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**FIRE PREVENTION AND BUILDING SAFETY COMMISSION**  
**Department of Homeland Security**

**Written Interpretation of the State Building Commissioner**

**Interpretation #:** CEB-2019-09-2014 IBC-1104.4-Exc-1

**Building or Fire Safety Law Interpreted**

[675 IAC 13-2.6](#) 2014 Indiana Building Code, Section 1104.4, Exception 1: Elevators are not required in facilities that are less than three (3) stories or that have less than three thousand (3,000) square feet per story unless the building is a shopping center, a shopping mall, or a professional office of a health care provider. The elevator exemption set forth in this paragraph does not obviate or limit in any way the obligation to comply with the other accessibility requirements established in Section 1104. For example, floors above or below the accessible ground floor must meet the requirements of this section, except for elevator service. If toilet or bathing facilities are provided on a level not served by an elevator, then toilet or bathing facilities must be provided on the accessible ground floor. *[Remaining text omitted for lack of relevancy to this dispute.]*

**Issue**

Whether the elevator exemption in Exception 1 extends to exemption from an accessible route, in this case for a bar mezzanine smaller than 3,000 SF, and whose occupant services and features are duplicated on the accessible ground floor.

**Interpretation of the State Building Commissioner**

Exception 1 to Section 1104.4 of the 2014 Indiana Building Code applies to accessible routes in general, and not just elevators.

**Rationale**

Section 1104.4 of the 2014 Indiana Building Code discusses accessible routes. Therefore, all of the listed exceptions to the section are exemptions to the accessible route requirement of the code, including Exception 1. Section 1104.4 does not in itself require the use of elevators to provide a required accessible route.

While the language of the amended text was unartfully drafted, research shows the intent of the Commission in this exception was to grant exemption from the accessible route requirement, provided the level in question meets the requirements stated in the exception, and there are no functions, services, facilities, or amenities on that level that are not also duplicated on other, accessible, levels. If, however, the service or function is available only on the non-accessible floor, the service or function must be moved to an accessible floor, or the original, non-accessible floor must be made accessible.

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