preferences, beliefs, and practices pertaining thereto.

"Place of public accommodation" means any place, licensed or unlicensed, where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or any place, store, or other establishment that supplies goods or services with or without charge to the general public. "Place of public accommodation" includes, but is not limited to, the following types of services or facilities: schools, parks, hotels, or other establishments which provide lodging to transient guests; restaurants, cafeterias, lunchrooms, lunch counters, soda fountains or other facilities principally engaged in selling or offering for sale food for consumption upon or off the premises; public restrooms; motion picture houses, theatres, concert halls, sport arenas, stadiums, or other places of exhibition or entertainment; bowling alleys, pool halls, arcades, and amusement parks; retail establishments; transportation carriers; barber shops and beauty shops; bars or taverns or other facilities engaged in selling or offering for sale alcoholic beverages for consumption upon the premises; and public burial facilities.

"Public Facility" means an area in a facility of the City, a facility of a taxing district located on Bainbridge Island, or a place of public accommodation, which is customarily gender-segregated and is open for use by the public or by the customers, members, officers, or employees of the City, a taxing district, or an individual or entity owning or operating the place of public accommodation. "Public Facilities" include, but are not limited to, locker rooms.

"Public Restroom" means a restroom located in a facility of the City, a facility of a taxing district located on Bainbridge Island, or a place of public accommodation, which is open for use by the public or is open for use by the customers, members, officers, or employees of the City, a taxing district, or an individual or entity owning or operating the place of public accommodation. "Public Restrooms" include, but are not limited to, single-occupant restrooms.

"Respondent" means any person who is alleged or found to have committed a violation of regulations established in this chapter.

"Single-occupant restroom" means any toileting facility that is designed for use by one individual at a time or by one individual being assisted by another individual.

"Taxing District" means any municipal corporation now or hereafter existing, including, but not limited to, school districts, metropolitan park and recreation districts, and fire districts.

Section 4. BIMC 1.26.010 is amended to read as follows:

The provisions of this chapter shall apply to enforcement of BIMC Titles 16 and 18, ~~and Chapter 15.04 BIMC, Chapter 7.01 BIMC,~~ and specified provisions outlined in BIMC Title 20. For purposes of this chapter, such titles and chapters shall be referred to as “the applicable ~~chapters and titles~~ titles and chapters of this code.”

Section 5. BIMC 1.26.020.A is amended to read as follows:

A. It shall be the duty of the director of planning and community development to enforce the applicable ~~chapters and titles~~ titles and chapters of this code. The director may call upon other city departments and officers to assist in enforcement. Whenever used in this chapter the term “director” includes the code enforcement officer or other official duly authorized by the director.

Section 6. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

PASSED BY THE CITY COUNCIL this 27th day of March, 2018.

APPROVED BY THE MAYOR this 27th day of March, 2018.



Kol Medina, Mayor

ATTEST/AUTHENTICATE:



Christine Brown, City Clerk

FILED WITH THE CITY CLERK:	February 9, 2018
PASSED BY THE CITY COUNCIL:	March 27, 2018
PUBLISHED:	March 30, 2018
EFFECTIVE DATE:	April 4, 2018
ORDINANCE NUMBER:	2018-07