

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 01-109		Hearing Location: Mailed in	
Rule Number: Comm 62			
Relating to: Building construction accessibility requirements			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
	Marcia Carlson (cont'd)	<ul style="list-style-type: none"> Suggests maintaining the current requirement that exterior ramps on an accessible route be at least 48 inches wide. Feels the 48-inch width allows for easier snow removal. Feels that "classrooms" should be added to the list for assembly seating with assistive listening systems. There a number of classrooms in educational settings where classrooms hold over 50 people and for which a PA system is integral to the use of the space. Recommends that a requirement should be added to the signage requirements to notify people where to get receivers for assistive listening systems. Suggests retaining the current requirement that the accessible toilet stall door open 95-degrees. Feels this would preclude placement of towel dispensers, air dryers and other types of dispensers or equipment behind the door, which could keep it from opening a full 90-degrees. Suggests maintaining the requirement in s. Comm 52.60 (3) (b) that air hand drying units may be used up to one-half of the hand drying equipment. Indicates people with disabilities find it necessary to wipe down their wheelchairs when coming into a building especially after a snow or rainstorm. Suggests the current requirement in Comm 69.39 stating a 2-foot by 4-foot changing bench be provided in dressing rooms. Suggests maintaining the stairway identification in the current Comm 51.165, but ensure that the letter height complies with ADAAG for a maximum of 2-inches in height. Suggests maintaining the requirement that accessible parking spaces to be used by employees or tenants should be identified with a sign other than the Department of Transportation accessible parking sign. Feels it will help educational facilities like the University of Wisconsin and will 	<ul style="list-style-type: none"> This is a maintenance issue and buildings and facilities must be maintained to be in compliance with the code in effect when the building was constructed. [See s. Comm 61.03 (12)] The rule includes wording for "similar fixed seating assembly areas", and "classrooms" would be included in this application. [See s. Comm 62.1108 (2) (d)] This is a program issue and each building owner would need to evaluate how to best notify people of how to use their building. [See s. Comm 61.03 (12)] The installation of equipment to prohibit the door from opening 90° would be a code violation and if added later, the building must be maintained to comply with the code. [See s. Comm 61.03 (12)] The IBC does not specify the types of hand-drying equipment to be used, it only specifies the heights of the operable parts or dispenser areas. The owner would have the option of choosing any type of hand-drying equipment. ICC/ANSI A117.1 section 803.4 requires a bench that is a minimum of 24-inches by 42-inches. However, based on the maneuverability requirements within the dressing room, the bench must be located along one wall and the room must be designed to provide a 60-inch turning space, so adequate room would be available beyond the bench. Exit signs and stairway identification are required (IBC section 1003.2.10) and the signs must comply with the accessibility requirements. This requirement is already covered under s. Comm 62.1110 (1) (b) 2.

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		<p>help inspectors on enforcement.</p> <ul style="list-style-type: none"> Recommends that signage be required at elevators when the elevator does not serve all floors of a building. 	<ul style="list-style-type: none"> This requirement is already covered under s. Comm 62.1110 (2) (e)



State of Wisconsin \ Department of Commerce

RULES in FINAL DRAFT FORM

Rule No.: Chapter Comm 62

Relating to: Building construction accessibility requirements

Clearinghouse Rule No.: 01-109

The Wisconsin Department of Commerce proposed an order to repeal ss. 62.1101, 62.1104, 62.1106, 62.1107, 62.1108 and 62.1109; to renumber Comm 62.3408 (2) and (3); to amend ss. Comm 61.05, Note, Comm 62.3408 (4) (a) and Comm 62.3408 (5); to repeal and recreate s. Comm 62.1003; and to create ss. Comm 61.05 (5), Comm 62.1100 to 62.1110, and Comm 62.3408 (2), (3), (6) and (7), relating to accessibility requirements for commercial buildings and structures.

Analysis of Proposed Rules

Statutory Authority and Statutes Interpreted

Statutory Authority: Sections 101.02 (1) and (15), 101.13, and 101.132, Stats.

Statutes Interpreted: Sections 101.13 and 101.132, Stats.

The Department has adopted a revised state Commercial Building Code, chapters Comm 61 to 65, under Clearinghouse Rule 00-179, and this code will become effective on July 1, 2002. The Commercial Building Code includes the adoption by reference of the 2000 editions of the *International Building Code*[®] (IBC), the *International Energy Conservation Code*[™] (IECC), the *International Mechanical Code*[®] (IMC) and the *International Fuel Gas Code*[®] (IFGC).

The 2000 edition of the IBC contains barrier-free accessibility requirements for buildings and facilities; however, those accessibility requirements have been substantially changed in a 2001 IBC Supplement, to ensure the IBC provides an equivalency or "safe harbor" with federal fair housing design regulations. The major change to the requirements in the IBC Supplement was to include institutional occupancies such as health care facilities where the dwelling units may be occupied as a residence. The Department feels it is important to include these 2001 IBC accessibility changes so designers and owners will be complying with rules that are substantially equivalent to the federal regulations, as well as the state fair housing regulations relating to accessibility in multifamily housing. This proposed rule package on accessibility issues is projected to take effect on July 1, 2002, which will coincide with the effective date of the recently adopted Commercial Building Code.

This rule package includes new Wisconsin-based accessibility requirements, along with those adopted under Clearinghouse Rule 00-179, and includes all of the requirements in the 2000 IBC and in the 2001 IBC Supplement that relate to accessibility in multifamily housing and commercial facilities. The terminology used within this rule package is consistent with other chapters of the IBC, specifically the references to building occupancies and types of dwelling units. The term "Group" refers to the occupancies of buildings and facilities, which are found in IBC chapter 3. The terms "Type A or Type B units" refer to the dwelling and sleeping units in occupancies that are intended to be occupied as a residence. The design conditions for these units are contained in the ICC/ANSI A117.1, *Accessible and Usable Buildings or Facilities*. This standard contains the technical design requirements for making buildings, facilities, spaces, elements and features accessible.

A. The following is a summary of the new Wisconsin-based requirements that are being proposed subsequent to including the IBC in chapters Comm 61 to 65:

1. A Wisconsin-based requirement is included from the 2001 IBC Supplement, chapter 10, which clarifies stairways at exterior areas of rescue assistance must be at least 48-inches wide, and these areas must be identified with signs in accordance with IBC section 1003.2.13.5.5. [Comm 62.1003 (2) (b)]
2. The ICC/ANSI A117.1-1998, Standard for Accessible and Usable Buildings and Facilities will be incorporated by reference into this code. [Comm 61.05 (5)]
3. For Type B dwelling and sleeping units in an R-2 occupancy, at least one bathroom must have at least one bathtub or shower with clear floor space that extends beyond the plumbing controls to facilitate a parallel approach. [Comm 62.1101 (5)]
4. The IBC terms of "accessible" and "accessible route" are being modified to clarify that the code user must comply with the technical design standards specified in ICC/ANSI A117.1 Standard. The term "finished ground level" is being defined for clarity and consistency with the federal Fair Housing Law, 24 CFR, chapter 1. [Comm 62.1102 (1), (2) and (10)]
5. The IBC requires in assembly areas that at least one wheelchair space be provided for every 200 seats over 500 seats, which conflicts with the federal Americans with Disabilities Act Accessibility Guidelines (ADAAG). A Wisconsin-based requirement is proposed to require one wheelchair space for every 100 seats over 500 seats in assembly areas, which is consistent with ADAAG 4.1.3 (19). [Table Comm 62.1108-1]
6. The IBC requires a unisex toilet room to be provided in assembly and mercantile occupancies where 6 or more male and female water closet fixtures are required. However, under s. 101.13 (1m) (b), Stats., the Department is prohibited from promulgating a rule requiring the use of a unisex toilet room in any public building. The proposed rules will permit a unisex toilet room to be provided in assembly and mercantile areas, but will not require it. [Comm 62.1109 (2) (c)]
7. Requirements from the 2001 IBC Supplement are being modified to clarify the accessibility requirements for existing buildings, when a change in occupancy occurs, and numerous cross-references will be updated. [Comm 62.3408 (2) to (7)]

B. The following requirements, which were all also included in Clearinghouse Rule 00-179, are based on the fair housing language specified in section 101.132, Stats:

1. The renter of a multifamily dwelling may request, at no cost to the renter, lever door handles on all doors, and single lever controls on all plumbing fixtures. [Comm 62.1101 (2) (a) Note]
2. Circuit controls that are installed for use by tenants must be accessible. [Comm 62.1101 (2) (b)]

3. All exits must be accessible and, to the maximum extent feasible, all entrances must be accessible. [Comm 62.1105 and Comm 62.1107 (7) (a) 1.]
 4. Accessibility rules apply to buildings with 3 or more dwelling units. [Comm 62.1107 (5) (a) 2., (b) 2., and (c) 2.; and (6) (a) 2., (b) 2., (c), and (d) 2.]
 5. A petition for variance must be submitted to justify site impracticality or unusual characteristics of the site, and the minimum number of accessible dwelling units must be not less than 50% of the total number of dwelling units. [Comm 62.1107 (7) (d) and (e)]
 6. Accessibility must be provided in existing housing, based on the percentage of remodeling. [Comm 62.3408 (3) and (5)]
- C. The following is a summary of the differences between Wisconsin's current fair housing requirements and the IBC fair housing requirements:
1. The IBC requires that at least 2% of the dwelling units in facilities with more than 20 dwelling units must include accessibility features similar to those specified for commercial facilities. These dwelling or sleeping units are designated as Type A units. The accessibility features in Type A units also include maneuverability at doors within dwelling units, which will require turnaround space within each bathroom in Type A units. The other dwelling or sleeping units on accessible floors must be Type B units. Type B units are those units that comply with the accessibility features specified in the fair housing regulations. [Comm 62.1107 (5) and (6)]
 2. The IBC requires that accessible routes to accessible parking spaces for Type A dwelling units must be interior if the general circulation path is interior. This requirement does not apply to Type B units, which is consistent with the federal fair housing regulations. [Comm 62.1104 (5)]
 3. In addition to specifying the percentage of accessible dwelling units or sleeping units in health care facilities and other institutional type buildings and facilities, the IBC requires that all other dwelling units or sleeping units which are intended to be occupied as a residence must be Type B units. [Comm 62.1107 (5)]
 4. The IBC requires a vertical clearance of at least 98 inches at accessible parking spaces and along the vehicular route to these spaces. This will require overhead doors for underground parking facilities to have a minimum clearance of 98 inches. [Comm 62.1106 (2) and ICC/ANSI A117.1 section 502.5]

D. The following are Wisconsin-based accessibility requirements for commercial buildings that were previously included in Clearinghouse Rule 00-179:

1. The IBC requires vertical access to floor levels that are above or below the accessible level and that have an aggregate area more than 3,000 square feet. Under the IBC, vertical access must be provided between all floor levels in Group M (mercantile) occupancies with five or more tenant spaces, in Group B (business) or Group I (institutional) occupancies with offices of health care providers, in passenger transportation facilities and airports regardless of the size of the building. The Wisconsin-based requirement will be maintained that includes government-owned facilities in this category to be consistent with the federal Americans with Disabilities Act. [Comm 62.1104 (4)]
2. The Wisconsin-based exemption will be maintained that allows omitting an accessible route to floor levels that are above or below the accessible floor level in government-owned or -operated facilities, where the raised or lowered floor level is less than 500 square feet and has a maximum capacity of 5 people or less. [Comm 62.1104 (4) (b) 3.]
3. The Wisconsin-based requirement is being maintained that requires accessible parking spaces to have a parking sign complying with s. Trans 200.07. [Comm 62.1110 (1) (b)]

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CHAPTER Comm 62
MEANS OF EGRESS AND ACCESSIBILITY

SECTION 1. Comm 61.05 (5) is created to read:

Comm 61.05 (5) ICC/ANSI. The ICC/ANSI A117.1-1998, Standard for Accessible and Usable Buildings and Facilities, subject to the modifications specified in ch. Comm 62 is hereby incorporated by reference into this code.

SECTION 2. Comm 61.05 Note is amended to read:

Note: A copy of the *International Building Code®*, *International Energy Conservation Code®*, *International Mechanical Code®*, and *International Fuel Gas Code®*, and ICC/ANSI A117.1, Standard for Accessible and Usable Buildings and Facilities is on file in the offices of the department, the secretary of state, and the revisor of statutes. Copies of the International Codes may be purchased from the following organizations:

Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5695, (708) 799-2300, web page www.bocai.org.

International Conference of Building Officials, 5360 Workman Mill Road, Whittier, CA, 90601-2298, (562) 699-0541, web page www.icbo.org.

Southern Building Code Congress International, Inc. 900 Montclair Road, Birmingham, AL, 35213-1206, (205) 591-1853, web page www.sbcci.org.

SECTION 3. Comm 62.1003 is repealed and recreated to read:

Comm 62.1003 General means of egress. (1) EGRESS FOR OUTDOOR AREAS. Substitute the following wording for the requirements, but not the exceptions, in IBC section 1003.2.2.10: Yards, patios, courts and similar outdoor areas accessible to and usable by the building occupants shall be provided with means of egress as required by IBC chapter 10. The occupant load of such outdoor areas shall be based on the anticipated use. Where outdoor areas are to be used by persons in addition to the occupants of the building, and the path of egress travel from the outdoor areas passes through the building, means of egress requirements for the building shall be based on the sum of the occupant loads of the building plus the outdoor areas.

(2) EXTERIOR AREA FOR ASSISTED RESCUE. These are department rules in addition to the requirements in IBC section 1003.2.13.7.

(a) *Exterior exit stairway.* Exterior exit stairways that are part of the means of egress for the exterior area for assisted rescue shall provide a clear width of 48 inches between handrails.

(b) *Identification.* Exterior areas for assisted rescue shall comply with IBC section 1003.2.13.5.5.

SECTION 4. Comm 62.1101, 62.1104, 62.1106, 62.1107, 62.1108 and 62.1109 are repealed.

SECTION 5. Comm 62.1100 to 62.1110 are created to read:

Comm 62.1100 Accessibility. Substitute the following wording for the requirements in IBC chapter 11: Buildings and facilities shall be designed for accessibility in accordance with ss. Comm 62.1101 to 62.1110.

Comm 62.1101 General Requirements. (1) SCOPE. The provisions of ss. Comm 62.1101 to 62.1110 control the design and construction of facilities for accessibility to people with disabilities.

(2) DESIGN. Buildings and facilities shall be designed and constructed to be accessible in accordance with this code, with ICC/ANSI A117.1 and with the changes, additions, or omissions to the ICC/ANSI A117.1 requirements specified in subs. (3) to (5).

(3) DOORS AND DOORWAYS. This is a department informational note to be used under ICC/ANSI A117.1 section 1003.5.

Note: In accordance with s. 101.132 (2) (a) 4., Stats., a renter of a dwelling unit in covered multifamily housing may request the landlord to install lever door handles on any doors inside the dwelling unit or install single-lever controls on any plumbing fixtures used by the renter. These requests shall be provided by the landlord at no additional cost to the renter.

(4) OPERABLE CONTROLS. This is a department rule in addition to the requirements in ICC/ANSI A117.1 section 1003.9: Circuit controls, when provided for use by tenants in occupancies with dwelling or sleeping units, shall comply with ICC/ANSI A117.1 sections 309.2 and 309.3.

(5) BATHROOM REQUIREMENTS IN R-2 OCCUPANCIES. For R-2 occupancies only, substitute the following wording for the requirements in ICC/ANSI A117.1 section 1003.11.3:

(a) Scope. At least one bathroom in each dwelling unit or sleeping unit in R-2 occupancies shall conform to this subsection. The accessible fixtures shall be in a single toilet/bathing area, such that travel between fixtures does not require travel through other parts of the dwelling unit.

(b) General-bathing facilities. 1. Where either a bathtub or shower compartment is provided, the fixture shall conform to par. (c) or par. (d).

2. Where both a bathtub and a shower compartment are provided in a single toilet/bathing area, at least one of the bathing fixtures shall conform to par. (c) or par. (d).

(c) Bathtubs. Bathtub controls and the minimum 30-inch by 48-inch clear floor space shall conform to one of the following:

1. Where the centerline of the controls is located between 9 inches and 18 inches from the apron of the bathtub, the clear floor space shall extend at least 9 inches beyond the controls, to facilitate a parallel approach. The centerline of the controls may not be located more than 18 inches from the apron of the bathtub.

2. Where the centerline of the controls is located not more than 9 inches from the apron of the bathtub, the clear floor space shall extend at least 5 inches beyond the controls, to facilitate a parallel approach.

(d) *Showers.* 1. 'Shower compartments.' Where a shower compartment is the only bathing facility, the compartment shall be at least 36 inches wide by 36 inches deep. For a transfer-type shower compartment complying with ICC/ANSI A117.1 section 608, reinforcing shall be provided for the later installation of a shower seat. Reinforcing for a shower seat is not required in a roll-in-type shower compartment complying with ICC/ANSI A117.1 section 608.

2. 'Shower controls and clear floor space.' Shower controls and the minimum 30-inch by 48-inch clear floor space shall conform to one of the following:

a. Where the centerline of the controls for a transfer-type shower compartment is located between 9 inches and 18 inches from the face of the shower, the clear floor space shall extend at least 9 inches beyond the controls, to facilitate a parallel approach. The centerline of the controls may not be located more than 18 inches from the face of the shower.

b. Where the centerline of the controls for a transfer-type shower compartment is located not more than 9 inches from the face of the shower, the clear floor space shall extend at least 5 inches beyond the controls, to facilitate a parallel approach.

c. Where a shower compartment without a curb is provided and the controls are reachable, the clear floor space is not required to extend beyond the controls.

(e) *Lavatories.* Lavatories shall comply with ICC/ANSI A117.1 sections 1003.11.3.2.1.1 through 1003.11.3.2.1.3.

(f) *Water closets.* The water closet shall comply with ICC/ANSI A117.1 section 1003.11.3.1.2.

Note: Under s. ICC/ANSI A117.1 section 1003.5.2.1, all bathrooms that are in a dwelling unit or sleeping unit which contains multiple bathrooms must have entrance doors conforming with that section.

Comm 62.1102 Definitions. In this code:

(1) "Accessible" means a site, building, facility or portion thereof that complies with ss. Comm 62.1101 to 62.1110 and with ICC/ANSI A117.1.

(2) "Accessible route" means a continuous, unobstructed path that complies with ss. Comm 62.1101 to 62.1110 and with ICC/ANSI A117.1.

(3) "Accessible unit" means a dwelling unit or sleeping unit that complies with ss. Comm 62.1101 to 62.1110 and chapters 1 to 9 of ICC/ANSI A117.1.

(4) "Circulation path" means an exterior or interior way of passage from one place to another for pedestrians.

(5) "Detectable warning" means a standardized surface feature built in or applied to walking surfaces or other elements to warn visually impaired persons of hazards on a circulation path.

(6) "Dwelling unit or sleeping unit, Type A" means a dwelling unit or sleeping unit designed and constructed for accessibility in accordance with ICC/ANSI A117.1

(7) "Dwelling unit or sleeping unit, Type B" means a dwelling unit or sleeping unit designed and constructed for accessibility in accordance with ICC/ANSI A117.1, consistent with the design and construction requirements of the federal Fair Housing Act, 24 CFR, chapter 1.

(8) "Dwelling unit or sleeping unit, multistory" means a dwelling unit or sleeping unit with habitable space located on more than one story.

(9) "Facility" means the entire building or any portion of a building, structure or area, including the site on which such building, structure or area is located, wherein specific services are provided or activities are performed.

(10) "Finished ground level" means the ground surface of the site after all construction, leveling, grading, and development has been completed.

(11) "Intended to be occupied as a residence" means a dwelling unit or sleeping unit that can or will be used all or part of the time as the occupant's place of abode.

(12) "Public entrance" means an entrance that is not a service entrance.

(13) "Public-use areas" means interior or exterior rooms or spaces that are made available to the general public.

(14) "Self-service storage facility" means real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

(15) "Service entrance" means an entrance intended primarily for delivery of goods and services.

(16) "Site" means a parcel of land bounded by a property line or a designated portion of a public right-of-way.

(17) "Sleeping unit" means a room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of the dwelling unit are not sleeping units.

(18) "Wheelchair space" means space for a single wheelchair and its occupant.

(19) "Wheelchair space cluster" means locations of two or more adjacent wheelchair spaces along with companion seating in assembly areas.

Comm 62.1103 Scoping Requirements. (1) WHERE ACCESSIBILITY IS REQUIRED. Except as specified in sub. (2), buildings and structures, temporary or permanent, including their associated sites and facilities, shall be accessible to people with disabilities.

(2) **GENERAL EXCEPTIONS.** Sites, buildings, facilities and elements shall be exempt from ss. Comm 62.1101 to 62.1110 to the extent specified in all of the following:

(a) *Specific requirements.* Accessibility is not required in buildings and facilities, or portions thereof, to the extent permitted by ss. Comm 62.1104 to 62.1109.

(b) *Existing buildings.* Existing buildings shall comply with IBC section 3408 and s. Comm 62.3408.

(c) *Work areas.* Individual employee work stations are not required to be accessible but shall be located on an accessible route.

(d) *Detached dwellings.* Detached one-and two-family dwellings and accessory structures, and their associated sites and facilities are not required to be accessible as specified in ss. Comm 62.1101 to 62.1110.

(e) *Utility buildings.* Occupancies in Group U are exempt from the requirements of ss. Comm 62.1101 to 62.1110 other than any of the following:

1. In agricultural buildings, access is required to paved work areas and areas open to the general public.

2. Private garages or carports that contain required accessible parking.

(f) *Construction sites.* Structures, sites and equipment directly associated with the actual processes of construction including, but not limited to, scaffolding, bridging, materials hoists, materials storage, or construction trailers are not required to be accessible.

(g) *Raised areas.* Raised areas used primarily for purposes of security, life safety, or fire safety including, but not limited to, observation galleries, prison guard towers, fire towers, or life guard stands are not required to be accessible or to be served by an accessible route.

(h) *Limited access spaces.* Nonoccupiable spaces accessed only by ladders, catwalks, crawl spaces, freight elevators, very narrow passageways, or tunnels are not required to be accessible.

(i) *Equipment spaces.* Spaces frequented only by personnel for maintenance, repair, or monitoring of equipment are not required to be accessible. Such spaces include, but are not limited to, elevator pits, elevator penthouses, mechanical, electrical, or communications equipment rooms, piping or equipment catwalks, water or sewage treatment pump rooms and stations, electric substations and transformer vaults, and highway and tunnel utility facilities.

(j) *Single occupant structures.* Single occupant structures accessed only by passageways below grade or elevated above grade including, but not limited to, toll booths that are accessed only by underground tunnels, are not required to be accessible.

(k) *Residential Group R-1.* Buildings of group R-1 containing not more than five sleeping units for rent or hire that are also occupied as the residence of the proprietor, are not required to be accessible.

(L) *Day care facilities.* Where a day care facility (Groups A-3, E, I-4 and R-3) is part of a dwelling unit, only the portion of the structure utilized for the day care facility is required to be accessible.

Comm 62.1104 Accessible route. (1) SITE ARRIVAL POINTS. Accessible routes within the site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance served.

(2) **WITHIN A SITE.** (a) *General.* Except as specified in par. (b), at least one accessible route shall connect accessible buildings, accessible facilities, accessible elements, and accessible spaces that are on the same site.

(b) *Exception.* An accessible route is not required between accessible facilities that have, as the only means of access between them, a vehicular way not providing for pedestrian access.

(3) **CONNECTED SPACES.** (a) *General.* Except as specified in par. (b), when a building, or portion of a building, is required to be accessible, an accessible route shall be provided to each portion of the building, to accessible building entrances, connecting accessible pedestrian walkways and the public way. Where only one accessible route is provided, the accessible route shall not pass through kitchens, storage rooms, restrooms, closets or similar spaces.

(b) *Exception.* A single accessible route is permitted to pass through a kitchen or storage room in an accessible dwelling unit.

(4) **MULTILEVEL BUILDINGS AND FACILITIES.** (a) *General.* Except as specified in par. (b), at least one accessible route shall connect each accessible level, including mezzanines, in multilevel buildings and facilities.

(b) *Exceptions.* 1. An accessible route is not required to floors that are above and below accessible levels and that have an aggregate area of not more than 3,000 square feet. This exception shall not apply to any of the following:

- a. Multiple tenant facilities of Group M occupancies containing five or more tenant spaces.
- b. Levels containing offices of health care providers (Group B or Group I).
- c. Passenger transportation facilities and airports (Group A-3 or Group B).
- d. Government-owned or operated facilities.

2. In Groups A, I, R and S occupancies, levels that do not contain accessible elements or other spaces required by ss. Comm 62.1107 and 62.1108 are not required to be served by an accessible route from an accessible level.

3. An accessible route is not required to levels located above or below the accessible level in government-owned or operated buildings or facilities which are less than three stories and which are not open to the general public, if the floor level above or below the accessible level has a capacity of no more than 5 persons and is less than 500 square feet in area. The floor level above or below the accessible level that is less than 500 square feet shall have a sign stating a maximum capacity of 5 persons, and the sign shall be placed in a conspicuous location at the main entrance to the floor level.

Note: Examples include drawbridge towers and boat traffic towers, lock and dam control stations, press boxes, and train dispatching towers.

(5) LOCATION. (a) *General.* Except as specified in par. (b), accessible routes shall coincide with or be located in the same area as a general circulation path. Where the circulation path is interior, the accessible route shall also be interior.

(b) *Exception.* Accessible routes from parking garages contained within and serving Type B dwelling units are not required to be interior.

Comm 62.1105 Accessible entrances. (1) REQUIRED. (a) *General.* Except as specified in par. (b), at least 50 percent but not less than one entrance to each building and structure, and each separate tenant space within the building or structure, shall comply with the accessible route provisions of ss. Comm 62.1101 to 62.1110.

(b) *Exceptions.* 1. Entrances to spaces not required to be accessible as provided for in ss. Comm 62.1107 or 62.1108.

2. Loading and service entrances that are not the only entrance to a building or to a tenant space.

(2) MULTIPLE ACCESSIBLE ENTRANCES. Where a building or facility has entrances that normally serve accessible parking facilities, transportation facilities, passenger loading zones,

taxi stands, public streets and sidewalks, tunnels or elevated walkways, or accessible interior vertical access, then at least one of the entrances serving each such function shall comply with the accessible route provisions of ss. Comm 62.1101 to 62.1110.

Comm 62.1106 Parking and passenger loading facilities. (1) REQUIRED. Where parking is provided, accessible parking spaces complying with ICC/ANSI A117.1 shall be provided in compliance with Table Comm 62.1106 except as required by subs. (2) and (3).

(2) GROUPS R-2 AND R-3. Two percent, but not less than one, of each type of parking space provided for occupancies in Groups R-2 and R-3, which are required to have Type A or Type B dwelling or sleeping units, shall be accessible. Where parking is provided within or beneath a building, accessible parking spaces shall also be provided within or beneath the building.

(3) REHABILITATION FACILITIES AND OUTPATIENT PHYSICAL THERAPY FACILITIES. Twenty percent of patient and visitor parking spaces provided at rehabilitation facilities and outpatient physical therapy facilities shall be accessible.

(4) VAN SPACES. For every eight or fraction of eight accessible parking spaces, at least one shall be a van-accessible parking space.

**Table Comm 62.1106
Accessible Parking Spaces**

Total Parking Spaces Provided	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
More than 1,000	20 plus one for each 100 over 1,000

(5) LOCATION. (a) General. Except as specified in par. (b), accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. In parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest route to an accessible pedestrian entrance to the parking facility. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances.

(b) *Exception.* In multilevel parking structures, van-accessible parking spaces are permitted on one level.

(6) PASSENGER LOADING ZONES. Passenger loading zones shall be designed and constructed in accordance with ICC/ANSI A117.1.

(a) *Medical facilities.* A passenger loading zone shall be provided at an accessible entrance to licensed medical and long-term care facilities where people receive physical or medical treatment or care and where the period of stay exceeds 24 hours.

(b) *Valet parking.* A passenger loading zone shall be provided at valet parking services.

Comm 62.1107 Dwelling units and sleeping units. (1) GENERAL. In addition to the other requirements of ss. Comm 62.1101 to 62.1110, occupancies having dwelling units or sleeping units shall be provided with accessible features in accordance with subs. (2) to (7).

(2) **DESIGN.** Dwelling units and sleeping units which are required to be accessible units shall comply with this code and the applicable portions of chapters 1 to 9 of ICC/ANSI A117.1. Type A and Type B units shall comply with the applicable portions of chapter 10 of ICC/ANSI A117.1. Units required to be Type A units are permitted to be designed and constructed as accessible units. Units required to be Type B units are permitted to be designed and constructed as accessible units or as Type A units.

(3) **ACCESSIBLE SPACES.** (a) *General.* Except as specified in par. (b), rooms and spaces available to the general public or available for use by residents and serving accessible units, Type A units or Type B units shall be accessible. Accessible spaces shall include toilet and bathing rooms, kitchen, living and dining areas and any exterior spaces, including patios, terraces and balconies.

(b) *Exception.* Recreational facilities shall comply with s. Comm 62.1109 (14).

(4) **ACCESSIBLE ROUTE.** (a) *General.* Except as specified in par. (b), at least one accessible route shall connect accessible building or facility entrances with the primary entrance of each accessible unit, Type A unit and Type B unit within the building or facility and with those exterior and interior spaces and facilities that serve the units.

(b) *Exceptions.* 1. If the slope of the finished ground level between accessible facilities and buildings exceeds one unit vertical in 12 units horizontal (1:12), or where physical barriers prevent the installation of an accessible route, a vehicular route with parking that complies with s. Comm 62.1106 at each public or common use facility or building is permitted in place of the accessible route.

2. Exterior decks, patios, or balconies that are part of Type B units and have impervious surfaces, and that are not more than 4 inches below the finished floor level of the adjacent interior space of the unit.

(5) GROUP I. Occupancies in Group I shall be provided with accessible features in accordance with all of the following:

(a) *Group I-1.* Group I-1 occupancies shall be provided with accessible features in accordance with all of the following:

1. 'Accessible units.' At least 4 percent, but not less than one, of the dwelling units and sleeping units shall be accessible units.

2. 'Type B units.' a. Except as specified in subd. 2. b., in structures with three or more dwelling or sleeping units intended to be occupied as a residence, every dwelling and sleeping unit intended to be occupied as a residence shall be a Type B unit.

b. The number of Type B units is permitted to be reduced in accordance with sub. (7).

(b) *Group I-2 nursing homes.* Nursing homes of Group I-2 shall be provided with accessible features in accordance with all of the following:

1. 'Accessible units.' At least 50 percent, but not less than one, of the dwelling units and sleeping units shall be accessible units.

2. 'Type B units.' a. Except as specified in subd. 2. b., in structures with three or more dwelling or sleeping units intended to be occupied as a residence, every dwelling and sleeping unit intended to be occupied as a residence shall be a Type B unit.

b. The number of Type B units is permitted to be reduced in accordance with sub. (7).

(c) *Group I-2 hospitals.* In general purpose hospitals, psychiatric facilities, detoxification facilities and residential care or assisted living facilities of Group I-2, shall be provided with accessible features in accordance with all of the following:

1. 'Accessible units.' At least 10 percent, but not less than one, of the dwelling units and sleeping units shall be accessible units.

2. 'Type B units.' a. Except as specified in subd. 2. b., in structures with three or more dwelling or sleeping units intended to be occupied as a residence, every dwelling and sleeping unit intended to be occupied as a residence shall be a Type B unit.

b. The number of Type B units is permitted to be reduced in accordance with sub. (7).

(d) *Group I-2 rehabilitation facilities.* In hospitals and rehabilitation facilities of Group I-2 which specialize in treating conditions that affect mobility, or units within either which specialize in treating conditions that affect mobility, 100 percent of the dwelling units and sleeping units shall be accessible units.

(e) *Group I-3.* In occupancies in Group I-3, at least 5 percent, but not less than one, of the dwelling units and sleeping units shall be accessible units.

(6) **GROUP R.** Occupancies in Group R shall be provided with accessible features in accordance with all of the following:

(a) *Group R-1.* Group R-1 occupancies shall be provided with accessible features in accordance with all of the following:

1. 'Accessible units.' In occupancies in Group R-1, accessible dwelling units and sleeping units shall be provided in accordance with Table Comm 62.1107. All facilities on a site shall be considered to determine the total number of accessible units. Accessible units shall be dispersed among the various classes of units. Roll-in showers provided in accessible units shall include a permanently mounted folding shower seat.

**Table Comm 62.1107
Accessible Dwelling and Sleeping Units**

Total Number of units provided	Minimum required number of accessible units associated with roll-in showers	Total number of required accessible units
1 to 25	0	1
26 to 50	0	2
51 to 75	1	4
76 to 100	1	5
101 to 150	2	7
151 to 200	2	8
201 to 300	3	10
301 to 400	4	12
401 to 500	4	13
501 to 1,000	1% of total	3% of total
Over 1,001	10 plus 1 for each 100 over 1,000	30 plus 2 for each 100 over 1,000

2. 'Type B units.' a. Except as specified in subd.2. b., in structures with three or more dwelling or sleeping units intended to be occupied as a residence, every dwelling and sleeping unit intended to be occupied as a residence shall be a Type B unit.

b. The number of Type B units is permitted to be reduced in accordance with sub. (7).

(b) *Group R-2.* Type A and Type B units shall be provided in occupancies in Group R-2 in accordance with all of the following:

1. 'Type A units.' a. Except as specified in subd. 1. b. and c., in occupancies in Group R-2 containing more than 20 dwelling units or sleeping units, at least 2 percent, but not less than one, of the units shall be a Type A unit. All units on a site shall be considered to determine the total number of units and the required number of Type A units. Type A units shall be dispersed among the various classes of units.

b. The number of Type A units is permitted to be reduced in accordance with sub. (7).

c. Existing structures on a site shall not contribute to the total number of units on a site.

2. 'Type B units.' a. Except as specified in subd. 2. b., where there are three or more dwelling units or sleeping units intended to be occupied as a residence in a single structure, every dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B unit.

b. The number of Type B units is permitted to be reduced in accordance with sub. (7).

Note: Type B dwelling units specified in s. Comm 62.1107 have the same meaning as "covered multifamily housing" as defined in s. 101.132 (1) (d), Stats. Section 101.132 (1) (d), Stats., reads as follows: " 'Covered multifamily housing' means any of the following:

"1. Housing that is first ready for occupancy on or after October 1, 1993, consisting of 3 or more dwelling units if the housing has one or more elevators.

"2. Grade-level dwelling units, in housing without elevators, that are first ready for occupancy on or after October 1, 1993, consisting of 3 or more dwelling units."

(c) *Group R-3.* 1. Except as specified in subd. 2., in occupancies in Group R-3 where there are three or more dwelling units or sleeping units intended to be occupied as a residence in a single structure, every dwelling and sleeping unit intended to be occupied as a residence shall be a Type B unit.

2. The number of Type B units is permitted to be reduced in accordance with sub. (7).

(d) *Group R-4.* Group R-4 occupancies shall be provided with accessible features in accordance with all of the following:

1. 'Accessible units.' At least one of the dwelling or sleeping units shall be an accessible unit.

2. 'Type B dwelling units.' a. Except as specified in subd. 2. b., in structures with three or more dwelling or sleeping units intended to be occupied as a residence, every dwelling and sleeping unit intended to be occupied as a residence shall be a Type B unit.

b. The number of Type B units is permitted to be reduced in accordance with sub. (7).

(7) GENERAL EXCEPTIONS. Where specifically permitted by subs. (5) and (6), the required number of Type A and Type B units is permitted to be reduced in accordance with all of the following:

(a) *Buildings without elevator service.* Where no elevator service is provided in a building, only the dwelling and sleeping units that are located on stories indicated in subd. 1. and 2. are required to be Type A and Type B units. The number of Type A units shall be determined in accordance with sub. (6) (b).

1. 'One story with Type B units required.' At least one story containing dwelling units or sleeping units intended to be occupied as a residence shall be provided with accessible entrances as specified in s. Comm 62.1105 (1), from the exterior of the building, and all units intended to be occupied as a residence on that story shall be Type B units.

2. 'Additional stories with Type B units.' On all other stories that have a building entrance in proximity to arrival points intended to serve units on that story, as specified in subpars. a. and b., all dwelling units and sleeping units intended to be occupied as a residence served by that entrance on that story shall be Type B units. Where no such arrival points are within 50 feet of the entrance, the closest arrival points shall be used unless that arrival point serves the story required by subd. 1.

a. Where the slopes of the undisturbed site measured between the planned entrance and all vehicular or pedestrian arrival points within 50 feet of the planned entrance are 10 percent or less.

b. Where the slopes of the planned finished grade measured between the entrance and all vehicular or pedestrian arrival points within 50 feet of the planned entrance are 10 percent or less.

(b) *Multistory units.* A multistory dwelling or sleeping unit which is not provided with elevator service is not required to be a Type B unit. Where a multistory unit is provided with external elevator service to only one floor, the floor provided with elevator service shall be the primary entry to the unit and shall comply with the requirements for a Type B unit, and a toilet facility shall be provided on that floor.

(c) *Elevator service to the lowest story with units.* Where elevator service in the building provides an accessible route only to the lowest story containing dwelling or sleeping units intended to be occupied as a residence, only the units on that story which are intended to be occupied as a residence are required to be Type B units.

(d) *Site impracticality.* 1. 'Variance procedures.' Pursuant to ss. 101.132 (2) (b) 4. and (c) 2., Stats., the owner may request a reduction in accessible dwelling units due to site impracticality specified in subd. 2. through the petition for variance procedures specified in ch. Comm 61.

2. 'General.' On a site with multiple non-elevator buildings, the number of units required by sub. (7) (a) to be Type B units is permitted to be reduced to a percentage which is equal to the percentage of the entire site having grades, prior to development, which are less than 10 percent, provided that all of the following conditions are met:

a. Not less than 50 percent of the units required by par. (a) on the site are Type B units.

b. Units required by par. (a), where the slope between the building entrance serving the units on that story and a pedestrian or vehicular arrival point is no greater than 8.33 percent, are Type B units.

c. Units required by par. (a), where an elevated walkway is planned between a building entrance serving the units on that story and a pedestrian or vehicular arrival point and the slope between them is 10 percent or less are Type B units.

d. Units served by an elevator in accordance with par. (c) are Type B units.

(e) *Base flood elevation.* 1. 'Variance procedures.' Pursuant to ss. 101.132 (2) (b) 4. and (c) 2., Stats., the owner may request a reduction in accessible dwelling units due to unusual characteristics of the site specified in subd. 2. through the petition for variance procedures specified in ch. Comm 61.

2. 'General.' The required number of Type A and Type B units shall not apply to a site where the lowest floor or the lowest structural building members of non-elevator buildings are required to be at or above the base flood elevation resulting in all of the conditions specified in subds a. and b. Where no such arrival points are within 50 feet of the primary entrances, the closest arrival point shall be used.

a. A difference in elevation between the minimum required floor elevation at the primary entrances and vehicular and pedestrian arrival points within 50 feet exceeding 30 inches.

b. A slope exceeding 10 percent between the minimum required floor elevation at the primary entrances and vehicular and pedestrian arrival points within 50 feet.

Comm 62.1108 Special occupancies. (1) GENERAL. In addition to the other requirements of ss. Comm 62.1101 to 62.1110, the requirements of subs. (2) to (3) shall apply to specific occupancies.

(2) ASSEMBLY AREA SEATING. Assembly areas with fixed seating shall comply with pars. (a) to (d). Dining areas shall comply with par. (e).

(a) *Services.* Services and facilities provided in areas not required to be accessible shall be provided on an accessible level and shall be accessible.

(b) *Wheelchair spaces.* In theaters, bleachers, grandstands and other fixed seating assembly areas, accessible wheelchair spaces shall be provided in accordance with Table Comm 62.1108-1. At least one seat for a companion shall be provided beside each wheelchair space.

**Table Comm 62.1108-1
Accessible Wheelchair Spaces**

Capacity of Seating in Assembly Areas	Minimum Required Number of Wheelchair Spaces
4 to 25	1
26 to 50	2
51 to 100	4
101 to 300	5
301 to 500	6
Over 500	6, plus 1 additional space for each total seating capacity increase of 100

1. 'Wheelchair space clusters.' Except as specified in subd. 2., accessible wheelchair spaces shall be grouped in wheelchair space clusters in accordance with Table Comm 62.1108-2.

2. 'Exception.' In fixed seating assembly areas where sightlines require more than one step for a rise in elevation between rows, the minimum required number of wheelchair space clusters in that area shall be one-half of that required by Table Comm 62.1108-2, but not less than one.

**Table Comm 62-1108-2
Wheelchair Space Clusters**

Capacity of Seating in Assembly Areas	Minimum Required Number of Wheelchair Space Clusters
Up to 300	1
301 to 600	2
601 to 900	3
901 to 1,500	4
1,501 to 2,100	5
2,101 to 3,000	6
Over 3,000	6, plus 1 additional cluster for each 1,000 seats or portion thereof

(c) *Dispersion of wheelchair space clusters.* Dispersion of wheelchair space clusters shall be based on the availability of accessible routes to various seating areas including seating at various levels in multilevel facilities.

1. 'Multilevel assembly seating areas.' a. Except as specified in subd. 1. b. and c., in multilevel assembly seating areas, wheelchair space clusters shall be provided on the main floor level and on one of each two additional floor or mezzanine levels.

b. In multilevel assembly spaces utilized for worship services, where the second floor or mezzanine level contains 25 percent or less of the total seating capacity, wheelchair space clusters shall be permitted to all be located on the main level.

c. In multilevel assembly seating where the second floor or mezzanine level provides 25 percent or less of the total seating capacity and 300 or fewer seats, wheelchair space clusters shall be permitted to all be located on the main level.

2. 'Separation between clusters.' a. Except as specified in subd. 2. b., wheelchair space clusters shall be separated by a minimum of five intervening rows or by a minimum of ten intervening seats. Wheelchair spaces within any one wheelchair space cluster shall not be separated by an intervening row, nor by more than two intervening seats, nor by more than a 7-inch vertical level change.

b. A vertical level change exceeding 7-inches is permitted in a wheelchair space cluster where necessary to maintain sightlines.

(d) *Assistive listening systems.* 1. 'Audible communications.' Stadiums, theaters, auditoriums, lecture halls and similar fixed seating assembly areas where audible communications are integral to the use of the space shall have an assistive listening system if the area is equipped with an audio amplification system or the area has a capacity of 50 or more persons.

2. 'Receivers.' Receivers shall be provided for assistive listening systems in accordance with Table Comm 62.1108-3. Twenty-five percent of receivers, but not less than two, shall be hearing aid compatible.

**Table Comm 62.1108-3
Receiver for Assistive Listening Systems**

Capacity of Seating in Assembly Areas	Minimum Required Number of Receivers
Less than 50	2
50 to 500	2, plus 4 for each total seating capacity increase of 100 above 51
501 to 1,000	20, plus 3 for each total seating capacity increase of 100 above 501
1,001 to 2,000	35, plus 2 for each total seating capacity increase of 100 above 1,001
Over 2,000	55, plus 1 for each total seating capacity increase of 100 above 2,000

(e) *Dining areas.* 1. 'General.' a. Except as specified in subd. 1. b., in dining areas, the total floor area allotted for seating and tables shall be accessible.

b. In buildings without elevators, an accessible route to a mezzanine seating area is not required, provided that the mezzanine contains less than 25 percent of the total area and the same services are provided in the accessible area.

2. 'Fixed or built-in seating or tables.' Where fixed or built-in seating or tables are provided in dining areas, at least 5 percent, but not less than one such seat or table, shall be accessible and be distributed throughout the facility.

3. 'Dining counters.' In establishments serving food or drink for consumption where the only seating is at counters exceeding 34-inches in height, a 60-inch minimum length portion of the counter shall be accessible.

(3) SELF-SERVICE STORAGE FACILITIES. (a) *General.* Self-service storage facilities shall provide accessible individual self-storage spaces in accordance with Table Comm 62.1108-4.

**Table Comm 62.1108-4
Accessible Self-service Storage Facilities**

Total Spaces in Facility	Minimum Number of Required Accessible Spaces
1 to 200	5%, but not less than 1
Over 200	10, plus 2% of total number of units over 200

(b) *Dispersion.* Accessible individual self-service storage spaces shall be dispersed throughout the various classes of spaces provided. Where more classes of spaces are provided than the number of required accessible spaces, the number of accessible spaces shall not be required to exceed that required by Table Comm 62.1108-4. Accessible spaces are permitted to be dispersed in a single building of a multibuilding facility.

Comm 62.1109 Other features and facilities. (1) GENERAL. (a) Except as specified in par. (b), accessible building features and facilities shall be provided in accordance with subs. (2) to (14).

(b) Type A and Type B dwelling and sleeping units shall comply with ICC/ANSI A117.1.

(2) TOILET AND BATHING FACILITIES. (a) *General.* Except as specified in par. (b), toilet rooms and bathing facilities shall be accessible. Where a floor level is not required to be connected by an accessible route, the only toilet rooms or bathing facilities provided within the facility shall not be located on the inaccessible floor. At least one of each type fixture, element, control or dispenser in each accessible toilet room and bathing facility shall be accessible.

(b) *Exceptions.* 1. In toilet rooms or bathing facilities accessed only through a private office, not for common or public use, and intended for use by a single occupant, any of the following alternatives are allowed:

- a. Doors are permitted to swing into the clear floor space provided the door swing can be reversed to meet the requirements in ICC/ANSI A117.1.
 - b. The height requirements for the water closet in ICC/ANSI A117.1 are not applicable.
 - c. Grab bars are not required to be installed in a toilet room, provided that the reinforcement has been installed in the walls and located so as to permit the installation of such grab bars.
 - d. The requirement for height, knee and toe clearance shall not apply to a lavatory.
2. This section is not applicable to toilet and bathing facilities that serve dwelling units or sleeping units that are not required to be accessible by s. Comm 62.1107.
 3. Where multiple single-user toilet rooms or bathing facilities are clustered at a single location and contain fixtures in excess of the minimum required number of plumbing fixtures, at least 5 percent, but not less than one room for each use at each cluster, shall be accessible.
 4. Toilet room fixtures that are in excess of those required and that are designated for use by children in day care and primary school occupancies.

(c) *Unisex toilet and bathing rooms.* 1. 'Where permitted and required.' a. In assembly and mercantile occupancies, an accessible unisex toilet room may be provided where an aggregate of six or more male and female water closets are required. Where a unisex toilet room is provided, it shall count for no more than 15 persons. In buildings of mixed occupancy, only those water closets required for the assembly or mercantile occupancy shall be permitted to use the unisex toilet room option. Except as specified in subd. 1. b., in recreational facilities where separate-sex bathing rooms are provided, an accessible unisex bathing room shall be provided. Fixtures located within unisex toilet and bathing rooms shall be included in determining the number of fixtures provided in an occupancy.

b. Where each separate-sex bathing room has only one shower or bathtub fixture, a unisex bathing room is not required.

c. Unisex toilet and bathing rooms shall comply with this section and ICC/ANSI A117.1.

2. 'Unisex toilet rooms.' a. Except as specified in subd. 2. b., unisex toilet rooms shall include only one water closet and only one lavatory. A unisex bathing room in accordance with subd. 3. shall be considered a unisex toilet room.

b. A separate-sex toilet room containing not more than two water closets without urinals, or containing only one water closet and one urinal shall be considered a unisex toilet room.

3. 'Unisex bathing rooms.' Unisex bathing rooms shall include only one shower or bathtub fixture. Unisex bathing rooms shall also include one water closet and one lavatory. Where storage facilities are provided for separate-sex bathing rooms, accessible storage facilities shall be provided for unisex bathing rooms.

4. 'Location.' Unisex toilet rooms, when provided, and bathing rooms shall be located on an accessible route. Unisex toilet rooms shall be located not more than one story above or below separate-sex toilet rooms. The accessible route from any separate-sex toilet room to a unisex toilet room shall not exceed 500 feet.

5. 'Prohibited location.' In passenger transportation facilities and airports, the accessible route from separate-sex toilet rooms to a unisex toilet room shall not pass through security checkpoints.

6. 'Clear floor space.' Where doors swing into a unisex toilet or bathing room, a clear floor space not less than 30-inches by 48-inches shall be provided, within the room, beyond the area of the door swing.

7. 'Privacy.' Doors to unisex toilet and bathing rooms shall be securable from within the room.

(d) *Water closet compartment.* Where water closet compartments are provided in a toilet room or bathing facility, at least one wheelchair-accessible compartment shall be provided. Where the combined total water closet compartments and urinals provided in a toilet room or bathing facility is six or more, at least one ambulatory-accessible water closet compartment shall be provided in addition to the wheelchair-accessible compartment. Wheelchair-accessible and ambulatory-accessible compartments shall comply with ICC/ANSI A117.1.

(3) SINKS. (a) *General.* Except as specified in par. (b), where sinks are provided in accessible spaces, at least 5 percent, but not less than one shall comply with ICC/ANSI A117.1.

(b) *Exceptions.* 1. Mop or service sinks are not required to be accessible.

2. Sinks designated for use by children in day care and primary school occupancies.

(4) KITCHENS, KITCHENETTES AND WET BARS. Where kitchen, kitchenettes and wet bars are provided in accessible spaces or rooms, they shall be accessible in accordance with ICC/ANSI A117.1.

(5) DRINKING FOUNTAINS. On floors where drinking fountains are provided, at least 50 percent, but not less than one fountain, shall be accessible.

(6) ELEVATORS. Passenger elevators on an accessible route shall be accessible and comply with s. Comm 62.3001 and ch. Comm 18.

(7) LIFTS. (a) *General.* Except as specified in par. (b), platform lifts shall not be part of a required accessible route in new construction.

(b) *Exceptions.* Platform lifts are permitted as part of an accessible route in any of the following applications:

1. To a performing area in occupancies in Group A.
2. To wheelchair spaces required by s. Comm 62.1108 (2) (b).
3. To spaces that are not open to the general public with an occupant load of not more than five.
4. Within a dwelling or sleeping unit.
5. To wheelchair seating spaces located in outdoor dining terraces in A-5 occupancies where the means of egress from the dining terraces to a public way is open to the outdoors.

(8) STORAGE. (a) *General.* Where fixed or built-in storage elements such as cabinets, shelves, medicine cabinets, closets and drawers are provided in required accessible spaces, at least one of each type shall contain storage space complying with ICC/ANSI A117.1

(b) *Lockers.* Where lockers are provided in accessible spaces, at least five percent, but not less than one, of each type shall be accessible.

(c) *Shelving and display units.* Self-service shelves and display units in mercantile occupancies and shelving in stack areas of libraries shall be located on an accessible route. Such shelving and display units shall not be required to comply with reach-range provisions.

(d) *Coat hooks and folding shelves.* Where coat hooks or folding shelves are provided in inaccessible toilet rooms, toilet compartments, or in dressing, fitting or locker rooms, at least one of each type shall be provided in accessible toilet rooms, toilet compartments, and dressing, fitting and locker rooms.

(9) DETECTABLE WARNINGS. (a) *General.* Except as specified in par. (b), passenger transit platform edges bordering a drop-off and not protected by platform screens or guards shall have a detectable warning.

(b) *Exception.* Detectable warnings are not required at bus stops.

(10) ASSEMBLY AREA SEATING. Assembly areas with fixed seating in every occupancy shall comply with s. Comm 62.1108 (2) for accessible seating and assistive listening devices.

(11) SEATING AT TABLES, COUNTERS AND WORK SURFACES. (a) *General.* Where seating at fixed or built-in tables, counters or work surfaces is provided in accessible spaces, at least 5 percent of the seating, but not less than one, shall be accessible.

(b) *Dispersion.* Accessible fixed or built-in seating at tables, counters or work surfaces shall be distributed throughout the space or facility containing such elements.

(12) CUSTOMER SERVICE FACILITIES. Customer service facilities shall provide for accessible features in accordance with pars. (a) to (e).

(a) *Dressing, fitting and locker rooms.* Where dressing rooms, fitting rooms, or locker rooms are provided, at least five percent, but not less than one, of each type of use in each cluster provided shall be accessible.

(b) *Check-out aisles.* 1. Except as specified in subd. 2., where check-out aisles are provided, accessible check-out aisles shall be provided in accordance with Table Comm 62.1109. Where check-out aisles serve different functions, at least one accessible check-out aisle shall be provided for each function. Where check-out aisles are dispersed throughout the building or facility, accessible check-out aisles shall also be dispersed. Traffic control devices, security devices and turnstiles located in accessible check-out aisles or lanes shall be accessible.

2. Where the area of the selling space is less than 5,000 square feet, only one check-out aisle is required to be accessible.

**Table Comm 62.1109
Accessible Check-out Aisles**

Total check-out aisles of each function	Minimum Number of Accessible Check-out Aisles Each Function
1 to 4	1
5 to 8	2
9 to 15	3
Over 15	3, plus 20% of additional aisles

(c) *Point of sales and service counters.* Where counters are provided for sales or distribution of goods or services, at least one of each type provided shall be accessible. Where such counters are dispersed throughout the building or facility, the accessible counters shall also be dispersed.

(d) *Food service lines.* Food service lines shall be accessible. Where self-service shelves are provided, at least 50 percent, but not less than one, of each type provided shall be accessible.

(e) *Queue and waiting lines.* Queue and waiting lines serving accessible counters or check-out aisles shall be accessible.

(13) CONTROLS, OPERATING MECHANISMS AND HARDWARE. (a) *General.* Controls, operating mechanisms and hardware intended for operation by the occupant, including switches that control lighting and ventilation, and electrical convenience outlets, in accessible spaces, along accessible routes or as parts of accessible elements shall be accessible.

(b) *Operable windows.* 1. Except as specified in subd. 2., where operable windows are provided in rooms that are required to be accessible in accordance with ss. Comm 62.1107 (5), and (6) (a) and (b), at least one window in each room shall be accessible and each required operable window shall be accessible.

2. Accessible windows are not required in bathrooms or kitchens.

(14) RECREATIONAL FACILITIES. Recreational facilities shall be provided with accessible features in accordance with pars. (a) to (c).

(a) *Facilities serving a single building.* In Group R-2 and R-3 occupancies where recreational facilities are provided serving a single building containing Type A or Type B units, 25 percent, but not less than one, of each type of recreational facility shall be accessible. Every recreational facility of each type on a site shall be considered to determine the total number of each type which are required to be accessible.

(b) *Facilities serving multiple buildings.* In Group R-2 and R-3 occupancies on a single site where multiple buildings containing Type A or Type B units are served by recreational facilities, 25 percent, but not less than one, of each type of recreational facility serving each building shall be accessible. The total number of each type of recreational facility which is required to be accessible shall be determined by considering every recreational facility of each type serving each building on the site.

(c) *Other occupancies.* All recreational facilities not described in pars. (a) and (b) shall be accessible.

(15) STAIRWAYS. Stairways located along accessible routes connecting floor levels that are not connected by an elevator shall be designed and constructed to comply with ICC/ANSI A117.1 and IBC chapter 10.

Comm 62.1110 Signage. (1) SIGNS. (a) *General.* Except as specified in par (b), required accessible elements shall be identified by the International Symbol of Accessibility at all of the following locations:

1. Accessible passenger loading zones.
2. Accessible areas of refuge required by IBC section 1003.2.13.5.
3. Accessible rooms where multiple single-user toilet or bathing rooms are clustered at a single location.
4. Accessible entrances where not all entrances are accessible.
5. Accessible check-out aisles where not all aisles are accessible. The sign, where provided, shall be above the check-out aisle in the same location as the check-out aisle number or type of check-out identification.

6. Unisex toilet and bathing rooms.

7. Accessible dressing, fitting, and locker rooms where not all such rooms are accessible.

(b) *Exception.* 1. Accessible parking spaces required in s. Comm 62.1106 for the general public shall be identified with a sign complying with the accessible parking sign requirements specified in s. Trans 200.07.

2. Accessible parking facilities identified for use only by employees of any building or facility or by tenants in Group R-2 occupancies may be identified with signs other than the Trans 200.7 signs.

(2) **DIRECTIONAL SIGNAGE.** Directional signage indicating the route to the nearest like accessible element within the building or facility shall be provided at all of the locations specified in pars. (a) to (e). These directional signs shall include the International Symbol of Accessibility.

(a) Inaccessible building entrances.

(b) Inaccessible public toilet and bathing facilities.

(c) Elevators not serving an accessible route.

(d) At each separate sex toilet and bathing room indicating the location of the nearest unisex toilet or bathing room where provided in accordance with sub. (1).

(e) At exits and elevators serving a required accessible space, but not providing an approved accessible means of egress, signage shall be provided in accordance with IBC section 1003.2.13.6.

(3) **OTHER SIGNS.** Signage providing directional information, information about functional spaces, or signage indicating special accessibility provisions shall be provided as follows:

(a) In assembly areas required to comply with s. Comm 62.1108 (2) (d), a sign notifying the general public of the availability of assistive listening systems shall be provided at ticket offices or similar locations.

(b) At each door to an exit stairway, signage shall be provided in accordance with IBC section 1003.2.10.3.

(c) At areas of refuge, signage shall be provided in accordance with IBC sections 1003.2.13.5.3 to 1003.2.13.5.5.

(d) At areas for assisted rescue, signage shall be provided in accordance with s. Comm 62.1003 (2) (b).

Note: Refer to s. 101.123, Stats., for requirements for designating smoking areas.

SECTION 6. Comm 62.3408 (2) and (3) are renumbered 62.3408 (4) and (5).

SECTION 7. Comm 62.3408 (2) is created to read:

Comm 62.3408 (2) CHANGE OF OCCUPANCY. Substitute the following wording for the requirements in IBC section 3408.3: (a) *General.* Except as specified in par. (b), existing buildings, or portions thereof, that undergo a change of group or occupancy shall have all of the following accessible features:

1. At least one accessible building entrance.
2. At least one accessible route from an accessible building entrance to primary function areas.
3. Signage complying with s. Comm 62.1110.
4. Accessible parking, where parking is provided.
5. At least one accessible passenger loading zone, when loading zones are provided.
6. At least one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.

(b) *Exception.* Where it is technically infeasible to comply with the new construction standards for any of these requirements for a change of group or occupancy, the items specified in subs. 1. to 6. shall conform to the requirements to the maximum extent technically feasible. Change of group or occupancy that incorporate any alterations or additions shall comply with par. (a), subs. (3) and (4), and IBC sections 3408.4, 3408.5, 3408.6 and 3407.

SECTION 8. Comm 62.3408 (3) is created to read:

Comm 62.3408 (3) ALTERATIONS. Substitute the following wording for the requirements in IBC section 3408.5: (a) *General.* A building, facility or element that is altered shall comply with the applicable provisions in ss. Comm 62.1100 to 62.1110 and ICC/ANSI A117.1, unless technically infeasible. Where compliance with this section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible.

(b) *Exceptions.* 1. The altered element or space is not required to be on an accessible route, unless required by IBC section 3408.6.

2. Accessible means of egress required by IBC chapter 10 are not required to be provided in existing buildings or facilities.

SECTION 9. Comm 62.3408 (4) (a) is amended to read:

Comm 62.3408 (4) (a) Remodeled housing. When housing with 3 or more dwelling units is remodeled, the remodeling percentages specified in s. 101.132 (2) (b), Stats., shall be applied, and the remodeling shall comply with the applicable portions of ~~IBC chapter 11~~ chapter Comm 62.

SECTION 10. Comm 62.3408 (5) is amended to read:

Comm 62.3408 (5) PLATFORM LIFTS. Platform lifts complying with ICC/ANSI A117.1 and ch. Comm 18 shall be permitted as a component of an accessible route.

SECTION 11. Comm 62.3408 (6) is created to read:

Comm 62.3408 (6) TOILET AND BATHING FACILITIES. Substitute the following wording for the requirements in IBC section 3408.8.4: Where toilet rooms are provided at least one accessible toilet room complying with s. Comm 62.1109 (2) (c) shall be provided.

SECTION 12. Comm 62.3408 (7) is created to read:

Comm 62.3408 (7) TECHNICALLY INFEASIBLE. This is a department definition in addition to the requirements in IBC section 3408: "Technically infeasible" means an alteration of a building or a facility that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a loadbearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features that are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (b), Stats., these rules shall take effect on July 1, 2002

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