

September 26, 2013

To: Commercial Building Owner and Real Estate Agent

Re: **Building Code Requirements for Existing Commercial Buildings and Spaces**

As Building Official for the City of Hailey, I would like to take this time to address the code requirements as set forth in the 2009 International Building Code (I.B.C.) that the State of Idaho and the City of Hailey have adopted in regards to accessibility for people with a physical disability in existing buildings. The two most common scenarios are a **“Change of Occupancy”** and an **“Alteration or Remodel”** to a space or building.

A **“Change in Occupancy”** occurs when the use of the space changes from one classification to another. Two common examples would be a residence changing to an office use, or a restaurant changing to a retail use. Please remember that the change in use triggers certain life safety, structural safety, and accessibility requirements. Other issues related to the structure such as where the structure is located in relation to property lines can also be a consideration depending on the proposed use and/or any special needs associated with the property.

An **“Alteration or Remodel”** of a space can be something as small as removing or constructing an interior wall or something larger such as adding gutting/rebuilding or an addition creating new space.

**There are specific code requirements that must be met PRIOR to legally opening up a business in the City limits.** Applying for and obtaining a Hailey Business License is just one of them. Before a business license can be issued, the building department will need to perform an inspection of the building or tenant space to verify compliance with the building code and issue a certificate of occupancy. *Note: This only applies to Change in Occupancy or Alteration/Remodel.*

The reverse side of this document outlines basic requirements for both of these scenarios. **Please note, if your business is a Change of Occupancy AND involves any sort of alteration or remodel, then code requirements from both categories may apply to your place of business.**

**CERTIFICATE OF OCCUPANCY**  
**I.B.C. Section 3406.2**

A certificate of occupancy shall be issued where it has been determined that the requirements for the new occupancy classification have been met.

**CHANGE OF OCCUPANCY**  
**I.B.C. Sections 3409.4 & 3409.7**

- 1) **Minimum (1) van accessible parking stall with access aisle (total combined width shall be a minimum of 16 feet).**
- 2) **Exterior accessible route (from parking stall to the main entrance).**
- 3) **Accessible entrance (door at main entrance shall have a minimum 32" clear opening).**
- 4) **Interior accessible route (from the front door, through all the primary use areas and accessible toilet areas).**
- 5) **Accessible toilet rooms (many businesses will require an accessible restroom for each sex).**
- 6) **High-Low drinking fountain(s).**
- 7) **Signage (parking stall, restrooms, etc.).**
- 8) **Floor system may have to be reinforced to meet current commercial building code requirements if the structure was previously a residence.**

**ALTERATION or REMODEL**  
**I.B.C. Section 3409.7**

- 1) **The cost of providing the accessible route are not required to exceed 20% of the remodel or alteration costs affecting the area of primary function. On new buildings, this is usually not an issue because the building is already code compliant and would not apply. However, on older buildings there are usually deficiencies where this money can be used towards upgrades.**

Please request a "Change of Occupancy" inspection by the Hailey Building and Fire Departments to identify any special improvements that may have to be made prior to occupancy.

For Fire Code requirements contact the Hailey Fire Department at 208-788-3147. For questions and requirements regarding Signage for your business or Business License Applications, please contact Kristine Hilt in our Planning & Zoning Department at 208-788-9815 Extension 27.

If you have any questions regarding codes or City ordinances applicable to existing buildings, please don't hesitate to contact me at 208-788-9815, extension 16.

Sincerely,

Jim Lynch  
Building Official