



## *City Council Work Session*

*Tuesday, January 11, 2022, 6:30 p.m.*

**City Administration Building 317 S. Washington**

Mayor Jim Valentine

Council Member Kevin Dodds

Council Member Robert Hamilton

Council Member Guy Leitch

Council Member Rick Roitman

Council Member Joe Soria

Council Member Mike Westmoreland

### **Agenda**

❖ Pledge of Allegiance

❖ Agenda Items

1) Code Issue Review- 704 N. Washington Ave.

### **Miscellaneous**



## Code Consultation Form

OSFM Code Consultation Policy: We will respond to consultation requests in the order received. Please provide code footprint, plans, photos or any other documentation required for us to provide accurate answers to your question(s). All questions on status of plan reviews should be emailed to [prevention@ks.gov](mailto:prevention@ks.gov) or faxed to (785) 296-0151.

Date: 11/03/2021

Time: 3:17 PM

Received From: Wellington Fire/EMS

Name: Tim Hay

Phone Number: 6203267443

Email: [timhay@cityofwellington.net](mailto:timhay@cityofwellington.net)

Title (Architect, Engineer, Administrator, etc.): Fire/EMS Chief

Name and Location of Facility and/or Project: 704 N. Washington Wellington

KIDS Number:

Question:

The building was an old funeral home 3 story wood frame converted into a "retreat" for quilting. The new owners have recently had a retreat where customers slept overnight upstairs and during the day learn how to quilt on machines downstairs. I do not know how many slept overnight but there are 4 bedrooms on the second floor and a attic space that has been converted by previous owners for living space. As I look at the code I see an R1 which requires a sprinkler system and smoke detector system. The building code inspector states that he looks at it as a bead and breakfast with the four bedrooms and only 8 occupants that it does not need sprinkled. I need some help determining the requirement on

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### OSFM Use Only

Assigned To:

Contact Date:

Time:

By:

Resolution/Outcome:

Attachments:

Filed in KIDS #:



Tim Hay &lt;timhay@cityofwellington.net&gt;

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**Re: FW: Code Consult FW: Message from "RNP58387906EA59"**

1 message

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**Tim Hay** <timhay@cityofwellington.net>  
To: "Love, Brian [KSFM]" <Brian.Love@ks.gov>

Thu, Nov 4, 2021 at 8:55 AM

Thanks for the input if they meet the 8 or less do they still need a smoke detector system?

On Thu, Nov 4, 2021 at 8:35 AM Love, Brian [KSFM] <Brian.Love@ks.gov> wrote:

I disagree with the code inspector because it fits an R1. The guests are transient in nature and there less than 30-days. In addition, the exception for sprinkler coverage is an exception provided in the code for residential board and care facilities. Obviously, the quilters don't meet the definition of those receiving personal care services. You are completely correct in your assessment.

EXCEPTION: Sprinkler system not required in facilities serving eight or fewer residents when ALL occupants have the ability to move as a group to move reliably to a point of safety within 3 minutes.

06-101/32.2.3.5.1, 32.2.3.5.2

PERSONAL CARE SERVICE. The care of residents who do not require chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the resident while inside the building.

RESIDENTIAL CARE/ASSISTED LIVING FACILITIES.

Abuilding or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This classification shall include, but not be limited to, the following: residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers and convalescent facilities.

TRANSIENT. Occupancy of a dwelling unit or sleeping unit

for not more than 30 days.

Brian Love

Fire Prevention Supervisor

Office of the State Fire Marshal

800 SW Jackson, Suite 104

Topeka, KS 66612-1216

(785) 296-3401 (Topeka Office)

(785) 296-0151 (Topeka Fax)

(785) 207-0602 (Cell Phone)

[brian.love@ks.gov](mailto:brian.love@ks.gov)

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**From:** KSFM Prevention <[prevention@ks.gov](mailto:prevention@ks.gov)>  
**Sent:** Wednesday, November 3, 2021 3:38 PM  
**To:** Love, Brian [KSFM] <[Brian.Love@ks.gov](mailto:Brian.Love@ks.gov)>  
**Subject:** Code Consult FW: Message from "RNP58387906EA59"

In file folder

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**From:** Tim Hay <[timhay@cityofwellington.net](mailto:timhay@cityofwellington.net)>  
**Sent:** Wednesday, November 3, 2021 3:25 PM  
**To:** KSFM Prevention <[prevention@ks.gov](mailto:prevention@ks.gov)>  
**Subject:** Fwd: Message from "RNP58387906EA59"

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

----- Forwarded message -----

**From:** <[fireemdsscanner@cityofwellington.net](mailto:fireemdsscanner@cityofwellington.net)>  
**Date:** Wed, Nov 3, 2021 at 3:25 PM  
**Subject:** Message from "RNP58387906EA59"  
**To:** Tim Hay <[timhay@cityofwellington.net](mailto:timhay@cityofwellington.net)>

**CITY of WELLINGTON  
FIRE / EMS DEPT**

**COPY**

**Tim Hay  
Fire/EMS Chief**



**200 North C Street  
Suite 200  
Wellington, KS 67152  
620-326-7443  
Fax 620-326-8475**

November 5, 2021

Connie Hart  
122 N. Washington Ave  
Wellington, Ks. 67152

Re: Structure located at 704 N. Washington Ave.

It has come to the attention of City staff that the intended use of the above structure is more than what was initially explained and discussed with the Building Department. Additional information has become available after a recent event at the location, which was held prior to your receiving a certificate of occupancy. It is our understanding that the structure will be used for events for the instruction and/or practice of quilting on the first floor and will include overnight sleeping by participants/guests on the upper floors. The overnight sleeping during the event already held exceeded the number of existing sleeping rooms in the structure. The increased number of occupants staying overnight has raised specific questions related to use and the applicability of the fire code.

The fire code adopted by the City of Wellington does not allow transient guests to sleep overnight in the structure without a fully operational fire sprinkler system and a smoke detection system. The use of the structure during the recent event changed the classification to an R1 use in the fire code. The Kansas State Fire Marshal's Office has confirmed the R1 designation is correct. No overnight sleeping by transient guests can occur until there is a fire sprinkler and smoke detector system installed and working in the structure. Installing those systems will require a permit through the City of Wellington Building Code Office. Events that involve activities that do not include overnight sleeping are permissible without a sprinkler system after issuance of a certificate of occupancy.

It is not our intent to create hardship on your part, but we have a duty and responsibility to protect lives and property. We are certainly available to address any questions and are available to meet with you to discuss the matter further and address any other requirements based on the actual use of the property.

Tim Hay  
Fire/EMS Chief

Richard Jack  
Building Official

Memo: City of Wellington

RE: 704 N. Washington Ave Wellington, KS 67152

RECEIVED

DEC 08 2021

CITY MANAGER  
WELLINGTON, KS

To Whom it May Concern:

My Trust has purchased 704 N. Washington Ave. Wellington, KS 67152. My family has been renovating the property to increase the safety of the home.

Our plans are to finish renovating the house. This property will primarily be a "vacation home" for quilters. I plan to rent the home as a whole property rental for 4 - 7 days at a time. My business Beehive Quilt Shop may occasionally rent the property to teach one and two day classes at the property.

Our goal during the remodel was to update electricity. The existing electricity was unsafe and had been poorly organized. We have upgraded electricity, lighting, removed mold, rebuilt unsafe subflooring in the main area, etc. We renovated part of the home to have two full bathrooms on the first floor. As part of the improvements we have added no additional square footage. We have had the property rezoned for R3 Residential Zoning per the request of the City of Wellington.

The home is three stories. The information about the home rental will only include information about the first and second floors as usable space. How many tables, chairs are provided, etc. We do not plan to use or promote the third floor for use. The stairs to the third floor are steep and it is an inconvenient space. We consider the third floor to be an attic space. When the whole home is rented, we will provide an information packet about local restaurants, shopping and entertainment opportunities. We will not be providing any day to day housekeeping services. We will not be providing food or cooked meals.

While in the home remodel process my son, John Hart is living there as his primary residence. This is temporary and he will be moving out prior to me renting the home to others.

Please contact me if you have questions. My cell phone is 913-259-3346. My email address is [conniedhart@gmail.com](mailto:conniedhart@gmail.com).

Thank you,  
Connie Hart  
Property Owner



CITY ADMINISTRATION CENTER  
317 South Washington Ave  
Wellington, Kansas 67152  
Phone 620-326-3631 \* Fax 620-326-8506  
www.cityofwellington.net



December 16, 2021

Mrs. Connie Hart  
122 N. Washington  
Wellington, Ks. 67152

Re: 704 N. Washington

Dear Mrs. Hart,

Thank you for providing the additional summary information after our meeting on December 3<sup>rd</sup>. Yourself and Annarose White met with Fire/EMS Chief Hay and I to discuss the fire code issue involving the property at 704 N. Washington. The meeting followed a letter sent to you from Chief Hay and Building Official Richard Jack on November 5. You had also talked with Chief Hay by telephone on November 12. The letter of November 5 informed you that the number of occupants staying overnight during a recent event had raised specific questions related to use and the applicability of the fire code. The fire code adopted by the City of Wellington does not allow transient guests to sleep overnight in the structure without a fully operational fire sprinkler system and a smoke detection system. The requirement of a sprinkler system is what is being questioned.

Chief Hay had reached out to the Kansas State Fire Marshal (KSFM) prior to sending the letter dated November 5. Chief Hay understood the 2015 International Fire Code, which is the Code adopted by the City, to require a sprinkler system and a smoke detection system. He asked the KSFM for assistance in determining the correct requirement. The KSFM confirmed that is the requirement for the described intended use of the structure. In further reading of the Fire Code, the requirement is the same for any Residential Group R which includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not required by the International Residential Code in accordance with Section 101.2 of the International Building Code.

In your phone conversation with Chief Hay on November 12 you identified three other cities that had the same or similar type of facilities operating, Newton, El Dorado, and Emporia. Chief Hay contacted the Fire Marshal in each of those cities to confirm their interpretation of the Code. If the City of Wellington is misinterpreting the Code, we certainly wish to correct our interpretation. All three Fire Marshals advised that any structure in their city, operating for a like described purpose, would be required to have a sprinkler system as per the Fire Code. Chief Hay has followed up with the Newton Fire Marshall a second time who reconfirmed that would be requirement in Newton and they were not aware of any similar location operating in Newton.

Over the last two days City staff, including the City Attorney, have further reviewed and researched information to determine if a valid reason could be found that would make the Fire Code inapplicable. Regrettably, no option could be found that would allow the City to disregard

the Fire Code. In this circumstance, the KSFM has confirmed the City's determination of the requirement of a sprinkler system and a smoke detection system is correct as per the International Fire Code. For the City to ignore the Fire Code would place the City at an immense risk of liability. If a fire were to occur at the location and someone was injured or a loss of life occurred, the City would undoubtedly find itself as a defendant in a, likely, multi-million dollar lawsuit.

The purpose of the Fire Code is the protection of life and property. The protection of life and property is certainly the City's most important responsibility and, I am sure, the most important goal of everyone involved.

Respectfully,



Shane J. Shields  
City Manager



care shall be classified as part of the primary occupancy.

**[BG] Five or fewer occupants receiving care in a dwelling unit.** A facility such as the above within a *dwelling unit* and having five or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

**[BG] Mercantile Group M.** Mercantile Group M occupancy includes, among others, the use of a building or structure or a portion thereof, for the display and sale of merchandise, and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public. Mercantile occupancies shall include, but not be limited to, the following:

- Department stores
- Drug stores
- Markets
- Motor fuel-dispensing facilities
- Retail or wholesale stores
- Sales rooms

**[BG] Residential Group R.** Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the *International Residential Code* in accordance with Section 101.2 of the *International Building Code*.

**[BG] Residential Group R-1.** Residential Group R-1 occupancies containing *sleeping units* where the occupants are primarily transient in nature, including:

- Boarding houses* (transient) with more than 10 occupants
- Congregate living facilities (transient) with more than 10 occupants
- Hotels (transient)
- Motels (transient)

**[BG] Residential Group R-2.** Residential Group R-2 occupancies containing *sleeping units* or more than two *dwelling units* where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses* (nontransient) with more than 16 occupants
- Congregate living facilities (nontransient) with more than 16 occupants
- Convents
- Dormitories
- Fraternities and sororities
- Hotels (nontransient)
- Live/work units
- Monasteries
- Motels (nontransient)
- Vacation timeshare properties

**[BG] Residential Group R-3.** Residential Group R-3 occupancies where the occupants are primarily permanent

in nature and not classified as Group R-1, R-2, R-4 or I, including:

- Boarding houses (nontransient) with 16 or fewer occupants
- Boarding houses (transient) with 10 or fewer occupants
- Buildings that do not contain more than two *dwelling units*
- Care facilities that provide accommodations for five or fewer persons receiving care
- Congregate living facilities (nontransient) with 16 or fewer occupants
- Congregate living facilities (transient) with 10 or fewer occupants
- Lodging houses with five or fewer guest rooms

**[BG] Care facilities within a dwelling.** Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the *International Residential Code* provided an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or Section P2904 of the *International Residential Code*.

**[BG] Lodging houses.** Owner-occupied *lodging houses* with five or fewer guest rooms shall be permitted to be constructed in accordance with the *International Residential Code*.

**[BG] Residential Group R-4.** Residential Group R-4 shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. Buildings of Group R-4 shall be classified as one of the occupancy conditions indicated below. This group shall include, but not be limited to, the following:

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- Group homes
- Halfway houses
- Residential board and care facilities
- Social rehabilitation facilities

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in the *International Building Code*.

**[BG] Condition 1.** This occupancy condition shall include buildings in which all persons receiving custodial care, without any assistance, are capable of responding to an emergency situation to complete building evacuation.

**[BG] Condition 2.** This occupancy condition shall include buildings in which there are any persons receiving custodial care who require limited verbal or physical assistance while responding to an emergency situation to complete building evacuation.

**[BG] Storage Group S.** Storage Group S occupancy includes, among others, the use of a building or structure,

**SUPERVISORY SIGNAL-INITIATING DEVICE.** An initiating device such as a valve supervisory switch, water level indicator, or low-air pressure switch on a dry-pipe sprinkler system whose change of state signals an off-normal condition and its restoration to normal of a fire protection or life safety system; or a need for action in connection with guard tours, fire suppression systems or equipment, or maintenance features of related systems.

**SYSTEM.** An assembly of equipment consisting of a tank, container or containers, appurtenances, pumps, compressors and connecting piping.

**TANK.** A vessel containing more than 60 gallons (227 L).

**TANK, ATMOSPHERIC.** A storage tank designed to operate at pressures from atmospheric through 1.0 pound per square inch gauge (760 mm Hg through 812 mm Hg) measured at the top of the tank.

**TANK, PORTABLE.** A packaging of more than 60-gallon (227 L) capacity and designed primarily to be loaded into or on or temporarily attached to a transport vehicle or ship and equipped with skids, mountings or accessories to facilitate handling of the tank by mechanical means. It does not include any cylinder having less than a 1,000-pound (454 kg) water capacity, cargo tank, tank car tank or trailers carrying cylinders of more than 1,000-pound (454 kg) water capacity.

**TANK, PRIMARY.** A *listed* atmospheric tank used to store liquid. See “Primary containment.”

**TANK, PROTECTED ABOVE GROUND.** A tank *listed* in accordance with UL 2085 consisting of a primary tank provided with protection from physical damage and fire-resistive protection from a high-intensity liquid pool fire exposure. The tank may provide protection elements as a unit or may be an assembly of components, or a combination thereof.

**TANK, STATIONARY.** Packaging designed primarily for stationary installations not intended for loading, unloading or attachment to a transport vehicle as part of its normal operation in the process of use. It does not include cylinders having less than a 1,000-pound (454 kg) water capacity.

**TANK VEHICLE.** A vehicle other than a railroad tank car or boat, with a cargo tank mounted thereon or built as an integral part thereof, used for the transportation of flammable or *combustible liquids*, LP-gas or hazardous chemicals. Tank vehicles include self-propelled vehicles and full trailers and semitrailers, with or without motive power, and carrying part or all of the load.

**TEMPORARY STAGE CANOPY.** A temporary ground-supported membrane-covered frame structure used to cover stage areas and support equipment in the production of outdoor entertainment events.

**[BG] TENT.** A structure, enclosure or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

**THEFT RESISTANT.** Construction designed to deter illegal entry into facilities for the storage of *explosive materials*.

**TIMBER AND LUMBER PRODUCTION FACILITIES.** Facilities where raw wood products are processed into finished wood products.

**TIRES, BULK STORAGE OF.** Storage of tires where the area available for storage exceeds 20,000 cubic feet (566 m<sup>3</sup>).

**TOOL.** A device, storage container, workstation or process machine used in a fabrication area.

**TORCH-APPLIED ROOF SYSTEM.** Bituminous roofing systems using membranes that are adhered by heating with a torch and melting asphalt back coating instead of mopping hot asphalt for adhesion.

**[A] TOWNHOUSE.** A single-family *dwelling unit* constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on not less than two sides.

**TOXIC.** A chemical falling within any of the following categories:

1. A chemical that has a median lethal dose (LD<sub>50</sub>) of more than 50 milligrams per kilogram, but not more than 500 milligrams per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.
2. A chemical that has a median lethal dose (LD<sub>50</sub>) of more than 200 milligrams per kilogram but not more than 1,000 milligrams per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between 2 and 3 kilograms each.
3. A chemical that has a median lethal concentration (LC<sub>50</sub>) in air of more than 200 parts per million but not more than 2,000 parts per million by volume of gas or vapor, or more than 2 milligrams per liter but not more than 20 milligrams per liter of mist, fume or dust, when administered by continuous inhalation for 1 hour (or less if death occurs within 1 hour) to albino rats weighing between 200 and 300 grams each.

**TRAFFIC CALMING DEVICES.** Traffic calming devices are design elements of fire apparatus access roads such as street alignment, installation of barriers, and other physical measures intended to reduce traffic and cut-through volumes, and slow vehicle speeds.

**[BG] TRANSIENT.** Occupancy of a dwelling unit or sleeping unit for not more than 30 days.

**[BG] TRANSIENT AIRCRAFT.** Aircraft based at another location and that is at the transient location for not more than 90 days.

**TRANSVERSE FLUE SPACE.** See “Flue space—Transverse.”

**TRASH.** See “Rubbish.”

**TROUBLE SIGNAL.** A signal initiated by the fire alarm system or device indicative of a fault in a monitored circuit or component.

**903.2.7.1 High-piled storage.** An *automatic sprinkler system* shall be provided as required in Chapter 32 in all buildings of Group M where storage of merchandise is in high-piled or rack storage arrays.

**903.2.8 Group R.** An *automatic sprinkler system* installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R *fire area*.

**903.2.8.1 Group R-3.** An *automatic sprinkler system* installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 occupancies.

**[F] 903.2.8.2 Group R-4 Condition 1.** An *automatic sprinkler system* installed in accordance with Section 903.3.1.3 shall be permitted in Group R-4 Condition 1 occupancies.

**[F] 903.2.8.3 Group R-4 Condition 2.** An *automatic sprinkler system* installed in accordance with Section 903.3.1.2 shall be permitted in Group R-4 Condition 2 occupancies. Attics shall be protected in accordance with Section 903.2.8.3.1 or 903.2.8.3.2.

**[F] 903.2.8.3.1 Attics used for living purposes, storage or fuel-fired equipment.** Attics used for living purposes, storage or fuel-fired equipment shall be protected throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.2.

**[F] 903.2.8.3.2 Attics not used for living purposes, storage or fuel-fired equipment.** Attics not used for living purposes, storage or fuel-fired equipment shall be protected in accordance with one of the following:

1. Attics protected throughout by a heat detector system arranged to activate the building fire alarm system in accordance with Section 907.2.10.
2. Attics constructed of noncombustible materials.
3. Attics constructed of fire-retardant-treated wood framing complying with Section 2303.2 of the *International Building Code*.
4. The *automatic sprinkler system* shall be extended to provide protection throughout the attic space.

**[F] 903.2.8.4 Care facilities.** An *automatic sprinkler system* installed in accordance with Section 903.3.1.3 shall be permitted in care facilities with five or fewer individuals in a single-family dwelling.

**903.2.9 Group S-1.** An *automatic sprinkler system* shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 *fire area* exceeds 12,000 square feet (1115 m<sup>2</sup>).
2. A Group S-1 *fire area* is located more than three stories above grade plane.

3. The combined area of all Group S-1 *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m<sup>2</sup>).

4. A Group S-1 *fire area* used for the storage of commercial motor vehicles where the *fire area* exceeds 5,000 square feet (464 m<sup>2</sup>).

5. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m<sup>2</sup>).

**903.2.9.1 Repair garages.** An *automatic sprinkler system* shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the *International Building Code*, as shown:

1. Buildings having two or more stories above grade plane, including *basements*, with a *fire area* containing a repair garage exceeding 10,000 square feet (929 m<sup>2</sup>).
2. Buildings not more than one story above grade plane, with a *fire area* containing a repair garage exceeding 12,000 square feet (1115 m<sup>2</sup>).
3. Buildings with repair garages servicing vehicles parked in *basements*.
4. A Group S-1 *fire area* used for the repair of commercial motor vehicles where the *fire area* exceeds 5,000 square feet (464 m<sup>2</sup>).

**903.2.9.2 Bulk storage of tires.** Buildings and structures where the area for the storage of tires exceeds 20,000 cubic feet (566 m<sup>3</sup>) shall be equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1.

**903.2.10 Group S-2 enclosed parking garages.** An *automatic sprinkler system* shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 of the *International Building Code* where either of the following conditions exists:

1. Where the *fire area* of the enclosed parking garage exceeds 12,000 square feet (1115 m<sup>2</sup>).
2. Where the enclosed parking garage is located beneath other groups.

**Exception:** Enclosed parking garages located beneath Group R-3 occupancies.

**903.2.10.1 Commercial parking garages.** An *automatic sprinkler system* shall be provided throughout buildings used for storage of commercial motor vehicles where the *fire area* exceeds 5,000 square feet (464 m<sup>2</sup>).

**903.2.11 Specific buildings areas and hazards.** In all occupancies other than Group U, an *automatic sprinkler system* shall be installed for building design or hazards in the locations set forth in Sections 903.2.11.1 through 903.2.11.6.

**903.2.11.1 Stories without openings.** An *automatic sprinkler system* shall be installed throughout all stories, including *basements*, of all buildings where the

under the occupants' control. This group shall include, but not be limited to, the following:

- Correctional centers
- Detention centers
- Jails
- Prerelease centers
- Prisons
- Reformatories

Buildings of Group I-3 shall be classified as one of the occupancy conditions specified in Sections 308.5.1 through 308.5.5 (see Section 408.1).

**308.5.1 Condition 1.** This occupancy condition shall include buildings in which free movement is allowed from sleeping areas, and other spaces where access or occupancy is permitted, to the exterior via *means of egress* without restraint. A Condition 1 facility is permitted to be constructed as Group R.

**308.5.2 Condition 2.** This occupancy condition shall include buildings in which free movement is allowed from sleeping areas and any other occupied *smoke compartment* to one or more other *smoke compartments*. Egress to the exterior is impeded by locked *exits*.

**308.5.3 Condition 3.** This occupancy condition shall include buildings in which free movement is allowed within individual *smoke compartments*, such as within a residential unit comprised of individual *sleeping units* and group activity spaces, where egress is impeded by remote-controlled release of *means of egress* from such a *smoke compartment* to another *smoke compartment*.

**308.5.4 Condition 4.** This occupancy condition shall include buildings in which free movement is restricted from an occupied space. Remote-controlled release is provided to permit movement from *sleeping units*, activity spaces and other occupied areas within the *smoke compartment* to other *smoke compartments*.

**308.5.5 Condition 5.** This occupancy condition shall include buildings in which free movement is restricted from an occupied space. Staff-controlled manual release is provided to permit movement from *sleeping units*, activity spaces and other occupied areas within the *smoke compartment* to other *smoke compartments*.

**308.6 Institutional Group I-4, day care facilities.** Institutional Group I-4 occupancy shall include buildings and structures occupied by more than five persons of any age who receive *custodial care* for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

- Adult day care
- Child day care

**308.6.1 Classification as Group E.** A child day care facility that provides care for more than five but not more than 100 children 2<sup>1</sup>/<sub>2</sub> years or less of age, where the rooms in which the children are cared for are located on a *level of exit discharge* serving such rooms and each of these child

care rooms has an *exit* door directly to the exterior, shall be classified as Group E.

**308.6.2 Within a place of religious worship.** Rooms and spaces within *places of religious worship* providing such care during religious functions shall be classified as part of the primary occupancy.

**308.6.3 Five or fewer persons receiving care.** A facility having five or fewer persons receiving *custodial care* shall be classified as part of the primary occupancy.

**308.6.4 Five or fewer persons receiving care in a dwelling unit.** A facility such as the above within a *dwelling unit* and having five or fewer persons receiving *custodial care* shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

## SECTION 309 MERCANTILE GROUP M

**309.1 Mercantile Group M.** Mercantile Group M occupancy includes, among others, the use of a building or structure or a portion thereof for the display and sale of merchandise, and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public. Mercantile occupancies shall include, but not be limited to, the following:

- Department stores
- Drug stores
- Markets
- Motor fuel-dispensing facilities
- Retail or wholesale stores
- Sales rooms

**309.2 Quantity of hazardous materials.** The aggregate quantity of nonflammable solid and nonflammable or non-combustible liquid hazardous materials stored or displayed in a single *control area* of a Group M occupancy shall not exceed the quantities in Table 414.2.5(1).

## SECTION 310 RESIDENTIAL GROUP R

**310.1 Residential Group R.** Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the *International Residential Code*.

**310.2 Definitions.** The following terms are defined in Chapter 2:

**BOARDING HOUSE.**

**CONGREGATE LIVING FACILITIES.**

**DORMITORY.**

**GROUP HOME.**

**GUEST ROOM.**

**LODGING HOUSE.**

**PERSONAL CARE SERVICE.**

**TRANSIENT.**

## USE AND OCCUPANCY CLASSIFICATION

**310.3 Residential Group R-1.** Residential Group R-1 occupancies containing *sleeping units* where the occupants are primarily *transient* in nature, including:

- Boarding houses (transient)* with more than 10 occupants
- Congregate living facilities (transient)* with more than 10 occupants
- Hotels (*transient*)
- Motels (*transient*)

**310.4 Residential Group R-2.** Residential Group R-2 occupancies containing *sleeping units* or more than two *dwelling units* where the occupants are primarily permanent in nature, including:

- Apartment houses
- Boarding houses* (nontransient) with more than 16 occupants
- Congregate living facilities* (nontransient) with more than 16 occupants
- Convents
- Dormitories*
- Fraternities and sororities
- Hotels (nontransient)
- Live/work units*
- Monasteries
- Motels (nontransient)
- Vacation timeshare properties

**310.5 Residential Group R-3.** Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

- Buildings that do not contain more than two *dwelling units*
- Boarding houses* (nontransient) with 16 or fewer occupants
- Boarding houses (transient)* with 10 or fewer occupants
- Care facilities that provide accommodations for five or fewer persons receiving care
- Congregate living facilities* (nontransient) with 16 or fewer occupants
- Congregate living facilities (transient)* with 10 or fewer occupants
- Lodging houses* with five or fewer *guest rooms*

**310.5.1 Care facilities within a dwelling.** Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the *International Residential Code* provided an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or Section P2904 of the *International Residential Code*.

**310.5.2 Lodging houses.** Owner-occupied *lodging houses* with five or fewer *guest rooms* shall be permitted to be constructed in accordance with the *International Residential Code*.

**310.6 Residential Group R-4.** Residential Group R-4 occupancy shall include buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residen-

tial environment and receive *custodial care*. Buildings of Group R-4 shall be classified as one of the occupancy conditions specified in Section 310.6.1 or 310.6.2. This group shall include, but not be limited to, the following:

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- Group homes*
- Halfway houses
- Residential board and care facilities
- Social rehabilitation facilities

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code.

**310.6.1 Condition 1.** This occupancy condition shall include buildings in which all persons receiving custodial care, without any assistance, are capable of responding to an emergency situation to complete building evacuation.

**310.6.2 Condition 2.** This occupancy condition shall include buildings in which there are any persons receiving custodial care who require limited verbal or physical assistance while responding to an emergency situation to complete building evacuation.

## SECTION 311 STORAGE GROUP S

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

**311.1.1 Accessory storage spaces.** A room or space used for storage purposes that is less than 100 square feet (9.3 m<sup>2</sup>) in area and accessory to another occupancy shall be classified as part of that occupancy. The aggregate area of such rooms or spaces shall not exceed the allowable area limits of Section 508.2.

**311.2 Moderate-hazard storage, Group S-1.** Storage Group S-1 occupancies are buildings occupied for storage uses that are not classified as Group S-2, including, but not limited to, storage of the following:

- Aerosols, Levels 2 and 3
- Aircraft hangar (storage and repair)
- Bags: cloth, burlap and paper
- Bamboos and rattan
- Baskets
- Belting: canvas and leather
- Books and paper in rolls or packs
- Boots and shoes
- Buttons, including cloth covered, pearl or bone
- Cardboard and cardboard boxes
- Clothing, woolen wearing apparel
- Cordage
- Dry boat storage (indoor)
- Furniture
- Furs
- Glues, mucilage, pastes and size