

7511.0202 SECTION 202, GENERAL DEFINITIONS.

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

ADULT DAY CARE CENTER OR ADULT DAY SERVICES 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.

AUTOMOTIVE MOTOR-FUEL-DISPENSING FACILITY. That portion of property where flammable or combustible liquids or gases used as motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. For purposes of this definition, a motor vehicle is any self-propelled vehicle that: (1) conveys an operator, such as an automobile, truck, motorcycle, recreational vehicle, camper, all-terrain vehicle, snowmobile, lawn care vehicle, tractor, or dozer; and (2) is used for personal, commercial, recreational, maintenance, or construction purposes.

BUILDING CODE. The Minnesota Building Code, Minnesota Rules, chapter 1305.

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

Table 202.1

Care Facility Classifications

Type of Licensed Facility		Number or Type of Care Recipients	IBC Occupancy Classification
Child Care (Day Care)	Family Child Care Home	10 occupants maximum with ≤ 6 below school age ¹	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 and not classified as E	I-4
Adult Day Care (Day Services)	Family Adult Day Services (located in caregiver's primary residence)	≤ 8 care recipients age 13 and older	R-3 Dwelling Unit
	Adult Day Services Center < 24 hours per day	6 or more care recipients, age 13 and older, all may or may not be capable of self-preservation without assistance	I-4 Unless meets criteria for E below
	Adult Day Services Center < 24 hours per day	6 or more care recipients, age 13 and older, all capable of self-preservation without assistance	E
	Adult Day Services Center < 24 hours per day	6 or more care recipients, age 13 and older, where at least one care recipient but no more than	I-4 E if meets all conditions for

		50 percent of the care recipients require assistance for self-preservation	classification as E under definition of Occupancy Classification, Classification as Group E
	Day Training and Habilitation	Program participants age 13 and older	Classified by primary use/training function
Supervised Living Facilities	Class A-1	6 or fewer residents all of whom are capable of self-preservation without assistance	R-3 Dwelling Unit
	Class A-2	7 to 16 residents all of whom are capable of self-preservation without assistance	R-4 Condition 1
	Class A-2	More than 16 residents all of whom are capable of self-preservation without assistance	I-1 Condition 1
	Class B-1	6 or fewer residents all of whom may not be capable of self-preservation without assistance	R-3
	Class B-2	7 to 16 residents of which some may require limited assistance for self-preservation	R-4 Condition 2
	Class B-3	More than 16 residents all of whom may not be capable of self-preservation without assistance	I-2 Condition 1
Hospice	Residential Hospice Facility	1-5 terminally ill persons	R-3
	Residential Hospice Facility	6-12 terminally ill persons	R-4 Condition 2

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 Establishment	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 Condition 2
	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 Condition 2
	Housing with Services Establishment Providing Assisted Living Services		
Boarding Care	Boarding Care Home	\leq 5 residents	R-3 Dwelling Unit
	Boarding Care Home	6-16 residents all of whom are capable of self-preservation without assistance	R-4 Condition 1
	Boarding Care Home	> 16 residents all of whom are capable of self-preservation without assistance	I-1 Condition 1
Boarding and Lodging	Boarding and Lodging	\leq 16 residents in sleeping rooms or \leq 2 dwelling units in one building	R-3
	Boarding and Lodging	> 16 residents in sleeping rooms or > 2 dwelling units in	R-2

		one building all of whom are capable of self-preservation without assistance	
	Boarding and Lodging < 30 days	Lodging facilities with 6 or more sleeping units Boarding houses with > 10 occupants	R-1
	Boarding and Lodging < 30 days	Lodging facilities 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
Chemical Dependency and Mental Health Treatment Programs	Chemical Dependency and Mental Health Treatment Programs - Outpatient (< 24 hrs.)	Not regulated	B
	Chemical Dependency and Mental Health Treatment Programs - Residential	≤ 5 residents	R-3 Dwelling Unit
	Chemical Dependency and Mental Health Treatment Programs - Residential	6-16 residents all of whom may not be capable of self-preservation without assistance	R-4 Condition 2
	Chemical Dependency and Mental Health Treatment Programs - Residential	> 16 residents all of whom may not be capable of	I-1 Condition 2

		self-preservation without assistance	
Ambulatory Care Facility	Nursing and medical care for < 24 hours	Includes skilled medical care, emergency care, surgery, obstetrics, or patient stabilization for psychiatric or detox	B
Nursing Home	Nursing and medical care for > 24 hours	Does NOT include: emergency care, surgery, obstetrics, or in-patient stabilization for psychiatric or detox	I-2 Condition 1
Hospital	Nursing and medical care for > 24 hours	Includes skilled medical care, emergency care, surgery, obstetrics, or in-patient stabilization for psychiatric or detox	I-2 Condition 2

¹ "School age" means the age of a "school-age child" as defined in Minnesota Statutes 2018, section 245A.02, subdivision 16.

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.

FLEET VEHICLE MOTOR-FUEL-DISPENSING FACILITY. That portion of a commercial, industrial, governmental, or manufacturing property where liquids used as fuels are stored and dispensed into the fuel tanks of motor vehicles that are used in connection with such businesses, by persons within the employ of such businesses. For purposes of this definition, a motor vehicle is any self-propelled vehicle that: (1) conveys an operator, such as an automobile, truck, motorcycle, recreational vehicle, camper, all-terrain vehicle, snowmobile, lawn care vehicle, tractor, or dozer; and (2) is used for personal, commercial, recreational, maintenance, or construction purposes.

GENERAL EVACUATION SIGNAL. "General evacuation signal" means a fire alarm occupant notification system in accordance with Section 907.5.

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.

INTERNATIONAL BUILDING CODE (IBC). The Minnesota Building Code, Minnesota Rules, chapter 1305.

INTERNATIONAL FUEL GAS CODE. The Minnesota Mechanical Code, Minnesota Rules, parts 1346.5050 to 1346.6014.

INTERNATIONAL MECHANICAL CODE. The Minnesota Mechanical Code, Minnesota Rules, parts 1346.0050 to 1346.1606.

INTERNATIONAL RESIDENTIAL CODE (IRC). The Minnesota Residential Code, Minnesota Rules, chapter 1309.

MECHANICAL CODE. The Minnesota Mechanical Code, Minnesota Rules, parts 1346.0050 to 1346.1606.

MINNESOTA BUILDING CODE. Minnesota Rules, chapter 1305.

MINNESOTA MECHANICAL CODE. Minnesota Rules, parts 1346.0050 to 1346.1606.

MINNESOTA RESIDENTIAL CODE. Minnesota Rules, chapter 1309.

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.

NFPA. National Fire Protection Association.

OCCUPANCY CLASSIFICATION. Except as modified by this part, for the purposes of this code, certain occupancies and uses are defined. All other subdefinitions in the IFC definition of "occupancy classification" that are 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 16 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
- 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

Occupancy conditions. Buildings of Group I-1 shall be classified as one of the following conditions:

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

Condition 2. This occupancy condition includes 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.

Six to 16 persons receiving custodial care. A facility housing at least six and not more than 16 persons receiving custodial care, all of whom are capable of self-preservation, shall be classified as Group R-4, Condition 1.

Five or fewer persons receiving custodial care. A facility with five or fewer persons receiving custodial care shall be classified as Group R-3.

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

Occupancy conditions. Buildings of Group I-2 shall be classified as one of the following occupancy conditions:

Condition 1. This occupancy condition includes facilities that provide nursing and medical care but do not provide emergency care, surgery, obstetrics, or in-patient stabilization units for psychiatric or detoxification, including but not limited to nursing homes and foster care facilities.

Condition 2. This occupancy condition includes facilities that provide nursing and medical care and could provide emergency care, surgery, obstetrics, or in-patient stabilization units for psychiatric or detoxification, including but not limited to hospitals.

Five or fewer persons receiving care. A facility with five or fewer persons receiving care consistent with Group I-2 occupancies shall be classified as Group R-3.

Group I-4, Day care and day services facilities. This group includes 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 services

Child day care

Classification as Group E. Day care and day services uses are classified as Group E occupancies in accordance with the following:

Adult day services centers serving only persons capable of self-preservation. Adult day services centers serving only persons who, without assistance, are capable of self-preservation under emergency conditions are classified as Group E.

Adult day services centers serving both persons capable and persons not capable of self-preservation. Adult day services centers are classified as Group E where all of the following conditions apply:

1. At least one person served but not more than 50 percent of persons served require assistance with self-preservation under emergency conditions.
2. The rooms in which the adults are cared for are located on the level of exit discharge serving such rooms, with all exits discharging directly to grade without intervening stairs. Each exit discharge shall provide an accessible route, without stairs, to the public way or safe dispersal area in accordance with the exception to Section 1028.5.
3. The day services center is protected with an automatic fire alarm system consisting of automatic smoke detection in all corridors and at the top of all stairways, and automatic fire detection in boiler and furnace rooms, kitchens, storage rooms, custodial closets, laundry and soiled linen rooms, and other hazardous areas.
4. The center shall demonstrate the ability to evacuate the entire population of the center within three minutes.

Child day care. A child day care facility shall be classified as Group E where all of the following conditions apply:

1. The facility provides care for more than five but not more than 100 children 2-1/2 years of age or less.
2. The rooms in which the children are cared for are located on the level of exit discharge serving such rooms.
3. Each room providing day care has an exit door directly to the exterior.

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. Adult day services or child day care within a dwelling unit and having five or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy. Where the adult day services or child day care is located in a one- or two-family dwelling or townhouse, the dwelling: (1) shall be constructed in accordance with either the Building Code or the Minnesota Residential Code; and (2) shall be equipped with an automatic sprinkler system when required by Section 903.2.8.

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.

Exception: Group R-3 and R-4 occupancies located in a one- or two-family dwelling or townhouse and classified as a "dwelling unit" in Table 202.1: (1) shall be constructed in accordance with either the Building Code or the Minnesota Residential Code; and (2) shall be equipped with an automatic sprinkler system when required by Section 903.2.8.

Residential occupancies shall be classified according to the following:

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

- Boarding houses (transient) with more than ten occupants
- Congregate living facilities (transient) with more than ten occupants
- Hotels (transient)
- Lodging houses with six or more guest rooms or more than ten occupants
- Motels (transient)

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

- Apartment houses
- Congregate living facilities (nontransient) with more than sixteen occupants
 - Boarding houses
 - Convents
 - Dormitories
 - Fraternities and sororities
 - Monasteries

Hotels (not transient)

Motels (not transient)

Vacation time-share properties

Residential Group 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

Buildings that do not contain more than two dwelling units

Boarding care homes

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

Congregate living facilities (nontransient) with 16 or fewer occupants

Boarding houses (nontransient)

Dormitories

Fraternities and sororities

Convents

Monasteries

Congregate living facilities (transient) with ten or fewer occupants

Boarding houses (transient)

Dwelling units (two or fewer) in mixed occupancy buildings

Family adult foster home

Foster care

Housing with services establishment

Lodging houses (transient) with five or fewer guest rooms and 10 or fewer occupants

Residential hospice with five or fewer occupants

Lodging houses. Owner-occupied lodging houses with five or fewer guest rooms and 10 or fewer total occupants shall be permitted to be constructed in accordance with the Minnesota Residential Code.

Residential Group R-4. This 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 residential environment and receive custodial care. This group shall include the following:

Alcohol and drug centers

Assisted living

Boarding care homes

Congregate care facilities

Group homes

Halfway houses

Housing with services establishment (including those that provide assisted living)

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.

Occupancy conditions. Buildings of Group R-4 shall be classified as one of the following occupancy conditions:

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

Condition 2. This occupancy condition includes 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.

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 (38 mm) connection supplied inside of a building for firefighting overhaul operations in sprinkler-protected structures.

STANDPIPE SYSTEM, CLASSES OF. "Classes of standpipe system" means the following:

Class I system. "Class I system" means a system providing 2-1/2 inch (64 mm) and 1-1/2 inch (38 mm) hose connections to supply water for use by fire departments and those trained in handling heavy fire streams.

Class II system. "Class II system" means a system providing 1-1/2 inch (38 mm) hose stations to supply water for use primarily by the building occupants or by the fire department during initial response.

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; 44 SR 610*

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