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NC ACCESSIBILITY CODE

2009 NC Bldg Code Ch. 11

2003 ICC/ANSI A117.1

Mandatory: 1 Jan 2010

2012 NC Bldg Code Ch. 11

2009 ICC/ANSI A117.1

Effective date: 1 Sept 2011

Mandatory: 1 March 2012

AccessUpdate Website:

[Click here](#)

2010 ADA STANDARDS:

- Published in Federal Register 9/15/10
- Effective 3/15/11
- Mandatory 3/15/12
- Copy available: www.ada.gov

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2009/12 NCBC App. E 105.4 Mailboxes

A copy was recently received of a most interesting letter response from HUD to the USPS, who had requested information on the mounting heights of mailboxes for residential developments. The issue is whether mailboxes for accessible dwelling units are required to be mounted at a height lower than that permitted by the US Postal Service.

The language in the **2009** and the **2012 NCBC for Appendix E105.4 Mailboxes** is identical. It states:

Where mailboxes are provided in an interior location, at least 5 percent, but not less than one, of each type shall comply with ICC A117.1. In residential and institutional facilities, where mailboxes are provided for each dwelling unit or sleeping unit, mailboxes complying with ICC A117.1 shall be provided for each unit required to be an Accessible unit.

The above section requires at least 5 %, but not less than one of each type of mailbox to comply with the clear floor space height and operable parts as well as reach range requirements of ANSI A117.1. For reach ranges, this means the 15" minimum to 48" maximum permitted heights by ANSI 308.

The language makes reference to Accessible units, but not

specifically to either Type A or Type B units. There is no mention of either Type A or Type units in the ANSI Commentary, only for Accessible dwelling units. Since HUD monitors all Type B requirements, their letter appears to address HUD requirements for mailboxes for Type B dwelling units. If not designed in accordance with both state and federal requirements, there is potential liability.

The 2008 letter to the US Postal Service stated the following:

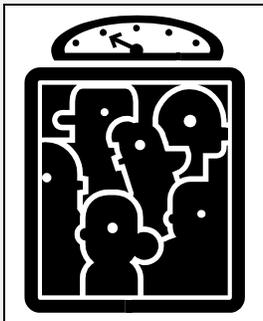
1. The more restrictive of state vs. federal requirements takes precedence.
2. Where states have adopted newer codes than the 1986 edition of ANSI A117.1, with the 48" maximum reach range, that 48" reach range will be effective.
3. Lower (accessible) height mailboxes may not be requested as an accommodation. The mailboxes are required to be at the complying height when the building is constructed or altered (for anything built for 1st occupancy after March 13, 1991).
4. Developers who deviate from the standards by providing mailboxes at higher reach ranges have been subject to enforcement proceedings brought by HUD, as well as litigation brought by the US Department of Justice

If you go to the Tech Data items on the website [see connecting link in the left margin], you can read the entire letter or download it, if desired.





Portable lifts, if used as an alternate method in existing construction, do not comply with the requirements until fixed on place. [USDOJ]



Portable Pool Lifts

In a discussion on 11/22/11 with the US Department of Justice, several questions were clarified concerning the potential of using portable lifts for either new pool construction or for upgrading existing pools. Bottom line: when lifts are provided, they are required to be fixed, unless, for alterations, it is technically infeasible to do so.

NCBC 1109.14.3 requires access to recreational facilities. **2009 ANSI A117.1 Section 1109** gives the requirements for doing so. For new construction, a pool with a linear circumference of 300 feet or more requires at least two accessible means of entry into the pool. **ANSI 1109.1.1** requires a sloped entry or a pool lift as one type of entry.

If the linear circumference is less than 300 feet, then only one means of accessible entry is required by **1109.1.1 Exc. 1**. Typically, owners will install a lift as the single means for entry.

As USDOJ explained it: since all requirements apply to fixed elements and standards, any lift provided is required to be fixed in place. For an existing pool, which requires upgrading effective March 15, 2012, if it is not *readily achievable* to provide a fixed lift, then a portable lift may be provided. The portable lift shall meet all the requirements of a permanent lift, including a lift capacity of 300 lbs. minimum [**ANSI 1109.2.9**] and compliant operating mechanisms [**ANSI 309**]. The emergency release button cannot require wrist-twisting to reactivate.

2012 NCBC 1104.4 Elevator Provisions

When you get your 2012 NCBC, please look at the 'revised' language in Section 1104.4. The 2009 NCBC 1104.4 was modified to include language that tracked with the 1991 ADA Accessibility Guideline. The 2012 now follows the 2010 ADA Standards and the language is different.

The charging paragraph requires access to *levels* and *mezzanines*, meaning everything 1-story plus mezzanine or two stories, requires an elevator, lift (where applicable) or a ramp. **NCBC 1104.4 Exception 1** modifies that requirement if the building stories and mezzanine above or below the ground floor level have an aggregate area of not more than 3,000 sf. If the aggregate area of those upper or lower levels exceeds 3,000 sf, then access is required to the upper or to the lower levels from the ground floor level. According to the 2009 ICC Commentary, access is not required to both (up and down).

Health-care offices with an occupant load of five or fewer on the upper level [**NCBC 1104.4 Exc. 4**] are still required to have access if the space is used for patient care [**NCBC 1104.4 Exc. 1 Item 1.2**] since the space would be considered for *public use*.

When Are Automatic Doors Required?

This question gets asked frequently so it is time to provide the generic answer: In **ANSI 404.3**, the language states "*If [doors are] provided*", and it means exactly that. Typically, automatic doors are not required. They may be used in the following situations:

1. To resolve situations in an existing non-complying building where the pull or push clearances cannot be met.
2. To resolve issues where the opening maximum force cannot be met or to eliminate having to adjust the door on a regular basis.
3. For customer convenience issues, e.g., Wal-Mart, Target, large assembly buildings, community centers, hospitals, and so forth.

We get used to seeing the automatic doors in various commercial applications, so it is easy to think that they are required, when typically they are not. They can be a good solution though.