

**7511.0202 SECTION 202, GENERAL DEFINITIONS.**

IFC section 202 is amended by adding or amending definitions to read:

**ADULT DAY CARE CENTER.** A facility, licensed by the Department of Human Services under Minnesota Rules, parts 9555.9600 to 9555.9730, that provides a program of adult day care services to functionally impaired adults for periods of less than 24 hours per day in a setting other than a participant's home or the residence of the facility's operator.

**AERIAL LUMINARIES.** Aerial luminaries, sky lanterns, and similar devices are an unmanned type of balloon made from lightweight materials, which require a flame, candle, fuel cell, or other open flame to develop lift and propel them. When released, there is no way to control the flight path, altitude, or landing area.

**AMBULATORY CARE FACILITY.** Buildings or portions of buildings used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to individuals who are rendered incapable of self-preservation by the services provided. For the purposes of this chapter, federally certified end-stage renal disease facilities (kidney dialysis facilities) located on the level of exit discharge shall not be considered ambulatory care facilities.

**aisle.** That portion of an exit that connects an aisle accessway to an exit access doorway, corridor, or an exit.

**APPROVED.** "Approved" means approval by the fire code official, pursuant to the Minnesota State Fire Code, by reason of:

- A. Inspection, investigation, or testing;
- B. Accepted principles;
- C. Computer simulations;
- D. Research reports; or
- E. Testing performed by either a licensed engineer or by a locally or nationally recognized testing laboratory.

**AUTHORITY HAVING JURISDICTION.** Any municipal fire code official serving within their appointed jurisdiction or the state fire marshal or any of their authorized representatives.

**BUILDING CODE.** The Minnesota State Building Code adopted pursuant to Minnesota Statutes, section 326B.106, subdivision 1.

**CARE FACILITY.** Occupancies used as care facilities shall be classified into the occupancy group category identified in the following table.

**Care Facility Classifications**

		<b>IBC Occupancy Classification</b>	
<b>Type of Licensed Facility</b>		<b>Number or Type of Residents</b>	
Child Care (Day Care)	Family Child Care Home	10 occupants maximum with ≤ 6 below school age	R-3 Dwelling Unit
	Group Child Care Home <24 hours per day	11-14 occupants maximum	R-3 Dwelling Unit
	Child Care Center < 24 hours per day	> 5 but ≤ 100 children < 2.5 years of age and each room at, and with, an exit at the level of exit discharge	E
	Child Care Center < 24 hours per day	More than 5 children > 2.5 years of age	E
	Child Care Center < 24 hours per day	More than 5 children ≤ 2.5 years of age	I-4
	Child Care Center < 24 hours per day	More than 5 children ≤ 2.5 years of age	I-4
Adult Day Care	Family Adult Day Services	≤ 8 impaired adults	R-3 Dwelling Unit
	Adult Day Care Center < 24 hours per day	6 or more occupants, all may or may not be capable of self-preservation	I-4
	Adult Day Care Center < 24 hours per day	6 or more occupants, but having no more than 50 percent of the occupants who are not capable of self-preservation	E
Supervised Living Facilities	Class A-1	6 or fewer residents; all of whom are capable of self-preservation	R-3 Dwelling Unit
	Class A-2	7 to 16 residents; all of whom are capable of self-preservation	R-4
	Class A-2	More than 16 residents; all of whom are capable of self-preservation	I-1
	Class B-1	6 or fewer residents; all of whom may not be capable of self-preservation	R-3
	Class B-2	7 to 16 residents; all of whom may not be capable of self-preservation	R-4

	Class B-3	More than 16 residents; all of whom may not be capable of self-preservation	I-2
Hospice	Residential Hospice Facility	1-5 terminally ill persons	R-3
	Residential Hospice Facility	6-12 terminally ill persons	R-4
Adult Foster Care	Adult Foster Care Home	1-5 impaired adults	R-3
			Dwelling Unit
Child Foster Care	Foster Care	1-6 foster children without severe disability or assisted medical technology	R-3 Dwelling Unit
	Foster Care	1-4 foster children with medical or special care services	R-3 Dwelling Unit
Housing with Services Facility	Housing with Services Establishment	1-5 adult residents $\geq$ 80 percent 55 years of age or older unless registered under MN Statutes, section 144D.025	R-3 Dwelling Unit
	Housing with Services Establishment Providing Assisted Living Services		
	Housing with Services Establishment	6-16 adult residents $\geq$ 80 percent 55 years of age or older unless registered under MN Statutes, section 144D.025	R-4
	Housing with Services Establishment Providing Assisted Living Services		
	Housing with Services Establishment	> 16 adult residents $\geq$ 80 percent 55 years of age or older unless registered under MN Statutes, section 144D.025	I-1
	Housing with Services Establishment Providing Assisted Living Services		
Boarding Care	Boarding Care Home	< 5 residents	R-3 Dwelling Unit
	Boarding Care Home	6-16 residents	R-4
	Boarding Care Home	> 16 residents	I-1
Boarding and Lodging	Boarding and Lodging	$\leq$ 16 residents in sleeping rooms or $\leq$ 2 dwelling units	R-3
	Boarding and Lodging	> 16 residents in sleeping rooms or > 2 dwelling units	R-2
	Boarding and Lodging < 30 days	Bed and Breakfast with 6 or more sleeping units Boarding houses with > 10 occupants	R-1

	Boarding and Lodging < 30 days	Bed and Breakfast with 5 or fewer sleeping units Boarding houses with ≤ 10 occupants	R-3 Dwelling Unit
Senior Housing	Senior Housing (See IBC 310)	More than 2 dwelling units in one building	R-2
	Senior Housing (See IBC 310)	2 family dwelling units in one building	R-3
	Senior Housing (See IBC 310)	1 dwelling unit	R-3 Dwelling Unit
Congregate Residence	Congregate Residence	≤ 16 residents	R-3
	Congregate Residence	17 or more residents	R-2
Day Services	Day Services Facility	Adult (over 18)	I-4
	Day Services Facility	Ages 13-18	I-4
Chemical Dependency Treatment Programs	Chemical Dependency Treatment Program - Outpatient (< 24 hrs.)	Not regulated	B
	Chemical Dependency Treatment Program - Residential	< 5 residents	R-3 Dwelling Unit
	Chemical Dependency Treatment Program - Residential	6-16 residents	R-4
	Chemical Dependency Treatment Program - Residential	> 16 residents	I-1

**CHIEF.** See FIRE CHIEF.

**CORRIDOR.** An interior passageway having a length at least three times its width, having walls, partitions, or other obstructions to exit travel over 6 feet (1,829 mm) in height on two opposing sides and having openings from rooms or similar spaces.

**DECORATIVE MATERIALS.** Combustible materials used for decorative effects such as curtains; draperies; streamers; surface coverings applied over building interior finishes for decorative, acoustical or other effect; cloth; cotton batting; paper; plastics; vegetation; hay; split bamboo; straw; vines; leaves; trees; moss; and similar materials used for decorative effect. Decorative materials do not include educational materials that are displayed in an approved manner, ordinary window shades, floor coverings, interior finish materials used as surface coverings (See Chapter 8 for regulations of such materials) and materials 1/28 inch (0.9 mm) or less in thickness applied directly to a noncombustible backing.

**FAMILY ADULT DAY SERVICES.** A program providing services for up to eight functionally impaired adults for less than 24 hours per day in the license holder's primary residence in accordance with Minnesota Statutes, section 245A.143. This includes programs located in residences licensed by the Department of Human Services for adult foster care, provided not more than eight adults, excluding staff, are present in the residence at any time.

**FAMILY DAY CARE HOME.** A residence, licensed by the Department of Human Services under Minnesota Rules, parts 9502.0315 to 9502.0445, in which no more than ten children at any one time receive care, maintenance and supervision by other than their relatives or legal guardians for less than 24 hours per day.

**FIRE CHIEF.** The chief officer of the fire department serving the jurisdiction or the chief's authorized representatives.

**FIRE CODE OFFICIAL.** The state fire marshal, the state fire marshal's authorized representative, fire chief, fire department representatives authorized by the fire chief, or other authority specifically designated by ordinance or regulation that is charged with the administration and enforcement of the code. The appointing authority shall ensure that the fire code official is competent by virtue of certification as a fire inspector, training, or experience in fire prevention inspections and enforcement.

**FIRE DEPARTMENT.** A regularly organized fire department, fire protection district, or fire company regularly charged with the responsibility of providing firefighting or fire protection services to the state or a political subdivision.

**GROUP DAY CARE HOME.** A residence, licensed by the Department of Human Services under Minnesota Rules, parts 9502.0315 to 9502.0445, in which at least 11 but not more than 14 children receive care, maintenance and supervision by other than their relatives or legal guardians for less than 24 hours per day.

**GUEST ROOM.** A room or a group of rooms used or intended to be used for purposes of lodging by guests.

**INTERMEDIATE BULK CONTAINER.** A storage container meeting the requirements of and containing products authorized by the United States Department of Transportation Hazardous Materials Regulations, Code of Federal Regulations, title 49, or by Part 6 of the United Nations Recommendations on the Transport of Dangerous Goods for classes 31H1, 31H2, and 31HZ1.

**MECHANICAL CODE.** The Minnesota State Mechanical Code as adopted pursuant to Minnesota Statutes, section 326B.106.

**MUNICIPALITY.** Any statutory or home rule charter city, county or town meeting the requirements of Minnesota Statutes, section 368.01, subdivision 1, the University of Minnesota, or the state for public buildings.

**OCCUPANCY CLASSIFICATION.** Except as modified by this part, for the purposes of this code, certain occupancies and uses are defined. All other subdefinitions not modified in this definition still apply:

**Institutional Group I.**

**Group I-1.** This occupancy shall include buildings, structures, or portions thereof for more than sixteen persons who reside, on a 24-hour basis, in a supervised environment and receive custodial care services. Examples of this group include the following:

Alcohol and drug centers

Assisted living services

Boarding care homes

Congregate care facilities

Convalescent facilities

Group homes

Halfway houses

Housing with services establishment

Residential board and care facilities

Social rehabilitation facilities

Supervised living facilities Class A-2

A facility such as the above with five or fewer persons receiving such care shall be classified as Group R-3.

A facility such as the above housing at least six and not more than sixteen persons receiving such care shall be classified as Group R-4.

**Group I-2.** This occupancy shall include buildings and structures used for medical care on a 24-hour basis for more than five persons who are incapable of self-preservation. Examples of this group include the following:

Detoxification facilities

Foster care facilities

Hospitals

Nursing homes

Psychiatric hospitals

Supervised living facilities Class B-3

A facility such as the above with five or fewer persons receiving care shall be classified as Group R-3.

**Group I-4, Day care facilities.** This group shall include buildings and structures occupied by more than five persons of any age who receive custodial care for less 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 receiving care. This group shall include, but not be limited to, the following:

Adult day care

Child day care

**Classification as Group E.** A child day care facility that provides care for more than five but no more than 100 children 2-1/2 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.

**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.

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

**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.

### **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. Residential occupancies shall include the following:

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

Bed and breakfast facilities with six or more guest rooms. A facility with less than six guest rooms shall be classified as a Group R-3 occupancy

Boarding houses (transient) with more than ten occupants

Congregate living facilities (transient) with more than ten occupants

Hotels (transient)

Motels (transient)

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

Apartment houses

Boarding houses (not transient) with more than sixteen occupants

Congregate living facilities (nontransient) with more than sixteen occupants

Convents

Dormitories

Fraternities and sororities

Hotels (not transient)

Monasteries

Motels (not transient)

Vacation time-share properties

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

Assisted living services

Buildings that do not contain more than two dwelling units

Boarding care homes

Boarding houses (nontransient) with sixteen or fewer occupants

Boarding houses (transient) with ten or fewer occupants

Care facilities that provide accommodations for five or fewer persons receiving care

Congregate living facilities (nontransient) with sixteen or fewer occupants

Congregate living facilities (transient) with ten or fewer occupants

Dwelling units in mixed occupancy buildings

Family adult foster home

Foster care

Housing with services establishment

Residential hospice with five or fewer occupants

**R-4.** This occupancy shall include buildings, structures or portions thereof for more than five but not more than sixteen occupants, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. The persons receiving care are capable of self-preservation. Examples of this group include the following:

Alcohol and drug centers

Assisted living services

Boarding care homes

Congregate care facilities

Group homes

Halfway houses

Housing with services establishment

Residential board and care facilities

Residential hospice with twelve or fewer occupants

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.

**OUTPATIENT CLINIC.** Buildings or portions thereof used to provide medical care on a less than 24-hour basis to persons who are not rendered incapable of self-preservation by the services provided, including federally certified end-stage renal disease facilities (kidney dialysis facilities) not classified as an ambulatory care facility.

**PERFORMANCE-BASED DESIGN.** An engineering approach to design elements of a building based on agreed-upon performance goals and objectives, engineering analysis and quantitative assessment of alternatives against the design goals and objectives using accepted engineering tools, methodologies and performance criteria.

**POWER TAP.** A device that is connected to an electrical receptacle, has built-in overcurrent protection and allows connection of one or more electrical plugs to supply electricity to other devices and equipment.

**REQUIRED BY THE FIRE CHIEF.** Determined by the fire chief to be directly related to safeguarding life and property from the hazards of fire, and uniform for each class or kind of building, structure or property covered.

**RESIDENTIAL HOSPICE FACILITY.** A facility located in a residential area that directly provides 24-hour residential and support services in a home-like setting for not more than 12 persons who have been diagnosed as terminally ill with a probable life expectancy of under one year.

**ROOM.** A space or area bounded by any obstructions over 6 feet in height which at any time enclose more than 80 percent of the perimeter of the area. In computing the unobstructed perimeter, openings less than 3 feet in clear width and less than 6 feet 8 inches high shall not be considered. Aisles and corridors shall not be construed to form rooms.

**SMALL HOSE CONNECTION.** "Small hose connection" means a 1 1/2-inch connection supplied inside of a building for firefighting overhaul operations in sprinkler-protected structures.

**STATE FIRE MARSHAL.** The Minnesota state fire marshal or the state fire marshal's authorized representatives.

**SUPERVISED LIVING FACILITY.** A facility in which supervision, lodging, meals, and, in accordance with the rules of the Department of Human Services and the Department of Health, counseling and developmental habilitative or rehabilitative services are provided to persons who are chemically dependent, adult mentally ill, or physically or developmentally disabled.

**Class A-1 supervised living facility.** A supervised living facility for six or fewer ambulatory or mobile disabled persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

**Class A-2 supervised living facility.** A supervised living facility for more than six ambulatory or mobile disabled persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

**Class B-1 supervised living facility.** A supervised living facility for six or fewer ambulatory or nonambulatory, mobile or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

**Class B-2 supervised living facility.** A supervised living facility for seven to 16 ambulatory or nonambulatory, mobile or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

**Class B-3 supervised living facility.** A supervised living facility for 17 or more ambulatory or nonambulatory, mobile or nonmobile persons who are not mentally or physically capable of taking appropriate action for self-preservation under emergency conditions as determined by program licensure provisions.

**Statutory Authority:** *MS s 299F.011; 326B.02*

**History:** *L 2005 c 56 s 2; 32 SR 10; L 2007 c 140 art 4 s 61; art 13 s 4; 40 SR 1437*

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