



ADMINISTRATIVE RULES OF MONTANA



24.301.904 SITE ACCESSIBILITY

- (1) Section 50-60-213, MCA, requires that construction of a public building or alteration of primary function areas of a public building, which have not been issued a legal building permit prior to October 1, 1997, include compliance with the requirements of the IBC and the requirements established by 2017 ICC/ANSI A117.1, Accessible and Usable Buildings and Facilities, which include the building site, parking areas, passenger loading zones, private sidewalks and the accessibility from adjacent sidewalks, public streets and public transportation stops. Existing public buildings that are not undergoing an alteration to a primary function area are not subject to the accessibility requirements. Primary function area means an area of building or facility in which a major activity for which the building or facility is designed is carried out.
- (2) An accessible exterior route must be provided to the building's accessible entrance from public transportation stops, accessible parking spaces and accessible passenger loading zones within the boundaries of the building site and from public sidewalks, if they exist, that are immediately adjacent to the building site. When more than one public building is on a building site, at least one accessible exterior route must connect all accessible buildings, facilities and elements on the site. An accessible exterior route must be the most direct route from the accessible public parking to the accessible public entrance. An accessible route is not required in cases when there is not a pedestrian route for the general public.
- (3) Sections 1104, Accessible Route, and 1106, Parking and Passenger Loading Facilities, of the IBC are each amended by addition of the following: "A person or entity may not be required to meet fully the accessible exterior route requirements for new buildings or alterations to existing buildings, where the person or entity can demonstrate that due to unique characteristics of the terrain, it is structurally impractical to fully comply, as determined on a case-by-case basis, at the discretion of the building official. Full compliance may be considered structurally impractical only in those rare circumstances when the unique characteristics of the terrain prevent the incorporation of accessibility features. The person or entity shall comply with the accessible facilities requirements to the extent that compliance is not structurally impractical."
- (4) An alteration which affects the access to a primary function area of a building must be made accessible to the fullest extent possible to ensure that the path of travel to the altered primary function area and the restrooms, telephones and drinking fountains serving the altered primary function area are readily accessible and useable by persons with disabilities.
- (5) During an alteration to a primary function area of a building or structure, a person or entity is not required to make alterations to the accessible path of travel if the costs are disproportionate to the cost of the alterations to the primary function area. Disproportionate costs are considered to be an amount that exceeds 20 percent of the cost of the alteration being performed to the primary function area. If the cost of altering a path of travel is disproportionate as referenced

above, the path of travel must be made accessible to the extent possible without incurring disproportionate costs, utilizing the order of priority established in 50-60-214(2)(b), MCA.

- (6) Each new building or alteration to an existing building which provides off street parking shall provide at least one accessible parking space with required additional parking spaces as established in Table 1106.2, Accessible Parking Spaces, and Section 1106, Parking and Passenger Loading Facilities. One van accessible parking space shall be provided for every eight accessible parking spaces, or fraction thereof. If only one accessible parking space is required, the space shall be a van accessible parking space.

Authorizing statute(s): 50-60-203, MCA

Implementing statute(s): 50-60-201, 50-60-213, MCA

History: NEW, 1997 MAR p. 2061, Eff. 11/18/97; AMD, 1998 MAR p. 2563, Eff. 9/25/98; TRANS, from Commerce, 2001 MAR p. 2301; AMD, 2004 MAR p. 571, Eff. 3/12/04; AMD, 2019 MAR p. 2242, Eff. 12/7/19; AMD, 2024 MAR p. 2223, Eff. 9/21/24.