



City of Cambridge

IN CITY COUNCIL

Councillor Walsh

April 30, 1990

WHEREAS: In response to my Council Order of March 26, 1990 regarding fire safety regulations for both family day care homes and group day care centers in Cambridge, General Counsel Thomas A. Mela of the Commonwealth's Office For Children responded with the attached letter. While the statutory regulations cited in the referenced 102 CMR (Code of Massachusetts Regulations) 8.08 and 780 CMR 434 are very specific (copy attached), at least two areas of concern remain which are not addressed in either the statutes or the Counsel's letter.

- a) Once licensed and operative, how often is inspection mandated and, in fact, made by Office For Children staff to insure that the operation of the licensed premises is in compliance with the statutes ?
- b) To affirm, as the General Counsel's letter does, that " The Office For Children fully supports a program of the Cambridge Fire Department to educate family day care providers on life safety issues, and will inform licensees of the availability of life safety training offered by the Fire Department " is not adequate. Proven and verified participation in the Cambridge Fire Department's life safety program should be a "must" prior to permitting any day care entity to function in Cambridge.

Now therefore be it

RESOLVED: That it is the sense of this Council that the above areas of concern be addressed by the Commonwealth's Office For Children; and be it further

RESOLVED: That the City Clerk be and is requested to prepare duly engrossed copies of this Resolution and forward same to the General Counsel of the Office For Children, Fire Chief Thomas Scott and Captain Edward F. Mahoney, Cambridge Fire Department respectively.

(ATTACHMENTS)



City of Cambridge

8.

IN CITY COUNCIL

April 30, 1990

COUNCILLOR WALSH

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In response to my council order of March 26, 1990 regarding fire safety regulations for both family day care homes and group day care centers in Cambridge, General Counsel Thomas A. Mela of the Commonwealth's Office For the Children responded with the attached letter. While the statutory regulations cited in the referenced 102 CMR (Code of Massachusetts Regulations) 8.08 and 780 CMR 434 are very specific (copy attached), at least two areas of concern remain which are not addressed in either the statutes or the Counsel's letter.

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In City Council April 30, 1990.

Adopted by the affirmative vote of nine members.

Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

Joseph E. Connarton
City Clerk.



City of Cambridge

8.

IN CITY COUNCIL

April 30, 1990

COUNCILLOR WALSH

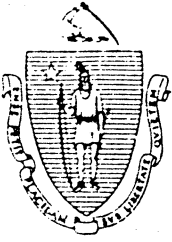
WHEREAS: In response to my council order of March 26, 1990 regarding fire safety regulations for both family day care homes and group day care centers in Cambridge, General Counsel Thomas A. Mela of the Commonwealth's Office For the Children responded with the attached letter. While the statutory regulations cited in the referenced 102 CMR (Code of Massachusetts Regulations) 8.08 and 780 CMR 434 are very specific (copy attached), at least two areas of concern remain which are not addressed in either the statutes or the Counsel's letter.

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RESOLVED: That the City Clerk be and hereby is requested to prepare duly engrossed copies of this Resolution and forward same to the General Counsel of the Office For Children, Fire Chief Thomas Scott and Captain Edward F. Mahoney, Cambridge Fire Department respectively.



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF HUMAN SERVICES
OFFICE FOR CHILDREN

MARY KAY LEONARD
COMMISSIONER

10 WEST STREET, BOSTON, MASSACHUSETTS 02111

AREA CODE (617)
727-8900

April 19, 1990

Joseph E. Connarton
City Clerk
City Hall
Cambridge, MA. 02139

Dear Mr. Connarton:

Your letter and the resolution submitted by Councillor William Walsh have been referred to me for the response by the Office for Children.

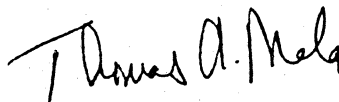
The Massachusetts General Laws and the Regulations of the Office for Children distinguish family day care homes from group day care centers. Family day care providers may be licensed to care for as many as six children in a private residence. The Regulations of the Office for Children specify twenty-one "Home Safety" requirements which family day care licensees must satisfy; a copy of the "Home Safety" requirements, found at 102 CMR 8.08, are enclosed for your convenience. Persons who satisfy the Office for Children Regulations, including a requirement that "each floor level which is occupied by children in care shall have at least two separate exits to the outside which can be used by children," may provide family day care on whatever floor the residence is located.

Group day care, not limited to six children, rarely is provided in a private residence. Until recently, the Regulations of the Massachusetts Building Code forbade group day care centers from serving infants (children under the age of fifteen months) above the first floor. Effective May 1, 1990, the Massachusetts Building Code will no longer forbid day care centers from serving children above the first floor, provided that the centers continue to meet the existing safety requirements of the Massachusetts Building Code; a copy of the amended regulation, found at 780 CMR 434, is also enclosed for your convenience. As a result of the amendment to the Massachusetts Building Code, the Regulations of the Office for Children will also be amended to allow day care centers to serve infants above the first floor.

Several weeks ago the Office for Children's director of family day care licensing met with Captain Edward F. Mahoney of the Cambridge Fire Department to discuss fire safety for family day care homes located in Cambridge. The Office for Children fully supports a program of the Cambridge Fire Department to educate family day care providers on life safety issues, and will inform licensees of the availability of life safety training offered by the Fire Department. In addition, the Office for Children has furnished Captain Mahoney a copy of the names and addresses of all family day care licensees located in the City of Cambridge and will provide the names and address of new licensees on a monthly basis.

I hope that this letter fully responds to the resolution submitted by Councillor Walsh, and that if city officials have further questions they will feel free to contact me or our director of family day care licensing, Martha Roberts.

Sincerely,



Thomas A. Mela
General Counsel

cc: Councillor William Walsh
Captain Edward F. Mahoney
Martha Roberts

TAM:vs

102 CMR: OFFICE FOR CHILDREN

continued

by children, shall be separated from the occupied space by partitions, screens, curtains, or other similar barricades. The use of portable space heaters is prohibited.

(17) Fireplaces shall be securely screened and used only with direct adult supervision at all times that children are present in the room with the fireplace in use.

(18) All heating elements including hot water pipes and radiators located in areas used by the children shall be insulated, protected or barricaded so that children cannot come into contact with them, and so that they are not a fire hazard.

(19) Furniture shall be safe, with sharp edges protected, and arranged in such a way as to not present hazards to young children.

(10) If the water supply is not from a municipal supply, the provider shall present evidence of it having been tested and approved by the Department of Public Health or the appropriate local health official.

(11) The home shall be clean, free of clutter and maintained in a sanitary condition. Food shall be promptly refrigerated, and rubbish shall be regularly removed.

(12) The provider shall have a fire extinguisher suitable for use in the kitchen.

(13) The provider shall have at least one operable flashlight on the premises.

(14) The provider shall cover all electrical outlets not in use and shall tape or fasten electric cords so that they are not a hazard to children. Electric cords shall not be frayed or damaged.

(15) The provider shall have first aid materials which include antiseptic, bandages, and a thermometer.

(16) The provider shall store all potentially dangerous materials such as pressurized cans, cleaning fluids and supplies such as bleaches or detergent, polishes, matches, insecticides, firearms, tools, sharp-pointed and sharp-edged instruments, plastic bags, and medical supplies, in designated cabinets or storage facilities accessible only to adults. All firearms shall be unloaded and stored in locked cabinets or closets.

(17) The provider shall have a telephone other than a pay phone in the home. Emergency phone numbers, including the local fire department, police department, health agency or hospital, a physician, and the most accessible poison control center shall be posted conspicuously, immediately adjacent to the telephone.

(18) The provider shall treat, clean and maintain all swimming pools in accordance with sound health and safety practices and regulations. The provider shall fence in-ground swimming pools and shall prevent access to above-ground swimming pools. The provider shall permit the use of pools, including wading pools, only when an adult is in attendance.

(19) The provider shall assure that all open windows above the first floor level in rooms used by children do not present a hazard to the children. All such windows shall be securely screened, or shall be opened only from the top, or shall be protected by a barrier.

(20) The provider shall not provide family day care when the home, or any portion thereof, is being renovated.

(21) Emergency Plan. The provider shall have a plan approved by the Office for the evacuation of young children from the home in case of fire or natural disaster, and shall conduct practice evacuations with all children in care.

continued

- (c) The provider shall have a minimum of two hundred twenty-five (225) square feet of usable floor space, in homes caring for three (3) through six (6) children, including participating children living in the residence.
- (d) Bathrooms, corridors, outdoor porches, areas of the home that the children are restricted from or unable to use, and portions of rooms or areas which contain furniture or equipment suitable only for adult usage, shall not be counted in meeting the square footage requirement.
- (e) The provider shall have available a protected area in the family day care home where children under eighteen (18) months can be on the floor to explore at least part of the day.

(2) Napping Space and Bedding.

- (a) The provider shall furnish each child under seven (7) years of age with an individual bed, sofa, cot, crib, pad, mat, or playpen, with clean coverings, for napping or resting purposes. Family beds may be used if clean covering is provided.
- (b) The provider shall use a crib, portacrib, or playpen for napping each child in care under fifteen (15) months. A crib, portacrib or playpen shall be made available for those children over fifteen (15) months who need it. If slats on cribs are more than two and three eighths ($2 \frac{3}{8}$) inches apart, a crib bumper pad must be used for added protection. Pillows shall not be used for children under six (6) months.

(3) Outdoor Play Space.

- (a) The provider shall have access to at least seventy-five (75) square feet of safe, hazard-free outdoor play space for every child in care. Where such play space is not available on the premises of the family day care home, parks, or other outdoor facilities which are easily accessible may be utilized with the prior approval of the Office.
- (b) Outdoor play space shall be free of hazards, including but not limited to the following:
 - 1. access to street;
 - 2. debris, broken glass, peeling paint;
 - 3. tools and construction materials;
 - 4. open drainage, ditches, wells, holes, water.
 Any such hazard shall be fenced, protected, or removed, as appropriate.
- (c) The provider shall not use outdoor porches above the first floor as play areas unless they are fully enclosed and structurally sound.

8.08: Home Safety

The provider shall maintain the family day care home in good repair and in a clean, sanitary and hazard-free condition and shall meet the following requirements:

- (1) Each floor level which is occupied by children in care shall have at least two (2) separate exits to the outside which can be used by children.
- (2) In homes caring for any child under three (3) years of age, there shall be a barrier at the entry to any stairway accessible to the children. Stairways used by children shall be well-lighted and free of all hazards.
- (3) Each room occupied by children in care shall have sufficient ventilation and lighting.
- (4) There shall be a bathroom accessible to children not more than one (1) floor level away from the play area.
- (5) Doors to closets and bathrooms which have locks shall have the locks that are easily opened from both the inside and outside.
- (6) There shall be a heating system that is capable of maintaining a temperature of sixty-five degrees (65°) inside at zero degrees (0°) outside the occupied rooms. Any space heaters or wood-burning stoves in spaces occupied

SECTION 434.0 CHILD DAY CARE CENTERS

434.1 General: Child day care centers shall be subject to the applicable provisions of this code and the special requirements of this section. Child day care centers licensed by the Office for Children shall also be subject to compliance with the rules and regulations of that authority.

434.2 Applicability: The locations of child day care centers shall be governed by the provisions of Section 434.0. Locations of child day care centers shall not be restricted by the limitations of Table 305 for A-4 and/or I-2 use groups solely because of the child day care center's use group classification. The provisions of Section 2203.4 shall not apply to child day care centers. In all buildings in which the introduction of a child day center changes the use, the child day care center and all portions of the building required for use by the child day care center shall comply with Section 2203.5, 2203.8, 2203.9, 2203.10, 2203.11 and 2204.6.

434.3 High hazard restriction: A child day care center shall not occupy the same building with, or be located within two hundred (200) feet of a high hazard occupancy.

434.4 Child day care center use groups

434.4.1 Less than two years and nine months in age: Buildings and portions thereof licensed by the Office for Children as child day care centers for children two (2) years and nine (9) months in age or younger shall be classified as I-2 use group.

434.4.2 More than two years and nine months in age: Buildings or portions thereof licensed by the Office for Children as child day care centers for children more than two (2) years and nine (9) months in age shall be classified as A-4 use group.

434.5 Story height limitations: The location of child day care centers in new and existing buildings shall be limited by the provisions of this section, as applicable to the use group classification of the center, and Table 434. When a child day care center contains children of mixed ages such that it would be classified in both the I-2 and A-4 use groups, the provisions of this section for use group I-2 shall apply.

434.5.1 I-2 limitations: In new and existing buildings, child day care centers which are classified in the I-2 use group shall comply with one of the following compliance options listed below. All required means of egress for child day care centers classified in use group I-2 shall lead directly to grade.

1. The location of the child day care center shall be limited to the first floor, cellar and/or basement; or
 2. In buildings of Type 2B, 3A or 3B construction which are fully sprinklered and comply with the special provisions of Section 434.15 through 434.15.3 inclusive, the child day care center shall be located no higher than the third floor; or
 3. In buildings of Types 1A, 1B or 2A construction which comply with the special provisions of Sections 434.15 through 434.15.3 inclusive and are
- 4/13/90 (Effective 5/1/90)

either fully sprinklered, or in which the child day care center and all floors below are sprinkled, the child day care center shall be located no higher than the third floor.

434.5.2 A-4 limitations: In new and existing buildings, child day care centers which are classified in the A-4 use group shall comply with one of the following compliance options listed below. All required means of egress for child day care centers classified in use group A-4 shall lead directly to grade.

1. The location of the child day care center shall no higher than the second floor; or
2. In buildings of Type 2B, 3A or 3B construction which are fully sprinklered and comply with the special provisions of Section 434.15 through 434.15.3 inclusive, the child day care center shall be located no higher than the fourth floor; or
3. In buildings of Types 1A, 1B or 2A construction which comply with the special provisions of Sections 434.15 through 434.15.3 inclusive and are either fully sprinklered, or in which the child day care center and all floors below are sprinkled, the child day care center shall be located no higher than the seventh floor.

434.6 Child day care centers classified as I-2 use group:

434.6.1 Basement and cellar use in Types 3C and 4B construction:

434.6.1.1 Basement use: A basement, as defined in this code, of a building of Type 3C or 4B construction may be used for a child day care center in accordance with the following requirements: there shall be two (2) separate and independent means of egress, remote from each other:

1. leading to grade; or
2. leading to a one (1) hour fire-rated enclosed stairway not more than four (4) feet in height vertically which leads directly to grade and is separated from any other use as an egress by one (1) hour fire-rated partitions and self-closing doors.

434.6.1.2 Cellar use: A cellar, as defined in this code, of a building of Type 3C or 4B construction may be used for a child day care center in accordance with the following requirements:

1. There shall be at least two (2) separate and independent interior means of egress, remote as possible from each other and leading directly to grade or to a one (1) hour fire-rated enclosed stairway not more than four (4) feet in height, vertically. Any such stairwell serving as a required means of egress from a child day care center shall serve only the day care center.
2. Smoke detectors shall be located in the story of use and in the story below, if one exists, directly beneath the area being used for the child day care center.

3. Interior stairways used as required means of egress shall contain smoke detectors connected to alarms audible throughout the child day care center.

434.7 Egress requirements for I-2 and A-4 child day care center use groups:

434.7.1 Below grade: All child day care centers or parts thereof located below grade, except for I-2 child day care center use in Types 3C and 4B construction as provided in Sections 434.6.1.1 and 434.6.1.2, shall conform to the following requirements:

1. There shall be at least two (2) separate and independent means of egress, remote as possible from each other, at least one (1) of which leads directly to grade or to a one (1) hour fire-rated enclosed stairway not more than four (4) feet in height, vertically. Any such stairwell serving as a required means of egress from a child day care center shall serve only the day care center.
2. Required interior stairways shall be of at least one (1) hour fire-rated construction enclosed with self-closing fire doors.
3. Required interior stairways shall contain smoke detectors connected to alarms audible throughout the child day care center.

434.7.2 Egress on floors other than basement or cellar: Each story of the child day care center shall be provided with not less than two (2) independent means of egress, remote as possible from each other, and such additional approved means of egress leading from the occupied spaces so that to reach an egress it will not be necessary to pass through a common corridor or space.

434.7.2.1 Buildings of Types 1, 2A and 2B construction: In buildings of Types 1, 2A or 2B construction, except for R-2 use group, equipped with a fire suppression system in compliance with Section 1202.0, a single common corridor shall be acceptable for providing access to two (2) means of egress as required in this section.

434.7.2.2 Common corridors used for exitway access: Common corridors may be subdivided, for the purpose of Section 434.7.2.1 to provide separate and independent exitway access by using smoke stop partitions complying with the provisions of this code. Access through interconnected rooms to either side of the smoke stop partition, as provided in Section 434.7.2.3, shall be allowed as a method of complying with Section 434.7.2.1. The doors in the smoke stop partitions may be equipped with an automatic hold open device connected to smoke or smoke and heat detectors and designed to close automatically by activation of the detector system.

434.7.2.3 Egress from each room: Two (2) approved means of egress located as remotely as possible from each other shall be required for each occupied room. One (1) such required egress may be made by communicating door.

434.7.3 Roof egress: Where the roof is used by a child day care center, two (2) enclosed stairways shall be provided, one (1) leading directly to an enclosed exitway system and one (1) leading to a corridor on a floor below that leads to two (2)

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remote and independent exitways. The stairways shall comply with all the provisions of Section 434.0 and this code.

434.7.4 Egress lighting: Egress lighting shall be provided in conformance with Article 6, including requirements for emergency lighting. Emergency lighting provided for required egresses for the child day care center shall include battery back-up.

434.7.5 Doorways: All required exitway doorways shall be at least thirty-six (36) inches in width. All other egress doorways shall be at least thirty-two (32) inches in width.

434.7.6 Handrails: All required egress stairways shall be provided with double handrails on both sides, and these shall be continuous including all runs and platforms and shall be built as follows:

1. The upper rail shall be not less than thirty (30) inches nor more than thirty-three (33) inches, measured vertically, above the nosing of the treads.
2. The lower rail shall be installed at approximately twenty (20) inches high measured vertically at the face of the riser.

434.8 Heating system: Any portable or permanent heater in spaces occupied by children shall be separated from the occupied space by partitions, guards, screens, or other means. Space and unit heaters using combustible fuels shall be prohibited.

434.9 Boiler rooms: Boilers, furnaces or other fire units shall be enclosed as required in Section 1105.0. Boiler room doors shall not open into occupied areas.

434.10 Roofs: Where a roof is used by a child day care center, there shall be a solid, smooth non-climbable fence or barrier a minimum of seven (7) feet high on all sides and separating the child day care center area from any other uses. Fences shall be set back at least three (3) feet from the outside edge of the exterior wall below. A weatherproof telephone or equivalent means of communication shall be provided for use in emergencies and shall be operable without keys, coins, etc.

434.11 Fire alarm systems: Fire alarm systems shall be provided in child day care centers in accordance with the requirements of this section. The requirements of Sections 434.6.1.2 and 434.7.1 may be combined with the requirements of this section.

1. Facilities for up to twenty-four (24) children shall be provided with a manual alarm system which will sound an alarm audible throughout the child day care center.
2. Facilities for twenty-five (25) or more children shall be provided with an automatic alarm system consisting of approved smoke detectors located as provided in Section 434.12 and audible throughout the child day care center or throughout each floor of the center. In addition, there shall be at least one (1) manual alarm on each floor of the child day care center which will sound on all floors of the child day care center when actuated.

434.12 Location of detectors: Smoke detectors shall be installed on the ceiling of each story occupied by the day care center above or in front of the doors to the stairways and at not greater than thirty (30) foot spacing in the corridor providing required means of egress on all floors of the child day care center. Smoke detectors shall also be installed in all accessory spaces of the child day care center not used for children, including storage over one hundred (100) square feet in area. All required detectors shall be located on the same circuit and interconnected so that when one (1) sounds, all will sound. Required detectors shall meet the requirements of UL 217 as listed in Appendix I and shall have an alarm decibel rating of at least 85.

434.13 Child day care center separations: When the floor occupied by the child day care center is above any usable space, the floor shall have a minimum of one (1) hour fire resistance rating in buildings of Type 2C, 3C and 4 construction and two (2) hours in buildings of Type 1, 2A, 2B, 3A and 3B construction. When the floor occupied by the child day care center is below any usable space, the ceiling above shall have at least a one hour fire resistance rating or the floor above shall be equipped with smoke detectors connected to the child day care center alarms. The child day care center shall be separated from all other uses on the same level by fire separation of at least two (2) hour fire resistance rating or greater as per Table 902.

434.14 Elevator doors: The child day care center shall not be exposed directly to the elevator doors opening from the elevator shaft. At least one (1) of the required means of egress shall not be exposed to the elevator openings. Elevator door openings may be separated by two (2) hour fire rated construction.

434.15 Special provisions: In new and existing buildings containing I-2 child care occupancies where the child day care center is located above the first floor, and in new and existing buildings containing A-4 child care occupancies where the child day care center is located above the third floor, the child day care center shall meet the requirements of this section or shall meet these requirements through other methods acceptable to the authority having jurisdiction.

434.15.1 Direct communication: The child day care center shall have direct communication from each room in the child day care center to either the fire command center or to the fire department.

434.15.2 Alarm requirements: In addition to meeting the requirements of Section 434.11, on the floor of the child day care center and/or the floor below, the operation of any water flow device, manual pull station, smoke or heat detector will initiate a special announcement for the child day care center to evacuate or proceed to the area specified in 434.15.3. A standard announcement shall also be initiated for the rest of the building. Smoke detectors shall be installed on the ceiling of the floor below the child care center. Manual pull stations shall be required on the floor located below the child care center.

434.15.3 Areas of refuge: In new and existing buildings containing A-4 child care occupancies where the child day care center is located on the fourth through seventh floors, the child day care center shall have direct access to a separate area

which shall have a minimum of two (2) hour rated construction separating it from the rest of the building. The area shall adjoin an enclosed stairway with a fire resistance rating of at least two (2) hours. The area shall be sized at nine (9) square feet per person to accommodate the licensed capacity and staff of the child day care center. This provision shall apply to all centers located on the sixth or seventh floors of a building and to those centers on the fourth or fifth floors whose licensed capacity exceeds fifty (50) children.

Table 434
Permitted Locations and Required Sprinkler Protection for Child Day Care Centers

I-2 Child Care Occupancy / Children Under Two Years Nine Months of Age										
Floor Level of Child Day Care Center	Building Construction Type									
	1A	1B	2A	2B	2C	3A	3B	3C	4A	4B
Basement / Cellar	P	P	P	P	P	P	P	P	P	P
1st Story	P	P	P	P	P	P	P	P	P	P
2nd Story	PS	PS	PS	S	NP	S	S	NP	NP	NP
3rd Story	PS	PS	PS	S	NP	S	S	NP	NP	NP
4th Story and Higher	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP

A-4 Child Care Occupancy / Children Over Two Years Nine Months of Age										
Floor Level of Child Day Care Center	Building Construction Type									
	1A	1B	2A	2B	2C	3A	3B	3C	4A	4B
Basement / Cellar	P	P	P	P	P	P	P	P	P	P
1st Story	P	P	P	P	P	P	P	P	P	P
2nd Story	PS	PS	PS	S	NP	S	S	NP	NP	NP
3rd Story	PS	PS	PS	S	NP	S	S	NP	NP	NP
4th Story	PS	PS	PS	S	NP	S	S	NP	NP	NP
5th to 7th Story	PS	PS	PS	NP	NP	NP	NP	NP	NP	NP
8th Story and Higher	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP

Key to Table

P = Permitted

NP = Not Permitted

S = Sprinklers Required / See Section 434.15 for Special Provisions

PS = Partial Sprinklers Required / See Section 434.15 for Special Provisions

SECTION 435.0 SUMMER CAMPS FOR CHILDREN

435.1 Definition: Summer camps for children include premises, operated solely between April and October of each year for recreational or other purposes, and having residential facilities. The use of such accommodations for purposes of inspection, certification and inspection fees shall be considered as being similar to a dormitory in R-2 use group and subject to the following provisions of this section.

Order # 8

S-436

Councillor Walsh re: Office of Children
response to licenses for day care
facilities.

In City Council,

April 30, 1990

Order adopted