

**STATE OF DELAWARE  
ARCHITECTURAL  
ACCESSIBILITY  
STANDARDS**

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## INTRODUCTION

Pursuant to Section 7306 (a) (1), Title 29, Delaware Code, the Delaware Architectural Accessibility Board has adopted, as the State Architectural Accessibility Technical Requirements, the American National Standard – Accessible and Usable Buildings and Facilities CABO/ANSI.A117.1, now known as the ICC/ANSI A117.1 Standards as may be revised from time to time.

The most recent edition of the ICC/ANSI A117.1 Standards will provide the technical requirements for accessibility. This supplement will provide the scoping requirements and certain amendments to the technical requirements. Together these documents comprise the Delaware Architectural Accessibility Standards.

Sectional references in this document (underlined) refer to sections in ICC/ANSI A117.1-2009.

Please note that this supplement contains some amendments to the ICC/ANSI technical requirements, to be found on page 27.

These Standards are effective August 16, 1987. (Amended 1/1//89)\*  
(Amended 3/8/90)\*\*  
(Substantially amended 4/13/95)

The Architectural Accessibility Board is the State agency charged with the responsibility for insuring that State-owned, State-leased and State-financed facilities are safely accessible to and usable by persons with physical disabilities.

The address of the Board is:

Architectural Accessibility Board  
Division of Facilities Management  
540 S. DuPont Highway, 3<sup>rd</sup> Floor  
Dover, DE 19901  
Phone: (302) 739-5644

The Architectural Accessibility Board was created by the Architectural Accessibility act (Chapter 73, Title 29, Delaware Code) which became law on July 13, 1979.

The primary functions of the Architectural Accessibility Board are:

1. To review and approve construction plans and specifications;
2. To review and approve alteration or renovation plans and specifications;
3. To review and approve proposed lease locations;
  - Section 4.1.4 (11) (b), page 18 and 19.
  - Section 3.4, Definition of Alteration

4. To act upon complaints of non-compliance;
5. To consider requests for waivers;
6. To promote public awareness of architectural accessibility and the requirements thereof.

To carry out these duties, the Board meets once a month, generally the second Thursday of each month. All submissions are reviewed in detail by a subcommittee of the Board, known as the Submissions Review Committee. This committee generally meets two weeks prior to every Board meeting.

## 1. PURPOSE

The purpose of this document is to implement Section 7306 (a) (1), Title 29, Chapter 73, Delaware Code, the Architectural Accessibility Act, which requires the Architectural Accessibility Board to promulgate rules and regulations which shall contain standards for the design and construction of facilities covered by the Act to Assure that such facilities are safely accessible to and usable by handicapped persons. This document also implements Section 7306 (a) (2), Title 29, Chapter 73, Delaware Code which requires the Architectural Accessibility Board to promulgate rules and regulations for the granting of waivers from the requirements of this Chapter and the Board's standards.

## 2.1 APPLICABILITY: BUILDINGS AND FACILITIES SUBJECT TO THESE STANDARDS

- (a) Definition. As used in this section, the term:
- (1) "Constructed or altered on behalf of the State of Delaware," means acquired by the State of Delaware through lease-purchase arrangement, constructed or altered for purchase by the State of Delaware, or constructed or altered for the use of the State of Delaware.
- (b) **BUILDINGS AND FACILITIES COVERED:** These standards apply to any building or facility, or part of any facility, and to any alteration thereto, which, after July 13, 1979, is:
- (1) Constructed by or on behalf of the State of Delaware;
  - (2) Leased or rented in whole or in part by the State of Delaware;
  - (3) Financed in whole or in part by the State of Delaware or by bonds guaranteed in whole or in part by the state of Delaware;
  - (4) Financed by the federal government through a state agency, the state agency acting as distributor and disbursor of the funds.

The provisions contained herein are not applicable to any facility designated by the Board of Electors of any County as a polling place for any election for any official for the State of Delaware.

## 2.2 PROVISIONS FOR ADULTS

The specifications in **these standards** are based upon adult dimensions and anthropometrics.

## **2.3 WAIVERS AND VARIANCES**

As required by Title 29, Delaware Code, Section 7306 (a) (2), the Architectural Accessibility Board is charged with promulgating “Rules and Regulations for the Granting of Waivers from the requirements of the Architectural Accessibility Act and the Board’s standards.” Section 7306 (a) (6), further states, the Architectural Accessibility Board shall “upon written application setting forth good and sufficient reason therefore, grant written waivers from this Chapter and the Standards of Board, pursuant to Section 7309 of this Chapter” which states:

- (a) “upon written application setting forth good and sufficient reason, the Board may grant a waiver from this Chapter and the Board’s standards.
- (b) such application shall specify the facts relating to the request for the waiver. Any waiver granted by the Board shall be in writing and shall specify the Board’s reason for granting the waiver.”

The Board shall take into account such factors as the availability of acceptable alternatives to the Board’s standards, and whether or not compliance with the standards will produce extreme economic hardship without substantial benefit to people with disabilities.

**NOTE:** The State of Delaware’s Architectural Accessibility Act (AAA) was established before the federal Americans with Disabilities Act (ADA) was enacted in 1990. It may be appropriate to request waivers and/or variances that pertain solely to specific requirements of the AAA. However, requirements of the ADA may not be waived, exempted, altered or varied in any matter or form, unless done so according to the act.

### **2.3.1 THE PROCEDURE FOR REQUESTING A WAIVER:**

#### **(A) WHERE TO SUBMIT A REQUEST FOR A WAIVER**

All requests for a waiver shall be submitted directly to:

Architectural Accessibility Board  
Division of Facilities Management  
540 S. Dupont Highway, Suite 1  
Dover, DE 19901  
Phone: (302) 739-5644

#### **(B) TIME TABLE**

Request for waivers must be received in the office of the Chief Administrator at least ten (10) days before a Board meeting. The Board generally meets on the second Thursday of every month. A request for a waiver will be acted upon on or before the meeting next following, or within sixty (60) days following submission, whichever comes first.

**(C) NECESSARY DOCUMENTATION**

All requests must be in writing and include the following information:

- I. The name and address of the state agency responsible for the project.
- II. The name and address of the design architect, engineer, or other person responsible for the request of the waiver.
- III. The address of the subject facility.
- IV. The number of employees currently employed at the subject facility, and if different, number of employees anticipated to be employed at the subject facility.
- V. The function of the employees currently employed, and if different, the function of employees anticipated to be employed at the subject facility.
- VI. If the agency which occupies or will occupy the facility provides a service, state the nature of the service, the average number of members of the public served per day, and, if the request would result in a facility which is not accessible to individuals with disabilities, state the nearest accessible location where an identical service is provided.
- VII. If the request would result in a facility which is not accessible to individuals with disabilities, state the location of the nearest accessible facility which would provide an identical employment function.
- VIII. Sufficient documentation to determine the estimated cost of meeting the standard or complying with that part of the Act for which the waiver is requested. It is recommended that this include a qualified estimate.
- IX. Any and all information necessary to determine compliance in all other areas of the subject facility with these standards such as, site plan, architectural floor plans, elevations, and pertinent sections of the construction specifications that demonstrate compliance. Four (4) copies of each document must be provided to the Board.
- X. If the request for a waiver is made in conjunction with a request for approval of a Lease/Lease Renewal, or Plan of Corrective Action, the procedure for the submission of leases to the Architectural Accessibility Board must also be adhered to.
- XI. The reasons for the request for a waiver must be clearly stated.

## **(D) REVIEW PROCESS**

Upon receipt of a request for a waiver, or review, the Chief Administrator shall by letter to the architect, engineer, or submitting agency, acknowledge receipt of the documents, state the date and location of the next Submissions Review Committee meeting, the date and location of the next regular Board meeting, schedule an inspection of the site, if he deems it necessary, and invite the architect, engineer, or submitting agency to attend either of the above-mentioned meetings.

The Submissions Review Committee, a subcommittee of the Board, generally meets two weeks prior to the regular Board meeting. This subcommittee reviews in depth the documents which are submitted, and makes recommendations to the Architectural Accessibility Board.

Upon official action by the Board, a letter will be sent to the architect, engineer, or submitting agency stating the determination of the Board.

## **(E) JUDICIAL REVIEW**

Title 29, Delaware Code, Chapter 73, Section 7310 (a), provides that “any person aggrieved by a final order of the Board may appeal pursuant to the provisions of the Administrative Procedures Act, 29 Delaware Code, Chapter 64.”

### **PLEASE NOTE:**

Any waiver granted by the Architectural Accessibility Board does not preclude adherence to requirements, or the necessity of obtaining approvals which maybe required by other agencies.

## **2.3.2 VARIANCES**

Any variance, as defined in §3.4, may be granted by a majority vote of the Architectural Accessibility Board, only if it is clear that equivalent facilitation is provided; and,

- (a) application of the standard would be structurally impracticable (See Definition, Page 6); or
- (b) improved access, or a greater degree of access is provided; or
- (c) an innovative method is proposed to be substituted for a method required by the standard.

## **3.4 DEFINITIONS**

(These definitions are in addition to those found in ICC/ANSI A117.1-2003, Section 106 Definitions)

## **AAB.** Architectural Accessibility Board

**Agency.** A department, agency or instrumentality of the State of Delaware.

**Alteration.** Any change in a building or facility or its permanent fixtures or equipment. It includes, but is not limited to, remodeling, renovation, rehabilitation, and extraordinary repairs. This includes all work to an existing building that presents the opportunity to provide increased accessibility, no matter how described. It does not include normal maintenance, reroofing, interior decoration, or changes to mechanical systems.

**Architectural Accessibility Act.** Title 29, Chapter 73, Delaware Code.

**Chief Administrator.** The principal staff person to the Architectural Accessibility Board.

**Construction.** Any erection of a new building or facility or of an addition to an existing building or facility.

**Entrance.** Any access point to a building or portion of a building or facility used for the purpose of entering. An entrance includes the approach walk, the vertical access leading to the entrance platform, the entrance platform itself, vestibules if provided, the entry door(s) or gate(s), and the hardware of the entry door(s) or gate(s). The principal entrance of a building or facility is the main door through which most people enter.

**Essential Features.** Those elements and spaces that make a building or facility usable by, or serve the needs of, its occupants or users. Essential features include, but are not limited to, entrances, toilet rooms, and accessible routes. Essential features do not include those spaces that house the major activities for which the building or facility is intended, such as classrooms and offices.

**Equivalent Facilitation.** Access or use which is, in terms of performance, dignity, convenience, and independence, at least substantially equal to or better than that required under the standard.

**Exception.** A special provision in the standard which indicates an acceptable alternative, under specified circumstances, to a requirement stated directly above the exception.

**Extraordinary Repair.** The replacement or renewal of any element of an existing building or facility for purposes other than normal maintenance.

**Facility.** All or any portion of a building, structure, or area, including the site on which such building or facility, structure or area is located, wherein specific services are provided or activities performed.

**Full and Fair Cash Value.** Full and fair cash value is calculated for the estimated date on which work will commence on a project and means:

- (1) The assessed valuation of a building or facility as recorded in the assessor's office of the municipality and as equalized at one hundred percent (100%) valuation; or
- (2) The replacement cost; or
- (3) The fair market value.

**Primary Function.** Means a major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to, the customer services lobby of a bank, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas. Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors, and restrooms are not areas containing a primary function.

**Space.** A definable area, e.g., toilet room, hall, assembly area, entrance storage room, alcove, courtyard or lobby.

**Standard-Setting Agency.** Delaware Architectural Accessibility Board.

**Structural Impracticability.** Changes having little likelihood of being accomplished without removing or altering a load-bearing structural member and/or incurring an increased cost of 50 percent or more of the value of the element of the building or facility involved.

**Temporary.** Temporary as applied to elements means installed for less than 6 months and not required for safety reasons.

**TDD.** Telecommunications device for the deaf. Sometimes referred to as a TTY.

**Variance.** An official act in accordance with the provisions of the Architectural Accessibility Act to permit design, construction, alteration, or lease of a building without strict compliance with a particular provision of a standard.

**Waiver.** An official act in accordance with the Architectural Accessibility Act to:

- (a) Exempt an entire building or facility from one or more requirements of a standard; or
- (b) Exempt an entire building or facility, or any portion of a building or facility, from the requirements of a standard with respect to a specific element or space; or
- (c) Exempt from the requirements of 29 Delaware Code 73 in whole or in part.

## 4. ACCESSIBLE ELEMENTS AND SPACES:

### 4.1 MINIMUM REQUIREMENTS

#### 4.1.1 ACCESSIBLE SITES AND EXTERIOR FACILITIES: NEW CONSTRUCTION

An accessible site shall meet the following minimum requirements:

- (1) At least one accessible route complying with 402 shall be provided within the boundary of the site from public transportation stops, accessible parking spaces, passenger loading zones if provided, and public streets or sidewalks to an accessible building entrance.
- (2) At least one accessible route complying with 402 shall connect accessible buildings, facilities, elements, and spaces that are on the same site.
- (3) All objects that protrude from surfaces or posts into circulation paths shall comply with 307.
- (4) Ground surfaces along accessible routes and in accessible spaces shall comply with 305.
- (5) (a) If parking spaces are provided for employees or visitors, or both, then accessible spaces, complying with 502 and 503 shall be provided in each such parking area in conformance with the following table:

Total Parking In Lot	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 1000	*
1001 and over	**

\* 2 percent of total

\*\* 20 plus 1 for each 100 over 1000

- (1) One in every eight accessible spaces, but not less than one, shall be van accessible in compliance with 502.3 for van-accessible spaces shall have an additional sign “Van-Accessible” mounted below the symbol of accessibility.

Exception: The total number of accessible parking spaces may be distributed among parking lots, if greater accessibility is achieved.

Exception: This does not apply to parking provided for official government vehicles owned or leased by the government and used exclusively for government purposes.

- (b) If passenger loading zones are provided, than at least one passenger loading zone shall comply with 503.1.
- (c) Parking spaces at accessible housing complying with Section 502 shall be provided in accordance with the following:
  - (1) Where parking is provided for all residents, one accessible parking space shall be provided for each accessible dwelling unit; and
  - (2) Where parking is provided for only a portion of the residents, an accessible parking space shall be provided on request of the occupant of an accessible dwelling unit;
  - (3) Where parking is provided for visitors, 2% of the spaces, or at least one, shall be accessible.
- (d) Parking spaces at health care facilities complying with Section 502 shall be provided in accordance with the following:
  - (1) General health care facilities, employee and visitor parking: Comply with the table, per 4.1.1 (5) (a);
  - (2) Outpatient facilities: 10% of the total number of parking spaces provided;
  - (3) Spinal cord injury facilities, employee and visitor parking: 20% of total parking spaces provided.
- (6) If toilet facilities are provided on a site, then each such public or common use toilet facility shall comply with 603. If bathing facilities are provided on a site, then each such public or common use bathing facility shall comply with 603.

Exception: These provisions are not mandatory for single user portable toilet or bathing units clustered at a single location; however, at least one toilet unit complying with 603 or one bathing unit complying with 603 should be installed at each location whenever standard units are provided.

- (7) All signs shall comply with the Accessible signage provisions of 703. Elements and spaces of accessible facilities which shall be identified by the International Symbol of Accessibility are:
  - (a) Parking spaces designated as reserved for physically handicapped people;
  - (b) Passenger loading zones;
  - (c) Accessible entrances;
  - (d) Accessible toilet and bathing facilities.

#### **4.1.2 ACCESSIBLE BUILDINGS: NEW CONSTRUCTION**

Accessible buildings and facilities shall meet the following minimum requirements:

- (1) At least one accessible route complying with 402 shall connect accessible building or facility entrances with all accessible elements within the building or facility.
- (2) All objects that overhang circulation paths shall comply with 307.
- (3) Ground and floor surfaces along accessible routes and in accessible rooms and spaces shall comply with 302.
- (4) All stairs, except egress-only stairs, shall comply with 504 and 505.
- (5) One passenger elevator complying with 407 shall serve each level in all multi-story buildings and facilities. If more than one elevator is provided, each elevator shall comply with 407.

Exception. Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks are excepted from this requirement.

Exception: Accessible ramps complying with 405 or, if no other alternative is feasible, accessible wheelchair lifts complying with 410 may be used in lieu of an elevator.

- (6) Windows. Reserved.
- (7) Doors:

- (a) At each accessible entrance to a building or facility, at least one door shall comply with 404.
- (b) Within a building or facility, at least one door at each accessible space shall comply with 404.
- (c) Each door that is an element of an accessible route shall comply with 404.
- (d) Each door required by 402, Egress, shall comply with 404
- (e) All exits required by NFPA the Life Safety Code shall comply with 404 Doors and Doorways.

Exception: In multiple story buildings and facilities where at-grade egress from each floor is impossible, either of the following is permitted:

- (1) The provision within each story of approved fire and smoke partitions that create horizontal exits; or
- (2) The provision within each floor of areas of rescue assistance complying with §4.2, 805 Areas of Rescue Assistance, **this document**.

Exception: Areas of rescue assistance are not required if the building is protected throughout by an approved automatic sprinkler system and meets all the requirements of the State Fire Prevention Regulations.

- (8) At least one entrance to a building shall comply with 404 Doors and Doorways. When a building or facility has entrances which normally serve any of the following functions: transportation facilities; passenger loading zones; parking facilities; taxi stands; public streets and sidewalks; accessible interior vertical access, then at least one of the entrances serving each such function shall comply with 404 Doors and Doorways. **When a building or facility has entrances on more than one exposure, then at least one entrance for each exposure shall comply with 404 Doors and Doorways, unless site conditions preclude accessibility.**
- (9) If drinking fountains or water coolers are provided, at least 50% of those provided on each floor shall comply with 602 and shall be on an accessible route. If only one drinking fountain or water cooler is provided on any floor, it shall comply with 602.
- (10) Toilet and Bathing Facilities. **Each toilet and bathing facility shall comply with 603**, and in each facility at least one accessible fixture and accessory of each type provided shall comply with 603.

- (11) If storage facilities such as cabinets, shelves, closets, and drawers are provided in accessible spaces, at least one of each type provided shall contain storage space complying with 905.
- (12) Controls and operating mechanisms in accessible spaces, along accessible routes, or as parts of accessible elements (for example, light switches and dispenser controls) shall comply with 309.
- (13) If emergency warning systems are provided; then they shall include both audible alarms complying with 702 and visual alarms complying with 702 the sleeping accommodations shall have any alarm system complying with 702.6. Emergency warning systems in health care facilities may be modified to suit standard health care alarm design practice.
- (14) If provided, detectable warnings shall comply with 705.
- (15) If signs are provided, they shall comply with the Accessible signage provisions of 703. In addition, permanent signage that identifies rooms and spaces shall also comply with the Tactile signage provisions of 703.

Exception: The Tactile signage provisions of 703 are not mandatory for temporary information on room and space signage, such as current occupant's name.

(16) Public Telephones:

- (a) If public telephones are provided, then accessible public telephones shall comply with 704 Telephones, and the following table:

<b>Number of public telephones provided on each floor</b>	<b>Number of telephones required to be accessible*</b>
1 or more single unit installations	1 per floor
1 bank*	1 per floor
2 or more banks**	1 per bank. Accessible unit may be installed as a single unit in proximity (either visible or with signage) to the bank. At least one public telephone per floor shall meet requirements for a forward reach telephone***

\* Additional public telephones may be installed at any height. Unless otherwise specified, accessible telephones may be either forward or side reach telephones.

\*\* A bank consists of two or more adjacent public telephones, often installed as a unit.

\*\*\* Exception: For exterior installations only, if dial tone first service is not available, then a side reach telephone may be installed instead of the required forward reach telephone (i.e., one telephone in proximity to each bank shall comply with 704).

(b) At least one of the public telephones complying with 704. Telephones, shall be equipped with a volume control. The installation of additional volume controls is encouraged and these may be installed on any public telephone provided.

(c) If banks of two or more telephones are provided, at least one telephone per bank shall be equipped with a TDD or with signage directing the user to a TDD that is located within the building.

(17) If fixed or built-in seating, tables, or work surfaces are provided in accessible spaces, at least 5 percent, but always at least one, of seating spaces, tables, or work surfaces shall comply with 902.

(18) Assembly areas:

(a) If places of assembly are profiled, they shall comply with the following table:

<b>Capacity of Seating &amp; Assembly Areas</b>	<b>Number of Required Wheelchair Locations</b>
50 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	*
Over 1,000	**

\*2 percent of total

\*\*20 plus 1 for each 100 over 1000

(b) Assembly areas with audio-amplification systems shall have a listening system complying with 706 to assist the number of persons as would be indicated based on the wheelchair location table. For assembly areas without amplification systems and for spaces used primarily as meeting and conference rooms, a

permanently installed or portable listening system shall be provided. If portable systems are used for conference or meeting rooms, the system may serve more than one room.

### **4.1.3 ACCESSIBLE HOUSING**

Accessible housing shall comply with the requirements of 4.1 and 1001 except as noted below:

- (1) Elevators: Where provided elevators shall comply with section 407. Elevators or other accessible means of vertical movement are not required in residential facilities when:
  - (a) No accessible dwelling units are located above or below the accessible grade level; and
  - (b) At least one of each type of common area and amenity provided for use of residents and visitors is available at the accessible grade level.
- (2) Entrances: Entrances complying with Section 404 shall be provided as necessary to achieve access to and egress from buildings and facilities.

Exception: In projects consisting of one-to-four family dwellings where accessible entrances would be extraordinary costly due to site conditions or local code restrictions, accessible entrances are required only to those buildings containing accessible dwelling units.

- (3) Common Areas: At least one of each type of common area and amenity in each project shall be accessible, and shall be located on an accessible route to any dwelling unit.
- (4) Stairs: In residential facilities with or without elevators; all common use stairs, except egress-only stairs, shall comply with 504.

### **4.1.4 OCCUPANCY CLASSIFICATIONS**

Buildings and facilities shall comply with these standards to the extent noted in this section for various occupancy classifications, unless otherwise modified by a special application section. Occupancy classifications, and the facilities covered under each category, include but not necessarily limited to the listing which follows:

(1) General Exception: Accessibility is not required to elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks, lookout galleries, electrical and telephone closets, and general utility rooms.

(2) Military Exclusions:

The following facilities need not be designed to be accessible, but accessibility is recommended since the intended use of the facility may change with time.

(a) Unaccompanied personnel housing, closed messes, vehicle and aircraft maintenance facilities, where all work is performed by able-bodied military personnel, and in general, all facilities which are intended for use or occupancy by able-bodied military personnel only.

(b) Those portions of Reserve and National Guard facilities which are designed and constructed primarily for use by able-bodied military personnel. This exclusion does not apply to those portions of a building or facility which may be open to the public or which may be used by the public during the conduct of normal business or which may be used by physically handicapped persons employed or seeking employment at such building or facility. These portions of the building or facility shall be accessible.

(c) Where the number of accessible spaces required is determined by the design capacity of a facility (such as parking or assembly areas), the number of able-bodied military persons is used in determining the design capacity need not be counted when computing the number of accessible spaces required.

(3) Military Housing

In the case of military housing, which is primarily available for able-bodied military personnel and their dependents, at least 5% of the total but at least one unit (on an installation-by-installation basis) of all housing constructed will be designed and built to be either accessible or readily and easily modifiable to be accessible, but in any event, modification of individual units (including the making of adaptations), will be accomplished on a high priority basis when a requirement is identified. Common areas such as walks, streets, parking and play areas, and common entrances to multi-unit facilities shall be designed and built to be accessible.

(4) Assembly.

Assembly occupancy includes, among others, the use of a building or structure, or a portion thereof, for the gathering together of persons for purposes such as civic, social or religious functions, recreation, food or drink consumption, or awaiting transportation. A room or space used for assembly purposes by less than fifty (50) persons and accessory to another occupancy shall be included as part of that major occupancy. For purposes of these standards, assembly occupancies shall include the following:

<b>Facilities</b>	<b>Application</b>
Admitting audiences	All areas which will
Amusement arcades	require public or
Amusement park structure	employee access.
Arenas	
Armories	
Art Galleries	
Auditoriums	
Banquet Halls	
Bleachers	
Bowling Alleys	
Carnivals	
Churches	
Clubs	
Community Halls	
Courtrooms (public areas)	
Dance Halls	
Drive-In theaters	
Exhibition Halls	
Fairs	
Funeral Parlors	
Grandstands	
Gymnasiums	
Indoor & Outdoor swimming pools	
Indoor & Outdoor tennis courts	
Lecture Halls	
Libraries	
Motion picture theaters	
Museums	
Night Clubs	
Passenger Stations	
Pool & Billiard Halls	
Restaurants	

Skating	
Stadiums	
Taverns & Bars	
Television studio	
Theaters	

(5) Business

Business occupancy includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service type transactions, including storage of records and accounts.

<b>Facilities</b>	<b>Application</b>
Animal Hospitals, Kennels, Pounds	All areas which will require public or employee access.
Automobile and other motor vehicle showrooms	
Banks	
Barber shops	
Beauty shops	
Car Wash	
Civic administration	
Clinic, outpatient	
Dry cleaning	
Educational above 12 <sup>th</sup> grade	
Electronic data processing	
Fire Stations	
Florists & Nurseries	
Laboratories; testing & research	
Laundries	
Motor vehicle service stations	
Police stations	
Post offices	
Print shops	
Professional services:	
Attorney, dentist	
Physician, engineer, etc.	
Radio & T.V. stations	
Telephone exchanges	

(6) Educational.

Educational occupancy includes, among others, the use of a building or structure, or portion thereof, by six or more persons at any time for educational purposes through 12<sup>th</sup> grade.

Schools for business or vocational training shall conform to the requirements of the trade, vocation or business taught.

<b>Facilities</b>	<b>Application</b>
Academics	All areas shall comply
Kindergarten	
Nursery Schools	
Schools	

(7) Factory Industrial

Factory industrial occupancy includes, among others, the use of a building or structure, or portion thereof, for assembling, dis-assembling, fabricating, manufacturing, packaging, processing or other operations that are not classified as a Hazardous Occupancy.

<b>Facilities</b>	<b>Application</b>
Aircraft	All areas which will require public or employee access.
Appliances	
Athletic equipment	
Automobile and other motor vehicles	
Bakeries	
Beverages	
Bicycles	
Boats, building	
Brick and masonry	
Broom or brush	
Business machines	
Canvas or similar	
Cameras & photo equipment	
Carpets & rugs including cleaning	
Ceramic products	
Clothing	
Construction & agricultural machinery	
Disinfectants	
Dry cleaning & dyeing	
Electronics	
Engines, including re-building	
Film, photographic	
Food Processing	

Foundaries	
Furniture	
Glass products	
Gypsum	
Hemp products	
Ice	
<b>Facilities</b>	<b>Application</b>
Jute products	
Laundries	
Leather Products	
Machinery	
Metal	
Motion pictures & T.V. films	
Musical instruments	
Optical goods	
Paper products	
Printing or publishing	
Recreational vehicles	
Refuse incineration	
Shoes	
Soaps & detergents	
Steel products: fabrication, assembly	
Textiles	
Tobacco	
Trailers	
Upholstering	
Wood, distribution	
Millwork	
Woodworking, cabinets	

(8) Hazardous.

Hazardous occupancy includes, among others, the use of a building or structure, or a portion thereof, that involves the manufacturing, processing, generation or storage of corrosive, highly toxic, highly combustible, flammable or explosive materials that constitute a high fire or explosive hazard, including loose combustible fibers, dust and unstable materials.

<b>Facilities</b>	<b>Application</b>
Combustible dust	All areas which will require public or employee access.
Combustible fibers	
Combustible liquid	
Corrosive liquids	
Explosive materials	

Flammable liquid	
Flammable gas	
Liquefied petroleum gas	
Nitromethane	
Oxidizing materials	
Organic peroxide	

(9) Institutional.

Institutional occupancy includes, among other, the use of a building or structure, or any portion thereof, in which people having physical or medical treatments or care, or in which the liberty of the occupants is restricted. Institutional occupancies shall include the following subgroups:

(a) Institutional occupancies for the care of children, including:

Facilities	Application
Child care facilities	All public use, common use, or employee areas.

(b) Institutional occupancies used for medical or other treatment or care of persons, some of whom are suffering from physical or mental illness, disease or infirmity including:

Facilities	Application
Long Term Care Facilities (including skilled Nursing Facilities, Intermediate Care Facilities, Bed & Care and all Nursing Homes	At least 50% of patient toilet and bedrooms: all public use, common use, or employee areas
Outpatient Facilities	All patient toilet and bedrooms, public use, common use, or employee use
Hospital, General Purpose	At least 10% of patient toilet and bedrooms, all public use, common use, or employee
Special Purpose Hospital: (Hospitals that treat conditions that affect mobility)	All patient toilet and bedrooms, all public use, common use, or employee areas

(c) Institutional occupancies where the occupants are under some degree of restraint or restrictions for security reasons including:

<b>Facilities</b>	<b>Application</b>
Jails or other detention or correctional units	Five percent of residential prisons available, or at least one unit,
Reformatories facilities	whichever is greater; all common use, visitor, or employee areas

(10) Mercantile.

Mercantile occupancy includes, among others, all buildings and structures or parts thereof, for the display and sale of merchandise, and involving stocks of goods, wares or merchandise incidental to such purposes and accessible to the public.

<b>Facilities</b>	<b>Application</b>
Department stores	All areas for which the
Drug stores	intended use will require
Markets	public or employee access
Retail stores	
Shopping centers	
Sales rooms	

(11) Residential.

Residential occupancy includes, among others, the use of a building or structure, or portion thereof, for sleeping accommodations when not classed as an institutional occupancy. Residential occupancies shall comply with the requirements of Section 4.1 and 1001 except as follows:

- (a) Residential occupancies where the occupants are primarily transient in nature (less than 30 days) including:

<b>Facilities</b>	<b>Application</b>
Hotels or Motels	Five percent of total units or at least one,
Boarding Houses	whichever is greater, and all public use, common use, and employee areas

- (b) Residential occupancies in multiple dwellings where occupants are primarily permanent in nature, including:



State assisted home ownership is to be determined by the buyer.	
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(12) Storage.

Storage occupancy includes, among others, the use of a building or structure, or portion thereof for storage that is not classified as a hazardous occupancy.

<b>Facilities</b>	<b>Application</b>
Metal desks	All areas for which the intended use will
Electrical coils	Require public or employee access
Electrical motors	
Dry cell batteries	
Metal parts	
Empty cans	
Stoves	
Frozen foods	
Meats	
Fresh fruits and vegetables	
Dairy products	
Beer or wine up to 12% alcohol	
Glass bottles with noncom. Liquids	
Mirrors	
Foods (in noncombustible containers)	
Distribution transformers	
Cement in bags	
Electrical insulators	
Gypsum board	
Inert pigments	
Dry insecticides	
Washers & Dryers	
Metal Cabinets	

(13) Utility and Miscellaneous.

Utility and miscellaneous occupancies include, among others, accessory buildings and structures, such as:

<b>Facilities</b>	<b>Application</b>
Fences over 6 ft. high	All areas for which the intended use will
Tanks	require public or employee access.

Cooling towers	
Retaining walls	
Buildings of less than 1,000 sq. feet such as:	
Private garages	
Carports	
Sheds	

#### **4.1.5 ACCESSIBLE BUILDINGS: ADDITIONS**

Each addition to an existing building shall comply with §4.1.1 to §4.1.4 of this document except as follows:

- (1) Entrances. If a new addition to a building or facility does not have an entrance, then at least one entrance in the existing building or facility shall comply with 404 Doors and Doorways.
- (2) Accessible route. If the only accessible entrance to the addition is located in the existing building or facility, then at least one accessible route shall comply with 402, Accessible Route, and shall provide access through the existing building or facility to all rooms, elements, and spaces in the new addition.
- (3) Toilet and bathing facilities. If there are no toilet rooms and bathing facilities in the addition and these facilities are provided in the existing building, then at least one toilet and bathing facility in the existing building shall comply with 603, Toilet and Bathing Rooms.
- (4) Elements, spaces, and common areas. If elements, spaces, or common areas are located in the existing building and they are not provided in the addition, at least one of each element, space or common area shall be made accessible and shall comply with the appropriate section.

Exceptions: Mechanical rooms, storage areas, and other such minor additions which normally are not frequented by the public or employees of the facility are excepted from this section.

- (5) Housing: (Reserved)

#### **4.1.6 ACCESSIBLE BUILDINGS: ALTERATIONS**

- (1) General. Alterations to existing buildings or facilities shall comply with the following:
  - (a) If existing elements, spaces, essential features, or common areas are altered, then each such altered element, space, feature, or area

shall comply with the applicable provisions of §4.1.1 to §4.1.4 this document.

- (b) If power-driven vertical access equipment (e.g., escalator) is planned or installed where none existed previously, or if new stairs, (other than stairs installed to meet emergency exit requirements) requiring major structural changes are planned or installed where none existed previously, then a means of accessible vertical access shall be provided that complies with 406, Curb Ramps; 405, Ramps; 407, 408 and 409, Elevators; or 410 Wheelchair Lifts.
- (c) If alteration of single elements, when considered together, amount to an alteration of a space of a building or facility, the entire space shall be made accessible.
- (d) No alteration of an existing element, space, or area of a building shall impose a requirement for greater accessibility than that which would be required for new construction.
- (e) If the alteration work is limited solely to the electrical, mechanical, or plumbing systems and does not involve the alteration of any elements and spaces required to be accessible under these standards, then §4.1.6(3) of this document does not apply.
- (f) If a means of accessible vertical access (e.g. Elevator, wheelchair lift) is to be installed, then areas of rescue assistance or horizontal exits complying with §4.1.2 (7) (e) shall be provided for all floors served by the accessible means of vertical access.
- (g) Where an alteration affects the usability of, or access to, an area containing a primary function, an accessible route to the primary function area shall be provided. The accessible route to the primary function area shall include any restrooms, drinking fountains or areas of rescue assistance serving the primary function area.

Exceptions:

- (i) Where the cost of providing the accessible route exceeds 20 percent of the costs of the alterations affecting the primary function area.
- (ii) Alterations to windows, hardware, operating controls, electrical outlets and signage.

- (iii) alterations to mechanical systems, electrical systems, installations or alterations of fire protection systems and abatement of hazardous materials.

Exception: When spaces or elements are altered providing an opportunity for upgrading to the most recent Standards then compliance with those recent Standards is required.

- (2) Where a building or facility is totally altered, then it shall be altered to comply with §4.1.1 to §4.1.5 of this document, except to the extent where it is structurally impracticable.
- (3) Where substantial alteration occurs to a building or facility, then each element or space that is altered or added shall comply with the applicable provision of §4.1.1 to §4.1.4 of this document, Minimum Requirements, except to the extent where it is structurally impracticable. The altered building or facility shall contain:
  - (a) At least one accessible route complying with 402, Accessible Route and §4.1.6 (1) (a); existing sites in existing buildings or facilities may have slopes and rises as shown in Table 2 if space limitations prohibit the use of 1:12 slope or less.

Table 2  
Allowable Ramp Dimensions for Construction in  
Existing Sites, Buildings, and Facilities

Slope *	Maximum Rise		Maximum Run	
	in	mm	ft	m
Steeper than 1:10 but no steeper than 1.8	3	75	2	0.6
Steeper than 1:12 but no steeper than 1.10	6	150	5	1.5

\*A slope steeper than 1.8 not allowed.

- (b) STAIRS. Full extension of stair handrails shall not be required in alterations where such extension would be hazardous or impossible due to plan configuration.
- (c) ELEVATORS.
  - (i) If a safety door edge is provided in existing automatic elevators then the automatic door reopening devices may be omitted (see 407).

- (ii) Where existing shaft or structural elements prohibit strict compliance with 407, then the minimum floor area dimensions may be reduced by the minimum amount necessary, but in no case shall they be less than 48 in. by 48 in. (1220 mm by 1220 mm).
- (d) DOORS.
  - (i) Where existing elements prohibit strict compliance with the clearance requirements of 404, a projection of 5/8 in. (16 mm) maximum will be permitted for the latch side door stop.
  - (ii) If existing thresholds measure 3/4 in. (19 mm) high, or less, and are beveled or modified to provide a beveled edge on each side, then they may be retained.
- (e) TOILET ROOMS. Where alterations to existing facilities make strict compliance with 4.16 structurally impracticable, the addition of one “unisex” toilet per floor containing one water closet complying with 604 and one lavatory complying with 606 located adjacent to existing toilet facilities will be acceptable in lieu of making existing toilet facilities for each sex accessible. The door shall be lockable from inside the room.

Exception: In alterations, accessible toilet stalls shall comply with 604.8.1 or 604.8.2. If provision of a 60 in wide stall is structurally impracticable or where plumbing code requirements prevent combining existing stalls to provide space, then provision of a 48 in wide alternate wheelchair accessible stall complying with Fig. 604.8.1.1 is permissible. (See Page 27)

- (f) ASSEMBLY AREAS.
  - (i) In alterations where it is structurally impracticable to disperse seating throughout the assembly area, seating may be located in collected areas as structurally feasible. Seating shall adjoin an accessible route that also serves as a means of emergency egress.
  - (ii) In alterations where it is structurally impracticable to alter all performing areas to be on an accessible route, then at least one of each type shall be made accessible.
- (5) Housing. (Reserved).

#### 4.1.7 ACCESSIBLE BUILDINGS: LEASE

Buildings or facilities or portions thereof leased by a State agency shall comply with the requirements of §4.1.1 and §4.1.2, New Construction: §4.1.5, Additions; and §4.1.6, Alterations. If no fully accessible space is available, space may be leased only if the following conditions are met:

- (a) At least one accessible route is provided from an accessible entrance complying with 404, Entrances to all leased portions of the building or facility and to each essential feature which services that portion of the building or facility. The accessible route shall comply with the requirements of 402, Accessible Routes:
- (b) Each essential feature of the portion of the building or facility to be leased is accessible and complies with the applicable sections:
- (c) Common areas that are approved space needs of the occupant agency serving the portions of the building or facility to be leased are accessible and comply with the applicable section.

#### 4.2 TECHNICAL REQUIREMENTS.

The Technical Requirements specified in ICC/ANSI A117.1-2009 SHALL SERVE AS THE TECHNICAL REQUIREMENTS OF THE Delaware Architectural Accessibility Standards with the following amendments.

**505.7** Handrail Cross Section. Amend 505.7 to read, The outside diameter or width of the gripping surfaces of a handrail shall be 1¼ inch to 2 inches the shape shall provide an equivalent gripping surface.

**502.7** Parking Spaces. Amend the second paragraph to read, Each accessible parking space shall be identified by an above grade sign showing the international symbol of accessibility complying with 703.6.3.1. Each sign shall be placed in front of each space and be placed at least 5 feet but no more than 7 feet above grade (measured from the surface directly below the sign to the top of the sign).

**502.9** Maximum Distance from Entrance. At least fifty percent of all accessible parking spaces that serve a particular building, but at least one, shall be located no more than one hundred (100) feet

**407.4.10** Emergency Communications. It is recommended that an alarm acknowledgement device be installed providing a visual indication that an audible alarm has been sent and received.

**604.12** Emergency Alarms. In facilities where alarm systems are installed, toilet facilities which are required to be accessible must provide a white strobe light. (The flashing frequency shall be less than five Hz.)

**604** Toilet Stalls. Amend 604.9 to read, “The size and arrangement of toilet stalls shall comply with Figure 1 (a) or (b), page 29, this document. (This figure supplants Fig. 604.9.2 in ICC/ANSI A117.1-2009).

EXCEPTION: Compliance with 604.8.1.1 and 604.8.1.2 is permitted if an accessible “unisex” toilet room is provided in the same area as the new single-sex toilet rooms.

**706** Interpreter Illumination. It is recognized that hearing impaired persons require adequate and appropriate lighting in order to clearly see the interpreter or speaker. This section is reserved at present, however, pending research which will determine the best manner to accomplish this.

**807** Areas of Rescue Assistance. Each area of rescue assistance shall be of the same fire-resistive construction as the required exit enclosure, and shall be contiguous and connected to each required exit. Each area of rescue assistance shall provide at least two accessible areas each being no less than 30 inches by 48 inches. The area of rescue assistance shall not encroach on any required exit width. The total number of such 30 inch by 48 inch areas per story shall be not less than one for every 200 persons of calculated occupant load served by the area of rescue assistance.

If an assembly area is served by areas of rescue assistance, the number of wheelchair spaces in the areas of rescue assistance shall at least equal the number of wheelchair seating spaces provided in the assembly area.

EXCEPTION The Architectural Accessibility Board may reduce the minimum number of 30-inch by 48-inch areas to one for each area of rescue assistance on floors where the occupant load is less than 200.

**Two-way Communication.** If a new fire alarm system is to be installed in a building, a two-way communication system which is part of the fire alarm system, shall be provided between each area of rescue assistance and the primary entry. The two-way communication system shall have both visible and audible signals.

EXCEPTION In all other cases, an engraved floor plan identifying areas of rescue assistance for fire fighters to search, and which is posted at the primary entry, shall be provided.

**1005** Auxiliary Alarms in Dwelling Units. If a visual alarm is used to alert deaf persons to emergency situations, it shall be a white strobe light and shall be located on a wall within a direct line of sight of the bed and a bathroom door, whenever possible.