

# NEBRASKA

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STATE FIRE MARSHAL AGENCY



Jim Pillen, Governor



## GUIDANCE DOCUMENT 23-01 – Day-Care Homes

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This Guidance Document addresses multiple licensed day-care homes located within a one-family dwelling unit. Requests have been received from day-care operators to allow two distinct licenses for day-care homes within a building designed as a one-family dwelling (home). The typical requested arrangement is to have one day-care operation on the main floor of the home and another day-care operation on the lower level. Each day-care operation would have a maximum capacity of up to 12 children, for a maximum number of children located in the home of up to 24.

## Definitions

- *Building.* Any structure used or intended for supporting or sheltering any use or occupancy.
- *One-Family Dwelling Unit.* A building that consists solely of one dwelling unit with independent cooking and bathroom facilities.
- *Day-Care Home.* A building or portion of a building in which more than 3 but not more than 12 clients receive care, maintenance, and supervision, by other than their relative(s) or legal guardian(s), for less than 24 hours per day. (NFPA 101, 3.3.140.1)
- *Day-Care Occupancy.* An occupancy in which four or more clients receive care, maintenance, and supervision, by other than their relatives or legal guardians, for less than 24 hours per day. (NFPA 101, 3.3.188.4)
- A day-care occupancy caring for more than 12 clients (children) is classified as a Day-Care Occupancy and requirements apply as specified in Chapters 16 (New Day-Care Occupancies) and 17 (Existing Day-Care Occupancies) of NFPA 101. Previously called a Day-Care Center.

## Application

- A building designed as a One-Family dwelling that is used as a day-care home (<13 children) as defined above is classified as a Day-Care Home and the applicable requirements of Chapter 16 or 17 of NFPA 101 will apply.
- A building designed as a One-Family Dwelling that is used as a day-care occupancy (>13 children) as defined above is classified as a Day-Care Occupancy and the applicable requirements of Chapter 16 or 17 of NFPA 101 will apply (Day-Care Center).

The code application above applies based on the number of children being cared for and not the number of licenses applied to the home. If the total number of children being cared for exceeds 12, even with two separate licenses, the requirements of a Day-Care Occupancy will apply.

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## Code Requirements

A partial listing of typical fire code requirements for Day-Care Home and Day-Care Occupancies for comparison

### Day-Care Home (<13)

- Two means of egress required from every floor, one of which can be an egress window
- Stairs can be unenclosed when smoke alarms are provided at the top and bottom
- Hard-wired, interconnected smoke alarms are required; battery-powered smoke alarms acceptable for existing#

### Day-Care Occupancy (>12)

- Basements can be used only if the building is fire sprinkler protected
- Two exits required from every floor that do not involve windows (doors only)
- Emergency lighting required
- Exit signs required
- If not fire sprinkler protected, every room occupied by children must have a door or egress window
- Stairs must be enclosed with fire rated construction
- If not fire sprinkler protected, hazardous rooms including mechanical and storage rooms must be separated from the rest of the building by one-hour fire rated construction
- A commercial fire alarm system is required
- If not fire sprinkler protected, corridors (hallways) used for exiting must be fire rated

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