

NC ACCESSIBILITY CODE

2009 NC Bldg Code Ch. 11

2003 ICC/ANSI A117.1

Effective date: 1 Jan 2010

2010 ADA STANDARDS:

- Published: Federal Register 9/15/09
- Enforceable 3/15/12
- Copy available: www.ada.gov

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www.ncdoi.com/OSFM/Engineering/CodeServices/engineering_codeservice_s_interpretations_accessibility.asp

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Q: Should I design to the 2009 NCBC or to the 2010 ADA when I submit for my permit now that the 2010 ADA Standards are out?



Which Code to Use: NCBC or 2010 ADA?

Everyone should know that North Carolina's current code is the 2009 NC Building Code with Ch. 11, which references the 2003 ANSI A117.1. It is easy to forget that there are accessibility provisions in other sections of the NCBC, too, though, so don't forget to check other chapters as well (Ch. 10, 34, App. E, etc.).

The 2012 NCBC will be based on the 2009 International Building Code and will reference the 2009 ANSI A117.1. When it goes into effect on January 1st, 2012, it will be as close as possible to complying with the 2010 ADA Standards that will become

enforceable on March 15, 2012. What many designers are choosing to do is to design a project now that complies with the 2010 ADA Standards so that when the project is constructed, it will comply with the ADA code in effect at the time that the Certificate of Occupancy is issued.

If you, as the designer, are getting a permit now – you are required to comply with the NC building code in effect at the time that the project is permitted, i.e., the 2009 NCBC. You can always choose to design beyond the minimum code requirements.

In discussions with the US Department of Justice, USDOJ has said that if the choice has been made to go with the 2010 ADA Standards, then *compliance with all the standards is what is required*. This becomes a typical "You cannot pick and choose" between different code requirements.

The recommendation is to pick one set of code requirements and go with that one set so that it is clear how the building is designed. That way, if there are any issues later, it will be as simple as possible to figure out.

New DOI Policy: ANSI 606.5 Lavatories with Enhanced Reach Ranges Required for Nursery, Daycare, and K-3rd Grade



Changes from 2004 NCAC

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The 2003 edition of ANSI has technical requirements that do not have specific scoping provisions in the 2009 NC Building Code. One of these is ANSI 606.5 Lavatories with Enhanced Reach Ranges which was developed for persons who are, as the ANSI Commentary states, *short in stature or have limited reach range over the 34 inch lavatory or counter*. While the height of a lavatory may be lower for children, children of younger ages do have a limited reach range. As a result, DOI has adopted the following policy, effective immediately:

2003 ANSI 606.5 Lavatories with Enhanced Reach Ranges is now applicable for daycare, nursery and K-3rd grades. This section addresses the location of reach range of lavatory controls (faucets) and soap dispensers, requiring them to have either

1. A maximum reach depth of 11 inches from the front edge of the counter, or
2. If automatic, to be activated within a reach depth of 11 inches maximum.

The water and soap flow shall be provided with a reach depth of 11 inches maximum as well.

This does mean that lavatories for 3rd grade and below will have to be checked to determine whether or not the fixture will comply with the ANSI 606.5 requirement. This policy applies to the lavatories for all children in this age range (daycare, nursery and K-3rd grades), not just the accessible lavatories. The language in the ANSI Commentary describes it in slightly more detail and a photo is provided as well. Please confirm that your standard designs comply. Access may be provided from the side as well as from the front.



Charter Schools + Elevator Req'mts

Question 1: Charter schools are typically constructed on private property although the funding for them is public. When the schools are multi-story, the question arises as to whether or not an elevator is required. **Do we use NCBC 1104.4.2** for public schools and require the elevator when the school is 2-stories **or NCBC 1104.4.8** and require an elevator when the school is 3 stories with a minimum of 3,000 sf on a floor.

Answer 1: The schools are considered to be public schools under **Section 504 – the Rehabilitation Act**. So an elevator is required per **NCBC 1104.2.2** when the school is 2-stories or more.

Does Unisex Toilet Addition Require an Upgrade to Existing M/F Facilities?

Question 2: There is existing old small restaurant (75 seats) that has two old bathroom facilities, one male and one female, which are non-compliant under any current codes especially the accessibility codes. The owner proposes an addition that includes one unisex accessible facility. **2009 NC Plumbing Code 403.2** requires separate facilities for each sex. Could a permit be issued to build one unisex accessible bathroom facility as long as the owner maintains the two other separate facilities?

Answer 2: Yes, the unisex facility can be added while maintaining the other M/F restrooms facilities as non-compliant. Here is how:

1. Since the unisex going in is new construction and is providing access to the building, it satisfies **NCBC 3409.5**, which references **NCBC 3409.7**.
2. **NCBC 3409.7 Exc. 4** exempts the cost of the unisex facility since it adds to the accessibility of the restaurant. That means, assuming that there are no other alterations or new construction, that signage will have to be added at the existing M/F facilities indicating that the accessible facilities are at the unisex one and indicating its location. [**NCBC 1110.2.4**]
3. **NCBC 3409.8.9** allows for a single accessible unisex facility on the same floor and in the same area as the existing facilities.

CODE SEQUENCE:

- **NCBC 3409.5**
- **NCBC 3409.7 Exc. 4**
- **NCBC 3409.8.9**
- **NCBC 1110.2.4**



Important Evaluation Service Website Links

The **Evaluation Services Section** has website links that may be of great value to anyone who knows that they exist. You should check back in on these on a regular basis to see what new papers or topics have been added.

- **White Paper on proposing alternate methods and materials**
http://www.ncdoi.com/OSFM/Engineering/engineering_wpt.asp
- **Evaluation Topics**
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Requests for **new research** or **evaluation topics** should be sent to Susan.Gentry@ncdoi.gov .

