

RULES CERTIFICATE

Department of Commerce

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, William J. McCoshen, Secretary of the Department of Commerce,

and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to

Barrier-free Design

(Subject)

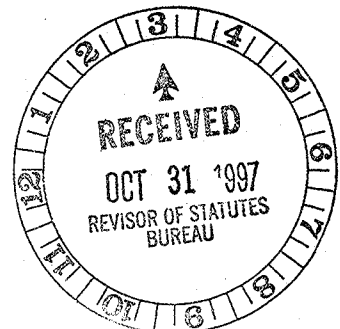
were duly approved and adopted by this department.

I further certify that said copy has been compared by me with the original on file in the department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set
my hand at _____

in the city of Madison, this 25th
day of October A.D. 19 97


Secretary



October 29, 1997

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 West Wilson Street
Madison, Wisconsin 53703-3233

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 96-172

RULE NO.: Chapters Comm 18, ILHR 51, 52, 66, 69 and 70

RELATING TO: Barrier-free Design Requirements

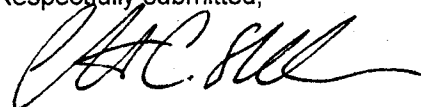
Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

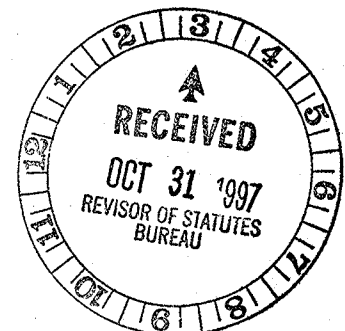
At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

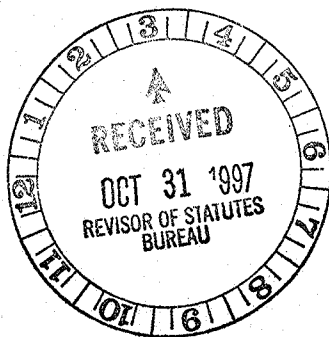

for William J. McCoshen
Secretary





State of Wisconsin \ Department of Commerce

RULES in FINAL DRAFT FORM



Rule No.: chs. Comm 18, ILHR 51, 52, 66, 69 and 70

Relating to: Barrier-free Design Requirements

Clearinghouse Rule No.: 96-172

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to repeal ss. ILHR 69.04, Note, ILHR 69.33, ILHR 69.34 (2), ILHR 70.43 and ILHR 70.44; to renumber s. ILHR 69.30 (1) and (2); to renumber and amend s. ILHR 69.30 (1) (b) and (c); to amend ss. Comm 18.75 (1), Comm 18.85 (1) and (2), ILHR 51.16 (4) (a) 1., ILHR 69.06 (1), ILHR 69.17 (1) (c) 2., ILHR 69.26 (2), ILHR 69.28 (2) (a) 2. and (b) 3., and ILHR 69.35 (2); to repeal and recreate ss. Comm 18.68(2) (a), (b) 1. and (c) 1., Comm 18.83, Comm 18.85 (38), ILHR 51.16 (4) (a) 2.-3rd Note, ILHR 69.03 (3) (b), ILHR 69.10 (3), ILHR 69.11 (2), ILHR 69.16, ILHR 69.17 (2) (b), ILHR 69.18, ILHR 69.19, ILHR 69.20 and ILHR 69.21, ILHR 69.26 (2), ILHR 69.27 (2), ILHR 69.28, ILHR 69.29, ILHR 69.34 (2), ILHR 69.36 (1), ILHR 69 Subpart 7, ILHR 69.42 and ILHR 70.42; and to create ss. Comm 18.295, Table ILHR 54.12-A, Note, Table ILHR 54.12-B, Note 4, Table ILHR 55.32, Note 4, Table ILHR 56.16, Note, ILHR 66.38 (4) (a) 2.-Note, 69.045, ILHR 69.10 (3) (a) Note, ILHR 69.105, ILHR 69.15 (2) (am), (ar) and (cm), ILHR 69.245, ILHR 69.275 and ILHR 69.375, relating to the design and construction of public buildings and places of employment to provide accessibility for people with disabilities.

ANALYSIS OF PROPOSED RULES

Statutory Authority: ss. 101.02 and 101.13, Stats.
Statutes Interpreted: s. 101.13, Stats.

The purpose of chapter ILHR 69 and the other accessibility related code chapters is to insure that any public building or facility is designed, constructed, and altered to be accessible and usable by people with disabilities.

The proposed changes are in response to 1995 Wisconsin Act 27 that eliminated the percentage requirements for remodeled buildings and to concerns raised by users of the code. The following is a summary of the major changes being proposed in chapter ILHR 69 and the other accessibility related code chapters.

- 1. Modify a number of sections in Comm 18, Elevator code, to be consistent with the proposed changes in ch. ILHR 69 relative to vertical access in buildings and facilities. [Comm 18.68 (2) (a), (b) 1. and (c) 1., Comm 18.75, Comm 18.83, Comm 18.85 (1), (2) and (38)]
- 2. Eliminate the requirement in the Building Code that prohibits the use of open risers. The requirements in ADAAG 4.1.3 (4) allow open risers under certain conditions. [ILHR 51.16 (4) (a) 1.]
- 3. Add informational notes under the Sanitary Fixture Tables in the Building Code to cross-reference chapter ILHR 69 for the percentage and design of accessible drinking facilities. [Tables ILHR 54.12-A, 54.12-B, 55.32 and 56.16]

4. Add an informational note to s. ILHR 66.38 (4) (a) 2. clarifying that a stairway adjacent to a ramp is considered a stairway on an accessible route. [ILHR 66.38 (4) (a) 2.]
5. Require an existing building that is changed in use to comply with ch. ILHR 69 when the change of use involves alteration or remodeling as specified in the code. [ILHR 69.03 (3)]
6. Create rules covering maintenance of facilities and describing the department authority. [ILHR 69.045 and 69.11 (2)]
7. Eliminate the requirements for a petition for variance to be submitted when an owner is justifying disproportionality or is applying the alternate technical provisions specified in ADAAG 4.1.6 (3). [ILHR 69.10 (3) and ILHR 69.20 (1)]
8. Incorporate by reference the national standards for automatic doors, American National Standards Institute (ANSI) A156.10-1991 and A156.19-1990 as specified in ADAAG 4.13.12. [ILHR 69.105 and 69.29 (3)]
9. Clarify the accessibility requirements for places of worship and equipment spaces including water and sewage treatment facilities. [ILHR 69.16]
10. Clarify the parking sign requirements to permit owners to identify employee parking spaces with signs other than the TRANS 200 sign. [ILHR 69.17 (2) (b)]
11. Clarify that all buildings and facilities are required to comply with chapter ILHR 69. [ILHR 69.18 (1)]
12. Clarify the accessible route requirements in buildings less than 3 stories and with a gross area less than 20,000 square feet. An accessible route shall be provided to all areas of the accessible floor level raised or depressed by not more than 3 feet. Where common-use areas, such as lunchrooms and meeting rooms, are provided in the building or facility, the accessible floor level shall contain at least one of each type of common-use areas. [ILHR 69.18 (1m)]
13. Clarify the accessible route requirements for buildings less than 3 stories and with a gross area 20,000 square feet or more. Vertical access shall be provided to mezzanines containing common-use and public-use areas. Vertical access will not be required to mezzanines containing additional employment areas. Permit the use of vertical wheelchair lifts and limited-use elevators to provide vertical access between floor levels. [ILHR 69.18 (2) (b)]

14. Allow an exemption for an accessible route to floors used entirely for storage. [ILHR 69.18 (2) (a) 2. and (b) 2.]

15. Clarify when areas of rescue assistance are required. [ILHR 69.18 (3)]

16. Repeal the requirements relating to unisex toilet rooms to be consistent with 1995 Wisconsin Act 285. [ILHR 69.18 (4)]

17. Repeal the percentage of remodeling of requirements to be consistent with 1995 Wisconsin Act 27. Clarify that construction only to enclose a method of vertical access will be considered an alteration. [ILHR 69.19 and 69.20]

18. Clarify that a petition for variance will not required when alterations to an existing building comply with the technical provisions specified in ADAAG 4.1 6 (3). [ILHR 69.20 (1) (a)]

19. Clarify when limited-use elevators, wheelchair platform lifts, stairway chairlifts and residential elevators may be used buildings and facilities. [ILHR 69.20 (3) (b)]

20. Revise the accessibility requirements for historical buildings to be consistent with the minimum accessibility requirements specified in ADAAG 4.1.7. [ILHR 69.21, 70.42, 70.43 and 70.44]

21. Clarify the parking access aisle must lead to an accessible route in front of the parking spaces. [ILHR 69.245]

22. Eliminate the requirements relating to guardrails and create informational notes to cross-reference s. ILHR 51.162, Guardrail Requirements, in the Building Code. [ILHR 69.26 (2) and ILHR 69.27 (2)]

23. Allow handrails in elevators to have shapes differing from ADAAG 4.26 and require certain shaped handrails to be used at stairways and ramps. [ILHR 69.275 and 69.36 (1)]

24. Specify when limited-use elevators, wheelchair platform lifts, stairway chairlifts and residential elevators are used in buildings and facilities, they must comply with Comm 18. [ILHR 69.28 (2)]

25. Clarify that a door recessed more than 8 inches, measured from the face of the door to the face of the wall, is considered a door in an alcove and the maneuverability clearances are required. [ILHR 69.29 (1)]

26. Eliminate the requirement that shower spray units in bathtubs and showers must be at least 72 inches in length. The ADAAG requirement of at least 60 inches in length will be used without modification. [ILHR 69.33 and 69.34 (2)]

27. Specify that accessible seating in bleacher-type seating must be located on an accessible route and integrated within the assembly seating. [ILHR 69.375]

28. Create minimum requirements for mini-storage buildings. [ILHR 69.415(2)]

29. Clarify requirements relating to accessible transient lodging. [ILHR 69.42]

The proposed rules have been developed with the assistance of the Barrier-free Design Advisory Committee. The members of that citizen advisory committee are as follows:

Kayleen Brereton
Cleo Eliason
Chuck Hanson
Mary Lawson
Len Linzmeier
Jim Mather
Richard Pomo
Edward Solner
Dave Wheaton
Paul Yochum

Public member
Easter Seals Society of Wisconsin, Inc.
American Society of Civil Engineers
Wisconsin Society of Architects
Wisconsin Builders Assoc.
Department of Health and Social Services
Department of Administration
Wisconsin Society of Architects
Southeastern Wisconsin Building Inspectors Assoc.
Governor's Committee for People with Disabilities

SECTION 1. Comm 18.295 is created to read:

Comm 18.295 MINIMUM RATED LOAD FOR PASSENGER ELEVATORS. [A17.1 207.1] This is a department rule in addition to the requirements of A17.1 207.1: In all buildings at least 4 stories or more in height and in all health care facilities, including medical clinics, at least one elevator shall be designed to accommodate a 76 inch by 24 inch ambulance stretcher in the horizontal position. The door and car size shall permit the entrance and exit of an ambulance stretcher without tilting the stretcher at any time.

Note: See s. ILHR 51.01 (122) for definition of "story".

SECTION 2. Comm 18.68 (2) (a), (b) 1. and (c) 1. are repealed and recreated to read:

Comm 18.68 (2) (a) Vertical wheelchair lifts. A vertical wheelchair lift complying with this chapter may only be used to provide vertical circulation between floor levels as specified in ch. ILHR 69.

Comm 18.68 (2) (b) 1. An inclined wheelchair lift complying with this chapter may only be used to provide vertical circulation between floor levels in buildings or facilities as specified in ch. ILHR 69.

Comm 18.68 (2) (c) 1. A stairway chairlift complying with this chapter may only be used in buildings or facilities as specified in ch. ILHR 69.

SECTION 3. Comm 18.75 (1) is amended to read:

Comm 18.75 (1) LOCATION. An inclined wheelchair lift may be installed in a public building or place of employment only as permitted ~~by the applicable provisions of s. ILHR 52.04~~ in ch. ILHR 69.

SECTION 4. Comm 18.83 is repealed and recreated to read:

Comm 18.83 ACCESSIBILITY REQUIREMENTS FOR ELEVATORS. (1) NEW ELEVATORS. All new elevators shall comply with the applicable accessibility requirements specified in ch. ILHR 69 and ADAAG 4.10.

(2) ALTERED ELEVATORS. All altered elevators shall comply with the applicable requirements specified in ch. ILHR 69, ADAAG 4.1.6 and ADAAG 4.10.

SECTION 5. Comm 18.85 (1) and (2) are amended to read:

Comm 18.85 (1) SCOPE. This subchapter applies to limited-use elevators installed in ~~or at existing~~ public buildings or places of employment to provide circulation between floor levels.

(2) WHERE PERMITTED. A limited-use elevator may be installed in ~~an existing~~ a public building or place of employment to provide vertical circulation between floor levels as specified in ch. ILHR 69.

SECTION 6. Comm 18.85 (38) is repealed and recreated to read:

Comm 18.85 (38) ACCESSIBILITY REQUIREMENTS. (a) Except as specified in par. (b), a limited-use elevator shall comply with the accessibility requirements specified in ch. ILHR 69, ADAAG 4.10.

(b) 1. The requirements of ADAAG 4.10.4 do not apply to single automatic operation elevators.

2. The minimum floor area and door size specified in ADAAG 4.10.9 do not apply.

SECTION 7. ILHR 51.16 (4) (a) 1. is amended to read:

ILHR 51.16 (4) (a) 1. Except as provided in subd. 2., all stairways and steps shall have a rise of not more than 7 inches measured from tread to tread, and a tread of not less than 11 inches, measured from nosing to nosing of tread. The slope of a tread may not exceed 1/4 inch per foot for the depth of the tread. Treads and risers shall be uniform in any one flight. Winders may not be used. ~~Open risers may not be used.~~

SECTION 8. ILHR 51.16 (4) (a) 2. the 3rd Note is repealed and recreated to read:

Note: See chs. ILHR 66 and 69 for additional requirements for stairways.

SECTION 9. Table 54.12-A, Table 54.12-B, Table 55.32 and Table 56.16 Notes are created to read:

Table 54.12-A, Note: See chapter ILHR 69 for the percentage and design of accessible drinking facilities.

Table 54.12-B, Note 4: See chapter ILHR 69 for the percentage and design of accessible drinking facilities.

Table 55.32, Note 4: See chapter ILHR 69 for the percentage and design of accessible drinking facilities.

Table 56.16, Note: See chapter ILHR 69 for the percentage and design of accessible drinking facilities.

SECTION 10. ILHR 66.38 (4) (a) 2. Note is created to read:

ILHR 66.38 (4) (a) 2. Note: A stairway adjacent to an accessible ramp is considered a stairway on an accessible route.

SECTION 11. ILHR 69.03 (3) is repealed and recreated to read:

ILHR 69.03 (3) CHANGE OF USE. The requirements of this chapter shall be applied when the use of an existing building or facility is changed and the building or facility is altered or remodeled in accordance with s. ILHR 69.20 and ADAAG 4.1.6.

Note: The federal Americans with Disabilities Act (ADA) requires public accommodations to remove architectural barriers in existing buildings where the removal of such barriers is readily achievable. See 28 CFR Part §36.304.

SECTION 12. ILHR 69.04 Note is repealed.

SECTION 13. ILHR 69.045 is created to read:

ILHR 69.045 MAINTENANCE OF FACILITIES. Any building, facility or site which is constructed or altered to be accessible under this chapter shall be maintained accessible during its occupancy.

SECTION 14. ILHR 69.06 (1) is amended to read:

ILHR 69.06 (1) ALL BUILDINGS. The accessibility requirements of this chapter shall be presented as a part of the general plan submittals as required under s. ILHR 50.12 (2) and (3) (b). The requirements of ss. ILHR 50.12, 50.13 to 50.175, 50.18 (1) and 50.20 shall be complied with where applicable to the project.

SECTION 15. ILHR 69.10 (2) Note and (3) "(intro.)" are repealed and recreated to read:

ILHR 69.10 (2) Note: Copies of the department petition for variance form SBD 9890 are available from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

ILHR 69.10 (3) DISPROPORTIONALITY IN ALTERED BUILDINGS. When providing a path of travel to an altered area is considered disproportionate, an SBD-10219 form shall be included with the alteration plans submitted for review. The disproportionate costs shall be determined in accordance with the following:

SECTION 16. ILHR 69.10 (3) (a) Note is created to read:

ILHR 69.10 (3) (a) Note: Copies of the department disproportionality form SBD 10219 are available from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

SECTION 17. ILHR 69.105 is created to read:

Part 6 - Adoption of Standards

ILHR 69.105 ADOPTION OF STANDARDS. (1) CONSENT TO INCORPORATE. Pursuant to s. 227.21, Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of standards listed in sub. (4).

(2) COPIES. Copies of the adopted standards are on file in the offices of the department, the secretary of state and the revisor of statutes. Copies of the standards may be purchased through the organization listed in sub. (4).

(3) INTERIM AMENDMENTS. Interim amendments of ANSI A156.10-1991 and A156.19-1990 will have no effect in this state until such time as this chapter is correspondingly revised to reflect those changes.

(4) ADOPTION AND AVAILABILITY OF STANDARDS. The following standards, are hereby incorporated by reference into this chapter.

(a) The American National Standards Institute (ANSI) A156.10-1991, Power-operated pedestrian doors.

(b) The ANSI A156.19-1990, Power-assist and low-energy, power-operated doors.

Note: Copies of the ANSI A156.10 and A156.19 standards may be obtained from the American National Standards Institute, 11 West 42nd Street, New York, New York 10036.

SECTION 18. ILHR 69.11 (2) is repealed and recreated to read:

ILHR 69.11 (2) DEPARTMENT AUTHORITY. The department shall have the authority and responsibility for interpreting this chapter and the ADAAG standards as reprinted in appendix B. Any changes to the federal ADAAG standards shall not affect the requirements in this chapter until such time as this chapter is correspondingly revised to adopt those changes. A formal interpretation of this chapter shall remain in effect until rescinded or changed or until the code is changed to reflect the new standards.

Note: An owner of a building or facility must comply with all applicable federal, state and local requirements. If the federal ADAAG standards are changed, an owner must comply with those changes at the federal level, even if they are not reflected in this chapter or enforced by the department or its local agents.

SECTION 19. ILHR 69.15 (2) (am), (ar) and (cm) are created to read:

ILHR 69.15 (2) (am) "Baptistery" means the area of the church used for baptism.

(ar) "Chancel" means the part of the place of worship containing the altar and seats for the clergy.

(cm) "Exit" has the meaning given in s. ILHR 51.01 (36a).

Note: ILHR 51.01 (36a) reads "exit means that portion of a means of egress which is separated from all other spaces of the building or structure by construction providing a protected way of travel to the exit discharge."

SECTION 20. ILHR 69.16 is repealed and recreated to read:

ILHR 69.16 APPLICATIONS. [ADAAG 4.1.1] (1) APPLICATION BASED ON BUILDING USE. [ADAAG 4.1.1 (2)] These are department rules in addition to the requirements of ADAAG 4.1.1 (2):

(a) General requirements. Except as specified in par. (b), buildings or facilities used as places of worship shall comply with s. ILHR 69.18, ADAAG 4.1 to 4.35 and all other applicable requirements of this chapter.

(b) Sanctuary areas. Sanctuary areas shall be made accessible to persons with disabilities in accordance with the following:

1. An accessible route shall be provided throughout the sanctuary floor area, including choir areas and other similar areas raised or depressed by not more than 3 feet from the accessible floor. Access is not required to the chancel or to baptisteries.

2. Wheelchair seating spaces in assembly areas shall comply with the requirements specified in ADAAG 4.1.3 (19) and ADAAG 4.33.

(2) EQUIPMENT SPACES [ADAAG 4.1.1 (5)]. (a) Variances. [ADAAG 4.1.1.(5) (a)] This is a department rule in addition to the requirements of ADAAG 4.1.1 (5) (a): Spaces frequented only by service personnel for maintenance, repair, or occasional 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.

(b) General Exceptions. [ADAAG 4.1.1 (5)] This is a department rule in addition to the requirements of ADAAG 4.1.1 (5) (b): Variances from the requirements of this chapter may be permitted only through the petition for variance procedures specified in s. ILHR 69.10.

SECTION 21. ILHR 69.17 (1) (c) 2. is amended to read:

ILHR 69.17 (1) (c) 2. Accessible ~~valet~~ parking spaces shall be provided at the rate of 2% of the total number of spaces with a minimum of one. The accessible ~~valet~~ parking spaces shall be located on an accessible route to an accessible entrance to a building or facility.

SECTION 22. ILHR 69.17 (2) (b) is repealed and recreated to read:

ILHR 69.17 (2) (b) Parking signage. When the parking spaces for a building or facility are divided between employe and visitor parking, the accessible parking spaces for the employes may be identified with signs other than the TRANS 200.07 sign. The accessible parking spaces for the visitors shall be identified with a sign complying with s. TRANS 200.07.

SECTION 23. ILHR 69.18 is repealed and recreated to read:

ILHR 69.18 ACCESSIBLE BUILDINGS: NEW CONSTRUCTION REQUIREMENTS.
[ADAAG 4.1.3] (1) NEW CONSTRUCTION REQUIREMENTS. Substitute the following wording for ADAAG 4.1.3, intro. paragraph: Except as specified in s. ILHR 69.04, all buildings and facilities shall comply with the minimum requirements of ADAAG 4.1.3.

(1m) ACCESSIBLE ROUTE. [ADAAG 4.1.3 (1)] These are department rules in addition to the requirements of ADAAG 4.1.3 (1): An accessible route shall be provided in accordance with the following:

(a) Accessible floor. Except as specified in sub. (2), an accessible route shall be provided to at least one accessible floor of a building or facility less than 3 stories and with a gross area of 20,000 square feet or less. The accessible floor shall comply with the following:

1. The accessible floor level shall be a floor where a primary function of the building or facility is carried out for the benefit of the employes or patrons, or both. When common-use areas, including lunchrooms, change rooms, locker rooms or conference rooms, are provided in the building or facility, the accessible floor level shall contain at least one of each type of common-use area. The common-use areas on the accessible floor shall provide comparable services and amenities to the common-use areas provided on inaccessible floors.

2. An accessible route shall be provided throughout the entire accessible floor, including all areas raised or depressed by not more than 3 feet from the accessible floor. Interior accessible routes may include ramps complying with this chapter and ADAAG 4.8 or passenger elevators, limited-use elevators or wheelchair platform lifts complying with this chapter and chapter Comm 18.

(b) Accessible route to primary function. The accessible route from the accessible entrances to areas of primary function may serve but shall not pass through kitchens, storage rooms, toilet rooms, bathrooms, closets or other similar spaces.

(2) ELEVATOR ACCESS. [ADAAG 4.1.3 (5)] These are department rules in addition to the requirements of ADAAG 4.1.3 (5):

(a) Access to all floors. 1. Except as specified in subd. 2., at least one passenger elevator complying with ADAAG 4.10 shall serve each floor level, including mezzanines, in the following buildings or facilities:

a. Buildings and facilities 3 stories or greater in height where at least one story contains 3,000 square feet or more.

b. Government-owned or operated facilities.

c. Shopping centers or shopping malls.

d. Professional offices of a health care provider.

e. Transportation facilities.

2. Elevator access is not required to the following:

a. Unoccupied floor levels used for the storage of goods, merchandise, products or wares. The storage floor level may not be used as a permanent workstation for any employee, as a common-use area for employees, or by the public for any reason. If the use of the storage floor level changes to that of an occupied space, a passenger elevator complying with this chapter and ch. ILHR 18 shall be installed to provide an accessible route of travel between the floor levels.

b. Floor levels with additional residential detention cells, if the accessible residential detention cells comply with s. ILHR 69.49 (2).

(b) Gross area greater than 20,000 square feet. 1. Except as specified in subds. 2. and 3., one passenger elevator, limited-use elevator, wheelchair platform lift or ramp shall serve each floor level, including mezzanines, in all buildings or facilities with a gross area greater than 20,000 square feet.

2. Access is not required to the following:

a. Mezzanines with additional employment areas.

b. Mezzanines with common-use areas where the common-use areas are comparable to those provided on an accessible floor level.

c. Floor levels with additional sleeping rooms in transient lodging buildings or facilities, if the building or facility complies with this chapter and ADAAG 9.1.1 to 9.4.

d. Unoccupied floor levels used for the storage of goods, merchandise, products or wares. The storage floor level may not be used as a permanent workstation for any employee, as a common-use area for employees, or by the public for any reason. If the use of the storage floor level changes to that of an occupied space, an accessible route of travel between floor levels shall be provided in accordance with this subsection.

3. Elevators complying with ADAAG 4.10 shall serve each floor level in buildings and facilities as specified in par. (a).

(3) AREAS OF RESCUE ASSISTANCE. [ADAAG 4.1.3 (9)] (a) General. [ADAAG 4.1.3 (9)] This is a department informational note to be used under ADAAG 4.1.3 (9):

Note: See s. ILHR 69.15 (2) (cm) for definition of exit.

(b) Exception. [ADAAG 4.1.3 (9) EXCEPTION] This is a department rule in addition to the requirements of ADAAG 4.1.3 (9) Exception. Areas of rescue assistance are not required at exits from unoccupied floor levels used for storage as specified in sub. (2) (a) 2. a. and (b) 2. d.

(4) TOILET FACILITIES. [ADAAG 4.1.3 (11)] This is a department rule in addition to the requirements of ADAAG 4.1.3 (11): Other toilet rooms provided for the use of occupants of specific spaces including a private toilet room for the occupant of a private office shall be sized in accordance with ADAAG 4.22 and shall be provided with solid blocking in the walls for the later installation of grab bars.

SECTION 24. ILHR 69.19 is repealed and recreated to read:

ILHR 69.19 ACCESSIBLE BUILDING: ADDITIONS. [ADAAG 4.1.5] Substitute the following wording for ADAAG 4.1.5:

(1) SPACES AND ELEMENTS. (a) Except as specified in sub. (2) (a), each space or element added to an existing building or facility shall comply with the applicable provisions of this chapter, ADAAG 4.1.1 to 4.1.3, minimum requirements for new construction, and the applicable technical specifications of ADAAG 4.2 to 4.35 and sections 5 through 10.

(2) ADDITIONS AS ALTERATIONS. (a) Where an addition to an existing building or facility is constructed only to enclose an elevator, limited-use elevator or vertical wheelchair platform lift, the construction shall be considered an alteration.

(b) Each addition that affects or could affect the usability of an area containing a primary function shall comply with ADAAG 4.1.6 (2).

SECTION 25. ILHR 69.20 and 69.21 are repealed and recreated to read:

ILHR 69.20 ACCESSIBLE BUILDINGS: ALTERATIONS. [ADAAG 4.1.6] (1) EXCEPTIONS. [ADAAG 4.1.6 (1) (k) (i)] This is a department rule in addition to the requirements of ADAAG 4.1.6 (1) (k) (i): An accessible route between floor levels shall be provided in an existing building or facility in accordance with s. ILHR 69.18 and ADAAG 4.1.3, unless providing the path of travel is disproportionate as specified in s. ILHR 69.10.

(2) ALTERATIONS TO AN AREA CONTAINING A PRIMARY FUNCTION. [ADAAG 4.1.6 (2)] These are department rules in addition to the requirements of ADAAG 4.1.6 (2): When providing a path of travel to an altered area is considered disproportionate to the overall alterations in terms of cost and scope, a SBD-10219 form shall be submitted along with the construction plans justifying the disproportionality.

(3) SPECIAL TECHNICAL PROVISIONS FOR ALTERATION TO EXISTING BUILDINGS AND FACILITIES. [ADAAG 4.1.6 (3)] (a) Toilet rooms. [ADAAG 4.1.6 (3) (e)] This is a department rule in addition to ADAAG 4.1.6 (3) (e) (i): A unisex toilet room shall be designed in accordance with s. ILHR 69.35 (1).

(b) Platform lifts. [ADAAG 4.1.6 (3) (g)] These are department rules in addition to the requirements of ADAAG 4.1.6(3) (g):

1. Limited-use elevators or vertical or inclined wheelchair lifts complying with ch. ILHR 18 may be used as part of an accessible route. The accessible route shall be clearly designated and maintained.

Note: A limited-use elevator as used in this chapter does not qualify as a full passenger elevator comply with ADAAG 4.10 or the ASME A17.1 Elevator Code, but it exceeds the requirements of a vertical or inclined wheelchair lift. A limited-use elevator may be used in lieu of a vertical or inclined wheelchair lift.

2. Stairway chairlifts are not acceptable as meeting the accessibility requirements of this chapter. Stairway chairlifts installed in buildings or facilities for other purposes shall comply with ch. Comm 18 and the applicable portions of chs. ILHR 50 to 64.

3. Residential elevators may only be used as specified in ch. Comm 18.

ILHR 69.21 ACCESSIBLE BUILDINGS: HISTORIC. [ADAAG 4.1.7] Substitute the following wording for ADAAG 4.1.7 (1) (b): A qualified historic building means a building or facility complying with the definition specified in s. ILHR 70.02 (1).

SECTION 26. ILHR 69.23 (3) Note is repealed.

SECTION 27. ILHR 69.245 is created to read:

ILHR 69.245 PARKING SPACES. [ADAAG 4.6.3] These are department rules in addition to the requirements of ADAAG 4.6.3:

(1) PARKING ACCESS AISLE AND ACCESSIBLE ROUTE. Except as specified in sub. (2), a parking access aisle shall lead to an accessible route. The accessible route shall comply with all of the following:

- (a) Lead to an accessible building entrance.
- (b) Not be located within the traffic lanes, except as permitted in par. (c).
- (c) Cross the flow of traffic only at marked crossings.

(d) Be protected by physical barriers, including wheel stops, curbs or bollards, when located between rows of parking spaces or when located between parking spaces and a building.

(2) EXEMPTION. Where it is technically infeasible to redesign an existing parking lot to provide an accessible route complying with sub. (1), an accessible route may be located within a traffic lane providing the accessible route leads to an accessible building entrance or to a marked crossing leading to an accessible building entrance.

Note: See Appendix A for examples of parking access aisles and accessible routes.

SECTION 28. ILHR 69.26 (2) is repealed and recreated to read:

ILHR 69.26 (2) LANDINGS. [ADAAG 4.8.4] This is a department informational note to be used under ADAAG 4.8.4:

Note: See s. ILHR 51.162 for guardrail requirements.

SECTION 29. ILHR 69.27 (2) is repealed and recreated to read:

ILHR 69.27 (2) HANDRAILS. [ADAAG 4.9.4] This is a department informational note to be used under ADAAG 4.9.4:

Note: See s. ILHR 51.161 (6) for requirements for handrails at stairways.

SECTION 30. ILHR 69.275 is created to read:

ILHR 69.275 ELEVATORS. [ADAAG 4.10]: This is a department rule in addition to the requirements of ADAAG 4.10: Each elevator car shall have a handrail mounted on the back or side wall of the car. The top of the handrail shall be mounted between 34 to 38 inches above the car floor. The space between the wall and the handrail shall be 1-1/2 inches. The handrail shall not project more than 4 inches from the wall.

SECTION 31. ILHR 69.28 is repealed and recreated to read:

ILHR 69.28 PLATFORM LIFTS. Substitute the following wording for ADAAG 4.11.2: If limited-use elevators, vertical or inclined wheelchair lifts, stairway chairlifts or residential elevators are installed in a building or facility as permitted by this chapter, they shall comply with ch. Comm 18.

Note: See Appendix A for examples of the minimum platform size for vertical or inclined wheelchair lifts and limited-use elevators.

SECTION 32. ILHR 69.29 is repealed and recreated to read:

ILHR 69.29 DOORS. [ADAAG 4.13] (1) MANEUVERING CLEARANCES AT DOORS. [ADAAG 4.13.6] This is a department rule in addition to the requirements of ADAAG 4.13.6. A door recessed more than 8 inches, measured from the face of the door to the face of the wall, shall be considered a door in an alcove and the maneuverability clearances shown in Figure 25 (a) shall be provided.

(2) TWO DOORS IN SERIES. [ADAAG 4.13.7] This is a department rule in addition to the requirements of ADAAG 4.13.7: Doors with a screen door or storm door shall be considered doors in series and shall comply with ADAAG 4.13.7.

Note: See Appendix A for examples of doors in series.

(3) AUTOMATIC DOORS AND POWER-ASSISTED DOORS. [ADAAG 4.13.12] Substitute the following wording for ADAAG 4.13.12: If an automatic door is used, then it shall comply with ANSI/BHMA A156.10-1991. Slowly opening, low-powered, automatic doors shall comply with ANSI A156.19-1990. Such doors shall not open to back check faster than 3 seconds and shall require no more than 15 pounds of force to stop door movement. If a power-assisted door is used, its door-opening force shall comply with ADAAG 4.13.11 and its closing shall conform to the requirements in ANSI A156.19-1990.

SECTION 33. ILHR 69.30 (1) and (2) are renumbered ILHR 69.30 (2) and (1) and ILHR 69.30 (1) (b), as renumbered, is repealed and recreated to read:

ILHR 69.30 (1) (b) A toilet stall measuring at least 36 inches in width by at least 90 inches in length. The toilet stall shall have an outswinging door located at the side of the stall and the door be at least 36 inches in width and shall provide a minimum clear opening specified in ADAAG 4.1.6 (3) (d); or

SECTION 33m. ILHR 69.30 (1) (c), as renumbered, is amended to read:

ILHR 69.30 (1) (c) A toilet stall measuring at least 48 inches in width by at least 69 inches in length. The toilet stall shall have an outswinging stall door located at the end of the stall. The toilet stall door shall provide a minimum of 32 inches of clear opening. The water closet shall be offset as shown in ADAAG ~~4.17.33~~ 4.17.3, Fig. 30 (b) the bottom diagram.

SECTION 34. ILHR 69.33 is repealed.

SECTION 35. ILHR 69.34 (2) is repealed.

SECTION 36. ILHR 69.35 (2) is repealed and recreated to read:

ILHR 69.35 (2) CLEAR FLOOR SPACE. This is a department rule in addition to the requirements of ADAAG 4.22.3: In a toilet room containing a tub, water closet and lavatory, the water closet shall not infringe on the clear floor space specified in ADAAG 4.20.3, Figure 33.

SECTION 37. ILHR 69.36 (1) is repealed and recreated to read:

ILHR 69.36 (1) HANDRAIL OR GRAB BAR SIZE. [ADAAG 4.26.2] This is a department rule in addition to the requirements of ADAAG 4.26.2: The handgrip portion of handrails shall have a smooth surface with no sharp corners. Handrails as shown in ADAAG Figure 39 (b) and (c) are not acceptable for stairways or ramps required to comply with s. ILHR 51.16.

SECTION 38. ILHR 69.375 is created to read:

ILHR 69.375 ASSEMBLY SEATING. [ADAAG 4.33.3] This is a department rule in addition to the requirements of ADAAG 4.33.3, Exception: The clustered seating specified for bleachers, balconies and other areas having sight lines that require slopes of greater than 5% shall be located on an accessible route and integrated within the assembly seating.

SECTION 39. ILHR 69, SUBPART 7-Business and mercantile, is repealed and recreated to read:

Subpart 7- Business and mercantile

ILHR 69.415 GENERAL. [ADAAG 7.1] Substitute the following wording for ADAAG 7.1:

(1) AREAS USED FOR BUSINESS TRANSACTIONS. In addition to the requirements of ADAAG 4.1 to 4.35, the design of all areas used for business transactions with the public shall comply with ADAAG 7.

(2) MINI-STORAGE BUILDINGS. At least 5% of mini-storage buildings, with a minimum of one of each type of storage area, shall be accessible. The entrances to the accessible storage units shall comply with ADAAG 4.13. The accessible entrances shall be on an accessible route complying with ADAAG 4.5. The accessible route is not required to be paved.

SECTION 40. ILHR 69.42 is repealed and recreated to read:

ILHR 69.42 ACCESSIBLE TRANSIENT LODGING. [ADAAG 9.0] Substitute the following wording for ADAAG 9.1.2: Accessible sleeping rooms or suites that comply with the requirements of ADAAG 9.2 shall be provided in conformance with Table 69.42. In addition, in hotels of 50 or more sleeping rooms or suites, additional accessible sleeping rooms or suites that include a roll-in shower shall also be provided in conformance with Table 69.42. Rooms with accessible shower stalls shall comply with the requirements of ADAAG 9.2, 4.21 and Figure 57 (a) or (b).

SECTION 41. ILHR 70.42 is repealed and recreated to read:

ILHR 70.42 ACCESSIBILITY REQUIREMENTS. All qualified historic buildings being altered or remodeled, added to or changed in use shall comply with the requirements of ch. ILHR 69.21 and ADAAG 4.1.7.

SECTION 42. ILHR 70.43 and 70.44 are repealed.

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

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