

**Code Technology Committee
2006/2007 Cycle
Area of study – Care facilities
Public comments**

The following are code changes for which the CTC has established a position and testified at the 2006 Code Development Hearings. These code changes have received a public comment and will be considered at the 2007 Final Action Hearings. These are assembled for the CTC for determining their position, if any, at the 2007 Final Action Hearings.

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**G38-06/07, Part I
303.1, 305.2, 308.5.2; IFC [B] 202**

Proposed Change as Submitted:

Proponent: Paul K. Heilstedt, PE, Chair, ICC Code Technology Committee (CTC)

PART I – IBC GENERAL

1. Revise as follows:

303.1 Assembly Group A. Assembly Group A occupancy includes, among others, the use of a building or structure, or a portion thereof, for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption; or awaiting transportation.

Exceptions:

1. A building used for assembly purposes with an occupant load of less than 50 persons shall be classified as a Group B occupancy.
2. A room or space used for assembly purposes with an occupant load of less than 50 persons and accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.
3. A room or space used for assembly purposes that is less than 750 square feet (70 m²) in area and is accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.

Assembly occupancies shall include the following:

A-1 Assembly uses, usually with fixed seating, intended for the production and viewing of the performing arts or motion pictures including, but not limited to:

Motion picture theaters
Symphony and concert halls
Television and radio studios admitting an audience
Theaters

A-2 Assembly uses intended for food and/or drink consumption including, but not limited to:

Banquet halls
Night clubs
Restaurants

Taverns and bars

A-3 Assembly uses intended for worship, recreation or amusement and other assembly uses not classified elsewhere in Group A including, but not limited to:

Adult care facilities in accordance with Section 308.5.1
Amusement arcades
Art galleries
Bowling alleys
Places of religious worship
Community halls
Courtrooms
Dance halls (not including food or drink consumption)
Exhibition halls
Funeral parlors
Gymnasiums (without spectator seating)
Indoor swimming pools (without spectator seating)
Indoor tennis courts (without spectator seating)
Lecture halls
Libraries
Museums
Waiting areas in transportation terminals
Pool and billiard parlors

A-4 Assembly uses intended for viewing of indoor sporting events and activities with spectator seating including, but not limited to:

Arenas
Skating rinks
Swimming pools
Tennis courts

A-5 Assembly uses intended for participation in or viewing outdoor activities including, but not limited to:
Amusement park structures

Bleachers
Grandstands
Stadiums

2. Revise as follows:

305.2 ~~Day care~~ Child Care Facility. The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children older than 2¹/₂ years of age for less than 24 hours, shall be classified as a Group E occupancy.

A child care facility that provides care for more than five but no more than 100 children 2½ years or less of age, for less than 24 hours, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as a Group E occupancy.

3. Revise as follows:

308.5.2 Child care facility. A facility that provides supervision and personal care on less than a 24-hour basis for more than five children 2½ years of age or less shall be classified as Group I-4.

Exception: ~~A child day care facility that provides care for more than five but no more than 100 children 2¹/₂ years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, in accordance with Section 305.2~~ shall be classified as Group E.

Reason: The ICC Board established the ICC Code Technology Committee (CTC) as the venue to discuss contemporary code issues in a committee setting which provides the necessary time and flexibility to allow for full participation and input by any interested party. The code

issues are assigned to the CTC by the ICC Board as "areas of study". Information on the CTC, including: meeting agendas; minutes; reports; resource documents; presentations; and all other materials developed in conjunction with the CTC effort can be downloaded from the following website: <http://www.iccsafe.org/cs/cc/ctc/index.html> Since its inception, the CTC has held six meetings - all open to the public.

This proposed change is a result of the CTC's investigation of the area of study entitled "Day Care/Adult Care/Assisted Living". The scope of the activity is noted as:

Study issues associated with Day Care/Adult Care and Assisted Living facilities with an emphasis on the number of occupants in relation to the supervision, and the determination of the resident's capability of responding to an emergency situation without physical assistance from the facility's supervision.

CTC notes the use of inconsistent and undefined terms in the codes which warrants further investigation. CTC notes the need for coordination of occupancy classifications within the IBC and the need for coordinating text in the IRC. This proposal is submitted in response to these issues. The CTC further notes that this area of study is not complete with regards to other aspects of the scope of the activity.

IBC 303.1: Coordination with the exception to Section 308.5.1 which states that adult care facilities where the occupants are capable of responding to an emergency are considered Group A-3.

IBC 305.2 & 308.5.2: Coordination with the exception to Section 308.5.2 for child care facilities. Where these spaces have a door leading directly outside, the spaces are to be considered Group E.

Bibliography: Interim Report No. 1 of the CTC, Area of Study – Day Care/Adult Care/Assisted Living, March 9, 2006.

Cost Impact: The code change proposal will not increase the cost of construction.

Committee Action: Approved as Submitted

Committee Reason: Currently some of the occupancy classification criteria related to child care and adult care facilities are found within exceptions and not within the main body of the code. This proposal provides code language within the respective occupancy classifications in addition to the existing exceptions.

Analysis: See committee action on G46-06/07

Assembly Action:

None

Individual Consideration Agenda

This item is on the agenda for individual consideration because a public comment was submitted.

Public Comment:

Don K. Davies, Salt Lake City Corporation, representing the Utah Chapter of ICC, requests Disapproval for Part I.

Commenter's Reason: The current wording in the code goes too far in allowing for a 24 hour stay in a day care facility. Day care uses should be just as the names implies. Sometimes emergencies arise and a few children may have to spend the night but that should never be suggested nor encouraged. To allow 100 children less than 2 ½ years of age to spend the night in an "E" occupancy is very different situation from the typical day care. Comparing "E" occupancies in table 503 with other uses one can soon see that they are one of the least restricted uses in area only exceeded by F-2 and S-2 occupancies. Fire sprinkling thresholds for "E" occupancies in Section 903 exceed all other occupancies except for the few occupancies where sprinkling is not required. A child in an R-3 occupancy under the I.B.C. is afforded more protection for fire sprinkling than 100 children under the age of 2 ½. This whole concept in the code is flawed and this change only perpetuates the problem.

Final Action: AS AM AMPC _____ D

G46-06/07

308.5.1 (IFC [B] 202)

Proposed Change as Submitted:

Proponent: Wayne R. Jewell, City of Southfield, MI

Revise as follows:

308.5.1 Adult care facility. A facility that provides accommodations for less than 24 hours for more than five

unrelated adults and provides supervision and personal care services shall be classified as Group I-4.

Exception: A facility where occupants are capable of responding to an emergency situation without physical assistance from the staff shall be classified as Group ~~A-3~~ R-3.

Reason: When I had proposed change G-32-00 I had a serious typo an "A" was placed where an "R" should have been. I never intended for these facilities to be considered an Assembly Group and this is a correction of my error. The language in Section 310.1 for R-3 uses does speak to these uses.

Cost Impact: The code change proposal will not increase the cost of construction.

Committee Action:

Approved as Submitted

Committee Reason: This proposal corrects an incorrect occupancy classification. The current Group R-3 occupancy classifications in Section 310 correlates with this proposal.

Analysis: See committee action on G38-06/07.

Assembly Action:

None

Individual Consideration Agenda

This item is on the agenda for individual consideration because a public comment was submitted.

Public Comment:

John Rooney, United Spinal Association, requests Disapproval.

Commenter's Reason: A Group R-3 classification for adults that are capable of self preservation in an environment that is less than 24 hours is not appropriate. Adult day care facilities are being constructed as part of recreational facilities, portions of assisted living centers, in store fronts and as part of combination child/adult care centers. This is not a residential environment. There are several adverse consequences to this approach. With any portion of a building including a Group R-3, sprinklers would be required throughout the entire building. What is the technical justification for this in the combined facilities? In addition, there are a large number of exceptions for Group R-3 throughout the code that would have an adverse effect for the expected clientele with mobility impairments. For example, Group R-3 can use exceptions for stair tread and risers (Section 1009.3, Exp 4), size of doors (1008.1.1, Exp. 1) and thresholds (1008.1.4, Exp. 3). Section 1019.2 would allow stand alone adult day cares to be single exit buildings (Section 1019.2). Chapter 11 only deals with Type B dwelling unit criteria (Section 1107.6.3) when there are four or more units. If Type B criteria is followed, accessibility requirements would be significantly reduced vs. a fully accessible Group A-3; or if this facility is considered one unit, accessibility may not be required at all!

Final Action: AS AM AMPC _____ D
