

**TITLE 156 - STATE FIRE MARSHAL  
PUBLIC AND COMMERCIAL BUILDINGS AND FACILITIES**

**CHAPTER 2 - NEW CONSTRUCTION**

001. Commercial Facilities Located in Private Residences.

001.01. When a commercial facility is located in a private residence, the portion of the residence used exclusively as a residence is not covered by this chapter, but that portion used exclusively in the operation of the commercial facility or that portion used both for the commercial facility and for residential purposes is covered by the new construction and alterations requirements of this chapter

001.02. The portion of the residence covered under 001.01 above extends to those elements used to enter the commercial facility, including the homeowner's front sidewalk, if any, the door or entryway, and hallways; and those portions of the residence, interior or exterior, available to or used by employees or visitors of the commercial facility, including restrooms.

002. Exceptions for Structural Impracticability.

002.01. Full compliance with the requirements of this section is not required where an entity can demonstrate that it is structurally impracticable to meet the requirements. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features.

002.02. If full compliance with this chapter would be structurally impracticable, compliance with this section is required to the extent that it is not structurally impracticable. In that case, any portion of the facility that can be made accessible shall be made accessible to the extent that it is not structurally impracticable.

002.03. If providing accessibility in conformance with this chapter to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities (e.g., those who use crutches or who have sight, hearing or mental impairments) in accordance with this chapter.

003. Elevator Exemption.

003.01. For purposes of this section:

003.01A. Professional office of a health care provider means a location where a person or entity regulated by a State to provide professional services related to the physical or mental health of an individual makes such services available to the public. The facility housing the Aprofessional office of a health care provider@ only includes floor levels housing at least one health care provider, or any floor level designed or intended for use by at least one health care provider.

003.01B. Shopping Center or Shopping Mall Means:

003.01B1. A building housing five or more sales or rental establishments; or

003.01B2. A series of buildings on a common site, either under common ownership or common control or developed either as one project or as a series of related projects, housing five or more sales or rental establishments. The facility housing a “shopping center or shopping mall” only includes floor levels housing at least one sales or rental establishment, or any floor level designed or intended for use by at least one sales or rental establishment.

003.02. This chapter does not require the installation of an elevator in a facility that is less than three stories or has less than 3,000 square feet per story, except with respect to any facility that houses one or more of the following:

003.02A. A shopping center or shopping mall, or a professional office of a health care provider.

003.02B. A terminal, depot, or other station used for specified public transportation, or an airport passenger terminal. In such a facility, any area housing passenger services, including boarding and debarking, loading and unloading, baggage claim, dining facilities, and other common areas open to the public, must be on an accessible route from an accessible entrance.