DATE: June 26, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Mark S. Stimac, Building and Zoning Director
Mark F. Miller, Planning Director

SUBJECT: Agenda Item – Public Hearing – Zoning Ordinance Text Amendment (File No: ZOTA 214) – Article X, Group Child Care Homes in the R-1A through R-1E Districts

RECOMMENDATION

City Management has not taken a position on the issue of group child care homes, based on an understanding that the regulation of group child care homes within single-family residential neighborhoods is a community values issue. Decisions regarding community values should be made by City Council, following consideration of a recommendation by the Planning Commission and considerable input from City Council, providers and residents. City Management has a responsibility to identify options, issues and primary and secondary impacts on the surrounding environment.

BUILDING CODE IMPLICATIONS

Under the Michigan Building Code, a child care facility providing care for five or fewer children is classified as an occupancy group R-3 (Residential). A child care facility providing care for more than five children is classified as an occupancy group E (Educational) and is held to a higher construction standard than R-3 (Residential). If there are children cared for in the home that are under 2 ½ years of age, the code places the facility into the I-4 (Institutional) use group, and must meet even higher construction standards. Many of these standards cannot be met without very expensive structural alterations to the home, including fire suppression and exterior stairways leading from the basement to the ground.

If City Council approves the proposed text amendment, Group Child Care Home license holders will need to comply with the requirements of the Zoning Ordinance, Michigan Building Code and the Americans With Disabilities Act. Following approval of ZOTA 214, each license holder will need to go through the following process:

- Existing license holders will be sent an additional notice that they need to comply with the newly adopted rules.

- If they are not in compliance with the technical requirements of the Zoning Ordinance, they will need to revise their homes to comply or seek variances from the Board of Zoning Appeals.
- If they are successful in acquiring variances or do not need variances they will need to apply for building permits for a change of occupancy
- If they cannot comply with the building code provisions they will need to modify their homes to comply or can apply for a variance with the Building Code Board of Appeals.
- If they cannot comply with the accessibility requirements they can modify their home to comply or apply for an exception to the Barrier Free Design Board at the State of Michigan
- Once all plan review approvals are obtained, a permit will be issued.
- Once any work is completed, and all inspections are approved, a new certificate of occupancy would be issued.
- If they cannot comply or are unsuccessful in obtaining approvals or variances they will either need to change their license to Family Child Care Home or keep the existing Group Child Care Home License and certify that they will not care for more than six children, or eliminate the child care facility.

BACKGROUND

On March 27, 2006, City Council recommended that group child care homes be permitted by right subject to special conditions. Furthermore, City Council directed City Administration to prepare draft ordinance language for group child care homes in the R-1A through R-1E districts that incorporates City Council, City staff and group child care home comments.

On April 24, 2006, City staff conducted a meeting with group and family child care home providers. The purpose of the meeting was to get input from the child care providers in the drafting of an ordinance that will permit group child care homes in the R-1A through R-1E districts within the City of Troy. On May 1, 2006, City staff conducted a meeting with neighbors of family and group child care homes to obtain their input. Input from the two meetings is attached.

The fee structure for Group Child Care Home registration will be included in Chapter 60 and can be determined at a later date. City Management recommends a fee of $150 for initial registration and $75 for annual re-registration.

Attachments:

1. City Council Consensus Version Public Hearing Draft.
2. Neighbor comments from May 1, 2006 meeting.
3. Provider comments from April 24, 2006 meeting.
4. Admincode R 400.1801-R.400.1963, Licensing Rules for Family and Group Child Care Homes.

5. Miscellaneous public comment (13).
6. Memo prepared by Director of Building and Zoning, dated February 14, 2006.
7. Michigan Building Code Excerpts.
8. ADA Excerpts Regarding Child Care.

Prepared by RBS/MFM

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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY

CITY COUNCIL CONSENSUS VERSION
PUBLIC HEARING DRAFT

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39 of the Code of the City of Troy.

Section 2. Amendment to Article X of Chapter 39

Article X of Chapter 39 of the Code of the City of Troy is amended to permit group child care homes by special condition in the R-1A through R-1E One Family Residential Districts subject to specific standards.

(Underlining, except for major section titles, denotes changes.)

10.25.05 Group Child Care Homes, as defined in Section 04.20.69, subject to the following conditions:

A) The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed twelve (12).

B) The resident-operator of the Group Child Care Home shall be licensed in accordance with applicable State Law.

C) No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.

D) No sign shall be used on the premises to identify the Group Child Care Home.

E) Group Child Care Homes with vehicular access on a major thoroughfare shall be required to have a circular drive or an unobstructed turnaround area to allow for the safe egress of vehicles.

F) Licensed providers shall register with the City on or before September 1, 2006 or prior to commencement of operation and on an annual basis each January thereafter, and the licensed premises shall be subject to a fire and building department inspection and shall otherwise comply with applicable building and fire codes.

G) The applicant shall identify the entrance(s) for drop-offs and pickups. The parking and drop-off areas shall be designed to maximize safety and privacy for the neighboring properties.

H) The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01, shall not apply to Group Child Care Homes, provided:

1. A nuisance to the surrounding neighborhood is not created, pursuant to Chapter 88.

2. The operator of the Group Child Care Home shall reside within the home.

3. The use as a Group Child Care Home is incidental to the principal use as a single family residence.

I) The state licensed child care home shall not be located closer than 750 feet from another licensed child care home. This requirement shall not apply to any state licensed day care home existing as of the date of enactment of this ordinance.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on August 1, 2006.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2006.

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

G:\ZOTAs\ZOTA 214 Group Day Care Homes\CC GCCH Consensus Version PH Draft.doc

POTENTIAL GROUP CHILD CARE HOME PROVISIONS RECOMMENDED BY CITY COUNCIL	NEIGHBOR COMMENTS
(1) The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed twelve (12). *Current State of Michigan requirement.*	• Excessive. • Too many.
(2) The resident-operator of the Group Child Care Home shall be licensed in accordance with applicable State Law. *Current State of Michigan requirement.*	No comment.
(3) No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.	• Excessive play equipment. • No more than one swing set (2 to 3 swings per) or playscape or sandbox or etc.
(4) No sign shall be used on the premises to identify the Group Child Care Home. *Current Zoning Ordinance requirement – no action necessary.*	Agree.
(5) Group Child Care Homes with vehicular access on a major thoroughfare shall be required to have a circular drive or an unobstructed turnaround area to allow for the safe egress of vehicles.	Agree.

POTENTIAL GROUP CHILD CARE HOME PROVISIONS RECOMMENDED BY CITY COUNCIL	NEIGHBOR COMMENTS
(7) The licensee shall register with the City upon commencing operation and on an annual basis each January thereafter, and the licensed premises shall be subject to a fire and building department inspection and shall provide a smoke detector in all daytime sleeping areas and otherwise comply with applicable building and fire codes.	• Agree. • Carbon monoxide detector needed.
(8) The applicant shall identify the entrance(s) for drop-offs and pickups. The parking and drop-off areas shall be designed to maximize safety and privacy for the neighboring properties.	Agree.
(9) The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01, shall not apply to Group Child Care Homes, provided: • A nuisance to the surrounding neighborhood is not created. • The use of the dwelling for residential purposes is not more than an incidental function.	• Unacceptable to exempt GCCH from home occupation rules. • Noise is a potential nuisance.
(10) The state licensed child care home shall not be located closer than 750 feet from another licensed child care home. This requirement shall not apply to any state licensed day care home existing as of the date of enactment of this ordinance.	• Traffic and parking will impact neighborhood. • Should be 1,500 feet like State law. • Should apply to existing GCCH. • No grandfathering.

POTENTIAL GROUP CHILD CARE HOME PROVISIONS
NO CONCURRENCE BY CITY COUNCIL

NEIGHBOR COMMENTS

(1) For homes that have side yards on main roads, require 4-foot chain link fence.	Good idea, perhaps a taller fence.
(2) Fence and screening same as required for pools.	(Comments split) 6 foot solid fences. No privacy fence requirement. Like fencing. Like pool requirements. Play area within containment.
(3) Grandfather all existing day care homes in Troy as currently operating.	No grandfathering.
(4) Location of children's play equipment should be the furthest area from neighbors.	Agree.
(5) Hours of operation. • Hours of operation shall be between 6 AM to 10 PM. • The group child care home shall not operate for more than 16 hours in a 24-hour period.	Should be a limitation of hours. 6 am to 10 pm, too late in the evening. Suggest 6 am to 8 pm, or 14 or 16 hours within 24-hour period.

POTENTIAL GROUP CHILD CARE HOMES PROVISIONS **NEIGHBOR COMMENTS**

Additional comments:	1) Parking will use up the on-street parking. 2) Blocking of sidewalks at pick-up and drop-off times. 3) Parking should have sufficient spaces located on GCCH property. 4) GCCH is a business. 5) Neighbor notification greater than 300 feet or up to 1,500 feet. 6) Commercial business in single family will reduce property values. 7) GCCH adhere to Troy Zoning Ordinance Section 10.30.03 B. 8) Do not locate within internal residential blocks. Locate next to office, business and multi-family zoning districts.

G:\ZOTAs\ZOTA 214 Group Day Care Homes\GCCH Neighbor Checklist Chart.doc

All neighbors of residential child care providers in Troy (Group Child Care Homes and Family Child Care Homes) were notified by mail of the meeting. A total of 3,468 notices were mailed.

Attendees at May 1, 2006 Neighbors of Child Care Providers Meeting:

1. Mark Miller, Planning Director, City of Troy
2. Sandra Cyplik, 3375 Alpine, Troy
3. Elfridie Hobgood, 2259 Cumberland, Troy
4. Gerald Rosicky, 2232 Rutgers Drive, Troy
5. Fernando Quattro, 5145 Bayside Drive, Troy
6. Mary Ann Donnelly, 1844 Flemington, Troy
7. Tom Krent, 3184 Alpine, Troy
8. Britt Anderson, 1525 Heatherwood, Troy
9. Janet Marshall, 2049 Burdic Drive, Troy
10. Leah Williams, 1040 Norwich Drive, Troy
11. Mary Steinhilper, 1807 Fleetwood, Troy

POTENTIAL GROUP CHILD CARE HOME PROVISIONS RECOMMENDED BY CITY COUNCIL	PROVIDER COMMENTS
(1) The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed twelve (12). *Current State of Michigan requirement.*	No problem.
(2) The resident-operator of the Group Child Care Home shall be licensed in accordance with applicable State Law. *Current State of Michigan requirement.*	No problem.
(3) No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.	No problem.
(4) No sign shall be used on the premises to identify the Group Child Care Home. *Current Zoning Ordinance requirement – no action necessary.*	No problem.
(5) Group Child Care Homes with vehicular access on a major thoroughfare shall be required to have a circular drive or an unobstructed turnaround area to allow for the safe egress of vehicles.	Expense, minor opinion.
(6) The Planning Director may waive any required site plan information provided it can be determined that the application meets the Group Child Care Home requirements of Section 10.30.10 and the general Special Use Approval standards of Section 03.31.05. *Not applicable because a public hearing is not required.*	• Not applicable. • No problem.

POTENTIAL GROUP CHILD CARE HOME PROVISIONS RECOMMENDED BY CITY COUNCIL	PROVIDER COMMENTS
(7) The licensee shall register with the City upon commencing operation and on an annual basis each January thereafter, and the licensed premises shall be subject to a fire and building department inspection and shall provide a smoke detector in all daytime sleeping areas and otherwise comply with applicable building and fire codes.	• Cost of registration and inspection. • MI Building Code enforcement. • Fire code enforcement. • Fees. • Lack of certainty of how this would really effect. • Expense for inspection. • Don't want fire code inspection duplication. • Duplication of inspection. • Duplication of rules. • Very few businesses are singled out for registration and inspection. • One of the smallest of small businesses. • Inspections are unnecessary cost to city and provider. • Don't want the MI Building Code to apply to GCCH/FCCH.
(8) The applicant shall identify the entrance(s) for drop-offs and pickups. The parking and drop-off areas shall be designed to maximize safety and privacy for the neighboring properties.	• Focus should hone in on safety of children and parents who are dropping off. • Not necessary because of R 400.1932 of the Licensing Rules for Family and Group Child Care Homes.
(9) The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01, shall not apply to Group Child Care Homes, provided: • A nuisance to the surrounding neighborhood is not created. • The use of the dwelling for residential purposes is not more than an incidental function.	• Generally okay. • Should address a major nuisance. • Clarify what is a nuisance. • Residential change to "GCCH".
(10) The state licensed child care home shall not be located closer than 750 feet from another licensed child care home. This requirement shall not apply to any state licensed day care home existing as of the date of enactment of this ordinance.	• Group. • Clarify measure, crow flies or along street. • Prefer along street. • Clarify spacing.

POTENTIAL GROUP CHILD CARE HOME PROVISIONS NO CONCURRENCE BY CITY COUNCIL	PROVIDER COMMENTS
(1) For homes that have side yards on main roads, require 4-foot chain link fence.	• Not needed always. • Why, especially no play area. • Parents decide and choose provider with safe play area. • What about other fence material. • What about a landscape buffer. • Homeowners / subdivision / condo association does not permit fence.
(2) Fence and screening same as required for pools.	• Why. • What about existing fences, cost. • Same as provision item #1. • Overkill of provision item #1.
(3) Grandfather all existing day care homes in Troy as currently operating.	Yes. All in favor. • Existing inspections by State, would it be yearly inspection requirement. • What would be required.
(4) Location of children's play equipment should be the furthest area from neighbors.	• Which neighbors. • Create safety issue, not necessary on larger lot. • Impractical for lawn maintenance, unsafe. • Better with space between them. • Normal, can have playground such as toys, sandbox, tables with no restrictions. • Leave it to provider to decide safety. • State requires unobstructed areas between equipment. • Emphasis on children. • Position of equipment for safety of child and proximity to neighbors.
(5) Hours of operation. • Hours of operation shall be between 6 AM to 10 PM. • The group child care home shall not operate for more than 16 hours in a 24-hour period.	• They are licensed to 24 hours. • Very few children between 10 pm and 6 am, very rare. • What's the point. • Why regulate if no problem. • What about vacation. • Emergencies.

POTENTIAL GROUP CHILD CARE HOME PROVISIONS NO CONCURRENCE BY CITY COUNCIL	PROVIDER COMMENTS
Grandfather	• There was consensus to provide full and complete grandfathering to provision items #3, #5, #7, and #10.

All residential child care providers in Troy were notified by mail of the meeting. This includes 20 Group Child Care Home providers and 43 Family Child Care Home providers.

Attendees at April 24, 2006 Child Care Provider Meeting

1. Mark Miller, Planning Director, City of Troy
2. Dave and Sharon Schafer, 5593 Mandale Drive, Troy 48085 (group)
3. Jim and Caroline Dunleavy, 1866 Sutton Place Drive, Troy 48098 (family)
4. Syed and Talat Haque, 1033 Redding Drive, Troy 48098 (group)
5. Nichol Childs, 1931 Atlas Court, Troy 48083 (group)
6. Judith M. Collins, 5410 Hertford Drive, Troy 48085 (group)
7. Kathleen Peterson, 1175 Garwood Drive, Troy 48085 (group)
8. Bonnie and John Johnston, 1510 Boulan, Troy 48084 (group)
9. Karen and John Krisconick-Mukalla, 3784 Forge Drive, Troy 48083 (group)
10. Sharon Manning, 2651 E. Square Lake, Troy 48085 (group)
11. Barb Webb, 787 Marengo Drive, Troy 48085 (family)
12. Joyce Doyle, 1834 Farmbrook, Troy 48098 (group)

DEPARTMENT OF HUMAN SERVICES

DIRECTOR'S OFFICE

LICENSING RULES FOR FAMILY AND GROUP CHILD CARE HOMES

(By authority conferred on the director of the Department of Human Services by Section 2 of 1973 PA 116, Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, and 2004-4, MCL 722.112, 330.3101, 445.2001, 445.2011, and 400.226.)

PART 1. GENERAL PROVISIONS

R 400.1801 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1802 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1803 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1804 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1805 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1806 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1807 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1808 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1809 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1810 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1811 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1812 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1813 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1814 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1815 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1816 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1817 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1818 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1819 Rescission.

Rule 19. R 400.1301 to R 400.1321 of the Michigan Administrative Code, appearing on pages 3051 to 3056 of the 1979 Michigan Administrative Code, are rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989.

R 400.1821 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1822 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1831 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1832 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1833 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1834 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1835 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1841 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1842 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1851 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1901 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means 1973 PA 116, MCL 722.111.

(b) "Adult" means a person 18 years of age and older.

(c) "Approved" means having been reviewed and accepted by a designated inspecting authority or an agency that has jurisdiction.

(d) "Assistant caregiver" means a person or family member who is under the supervision of the caregiver and who provides direct care, supervision, and protection to children in care.

(e) "Basement" means a story of a building or structure having ½ or more of its clear height below average grade for at least 50% of the perimeter.

(f) "Caregiver" means the family child care home registrant or group child care home licensee who provides direct care, supervision, and protection of children in care.

(g) "Caregiving staff" means the caregiver and any assistant caregiver.

(h) "Child care home family" means all persons, including minors, living, on an ongoing or intermittent basis, in the family or group child care home.

(i) "Child passenger restraint device" means a device that is used to restrain a child weighing 50 pounds or less that meets the requirements of federal motor vehicle safety standard no. 213, child seating systems, 49 C.F.R. 571, which is hereby adopted by reference.

(j) "Child-use space" means the rooms and floor levels of the home approved by the department for child care.

(k) "Combustible" means materials that will ignite and burn when subjected to a fire or excessive heat.

(l) "Department" means the department of human services that is the organizational unit of Michigan government responsible for the enforcement of these rules.

(m) "Field trip" means children and caregiving staff leaving the child care family or group home premises for an excursion, trip, or program activity.

(n) "Fire alarm" means a device that is used to alert all persons in the home of fire conditions. The device shall be heard in all parts of the home that are used by children.

(o) "Foster child" means a person who resides in a foster home, who was placed in the foster home by a placing agent, who is not living with a parent or legal guardian, who is less than 18 years of age or becomes 18 years of age while residing in the foster home and continues to reside in the foster home as a dependent adult, and who is not related to an adult member of the foster family by blood, adoption, or marriage.

(p) "Heat detector" means a single or multiple station alarm responsive to heat.

(q) "Licensee" means an adult who lives in the licensed home and has been issued a license to operate a group child care home for up to 12 unrelated children.

(r) "Means of egress" means the exit route from any point in the home to the outside at ground level.

(s) "Minor" means a person less than 18 years of age.

(t) "Nonprescription medication" means any over-the-counter medication that may be orally ingested or applied to the skin, including, but not limited, to aspirin, acetaminophen, cold and flu medicines, mosquito repellants, antiseptics, ointments, powders, and diaper rash products.

(u) "Parent" means a child's natural or adoptive parent who is legally responsible for the child or means the child's legal guardian.

(v) "Premises" means the location of the child care home wherein the caregiver and family reside and includes the attached yard, garage, basement, and any other outbuildings.

(w) "Registrant" means an adult who lives in the registered home and has been issued a certificate of registration to operate a family child care home for up to 6 unrelated children.

(x) "Related" means a parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, aunt, great aunt, great uncle, or step-grandparent related to the caregiver by marriage, blood, or adoption. Cousins include those related to the caregiver by marriage, blood, or adoption within the second degree of consanguinity (up to and including second cousins).

(y) "Safety belt" means an automobile lap belt or lap-shoulder belt combination designed to restrain and protect a passenger or driver of a

vehicle from injury.

(z) "Transportation" means the taking of children by means of a vehicle to or from a family or group child care home and to and from all other activities planned by or through the family or group child care home.

(aa) "Vehicle" means an automobile, truck, or van that transports persons upon a highway.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1902 Caregiver and child care home family.

Rule 2. (1) An applicant shall meet all of the following provisions:

(a) Be 18 years of age or older.

(b) Have a high school diploma, general educational development (GED) certificate, or equivalent. This subdivision applies only to applicants registered/licensed after the effective date of these rules.

(c) Reside in the child care home.

(d) Have proof of valid infant/child/adult cardiopulmonary resuscitation (CPR) and first aid training.

(e) Attend an orientation provided by the department.

(2) An applicant or the caregiver shall be of responsible character and shall be suitable and able to meet the needs of children and provide for their care, supervision, and protection.

(3) All persons, including minors, residing in the child care home shall be of good moral character and be suitable to assure the welfare of children.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1903 Caregiver responsibilities.

Rule 3. (1) A caregiver shall be responsible for all of the following provisions:

(a) Be present in the home on a daily basis and provide direct care and supervision for the majority of time children are in care, except for any of the following circumstances:

(i) When the child care home is in operation, vacation or personal leave shall not exceed 20 days within a calendar year.

(ii) Medical treatment and subsequent recovery.

(b) The exceptions in subrule (1)(a) of this rule do not include other part-time or full-time employment that occurs during the hours of operation of the child care home.

(c) Provide an adult assistant caregiver with valid cpr and first aid to act as the caregiver when the caregiver is unable or unavailable to provide direct care.

(d) Shall inform parents when an assistant caregiver is providing care in the absence of the caregiver.

(e) Maintain a record of the dates of caregiver absences and the full names, addresses and telephone numbers of the assistant caregivers. These records shall be maintained for a minimum of 4 years after the last date of the person's involvement with the child care home.

(f) Have a written and signed agreement with a responsible person who is 18 years of age or older to provide care and supervision for children during an emergency situation.

(g) Post the current license or certificate of registration in a conspicuous place.

(h)Report to the department, within 7 working days, any changes in the household composition or when any new or existing member of the household has any of the following:

(i) Arrests or convictions.

(ii) Involvement in substantiated abuse or neglect of children.

(iii) Court-supervised parole or probation of the caregiver or any member of the household.

(iv) Been admitted to, or released from, a correctional facility, or hospital, institution, or facility for the treatment of an emotional, mental, or substance abuse problem.

(i) Provide the department with a written statement verifying a person's

personal fitness to care for, or to be associated with, children for any person who lives in a home or who cares for children and who has been treated on an inpatient or outpatient basis for an emotional, mental, or substance abuse problem during the last 2 years. Such statement shall be obtained from the medical or mental health professional who is directly involved in the treatment plan or the administrative director of the mental hospital or mental institution.

(j) Shall immediately report to children's protective services any suspected child abuse or neglect.

(2) The caregiver shall assure that a child is released only to persons authorized by the parent.

(3) The caregiver shall permit parents of enrolled children to visit anytime during hours of operation.

(4) The caregiver shall cooperate with the department in connection with an inspection or investigation. Cooperation shall include, but not be limited to, both of the following:

(a) Provide access to the assistant caregivers, all records, and materials, to enable the department to conduct a thorough investigation.

(b) Information provided to the department shall be accurate and truthful.

(5) The caregiver shall assure that all assistant caregivers shall be of good moral character and be suitable to assure the welfare of children.

(6) The caregiver shall have present at all times at least 1 person who can accurately comprehend all of the following information:

(a) In child care home rules, 1973 PA 116, MCL 722.111, and any additional licensing division communications.

(b) On child information cards.

(c) In written directions about the child's care.

(d) On food, cleaning, and chemical labels that can impact a child's well-being.

(e) On written medication directions for any given child.

(f) Needed to effectively implement emergency procedures.

(7) The caregiver shall authorize the department to conduct a criminal history and protective service background check to assess the good moral character and suitability of the child care home family.

(8) The caregiver shall assure that smoking does not occur in the child care home and on the premises while children are in care.

(9) The caregiver shall notify parents if smoking occurs in the child care home and on the premises when children are not in care.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1904 Assistant caregivers.

Rule 4. (1) An assistant caregiver shall meet all of the following requirements:

(a) Be 14 years of age or older.

(b) An assistant caregiver under 18 years of age shall always work under the supervision of the caregiver or adult assistant caregiver at the site where care is being provided.

(c) Have proof of valid infant/child/adult cpr and first aid training within 90 days of hire.

(d) Be of responsible character, suitable, and able to meet the needs of children and provide for their care, supervision, and protection.

(2) An adult assistant caregiver, 18 years of age or older, may substitute for the caregiver in accordance with R 400.1903(1)(c).

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1905 Training.

Rule 5. (1) The caregiver shall complete not less than 10 clock hours of training each year related to child development, program planning, and administrative management for a child care business, not including CPR and first aid training.

(2) Each assistant caregiver shall complete not less than 5 clock hours of training each year related to child development and caring for children, not

including CPR and first aid training.

(3) The caregiver shall assure that assistant caregivers have training that includes information regarding sudden infant death syndrome and shaken baby syndrome.

(4) Training hours may include participation in any of the following:

(a) Sessions offered by community groups, faith-based organizations, and child care home associations.

(b) Trainings, workshops, seminars, and conferences on early childhood, child development or child care administration, and practices offered by early childhood organizations.

(c) Workshops and courses offered by local or intermediate school districts, colleges, and universities.

(d) Online courses.

(5) Verification of participation in the required training, signed by the trainer or an authorized individual, shall be kept on file.

(6) CPR and first aid training shall be maintained in the following manner:

(a) Each year for CPR.

(b) Every 36 months for first aid.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1906 Records of caregiving staff and child care home family; record maintenance.

Rule 6. (1) The caregiver shall maintain a file for the caregiver and each assistant caregiver including all of the following:

(a) The name, address, and telephone number.

(b) A statement signed by a licensed physician or his or her designee and which attests to the individual's mental and physical health.

(i) For the caregiver, within 1 year before issuance of the certificate of registration or initial license and at the time of subsequent renewals.

(ii) For the assistant caregivers, within 1 year prior to caring for children and at the time of subsequent renewals.

(c) Written evidence of freedom from communicable tuberculosis (TB):

(i) For the caregiver, before issuance of the certificate of registration or initial license.

(ii) For the assistant caregivers, prior to caring for children.

(d) Training records, as defined in R 400.1905(5).

(e) A statement signed by each assistant caregiver that he or she has not been convicted of either of the following:

(i) Child abuse or child neglect.

(ii) A felony involving harm or threatened harm to an individual within the 10 years immediately preceding the date of hire.

(f) Documentation from the department of human services that the assistant caregiver has not been involved in substantiated child abuse or neglect.

(g) A written statement signed and dated by the assistant caregiver at the time of hiring indicating all of the following information:

(i) The individual is aware that abuse and neglect of children is unlawful.

(ii) The individual knows that he or she is mandated by law to report child abuse and neglect.

(iii) The individual has received a copy of the discipline policy.

(2) Child care home family members 14 years of age or older shall have written evidence of freedom from communicable TB.

(3) If immunizations, as recommended by the department of community health, have not been given or completed for all minors who live in the home, then the caregiver shall inform the parent of each child in care and all assistant caregivers.

(4) The records in this rule shall be retained for the duration of employment and a minimum of 4 years thereafter.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1907 Children's records.

Rule 7. (1) At the time of initial attendance, the caregiver shall obtain the following documents:

(a) A completed child information card on a form provided by the department or a comparable substitute approved by the department.
(b) A child in care statement/receipt using a form provided by the department and signed by the parent certifying the following:
(i) Receipt of a written discipline policy.
(ii) Condition of the child's health.
(iii) Receipt of a copy of the family and group child care home rules.
(iv) Agreement as to who will provide food for the child.
(v) Acknowledgement that the assistant caregiver is 14 to 17 years of age, if applicable.
(vi) Acknowledgement that firearms are on the premises, if applicable.
(c) Documentation that immunizations and boosters, as recommended by the department of community health, are any of the following:
(i) Have been completed.
(ii) Are in progress.
(iii) Are not being administered due to religious, medical, or other reasons based on a waiver signed by the parent.
(d) If a parent objects to emergency medical treatment on religious grounds, the parent shall provide a signed statement that he or she assumes responsibility for all emergency care.
(2) Records in subrule (1) of this rule shall be reviewed and updated annually or when information changes.
(3) Daily attendance records of children in care shall be maintained and shall include the child's name and the time of arrival and departure.
(4) Children's records required by the department shall be accessible and stored in a location known to all assistant caregivers.
(5) The records in this rule shall be retained for a minimum of 4 years.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1908 Capacity.
Rule 8. (1) The family child care registrant shall assure that the actual number of unrelated children in care at any 1 time does not exceed the number of children for which the home is registered, not to exceed a total of 6.
(2) The group child care licensee shall assure that the actual number of unrelated children in care at any 1 time does not exceed the number of children for which the home is licensed, not to exceed a total of 12.
(3) This rule is not subject to the variance specified in R 400.1963.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1909 Concurrent licensing.
Rule 9. (1) The caregiver who is concurrently licensed as a children's foster home provider shall so inform the parents of the children in care.
(2) The caregiver who provides care for both child care and foster care children shall not care for more than 8 children, including all of the following:
(a) Children who are under 17 years of age and who are related to the caregiver by blood, marriage, adoption, or legal guardianship.
(b) The capacity of foster children identified on the foster care license.
(c) All other children who are cared for on a part-time or full-time basis.
(3) The caregiver shall notify the department when applying for a foster care license.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1910 Ratio of caregiving staff to children.
Rule 10. (1) The ratio of caregiving staff to children present in the home at any 1 time shall be not less than 1 caregiving staff person to 6 children. The ratio shall include all unrelated children in care and any of the following children who are less than 7 years of age:
(a) Children of the caregiver.
(b) Children of the assistant caregiver.

(c) Children related to any member of the child care home family by blood, marriage, or adoption.

(2) For each caregiving staff person, not more than 4 children shall be under the age of 30 months, with not more than 2 of the 4 children under the age of 18 months.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1911 Supervision.

Rule 11. (1) The caregiver shall assure appropriate care and supervision of children at all times.

(2) A caregiver or adult assistant caregiver shall be present in the home at all times when children are in care.

(3) Caregiving staff shall be up and awake at all times when children are in care except as provided in R 400.1922(2) of these rules.

(4) Caregiving staff shall know the location of each child at all times.

(5) Caregiving staff shall never leave a child unattended or with a minor in a vehicle.

(6) A caregiver or adult assistant caregiver shall at all times directly supervise children who are engaged in water activities or are near collections or bodies of water.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1912 Infant supervision and sleeping.

Rule 12. (1) Infants, birth to 12 months of age, shall be placed on their backs for resting and sleeping.

(2) Infants unable to roll from their stomachs to their backs, and from their backs to their stomachs, when found facedown, shall be placed on their backs.

(3) If infants can easily turn over from their backs to their stomachs, then they shall be initially placed on their backs, but allowed to adopt whatever position they prefer for sleeping.

(4) For an infant who cannot rest or sleep on her/his back due to disability or illness, the caregiver shall have written instructions, signed by a physician, detailing an alternative safe sleep position and/or other special sleeping arrangements for the infant. The caregiver/assistant caregiver shall rest/sleep children in accordance with a physician's written instructions.

(5) Caregiving staff shall maintain supervision and monitor infants' breathing, sleep position, bedding, and possible signs of distress except as provided in R 400.1922.

(6) Video surveillance equipment and baby monitors shall not be used in place of subrule (5) of this rule.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1913 Discipline and child handling.

Rule 13. (1) The caregiver shall develop and have on file a written policy regarding the discipline of children.

(2) Developmentally appropriate positive methods of discipline which encourage self-control, self-direction, self-esteem, and cooperation shall be used.

(3) Caregiving staff shall not do any of the following:

(a) Hit, spank, shake, bite, pinch, or inflict other forms of corporal punishment.

(b) Restrict a child's movement by binding or tying him or her.

(c) Inflict mental or emotional stress, such as humiliating, shaming, threatening a child, or using derogatory remarks.

(d) Deprive a child of meals, snacks, rest, or necessary toilet use.

(e) Confine a child in an enclosed area such as a closet, locked room, box, or similar cubicle.

(4) Non-severe and developmentally appropriate discipline or restraint may

be used when reasonably necessary to prevent a child from harming himself or herself, or to prevent a child from harming other persons or property, or to allow a child to gain control of himself or herself excluding those forms of punishment prohibited by subrule (3) of this rule.

(5) This rule is not subject to the variance specified in R 400.1963.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1914 Daily activity program.

Rule 14. (1) Caregiving staff shall engage in positive interactions with children.

(a) For infants and toddlers, interactions may include, but not be limited to, the following:

(i) Nurturing contact, such as talking to, smiling, holding, rocking, cuddling, and giving eye contact throughout the day and during daily routines such as feeding and diapering.

(ii) Promptly responding to a child's cries and other signs of distress.

(2) The caregiver shall plan daily activities so that each child may do the following:

(a) Have opportunities to feel successful and feel good about himself or herself and develop independence.

(b) Develop and use language.

(c) Develop and use large and small muscles.

(d) Use materials and take part in activities which encourage creativity.

(e) Learn new ideas and skills.

(f) Participate in imaginative play.

(g) Rest or sleep, or both.

(3) All of the following developmentally appropriate opportunities shall be provided daily:

(a) A balance of active and quiet play, group, and individual activities.

(b) Indoor and outdoor play, except during inclement or extreme weather, or unless otherwise ordered by a health care provider.

(c) Early language and literacy experiences throughout the day accumulating for not less than 30 minutes.

(d) Early math and science experiences.

(4) Television, video tapes, and movies shall be limited to not more than 2 hours per day and to programs designed for children's education and/or enjoyment. Other activities shall be available to children during television/movie viewing.

(5) Programs/movies with violent or adult content, including soap operas, shall not be permitted in child-use space while children are in care.

(6) The use of electronic devices and computers by children in care shall be suitable to the age of the child in terms of content and length of use.

(7) The caregiver shall, for children with special needs, work with the parents, medical personnel, and/or other relevant professionals to provide care in accordance with the child's identified needs and learning supports.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1915 Indoor space; play equipment and materials.

Rule 15. (1) A child care home shall provide not less than 35 square feet per child of safe, usable, accessible indoor floor space, not including bathrooms and storage areas.

(2) Only space that has received prior approval for child use by the department may be used for child care.

(3) A variety and number of easily accessible activity choices shall be available to the child, shall be safe and appropriate for a child at his or her stage of development, and shall be based on the licensed/ registered number of children. All of the following apply to activity choices available:

(a) Materials may include, books, art supplies, blocks and accessories, large muscle equipment, manipulative toys, musical equipment, and dramatic play materials.

(b) All materials and equipment shall be kept clean and free of hazards.

(c) Toys and other play equipment soiled by secretion or excretion shall

be cleaned with soap and water, rinsed and sanitized before being used by a child.

(4) The caregiver shall not use any equipment, materials, and furnishings recalled or identified by the U.S. Consumer Product Safety Commission (http://www.cpsc.gov/) as being hazardous.

(5) All children shall be protected from materials that could be swallowed and/or present a choking hazard. Toys or objects with removable parts less than 1¼ inches in diameter and less than 2¼ inches in length, as well as balls smaller than 1¾ inches in diameter are prohibited for children under 3 years of age.

(6) Trampolines shall not be used indoors by children in care.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1916 Bedding and sleeping equipment.

Rule 16. (1) All bedding and equipment shall be in accordance with U.S. Consumer Product Safety Commission (http://www.cpsc.gov/) standards as approved for the age of the child using the equipment and shall be clean, comfortable, safe, and in good repair.

(2) All bedding and sleeping equipment shall be cleaned and sanitized before being used by another person.

(3) All bedding used by children shall be washed when soiled or weekly at a minimum.

(4) All cribs or porta-cribs shall be equipped with a firm, tight-fitting mattress with a waterproof, washable covering, as recommended and approved by the U.S. Consumer Product Safety Commission.

(5) Infants, birth to 12 months of age, shall rest or sleep alone in an approved crib or porta-crib. A crib shall have all of the following:

(a) A firm, tight-fitting mattress.

(b) No loose, missing, or broken hardware or slats.

(c) Not more than 2 3/8" between the slats.

(d) No corner posts over 1/16" high.

(e) No cutout designs in the headboard or footboard.

(f) A tightly fitted bottom sheet shall cover a firm mattress with no additional padding placed between the sheet and mattress.

(6) An infant's head shall remain uncovered during sleep.

(7) Soft objects, bumper pads, stuffed toys, quilts or comforters, pillows, and other objects that could smother an infant shall not be placed with or under a resting or sleeping infant.

(a) Blankets, when used, shall be thin, lightweight, and tucked in along the sides and foot of the mattress and shall not come up higher than the infant's chest.

(8) Blankets shall not be draped over cribs or porta-cribs.

(9) Children 12 to 24 months of age shall rest or sleep alone in an approved crib, porta-crib, or on a cot or mat sufficient for the child's length, size, and movement.

(10) Infant car seats, infant seats, infant swings, bassinets, highchairs, waterbeds, adult beds, soft mattresses, sofas, beanbags, or other soft surfaces are not approved sleeping equipment for children 24 months of age or younger.

(11) Children 24 months or younger who fall asleep in a space that is not approved for sleeping shall be moved to approved sleeping equipment appropriate for their size and age.

(12) Children over 24 months of age shall have an individual, age appropriate, clean, comfortable and safe place to sleep or rest. The floor shall be used only when padded, warm, and free from drafts and when there is a mat, sleeping bag, blanket, or similar piece of bedding between the floor and the child.

(13) If nighttime care is provided, then children shall sleep in age appropriate cribs and beds.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1917 Telephone.

Rule 17. A land-line telephone, excluding a cordless or cell phone, shall be available, operable, and accessible during child care hours. An operable land-line telephone is one that does not require electricity to operate. Cordless or cell phones may be used in addition to the land-line telephone.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1918 Medication; administrative procedures.

Rule 18. (1) Medication, prescription or nonprescription, shall be given to a child in care by adult caregiving staff only.

(2) Medication, prescription or nonprescription, shall be given or applied only with prior written permission from a parent.

(3) All medication shall be in the original container, stored according to instructions, and clearly labeled for a named child.

(4) Prescription medication shall have the pharmacy label indicating the physician's name, child's name, instructions, and name and strength of the medication and shall be given in accordance with those instructions.

(5) All medication shall be kept out of the reach of children and shall be returned to the child's parent when the parent determines it is no longer needed or when it has expired.

(6) Adult caregiving staff shall give or apply prescription or non-prescription medication according to the directions on the original container unless otherwise authorized by a written order of the child's physician.

(7) A record of the date, time, and the amount of all medication given or applied shall be maintained on a form provided by the department or a comparable substitute approved by the department.

(8) Topical nonprescription medication, including but not limited to sunscreen, insect repellant, and diaper rash ointment, shall be exempt from subrule (7) of this rule.

(9) The records required in this rule shall be retained for a minimum of 4 years.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1919 Communicable disease.

Rule 19. A person who lives in a home or cares for children who has a suspected or a confirmed case of a communicable disease shall not come into contact with children in care.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1920 Outdoor play area and equipment.

Rule 20. (1) A child care home shall provide a clean, safe, and hazard free outdoor play area, on the premises or within a reasonable walking distance of the home.

(2) The play area size shall be the following:

(a) Not less than 400 square feet for a family child care home.

(b) Not less than 600 square feet for a group child care home.

(3) A child care home shall provide an adequate and varied supply of outdoor play equipment, materials, and furniture, that is all of the following:

(a) Appropriate to the developmental needs and interests of children.

(b) Appropriate to the number of children.

(c) Safe and in good repair.

(4) The outdoor play area and equipment shall be organized:

(a) To separate active and quiet activities.

(b) For a clear and unobstructed view of the whole play area.

(c) To assure that there are safe distances between equipment.

(5) When swings, climbers, slides, and other similar play equipment with a designated play surface above 30 inches are used, they shall:

(a) Not be placed over concrete, asphalt, or a similar surface, such as hard-packed dirt or grass.

(b) Be safe, in good repair, and age-appropriate.
(c) Be placed at least 6 feet from the perimeter of other play structures or obstacles.
(6) Trampolines shall not be used outdoors by children in care.
(7) Children in care shall not be permitted to ride all terrain vehicles, motor bikes, go-carts, recreational, and other motorized vehicles.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1921 Water hazards and water activities.
Rule 21. (1) The caregiver shall ensure that barriers exist to prevent children from gaining access to any swimming pool, drainage ditch, well, natural or constructed pond or other body of open water located on or adjacent to the property where the child care home is located. Such barriers shall be of a minimum of 4 feet in height and appropriately secured to prevent children from gaining access to such areas.
(2) Spa pools and hot tubs shall not be used when children are in care.
(3) Hot tubs and spas, whether indoors or outdoors, shall be inaccessible to children in care and have a locked hard cover.
(4) Wading pools may be used when the following requirements are met:
(a) The pools are clean and free of debris.
(b) The pools are emptied and cleaned after each play period or immediately when they become dirty or contaminated.
(c) The pools shall remain empty at all times they are not in use.
(5) Before use of a residential pool or any other body of water by children in care, a caregiver shall assure that the water is clean, safe, and sanitary, and the children will be appropriately and adequately supervised.
(6) Public swimming areas may be used only if a lifeguard is present.
(7) If there are 2 groups of children, 1 group in the water and 1 group out of the water, then the adult/child ratios, as required in R 400.1910, shall be maintained for each group, with the exception that the in-the-water adult/child ratio for children under 3 years of age shall be 1-to-1 at all times.
(8) Rescue equipment shall be readily accessible at all times.
(9) A working telephone shall be immediately accessible in the water activity area.
(10) A caregiver shall obtain, and keep on file, written permission from a child's parent for the child's participation in either of the following:
(a) Before each outdoor water activity at a swimming pool, lake, or other body of water off the child care home premises.
(b) Seasonally for water activities occurring on the child care premises.
(11) The emergency plan in R 400.1945 shall include procedures for water emergencies.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1922 Nighttime care.
Rule 22. (1) In a home where children are in care between the hours of midnight and 6 a.m., not more than 2 adjoining floor levels shall be used at any 1 time to sleep children.
(2) If the caregiving staff and children in care are sleeping, then at least 1 caregiving staff shall be on the same floor level as the sleeping children.
(3) Homes shall not use a third or higher floor as a resting or sleeping area for children in care unless there are 2 stairways to ground level.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1923 Diapering and toilet learning.
Rule 23. (1) Diapering of infants and toddlers shall only occur in a designated changing area.
(2) The designated changing area shall comply with all of the following:
(a) Be used exclusively for changing wet or soiled diapers or underwear.

(b) Be located away from food preparation and meal service areas.
(c) Have access to a hand washing sink that is not used for food preparation.
(d) Have a nonabsorbent, easily sanitized surface with a changing pad between the child and the surface.
(e) Be cleaned and sanitized after each use.
(f) Have diapering/changing supplies within easy reach.
(g) Have a plastic-lined, tightly covered container exclusively for disposable diapers and diapering supplies that shall be emptied and sanitized at the end of each day.
(3) Diapers or training pants shall be changed when wet or soiled.
(4) Only single use disposable wipes or other single use cleaning cloths shall be used to clean a child during the diapering or toileting process.
(5) If cloth diapers/training pants are provided by the parent, then soiled diapers/training pants shall be placed in an individual, securely tied plastic bag and returned to the parent at the end of the day.
(6) Toilet learning shall be planned cooperatively between the parent and the caregiver so that the toilet routine established is consistent.
(7) If toilet learning equipment, such as potty chairs and modified toilet seats, are used, then the following shall apply:
(a) They shall be able to be easily cleaned and sanitized.
(b) Potty chairs shall be emptied, rinsed, and sanitized after each use.
(8) If disposable gloves are used, then they shall only be used once for a specific child and be removed and disposed of in a safe and sanitary manner immediately after each diaper change.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1924 Hand washing.
Rule 24. (1) All caregiving staff shall wash their hands appropriately and in the following manner:
(a) Before and after all of the following:
(i) Preparing and serving food, eating, and feeding.
(ii) Giving medication.
(b) After all of the following:
(i) Diapering.
(ii) Using the toilet or helping a child use the toilet.
(iii) Handling bodily fluids, such as mucus, blood, vomit, from sneezing, wiping, and blowing noses, from mouths, or from sores.
(iv) Handling animals and pets.
(v) Cleaning or handling garbage.
(2) Caregiving staff shall assure that children wash their hands at the following times:
(a) Before and after meals, snacks, or food preparation experiences.
(b) After toileting or diapering.
(c) After contact with any bodily fluids.
(d) After playing in sand or water.
(e) After handling animals and pets.
(f) When soiled.
(3) Hand sanitizers and wipes may be used as a temporary measure during outings, such as field trips and outdoor activities, until soap and running water are available.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1931 Food preparation and service.
Rule 31. (1) Each child shall be provided with nutritional and sufficient food as required by the minimum meal requirements of the child care food program, as administered by the Michigan department of education, based on the national research council's recommended dietary allowances for appropriate age groups, unless parents provide the food.
(2) Children shall be offered food at intervals as individually appropriate, but not to exceed more than 4 hours unless the child is asleep.
(3) Drinking water shall be available at all times.

(4) Food shall be prepared, served, and stored in a safe and sanitary manner.

(a) Food served to children individually or family style shall be discarded at the end of the meal if not eaten.

(b) Prepared food that has not been served to individuals or placed in family-style containers shall be promptly covered after preparation and stored appropriately.

(c) Infants and toddlers shall not be served or allowed to eat foods that may easily cause choking including, but not limited to, popcorn and uncut round foods such as grapes, seeds, nuts, hard candy, and hot dogs.

(5) If a parent has agreed to provide the food, then the caregiver shall have a written agreement from the parent and shall be responsible for providing adequate food if the parent does not.

(6) Food brought by parents shall be labeled with the child's name and, if perishable, shall be refrigerated.

(7) If home canned foods are served, then parents shall be informed.

(8) Unpasteurized products shall not be used.

(9) Children shall be encouraged to taste new foods, but shall not be required to eat anything they do not want.

(10) Bottles used for feeding shall be labeled with the child's name and date, and refrigerated.

(11) The contents of a bottle that has been used for feeding for a period that exceeds 1 hour from the beginning of the feeding, or has been unrefrigerated for 1 hour or more shall be discarded.

(12) Children shall not have beverage containers while they are in bed or while they are walking around or playing. The propping of bottles shall be prohibited.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1932 Home maintenance and safety.

Rule 32. (1) The structure, premises, and furnishings of a child care home shall be in good repair and maintained in a clean, safe, and comfortable condition.

(2) All dangerous and hazardous materials or items shall be stored securely and out of the reach of children.

(3) All steps, stairs, porches, and elevated structures to which children in care have access shall be protected to prevent falls and shall be free of ice and snow accumulation.

(4) Three or more steps, or a total rise of 24 inches or more, shall require a handrail.

(5) Parents shall be notified before pesticide or fertilizer treatments.

(6) There shall be no flaking or deteriorating paint on interior and exterior surfaces, equipment, and toys accessible to children.

(7) Open-flame devices and candles shall not be used, except for birthdays or religious celebrations.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1933 Water supply; sewage disposal; water temperature.

Rule 33. (1) The water supply shall be from an approved source.

(2) All sewage shall be disposed of through a public system or, in the absence thereof, in a manner approved by the environmental health authority.

(3) A child care home shall have a minimum of 1 flush toilet and 1 handwashing sink with hot and cold running water.

(4) Hot water temperature shall not exceed 120 degrees Fahrenheit at water faucets accessible to children.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1934 Heating; ventilation; lighting.

Rule 34. (1) Each room that is used by children in care shall have adequate ventilation and be maintained at a safe and comfortable temperature

so that children do not become overheated, chilled, or cold.

(a) The temperature shall be not less than 65 degrees Fahrenheit at a point 2 feet above the floor.

(b) Measures shall be taken to cool the children when the temperature exceeds 82 degrees Fahrenheit.

(2) Windows and doors that are used for ventilation shall be screened and in good repair.

(3) A carbon monoxide detector, bearing a safety certification mark of a recognized testing laboratory such as UL (Underwriters Laboratories) or ETL (Electrotechnical Laboratory), shall be placed on all levels approved for child care.

(4) All basements approved for child use shall have levels of radon gases not to exceed 4 picocuries per liter of air. Documentation of the results shall be kept on file in the home.

(5) All child-use areas shall have adequate natural and/or artificial lighting.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1935 Firearms.

Rule 35. (1) All firearms shall be unloaded and properly stored in a secure, safe, locked environment inaccessible to children. A secure locked environment shall include a commercially available locked firearms cabinet, gun safe, trigger lock that prevents discharge, or other locking firearm device.

(2) Ammunition shall be stored in a separate locked location inaccessible to children.

(3) Firearms shall not be traded or sold on the premises while child care children are present.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1936 Animals and pets.

Rule 36. (1) Parents shall be notified of the animals and pets in the home.

(2) Animals and pets that are potentially aggressive or in poor health shall be separated from children in care at all times.

(3) Children having contact with animals and pets shall be supervised by a caregiving staff person who is close enough to remove a child immediately if the animal shows signs of distress or the child shows signs of treating the animal inappropriately.

(4) Animals and pets shall not be allowed in food preparation and eating areas during meal or snack time.

(5) Litter boxes, pet food and dishes, and pet toys shall be inaccessible to children.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1941 Heat-producing equipment.

Rule 41. (1) All flame-producing and heat-producing equipment, including, but not limited to the following shall be maintained in a safe condition and shielded to protect against burns:

(a) A furnace.

(b) A water heater.

(c) A fireplace.

(d) A radiator and pipes.

(e) Wood burning equipment.

(2) Combustible materials and equipment shall not be stored within 4 feet of furnaces, other flame or heat-producing equipment, or fuel-fired water heaters.

(3) Portable heating devices shall not be used when children are in care.

(4) Furnaces, other flame or heat-producing equipment used to heat the home, and fuel-fired water heaters shall be inspected by any of the following

entities:

(a) A licensed heating contractor for a fuel-fired furnace.

(b) A licensed heating contractor or licensed plumbing contractor for a fuel-fired water heater.

(5) For group child care homes, the inspection specified in subrule (4) of this rule shall be conducted before the initial license issuance and every 2 years thereafter at the time of license renewal.

(6) For family child care homes, the inspection specified in subrule (4) of this rule shall be conducted before the issuance of the certificate of registration and every 3 years thereafter at the time of renewal.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1942 Electrical service; maintenance.

Rule 42. (1) The electrical service of a child care home shall be maintained in a safe condition. When warranted, an electrical inspection by an electrical inspecting authority may be required.

(2) All electrical outlets accessible to children shall have safety covers.

(3) Electrical cords shall be arranged so they are not hazards to children.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1943 Exit and escape requirements for each floor level used by children.

Rule 43. (1) All child care homes shall have at least 2 remotely located exits for every floor level occupied by children.

(2) At least 1 exit from each floor level shall provide a direct, safe means of unobstructed travel to the outside at street or ground level.

(3) A window may be used as a second exit if it complies with all of the following provisions:

(a) Is accessible to children and caregiving staff.

(b) Is clearly identified.

(c) Can be readily opened.

(d) Is of a size and design to allow for the evacuation of all children and caregiving staff.

(4) If a level of a home that is above the second floor is used for children in care, then the building shall be of 1-hour-fire-resistive construction and shall have 2 stairways to ground level. At least 1 of the required stairways and all other vertical openings shall be enclosed by, at a minimum, 1-hour-fire-resistive construction to provide a protected means of egress direct to the outside at ground level.

(5) All exits shall be unobstructed and accessible at all times.

(6) The means of egress shall be adequately lit at all times that children are in care.

(7) Doors located in a required path of escape may have locks. All locking devices that may impede or prohibit emergency exiting, or that cannot be easily disengaged, shall be prohibited when children are in care. Double cylinder locks, key-operated locks, and similar devices are not allowed on any door in a required path of escape.

(8) Interior door hardware shall be designed to allow opening from the outside during an emergency if locked.

(9) All closet door latches shall be such that children can open the door from inside the closet.

(10) A room or space, including an attic, that is accessible only by a ladder or folding stairway or through a trapdoor shall not be used by children in care.

(11) Steps and platforms used to access a basement window exit shall be permanently secured to the wall or floor. Ladders shall not be used as a means for exiting. Those homes registered or licensed before the effective date of these rules shall have 1 year to comply.

(12) An emergency escape window to the outside is required for basements approved for child use after the effective date of these rules. The following provisions shall apply:

(a) The window shall be not less than 20 inches wide and 24 inches high, with a minimum area of 5 square feet.
(b) The bottom of the opening shall be less than 44 inches above the floor.
(c) If the sill height is below grade, then it shall open into a window well with at least 9 square feet of area, 3 feet in length and width. If the well depth is over 44 inches, then it shall have approved steps.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1944 Smoke detectors; fire extinguishers.
Rule 44. (1) Operable smoke detectors approved by a nationally recognized testing laboratory shall be installed and maintained on each floor of the home, including the basement, and in all sleeping areas and bedrooms used by children in care.
(2) Heat detectors may be utilized in kitchens.
(3) A home shall have at least 1 functioning multipurpose fire extinguisher, with a rating of 2A-10BC or larger, properly mounted not higher than 5 feet from the floor to the top of the fire extinguisher, on each floor level that is used by children in care.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1945 Fire; tornado; serious accident and injury plans.
Rule 45. (1) A written plan for the care of children shall be established and posted for each of the following emergencies:
(a) Fire evacuation.
(b) Tornado watches and warnings.
(c) Serious accident or injury.
(d) Water emergencies, if applicable.
(2) A caregiver shall inform each assistant caregiver and emergency person of the overall evacuation plan and of his or her individual duties and responsibilities in the event of an emergency specified in subrule (1) of this rule.
(3) Fire drills shall be practiced at least once a month and a written record that includes the date and time it takes to evacuate shall be maintained.
(4) Tornado drills shall be practiced once a month, April to October, and a written record that includes the date shall be maintained.
(5) Smoke detectors shall be used as the alarm for fire drills.
(6) The records required in this rule shall be retained for a minimum of 4 years.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1951 Transportation.
Rule 51. (1) A vehicle used to transport children in care shall be maintained in a good, safe working condition.
(2) The caregiver shall assure that the driver of a vehicle transporting children shall be an adult, have a valid driver's license, and proof of no fault insurance.
(3) The caregiver shall notify the parents when drivers other than caregiving staff are used to transport children.
(4) Each child passenger restraint device and each safety belt shall be installed, anchored, and used according to the manufacturer's specifications and shall be maintained in a safe working condition.
(5) The transportation of all children shall be conducted in accordance with existing state law.
(6) Each child transported shall remain seated and properly restrained by the passenger restraint device appropriate for his or her age as defined by Act 300 of 1949, MCL 257.710d(1), MCL 257.710e(3), (4), and the manufacturer's rated seating capacity.
(7) Drivers shall be provided with a copy of the child information card,

or comparable facsimile, for the children being transported in their vehicles.

(8) The driver of each vehicle transporting children shall carry in the vehicle, and be familiar with, the contents of a first aid kit. The first aid kit, excluding antiseptics and ointments, shall contain, at a minimum, all of the following:

(a) Adhesive tape.
(b) Bandages (assorted sizes).
(c) Cold pack.
(d) Disposable gloves
(e) Gauze pads and roller gauze (assorted sizes).
(f) Hand sanitizer.
(g) Plastic bags.
(h) Scissors and tweezers.
(i) Triangular bandage.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1952 Parent permission and notification required; child information cards when off-premises.

Rule 52 (1) The caregiver shall obtain and keep on file written permission from a child's parent before each time a child is transported in a vehicle.

(2) If the caregiver routinely transports children to and from school, then written parent permission shall be given at least annually.

(3) The caregiver shall obtain written permission at the time of initial enrollment of a child to go on field trips not involving a vehicle that includes, but is not limited to, walking to a park or in the neighborhood.

(4) The caregiver shall have a copy of each child's information card and a first aid kit, containing the items listed in R 400.1951 (8), accessible at all times when children leave the premises.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1961 Parent notification of incidents, accidents, illness, or disease required; isolation; sanitation.

Rule 61. (1) Caregiving staff shall promptly report to a parent any incidents, accidents, suspected illness, or other changes observed in the health of a child.

(2) Caregiving staff shall notify a parent of a child who is exposed to a communicable disease so that the child may be observed for symptoms of the disease.

(3) Caregiving staff shall isolate a child who is too ill to remain in the group in an area where the child can be supervised and made as comfortable as possible.

(4) Bedding, toys, utensils, toilets, and lavatories used by an ill individual shall be appropriately cleaned and sanitized before being used by another person.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1962 Department notification of injury, accident, illness, death, or fire.

Rule 62. (1) The caregiver shall make a verbal report to the department within 24 hours of a serious injury, accident, illness, or medical condition of a child, occurring while a child is in care, which results in emergency medical treatment or hospitalization at a health facility, or which results in a death.

(2) The caregiver shall submit a written report, to the department, in a format provided by the department within 72 hours of the incident.

(3) The caregiver shall report to the department within 24 hours after the occurrence of a fire in the registered or licensed home which results in the loss of property or personal injury.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1963 Rule variance.

Rule 63. (1) Upon written request of an applicant or caregiver, the department may grant a variance from an administrative rule if the alternative proposed provides clear and convincing evidence that the health, welfare, and safety of children is protected.

(2) The decision of the department shall be entered upon the records of the department and a signed copy shall be sent to the applicant or caregiver. A variance may remain in effect for as long as the caregiver continues to comply with the conditions of the variance or may be time-limited.

History: 2005 MR 19, Eff. Jan 1, 2006.

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Paula P Bratto

From: CJ Chung [chung@LTU.edu]
Sent: Thursday, April 27, 2006 2:15 AM
To: Paula P Bratto
Cc: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; Talk2Cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; Jeanne M. Stine; John M Lamerato; Mark F Miller
Subject: Troy ZOTA 214

Dear Planning Department,

(1)
Thank you so much for planning a meeting with neighbors of family and group child care homes on Monday May 1 from 7pm to 9pm.

However, I think there is a problem to consider the meeting as an official one:
The letter was written on April 19.
Stamped date on the envelope is Apr 25.
I received the letter on Apr. 27, just two office (or 4 calendar) days before the meeting!

Unfortunately, I already scheduled a very important meeting on that day at that time. (I am volunteering for hosting an IEEE chapter meeting)

My suggestion for 8
. ... Parking and drop-off areas shall be designed to maximize safety and privacy, "and minimize noise" <-- Please add.

I read 04.20.71 and 10.25.01, but I could not find the bulleted items. Could you explain "9" in plain English? Sorry, I do not quite understand No. 9.

(2)
A childcare "center" at Wattles and Rochester closed after the city's decision to allow group daycare homes. I asked State why? Please see below. It was a voluntary close. The fee for home daycares are much cheaper and flexible. Daycare centers that need to pay rent cannot compete with daycare homes. Troy will lose more official jobs. More disputes between neighbors. Crime rate will increase. Less home buyers: for example, we hired a math professor who is moving from Toronto. He does not want to buy a home in Troy. Anyone can setup the noisy business next door! I firmly believe the decision was wrong in the long run as a whole.

(3)
There were 20 group daycare homes recently in Troy. A group daycare home voluntarily closed in Jan 2006. See below. There were some letters who opposed the group daycare home came from the neighbors at Crimson.

Sincerely,
CJ Chung
1189 Garwood Dr.

----- Original Message -----
From: Kennedy, Denise L (FIA)
To: CJ Chung
Sent: Monday, April 10, 2006 8:58 AM
Subject: RE: daycare center and group home

Children's World Learning Center #DC630018605 was a voluntary closure and was closed on April 3, 2006.

Janice Saide #DG630062373 was also a voluntary closure and was closed on January 5, 2006.
-----Original Message-----
From: CJ Chung [mailto:chung@LTU.edu]

Sent: Monday, April 10, 2006 1:17 AM
To: BFSFOIA
Subject: daycare center and group home

Dear Sir/Madam,
(1)
Could you please let me know why Childcare center
located at
1064 E Wattles Troy, MI 48085 has been closed recently?

(2)
Also, could you tell me why Group daycare home
1865 Crimson Troy, MI has been closed some month ago?

Sincerely,
CJ Chung
1189 Garwood Dr. Troy, MI

Paula P Bratto

From: Kathy Czarnecki
Sent: Friday, April 28, 2006 11:37 AM
To: Paula P Bratto
Subject: FW: Group Child Care Homes-Meeting

Kathy Czarnecki
City of Troy - Planning Department
248.524.3364
czarneckik@ci.troy.mi.us

-----Original Message-----
From: Mark F Miller
Sent: Friday, April 28, 2006 10:12 AM
To: Kathy Czarnecki
Subject: FW: Group Child Care Homes-Meeting

-----Original Message-----
From: Daniel Popplestone [mailto:dan@dancpa.com]
Sent: Thursday, April 27, 2006 4:11 PM
To: Mark F Miller
Subject: Group Child Care Homes-Meeting

Dear Mr. Miller, Planning Director:

As things stand now, neither one of us will be able to make the public meeting schedule for Monday May 1st. We ask that you please allow us to pass along our input with this email.

Our approach here is, whether one agrees or not with the group homes being allowed within residential neighborhood, it has now been allowed by council. This being said, we ask and answer, where should the burden of theses home be placed?

We would urge that the process going forward places the burden on the business and not the surrounding homeowners.

Put the burden upon the business to resolve conflicts etc within the existing rules, charter or deed restrictions instead of having it over-ridden by this process.

Items under the section called-Potential Group Child Care Home Provisions-No Concurrence By City Council:

Items 1 and 2-Fence Issues:

A lot of neighborhoods already have some form of fence rules. Why override it?

Put the burden back on the operator of the home to manage what they got before changing the character of the neighborhood deed restrictions. If they need a fence, then maybe they should take in a lesser number of children that they can comfortably deal with or move the location of the group home.

If you add a fence requirement, for neighborhoods with restrictions against them, add a requirement that it has to be removed once the business is stopped, terminated or moved.

Instead of a chain linked fence, how about a decorative and or natural type?

Regardless of the type of fence, a maintenance requirement should be required. To often metal fences rust and wood fences deteriorates long before homeowners fix them.

Our objective is to minimize the amount of deed restrictions overridden and commercial intrusion to the residential character of the neighborhood.

If safety is the issue here, then put the burden back on the operator and parents to find the solution within the confides of the city code and neighborhood deed restrictions.

Item 3-Grandfather Issues:

For this item and Item 10 under Potential Group Child Care Home Provisions Recommended By City Council seems to just reward those who got away with breaking the law all along. Since this is a new item, why not remove all grandfather clauses?

In cases where two or more homes who would be considered grandfathered and a conflict arises from such items as the 750 feet suggestion, have a lottery or drawing between the affected group home providers.

Item 4-Play Equipment Locations:

If not already part of the code, then maybe a rule that sets minimum set backs for all homes in the city and not just the group homes. We would recommend something along the line of not less than ten feet or more from any lot line.

Along this line, no play equipment allowed in the side yards between homes. In short, it has to be in the back yards with some kind of set-back.

Item 5-Hours Of Operation:

Hours of operation between 6 AM to 10 PM appears to be a bit long for a business that operates within a residential area.

We would suggest taking a look at Chapter 88-Nuisances. We would direct your attention to item 9.5(h).

This section deals with construction noises. This section restricts the activity to the hours of 7:00 AM through 8:00 PM.

A time frame of 7:00 AM through 8:00 PM comes to 13 hours. Even with overtime, most people do not work more than a 10 hour a day. Therefore, we see this as a reasonable time frame and it is already part of the existing code.

Several of the other items under this section has a quiet time through 7:00 AM each day. We would argue the late time associated with these other items would be to late for a business operating within a residential neighborhood.

Given these homes will be operating within a residential area, a start time prior to 7:00 AM would inconvenience a lot of home owners who do not have kids in schools. A stopping time later than 8:00 PM would inconvenience a lot of homeowners with kids in school and ones who have early start times themselves for work.

Potential Group Child Care Home Provisions Recommended By City Council:

Item 3-Structural Changes:

Given that we are dealing with residential neighborhoods, this item should be included. Would it be possible to put a period after the word dwelling?

The thought being, if Michigan law-rules requires a change that causes the home to deviate form being residential in character on the outside or out of character for the neighborhood, then maybe the home should move to a more appropriate area.

Item 7-Registration With The City:

If this is a requirement for other businesses in Troy, then by all means this should be extended to the group home.

Item 9-Conditions Applicable to Group Homes:

If we have read section 10.25.01 right, we fail to see where this section would create a burden upon the group home and accordingly would hope that it not be waived.

Including something about the group home not being a nuisance would not hurt. If you go down this route, then language about being booted for repeat offenses would help a lot. The part about offenses being accumulative verse annually with expirations would be better.

We are still trying to understand what is meant by "the use of the dwelling for residential purposes in not more than an incidental function".

To us, this seems to imply the dwelling is more businesses than private residential home. If this is the case, this concept would seem to create some real issues for the character of the neighbor hood.

Item 10-Distances Between Homes:

As mentioned above, this section seems to reward those who did not follow the law. Again, we would urge the elimination of any grandfathering. In cases of dispute involving existing or future homes due to the 750 feet rule, have a lottery or drawing.

We appreciate the limits being attempted by the 750 feet requirement. We would hope this requirement be kept and made larger if possible.

Items Not Covered By City's Letter:

We are not sure if this is the place or it has to go back to council for these suggestions.

Can something be added when a group home wants to operate within a residential neighborhood like we have with the parking variances? In short, have the home come before council and give the effected neighbors a chance to give their input.

We feel a review process is needed every three to five years. For one, to allow the effected neighbors to petition council for changes and secondly, to allow any future providers within the 750 of a home a chance to replace the existing one.

Given the homes are being allowed, we like the 750 foot requirement between homes. At the same time, we find it objectable due to this rule, just because you are there first that entitles you for what ever time one wants.

Therefore, we would propose this review every three to five year so as to allow others a chance to open. As mentioned earlier, in cases of conflicts there can be a drawing.

This review process will also allow for changes in the neighborhood. Families do move in and out for a variety of reasons.

We would hope that in the end, the rules be done in a manner that benefits Troy and its residents. Rules that seem to accommodate group home customers from outside of Troy at the expense of Troy residents or neighborhoods should be avoided.

Daniel H. Popplestone & Gail B. Popplestone
6612 Woodcrest Drive // Troy, Michigan 48098-6815
Tel: 248.828.1463 // Fax: 248.828.3133 // Email: dan@popplestone.com or gail@popplestone.com

Paula P Bratto

From: HUSSONMJ@aol.com
Sent: Thursday, April 27, 2006 8:05 PM
To: planning@ci.troy.us
Subject: (no subject)

Thank you for your letter dated April 19th 2006, addressed to Mary Ann Husson, received Thursday, April 27th.

With respect to the "no concurrence by City Council" items on page 2 I would offer the following.

In our case (5379 Hertford Drive in the Sylvan Glen subdivision) we live virtually across the street from the Collins residence who runs a group child care home and has done so for a number of years.

She only accepts children of Troy school teachers so her hours are approximately 7 AM to about 5 PM latest during the school year.

We have never had any complaints with any issue relating to her home care operation.

Broadening my thinking to all group child care homes in our city I would concur with some fencing requirement i.e. chain link or stockade as 2 examples to keep children in & any potential threat from an unwanted loose pet or human predator.

In addition I feel that 6 AM to 10 PM is too wide a span of hours & should be more like 7 AM to 6 PM & limited to 10 or 11 hours, but definitely below 16 hours.

Michael J. Husson

Paula P Bratto

From: Kotlusa@aol.com
Sent: Sunday, April 30, 2006 10:40 AM
To: Paula P Bratto
Subject: Re: Drafting of Ordinance Regarding the Group Day Care in R-1A through R-1E

To: Mr. Mark F. Miller - Planning Director

Dear Mr. Miller:

My name is John Bjelobrk and I live at 5581 Mandale Dr., Troy, MI 48085. Unfortunately, I will not be able to attend your meeting scheduled for 5/1/06 at 7:00 p.m. to discuss a draft language of the ordinance. Therefore, I am taking this opportunity to make a few suggestions to the proposed language in the letter dated April 19, 2006:

My position on this issue is well known. Unfortunately, my neighbors -- Mr. and Mrs. Schaefer continue to do exactly the same thing as what they have done before for years. **They are still parking their vehicles in front of my house, even though the curb in front of their house is always clear and available.** If you listen to their testimonies (i.e., how eager they are to work and listen to their neighbors), you would think - "what nice people". Unfortunately, nothing has changed!

These are my proposals regarding the proposed draft language for the GROUP CHILD CARE HOMES:

Item 5: A major thoroughfare in the residential neighborhood should be defined. In my mind, the best definition is: A major thoroughfare in the residential neighborhood is a street an which the SCHOOL BUSSES travel.

Item 8: Add the verbiage that the street parking is nor allowed.

Item 9: **A nuisance provision MUST exist** in both draft language provisions for the GROUP and FAMILY Day Care providers.

Items under NO CONCURRENCE BY CITY COUNCIL:

Item 4: Under no circumstance should the existing day care homes be grand fathered. This became a "big issue" because they did not "play" by the established rules and regulations to start with. Perhaps, this is the reason why my neighbors are still parking in front of my house.

By grand fathering their operation, the City would rewarding them. **This action would go directly across the backs of the low abiding neighbors**. This grand fathered issue is not any different from the "illegal citizens" issue that the Congress is dealing with. The "rule" is the "rule" and it should apply to **ALL** period.

Thank you, Mr. Miller for taking these inputs in the consideration of the final language.

John Bjelobrk

Paula P Bratto

From: Lil9838@aol.com
Sent: Friday, April 28, 2006 8:43 AM
To: Paula P Bratto
Subject: Group child care home provisions

Dear Sir:
I would first like to relay my oppositions to running day care in residential areas in the city of Troy. I consider day care as a business.

Do you think allowing 12 kids as a maximum requirement is reasonable. I would hope I would never move into a home with a neighbor that has 12 kids! You must lower the number.

Number seven sounds like a lot of city funds to inspect these places. I do not want to pay.

Number 8 would like entrances, drop-offs & pickups identified. Does this has to mean signs.....All over a home?

POTENTIAL GROUP CHILD CARE HOME PROVISIONS

Number 1. What benefit is a 4 foot chain for a fence?

Number 2 Fence & screening. What happens to your neighbor who really does not like a fence like that.

Number 4 Location of play equipment being at the furthest area from a neighbor. That could still be to close.

Very upsetting getting this letter.

Lillian Karamanian
5388 Breeze Hill
Troy, Mi. 48098

Paula P Bratto

From: Mark F Miller
Sent: Thursday, May 11, 2006 8:44 AM
To: Paula P Bratto
Subject: FW: Group Child Care Homes (GCCH)

-----Original Message-----
From: jerry and barb rosicky [mailto:rosickys@sbcglobal.net]
Sent: Wednesday, May 10, 2006 10:20 PM
To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net
Cc: Cynthia A Stewart; Mark F Miller
Subject: Group Child Care Homes (GCCH)

Dear Council Members:
We were in receipt of Mr. Mark Miller's letter of April 19, 2006 which indicated that City Council directed City Management to prepare an ordinance to permit Group Child Care Homes (GCCH) allowing up to 12 children cared for in R-1A through R-1E districts within the City of Troy.

As an interested citizen, I, Gerald Rosicky, attended the meeting on May 1, 2006 to provide input to the Planning Department. Many thoughtful recommendations were made to Mr. Miller whose job is to provide proposed suggestions to you regarding this matter.

Quite frankly, all of the attendees including myself feel that allowing GCCH in residential areas is excessive in the number of children allowed (up to 12). In fact, this is really the establishment of a **commercial enterprise in a residential neighborhood**. Chapter 39 of the Zoning Ordinance, Article X One Family Residential Districts states in Article 10.10.00 that it is the intent that "The R-1A through R-1E **One-Family (bold added)** Residential Districts are designed to be the most restrictive of the residential Districts as to use. The intent is to provide for environmentally sound areas of predominantly low-density, single family detached dwellings, through the varying of lot sizes and the development options which will accommodate a broad spectrum of house sizes and designs appealing to the widest spectrum of the population."

While you can write an ordinance with restrictive covenants such as proposed for GCCH, it does not abrogate the fact that this ordinance will allow a commercial business in a residential neighborhood and does and will create a myriad of problems for the residents adjacent and near to this type of property (including but not limited to lower property values, parking congestion, excessive noise, etc.).

By proposing this ordinance, you have caved into the commercial interests of the operators of the existing GCCH, which are a minority of the population while not attending to the the majority populace and the intent of the Zoning Laws as written.

Obviously, we are not pleased with the Council's actions thus far and are vehemently opposed to allowing GCCH in the City of Troy. We moved to Troy in 1971 and one of the major factors in making our decision to stay in Troy was the Master Zoning Plan. It seems that your intent is to destroy the residential aspects of many neighborhoods where these establishments (19 of them) are already in place and the future GCCH that would be allowed.

We are requesting that your prior actions on proposing an ordinance allowing GCCH be reconsidered and rescinded.

We would appreciate your written response to our concerns and proposal.

Gerald and Barbara Rosicky

Paula P Bratto

From: Mark F Miller
Sent: Monday, May 01, 2006 8:29 AM
To: Paula P Bratto
Subject: FW: R-1A-R-1E

-----Original Message-----
From: marcia newton [mailto:okinewtm@yahoo.com]
Sent: Sunday, April 30, 2006 12:17 PM
To: Mark F Miller
Subject: R-1A-R-1E

Mr. Miller,
As a neighbor of Barb & Jerry Rosicky, I am adding my name to their letter submitted to you regarding residential home care, as I share their concerns and opinions.

Sincerely,
Marcia Newton
2215 Rutgers
Troy, MI 48085
Dear Mr. Miller:
We are in receipt of your letter of April 19, 2006 regarding the proposed ordinance to permit group child care homes in residential districts R-1A through R-1E.
You state that there will be a meeting with neighbors of family and group child care centers on May 1, 2006. Does this mean that we are presently a neighbor of this type of facility at this time? If so, where is it located?

In Chapter 39 of the Zoning Ordinance, Article X One Family Residential Districts states in Article 10.10.00 that it is the intent that "The R-1A through R-1E **One-Family (bold added)** Residential Districts are designed to be the most restrictive of the residential Districts as to use. The intent is to provide for environmentally sound areas of predominantly low-density, single family detached dwellings, through the varying of lot sizes and the development options which will accommodate a broad spectrum of house sizes and designs appealing to the widest spectrum of the population."

The proposal by the City Council fails to meet the intent of Article X by virtue of the following:
A. Allowing up to 12 children of unaffiliated families in one residence is not low density by any stretch of the imagination and is certainly not one family.
B. This proposal is not environmentally sound since a significant amount of traffic is created at the residence when parents are dropping off their children and picking them up.

Furthermore, Article 10.30.00 entitled "USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL" states that ....."the Planning Commission shall find that: A. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall not be detrimental to the orderly development, property values, environment or use of adjacent land and/or districts.
The proposal by the City Council fails to meet the intent of Article 10.30.00 by virtue of the following:
A. Property values will certainly be impacted by virtue of a commercial business in a residential neighborhood.

Allowing commercial enterprises such as group child care or family child care homes in residential districts in not good business. If this is permissible, then an argument could be made to have a an

individual doctor's office in a residential neighborhood as well. The original intent of residential neighborhoods is that they be for single families and not be turned into commercial establishments.

We therefore vehemently oppose City Council's direction and implore you as the Planning Director to uphold the existing intent of residential districts by vetoing their request.

Sincerely,
Gerald and Barbara Rosicky
2232 Rutgers Drive
Troy, MI 48085

Paula P Bratto

From: Qualmannm@aol.com

Sent: Monday, May 01, 2006 8:30 AM

To: Paula P Bratto

Subject: group child care homesAtt:Mark Miller

We are unable to attend the meeting On Monday May Ist, but are very concerned about many aspects.We are more concerned about How permission was given in the first place. Someone has resided in the newly addressed Sussex address when no other owner was allowed to reside there. The Lenox address is used by a State Representative as a mailing address and he does not reside there.Who is going to enforce the rules?A continued child care, although not a problem with a small number could bring many additional related problems with greater numbers, change of ownership, sale of surrounding property, additional homes, or even removal of homes. There are too many unanswered questions. Please be deligent about exploring every aspect as these things are more important to the neighbors than the children.Marge and Carl Qualmann, 2914 Lenox

Paula P Bratto

From: Christine Stergar [CMSterg@comcast.net]
Sent: Tuesday, June 27, 2006 11:29 PM
To: Paula P Bratto
Subject: Public hearing comments

City Council,

I am happy that day care providers can finally be legal in Troy with more than 6 children. I believe that Day Care homes promote healthy families / lifestyles and I believe that Troy should also promote families.

I would not be against a day care home being next to mine as I feel they lower crime in the area by not leaving my street deserted all day.

I do hope that you are making the requirements things that will cost the providers money and not make it profitable for them. With the unemployment rate so high our citizens need ways to earn a decent living.

Thank you for considering the children and the needs of working parents.

Sincerely,
Christine Stergar

Paula P Bratto

From: Lil9838@aol.com
Sent: Tuesday, June 27, 2006 6:03 PM
To: Paula P Bratto
Subject: Article one Family Residential hearing

Dear Sir:

Please be advised that I am against any revision that would add on to our existing laws for day care centers in our residential neighborhoods.

Day Care is a business, & should be treated as a business with much restrictions. We do not want businesses being conducted where our home is. It is no different then any other business that thinks it can operate next door to our homes.

Lillian Karamanian
88-20-08-328-008

88-20-08-326-002

I cannot attend the meeting because I'm having surgery that day. I do not want Group Homes in our neighborhood & all the troubles that they bring.

Sincerely,
Lucille M. Million
1825 Bentwood Troy, Mi
48098

CITY OF TROY
PUBLIC HEARING

D

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, MI on Monday, July 10, 2006, at 7:30 P.M., or as soon thereafter as the agenda will permit, to consider amending the text of Article IV Definitions and Article X One Family Residential Districts R-1A through R-1E of the Zoning Ordinance.

2006
EPT.

The proposed amendments would revise the text to amend the text to permit and provide requirements for Group Daycare Homes in the R-1A through R-1E One Family Residential Districts.

RECEIVED
JUN 27 2006
PLANNING DEPT.

Copies of this proposal can be purchased or inspected in the Planning Department of the City of Troy at City Hall, 500 W. Big Beaver, Troy, MI between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, on regular business days.

You may express your comments regarding this matter by contacting the Planning Department in writing, or by e-mail to planning@ci.troy.mi.us, or by phone at (248) 524-3364, or by attending the Public Hearing.

Tonni L. Bartholomew
Tonni L. Bartholomew, MMC
City Clerk

NOTICE: *People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@ci.troy.mi.us or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

Paula P Bratto

From: Dennis Smith [dsmith@abilita.com]
Sent: Wednesday, June 28, 2006 3:49 PM
To: Paula P Bratto
Subject: RE: July 10, 2006 City Council Meeting

Paula,

Why does this not get taken care of. This has been going on for years. I have a day care oin my neighborhood and I have no problem what so ever with it's existance. The person that runs has done a great job for the 25 years I have been in the neighborhood.

Thanks

From: Paula P Bratto [mailto:BrattoPP@ci.troy.mi.us]
Sent: Wednesday, June 28, 2006 11:37 AM
To: Paula P Bratto
Subject: July 10, 2006 City Council Meeting

The following Items will be on the July 10, 2006 City Council Meeting:

(1) Public Hearing for Zoning Ordinance Text Amendment
ZOTA 214 Group Daycare Homes within the R-1 One Family Residential Districts (R-1A, R-1B, R-1C, R-1D & R-1E)
The proposed amendment would revise the text to **permit and provide requirements for Group Child Care Homes** in the R-1A, R-1B, R-1C, R-1D & R-1E One Family Residential Districts.

(2) Public Meeting Notice for Proposed Residential Development
Proposed Tuscany Estates Site Condominium
Zoned R-1C (One Family Residential)
The subject site contains 4.2951 acres and 11 units/lots are proposed.
Section 24
The subject property lies on the west side of Dequindre Rd., north of Winter Dr.

Notices and information for public hearings will be posted at http://www.ci.troy.mi.us/PublicHearings/ .

The agendas for City Council meetings are posted on the City website at http://www.ci.troy.mi.us/council/Meetings.asp , agendas for Planning Commission meetings are posted at http://www.ci.troy.mi.us/committees/committeelist.asp#PC (usually the Friday before the meeting).

If you have any questions or concerns regarding the above item(s) please contact our office. All correspondence received will be forwarded onto the Planning Commission and/or City Council.

Paula Preston Bratto

City of Troy
Planner
248.524.3365
www.ci.troy.mi.us

Paula P Bratto

From: Maofeng Fu [maofeng.fu@gmail.com]
Sent: Wednesday, June 28, 2006 4:49 PM
To: Paula P Bratto
Subject: Re: July 10, 2006 City Council Meeting

Hi

Thank you veru much for letting us know.

Our family is strongly against to allow adding more children in Group Child Care Home.

Please consider our opinion.

Thanks

Maofeng Fu
Xiuling Ying

1133 Garwood Dr
Troy 48085

On 6/28/06, **Paula P Bratto** <BrattoPP@ci.troy.mi.us> wrote:

The following Items will be on the July 10, 2006 City Council Meeting:

(1) Public Hearing for Zoning Ordinance Text Amendment
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If you have any questions or concerns regarding the above item(s) please contact our office. All correspondence received will be forwarded onto the Planning Commission and/or City Council.

Paula Preston Bratto
City of Troy
Planner
248.524.3365
www.ci.troy.mi.us

DATE: February 14, 2006

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Mark Stimac, Director of Building & Zoning

SUBJECT: Application of the Michigan Building Code
Pertaining to Day Care Group Homes

In order to understand the building code implications of allowing Day Care Group Homes (7-12 children) in single-family residential structures, it is imperative to understand the theory behind the development of the requirements of the building codes as they relate to the different uses of buildings and structures.

The Michigan Building Code is adopted by the State of Michigan and per the requirements of Public Act 230 of 1972, as amended, applies throughout the State without exception. This code is based primarily on requirements of the International Building Code. The International Building Code is promulgated by the International Code Council (ICC) through a consensus process and is published every three years. The current edition is the 2003 edition with the 2006 edition soon to be published.

The requirements of the Building Code are developed on the theory of, as I call it, "an equivalent level of minimum safety" in all buildings. That is to say that depending on the types of construction materials used, the use of the building, and other factors such as the availability of fire suppression, fire detection, and fire alarm systems, that all buildings will meet a minimum level of safety for the occupants. In order to establish this equivalent level, the size of buildings and number of stories are regulated by the code based upon these variables. The two most important factors in determining this minimum level of safety are the construction type of the building and the occupancy group of the uses that will take place inside.

Certain building materials have an inherently greater resistance to the effects of fire than other materials. Reinforced concrete is less likely to fail under exposure to fire than ordinary lumber. Building materials can also have additional protection applied to them to increase their resistance to the effects of fire. Steel, sprayed with a fire resistant coating, or encased in layers of gypsum board, has shown through testing to have a resistance to fire equal to that of concrete.

These "types of construction" are broken down into nine different categories 1A through 5B. Type 1A construction is one where the structural members are designed and tested to withstand a fire for up to three hours. Type 5B construction, at the other end of the spectrum, includes unprotected wood frame construction typically found in single-family homes. With buildings used for the same purpose, as the fire resistance of the structure increases, the allowable size for the building increases as well.

The other factor greatly affecting the allowable size for a building is what the building is going to be used for. Certain uses, because of the number of people involved and the activities that they are engaged in, are more hazardous than others. In others, the condition of the occupants, such as being asleep, anesthetized, restrained or having reduced mobility because of age or mental capacity affects the level of safety of the building. The Building Code divides the different uses of a building into ten basic use group categories. It further breaks those categories down into 26 sub-categories.

In establishing this equivalent level of safety the building code looks at a combination of the construction type of the building and the use group classification for the intended uses of the building. It then establishes a maximum height and area for those buildings also taking into account the availability of fire suppression, as well as the provision for access to the building for fire fighting purposes. In buildings constructed of heavily protected construction the areas and heights are unlimited. Other uses are not permitted at all in the unprotected wood frame buildings.

In terms of the question directly at hand, a single-family residence is classified as an occupancy group R-3 (Residential). A building in this occupancy group can be built of unprotected wood frame construction to an unlimited size up to three stories in height. A child day care facility for up to five children also fits within this same group and restrictions. When a day care facility provides care for more than five children then it is classified as an occupancy group E (Educational). Under this occupancy group in order to obtain that same "equivalent level of minimum safety" the code limits the area of the building built of unprotected wood construction to 9,500 square feet and limits the height to a maximum of one story above grade. The area can be increased to 28,500 square feet and the height can be increased to two stories if the building is provided with a fire suppression (commercial fire sprinkler) system.

If the children cared for are very young (under 2 ½ years of age) and not capable of self-preservation, the code places the facility into a higher group classification of an I-4 (Institutional) use group. These uses are limited to one story and 9,000 square feet and are required to have fire suppression. However, there is an exception if all of the rooms used for the day care are on the ground floor and have a door directly to the outside. Under those conditions the facility would still be classified as an E use group.

If these facilities include rooms or spaces that are below grade (basements) that are used as part of the child care facility, those basements must be provided with an exterior stairway leading to the ground, or openings on at least one side of the building

that are above the ground and at least 20 square feet of area, or they must be provided with a fire suppression system.

While the typical single family home is not subject to the requirements for handicap accessibility, facilities that care for more than five children are. The code does not require that the entire home be designed to meet these standards, but it does require that the portion of the home used for day care meet the accessibility standards. This would include accessible parking spaces (the signs are not required for five or fewer parking spaces), accessible building approach, accessible entrances, accessible hardware and accessible plumbing facilities. The City of Troy does not enforce the requirements of the American's with Disabilities Act (ADA), but the ADA does indicate that a day care center is a public accommodation covered under that act.

There is another code that has been adopted by the State of Michigan that may have some application in these cases. The State has developed and adopted the Michigan Rehabilitation Code for Existing Buildings. This code has provisions that could be used for reviewing applications for the alteration of existing buildings. The establishment of a Day Care Group Home in an existing single-family residence is considered to be a change of occupancy classification. As previously discussed, the occupancy classification for at least a portion of the structure will change from an R-3 to an E classification. Chapter 8 of the Rehabilitation Code establishes the minimum requirements when such a change takes place.

The application of this code requires a case-by-case analysis of the structure and the areas involved. While the use of this code may eliminate the need for a fire suppression system or modifications to existing stairways, it still would require that the building comply with the general height and area limitations of the Michigan Building Code as well as the accessibility requirements for the areas involved.

Prepared by: Mark Stimac, Director of Building and Zoning

or walks controlled by a public entity that is not subject to this part. Public entities are subject to the requirements of title II of the Act. The Department's regulation implementing title II, which will be codified at 28 CFR part 35, addresses the obligations of public entities to ensure accessibility by providing curb ramps at pedestrian walkways.

"Illegal use of drugs." The definition of "illegal use of drugs" is taken from section 510(d)(1) of the Act and clarifies that the term includes the illegal use of one or more drugs.

"Individual with a disability" means a person who has a disability but does not include an individual who is currently illegally using drugs, when the public accommodation acts on the basis of such use. The phrase "current illegal use of drugs" is explained in the preamble to § 36.209.

"Place of public accommodation." The term "place of public accommodation" is an adaptation of the statutory definition of "public accommodation" in section 301(7) of the ADA and appears as an element of the regulatory definition of public accommodation. The final rule defines "place of public accommodation" as a facility, operated by a private entity, whose operations affect commerce and fall within at least one of 12 specified categories. The term "public accommodation," on the other hand, is reserved by the final rule for the private entity that owns, leases (or leases to), or operates a place of public accommodation. It is the public accommodation, and not the place of public accommodation, that is subject to the regulation's nondiscrimination requirements. Placing the obligation not to discriminate on the public accommodation, as defined in the rule, is consistent with section 302(a) of the ADA, which places the obligation not to discriminate on any person who owns, leases (or leases to), or operates a place of public accommodation.

Facilities operated by government agencies or other public entities as defined in this section do not qualify as places of public accommodation. The actions of public entities are governed by title II of the ADA and will be subject to regulations issued by the Department of Justice under that title. The receipt of government assistance by a private entity does not by itself preclude a facility from being considered as a place of public accommodation.

The definition of place of public accommodation incorporates the 12 categories of facilities represented in the statutory definition of public accommodation in section 301(7) of the ADA:

1. Places of lodging.
2. Establishments serving food or drink.
3. Places of exhibition or entertainment.
4. Places of public gathering.
5. Sales or rental establishments.
6. Service establishments.
7. Stations used for specified public transportation.
8. Places of public display or collection.
9. Places of recreation.
10. Places of education.
11. Social service center establishments.
12. Places of exercise or recreation.

In order to be a place of public accommodation, a facility must be operated by a private entity, its operations must affect commerce, and it must fall within one of these 12 categories. While the list of categories is exhaustive, the representative examples of facilities within each category are not. Within each category only a few examples are given. The category of social service center establishments would include not only the types of establishments listed, day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies, but also establishments such as substance abuse treatment centers, rape crisis centers, and halfway houses. As another example, the category of sales or rental establishments would include an innumerable array of facilities that would sweep far beyond the few examples given in the regulation. For example, other retail or wholesale establishments selling or renting items, such as bookstores, videotape rental stores, car rental establishment, pet stores, and jewelry stores would also be covered under this category, even though they are not specifically listed.

Several commenters requested clarification as to the coverage of wholesale establishments under the category of "sales or rental establishments." The Department intends for wholesale establishments to be covered under this category as places of public accommodation except in cases where they sell exclusively to other businesses and not to individuals. For example, a company that grows food produce and supplies its crops exclusively to food processing corporations on a wholesale basis does not become a public accommodation because of these transactions. If this company operates a road side stand where its crops are sold to the public, the road side stand would be a sales establishment covered by the ADA. Conversely, a sales establishment that markets its goods as "wholesale to the public" and sells to individuals would not be exempt from ADA coverage despite its use of the word "wholesale" as a marketing technique.

Of course, a company that operates a place of public accommodation is subject to this part only in the operation of that place of public accommodation. In the example given above, the wholesale produce company that operates a road side stand would be a public accommodation only for the purposes of the operation of that stand. The company would be prohibited from discriminating on the basis of disability in the operation of the road side stand, and it would be required to remove barriers to physical access to the extent that it is readily achievable to do so (see § 36.304); however, in the event that it is not readily achievable to remove barriers, for example, by replacing a gravel surface or regrading the area around the stand to permit access by persons with mobility impairments, the company could meet its obligations through alternative methods of making its goods available, such as delivering produce to a customer in his or her car (see § 36.305). The concepts of readily achievable barrier removal and alternatives to barrier removal are discussed further in the preamble discussion of §§ 36.304 and 36.305.

Even if a facility does not fall within one of the 12 categories, and therefore does not qualify as a place of public accommodation, it still may be a commercial facility as defined in § 36.104 and be subject to the new construction and alterations requirements of subpart D.

A number of commenters questioned the treatment of residential hotels and other residential facilities in the Department's proposed rule. These commenters were essentially seeking resolution of the relationship between the Fair Housing Act and the ADA concerning facilities that are both residential in nature and engage in activities that would cause them to be classified as "places of public accommodation" under the ADA. The ADA's express exemption relating to the Fair Housing Act applies only to "commercial facilities" and not to "places of public accommodation."

A facility whose operations affect interstate commerce is a place of public accommodation for purposes of the ADA to the extent that its operations include those types of activities engaged in or services provided by the facilities contained on the list of 12 categories in section 301(7) of the ADA. Thus, a facility that provides social services would be considered a "social service

center establishment." Similarly, the category "places of lodging" would exclude solely residential facilities because the nature of a place of lodging contemplates the use of the facility for short-term stays.

Many facilities, however, are mixed use facilities. For example, in a large hotel that has a separate residential apartment wing, the residential wing would not be covered by the ADA because of the nature of the occupancy of that part of the facility. This residential wing would, however, be covered by the Fair Housing Act. The separate nonresidential accommodations in the rest of the hotel would be a place of lodging, and thus a public accommodation subject to the requirements of this final rule. If a hotel allows both residential and short-term stays, but does not allocate space for these different uses in separate, discrete units, both the ADA and the Fair Housing Act may apply to the facility. Such determinations will need to be made on a case-by-case basis. Any place of lodging of the type described in paragraph (1) of the definition of place of public accommodation and that is an establishment located within a building that contains not more than five rooms for rent or hire and is actually occupied by the proprietor of the establishment as his or her residence is not covered by the ADA. (This exclusion from coverage does not apply to other categories of public accommodations, for example, professional offices or homeless shelters, that are located in a building that is also occupied as a private residence.)

A number of commenters noted that the term "residential hotel" may also apply to a type of hotel commonly known as a "single room occupancy hotel." Although such hotels or portions of such hotels may fall under the Fair Housing Act when operated or used as long-term residences, they are also considered "places of lodging" under the ADA when guests of such hotels are free to use them on a short-term basis. In addition, "single room occupancy hotels" may provide social services to their guests, often through the operation of Federal or State grant programs. In such a situation, the facility would be considered a "social service center establishment" and thus covered by the ADA as a place of public accommodation, regardless of the length of stay of the occupants.

A similar analysis would also be applied to other residential facilities that provide social services, including homeless shelters, shelters for people seeking refuge from domestic violence, nursing homes, residential care facilities, and other facilities where persons may reside for varying lengths of time. Such facilities should be analyzed under the Fair Housing Act to determine the application of that statute. The ADA, however, requires a separate and independent analysis. For example, if the facility, or a portion of the facility, is intended for or permits short-term stays, or if it can appropriately be categorized as a service establishment or as a social service establishment, then the facility or that portion of the facility used for the covered purpose is a place of public accommodation under the ADA. For example, a homeless shelter that is intended and used only for long-term residential stays and that does not provide social services to its residents would not be covered as a place of public accommodation. However, if this facility permitted short-term stays or provided social services to its residents, it would be covered under the ADA either as a "place of lodging" or as a "social service center establishment," or as both.

A private home, by itself, does not fall within any of the 12 categories. However, it can be covered as a place of public accommodation to the extent that it is used as a facility that would fall within one of the 12 categories. For example, if a professional office of a dentist, doctor, or psychologist is located in a private home, the portion of the home dedicated to office use (including areas used both for the residence and the office, e.g., the entrance to the home that is also used as the entrance to the professional office) would be considered a place of public accommodation. Places of public accommodation located in residential facilities are specifically addressed in § 36.207.

If a tour of a commercial facility that is not otherwise a place of public accommodation, such as, for example, a factory or a movie studio production set, is open to the general public, the route followed by the tour is a place of public accommodation and the tour must be operated in accordance with the rule's requirements for public accommodations. The place of public accommodation defined by the tour does not include those portions of the commercial facility that are merely viewed from the tour route. Hence, the barrier removal requirements of § 36.304 only apply to the physical route followed by the tour participants and not to work stations or other areas that are merely adjacent to, or within view of, the tour route. If the tour is not open to the general public, but rather is conducted, for example, for selected business colleagues, partners, customers, or consultants, the tour route is not a place of public accommodation and the tour is not subject to the requirements for public accommodations.

Public accommodations that receive Federal financial assistance are subject to the requirements of section 504 of the Rehabilitation Act as well as the requirements of the ADA.

Private schools, including elementary and secondary schools, are covered by the rule as places of public accommodation. The rule itself, however, does not require a private school to provide a free appropriate education or develop an individualized education program in accordance with regulations of the Department of Education implementing section 504 of the Rehabilitation Act of 1973, as amended (34 CFR part 104), and regulations implementing the Individuals with Disabilities Education Act (34 CFR part 300). The receipt of Federal assistance by a private school, however, would trigger application of the Department of Education's regulations to the extent mandated by the particular type of assistance received.

"Private club." The term "private club" is defined in accordance with section 307 of the ADA as a private club or establishment exempted from coverage under title II of the Civil Rights Act of 1964. Title II of the 1964 Act exempts any "private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of [a place of public accommodation as defined in title II]." The rule, therefore, as reflected in § 36.102(e) of the application section, limits the coverage of private clubs accordingly. The obligations of a private club that rents space to any other private entity for the operation of a place of public accommodation are discussed further in connection with § 36.201.

In determining whether a private entity qualifies as a private club under title II, courts have considered such factors as the degree of member control of club operations, the selectivity of the membership selection process, whether substantial membership fees are charged, whether the entity is operated on a nonprofit basis, the extent to which the facilities are open to the public, the degree of public funding, and whether the club was created specifically to avoid compliance with the Civil Rights

§§ 36.105–36.200 [Reserved]

Subpart B—General Requirements

§ 36.201 General.

(a) *Prohibition of discrimination.* No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any private entity who owns, leases (or leases to), or operates a place of public accommodation.

(b) *Landlord and tenant responsibilities.* Both the landlord who owns the building that houses a place of public accommodation and the tenant who owns or operates the place of public accommodation are public accommodations subject to the requirements of this part. As between the parties, allocation of responsibility for complying with the obligations of this part may be determined by lease or other contract.

§ 36.202 Activities.

(a) *Denial of participation.* A public accommodation shall not subject an individual or class of individuals on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, to a denial of the opportunity of the individual or class to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation.

(b) *Participation in unequal benefit.* A public accommodation shall not afford an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other individuals.

(c) *Separate benefit.* A public accommodation shall not provide an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements with a good, service, facility, privilege, advantage, or accommodation that is different or separate from that provided to other individuals, unless such action is necessary to provide the individual or class of individuals with a good, service, facility, privilege, advantage, or accommodation, or other opportunity that is as effective as that provided to others.

(d) *Individual or class of individuals.* For purposes of paragraphs (a) through (c) of this section, the term "individual or class of individuals" refers to the clients or customers of the public accommodation that enters into the contractual, licensing, or other arrangement.

§ 36.203 Integrated settings.

(a) *General.* A public accommodation shall afford goods, services, facilities, privileges, advantages, and accommodations to an individual with a disability in the most integrated setting appropriate to the needs of the individual.

(b) *Opportunity to participate.* Notwithstanding the existence of separate or different programs or activities provided in accordance with this subpart, a public accommodation shall not deny an individual with a disability an opportunity to participate in such programs or activities that are not separate or different.

(c) *Accommodations and services.* (1) Nothing in this part shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit available under this part that such individual chooses not to accept.

(2) Nothing in the Act or this part authorizes the representative or guardian of an individual with a disability to decline food, water, medical treatment, or medical services for that individual.

§ 36.204 Administrative methods.

A public accommodation shall not, directly or through contractual or other arrangements, utilize standards or criteria or methods of administration that have the effect of discriminating on the basis of disability, or that perpetuate the discrimination of others who are subject to common administrative control.

§ 36.205 Association.

A public accommodation shall not exclude or otherwise deny equal goods, services, facilities, privileges, advantages, accommodations, or other opportunities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.

§ 36.206 Retaliation or coercion.

(a) No private or public entity shall discriminate against any individual because that individual has opposed any act or practice made unlawful by this part, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the Act or this part.

(b) No private or public entity shall coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by the Act or this part.

(c) Illustrations of conduct prohibited by this section include, but are not limited to:

(1) Coercing an individual to deny or limit the benefits, services, or advantages to which he or she is entitled under the Act or this part;

(2) Threatening, intimidating, or interfering with an individual with a disability who is seeking to obtain or use the goods, services, facilities, privileges, advantages, or accommodations of a public accommodation;

(3) Intimidating or threatening any person because that person is assisting or encouraging an individual or group entitled to claim the rights granted or protected by the Act or this part to exercise those rights; or

(4) Retaliating against any person because that person has participated in any investigation or action to enforce the Act or this part.

§ 36.207 Places of public accommodation located in private residences.

(a) When a place of public accommodation is located in a private residence, the portion of the residence used exclusively as a residence is not covered by this part, but that portion used exclusively in the operation of the place of public accommodation or that portion used both for the place of public accommodation and for residential purposes is covered by this part.

(b) The portion of the residence covered under paragraph (a) of this section extends to those elements used to enter the place of public accommodation, including the homeowner's front sidewalk, if any, the door or entryway, and hallways; and those portions of the residence, interior or exterior, available to or used by customers or clients, including restrooms.

§ 36.208 Direct threat.

(a) This part does not require a public accommodation to permit an individual to participate in or benefit from the goods, services, facilities, privileges, advantages and accommodations of that

and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

SECTION 105
PERMITS

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

105.1.1 Annual permit. In place of an individual permit for each alteration to an already approved electrical, gas, mechanical, or plumbing installation, the enforcing agency is authorized to issue an annual permit upon application therefore to any person, firm, or corporation. The applicant shall be licensed in accordance with the requirements of 1956 PA 217, MCL 338.881 et seq., 1984 PA 192, MCL 338.971 et seq., or 2002 PA 733, MCL 338.3511 et seq.

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under an annual permit. Access to the records shall be provided at all times and the records shall be filed with the enforcing agency.

105.2 Work exempt from permit. Exemptions from permit requirements of the code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the code or any other laws or ordinances of this jurisdiction. Permits shall not be required for any of the following:

a. Building permits shall not be required for any of the following:
   - i. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m^2).
   - ii. A fence that is not more than 6 feet (1829 mm) high.
   - iii. Oil derricks.
   - iv. A retaining wall that is not more than 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding class I, II or III-A liquids.
   - v. A water tank supported directly upon grade if the capacity is not more than 5, 000 gallons (18 927 L) and the ratio of height to diameter or width is not greater than 2 to 1.
   - vi. A sidewalk or driveway that is not more than 30 inches (762 mm) above grade and is not over any basement or story below and which are not part of an accessible route.
   - vii. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
   - viii. Temporary motion picture, television and theater stage sets and scenery.
   - ix. Prefabricated swimming pools accessory to a group R-3 occupancy, as applicable in section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (19 000 L) and are installed entirely above ground.
   - x. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
   - xi. Swings and other playground equipment accessory to 1- and 2-family dwellings.
   - xii. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of group R-3, as applicable in section 101.2 and group U occupancies.
   - xiii. Movable cases, counters, and partitions.
b. Electrical permits shall not be required for any of the following:
   - i. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

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

303.1.1 Nonaccessory assembly use. A building or tenant space used for assembly purposes by less than 50 persons shall be considered a Group B occupancy.

SECTION 304
BUSINESS GROUP B

304.1 Business Group B. Business Group B occupancy includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts. Business occupancies shall include, but not be limited to, the following:

Airport traffic control towers
Animal hospitals, kennels and pounds
Banks
Barber and beauty shops
Car wash
Civic administration
Clinic—outpatient
Dry cleaning and laundries; pick-up and delivery stations and self-service
Educational occupancies above the 12th grade
Electronic data processing
Laboratories; testing and research
Motor vehicle showrooms
Post offices
Print shops
Professional services (architects, attorneys, dentists, physicians, engineers, etc.)
Radio and television stations
Telephone exchanges

SECTION 305
EDUCATIONAL GROUP E

305.1 Educational Group E. Educational Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade. Religious educational rooms and religious auditoriums, which are accessory to churches in accordance with Section 302.2 and have occupant loads of less than 100, shall be classified as A-3 occupancies.

305.2 Day care. The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children older than $2^1/_2$ years of age, shall be classified as a Group E occupancy.

SECTION 306
FACTORY GROUP F

306.1 Factory Industrial Group F. Factory Industrial Group F occupancy includes, among others, the use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair or processing operations that are not classified as a Group H hazardous or Group S storage occupancy.

306.2 Factory Industrial F-1 Moderate-Hazard Occupancy. Factory industrial uses which are not classified as Factory Industrial F-2 Low Hazard shall be classified as F-1 Moderate Hazard and shall include, but not be limited to, the following:

Aircraft
Appliances
Athletic equipment
Automobiles and other motor vehicles
Bakeries
Beverages; over 12-percent alcohol content
Bicycles
Boats
Brooms or brushes
Business machines
Cameras and photo equipment
Canvas or similar fabric
Carpets and rugs (includes cleaning)
Clothing
Construction and agricultural machinery
Disinfectants
Dry cleaning and dyeing
Electric generation plants
Electronics
Engines (including rebuilding)
Food processing
Furniture
Hemp products
Jute products
Laundries
Leather products
Machinery
Metals
Millwork (sash & door)
Motion pictures and television filming (without spectators)
Musical instruments
Optical goods
Paper mills or products
Photographic film
Plastic products

vised environment, having physical limitations because of health or age are harbored for medical treatment or other care or treatment, or in which people are detained for penal or correctional purposes or in which the liberty of the occupants is restricted. Institutional occupancies shall be classified as Group I-1, I-2, I-3 or I-4.

308.2 Group I-1. This occupancy shall include buildings, structures or parts thereof housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

Residential board and care facilities
Assisted living facilities
Halfway houses
Group homes
Congregate care facilities
Social rehabilitation facilities
Alcohol and drug centers
Convalescent facilities

A facility such as the above with five or fewer persons shall be classified as a Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2. A facility such as above, housing at least six and not more than 16 persons, shall be classified as Group R-4.

308.3 Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than five persons who are not capable of self-preservation. This group shall include, but not be limited to, the following:

Hospitals
Nursing homes (both intermediate-care facilities and skilled nursing facilities)
Mental hospitals
Detoxification facilities

A facility such as the above with five or fewer persons shall be classified as Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2.

308.3.1 Child care facility. A child care facility that provides care on a 24-hour basis to more than five children $2^1/_2$ years of age or less shall be classified as Group I-2.

308.4 Group I-3. This occupancy shall include buildings and structures that are inhabited by more than five persons who are under restraint or security. An I-3 facility is occupied by persons who are generally incapable of self-preservation due to security measures not under the occupants' control. This group shall include, but not be limited to, the following:

Prisons
Jails
Reformatories
Detention centers
Correctional centers
Prerelease centers

Buildings of Group I-3 shall be classified as one of the occupancy conditions indicated in Sections 308.4.1 through 308.4.5 (see Section 408.1).

308.4.1 Condition 1. This occupancy condition shall include buildings in which free movement is allowed from sleeping areas, and other spaces where access or occupancy is permitted, to the exterior via means of egress without restraint. A Condition 1 facility is permitted to be constructed as Group R.

308.4.2 Condition 2. This occupancy condition shall include buildings in which free movement is allowed from sleeping areas and any other occupied smoke compartment to one or more other smoke compartments. Egress to the exterior is impeded by locked exits.

308.4.3 Condition 3. This occupancy condition shall include buildings in which free movement is allowed within individual smoke compartments, such as within a residential unit comprised of individual sleeping units and group activity spaces, where egress is impeded by remote-controlled release of means of egress from such a smoke compartment to another smoke compartment.

308.4.4 Condition 4. This occupancy condition shall include buildings in which free movement is restricted from an occupied space. Remote-controlled release is provided to permit movement from sleeping units, activity spaces and other occupied areas within the smoke compartment to other smoke compartments.

308.4.5 Condition 5. This occupancy condition shall include buildings in which free movement is restricted from an occupied space. Staff-controlled manual release is provided to permit movement from sleeping units, activity spaces and other occupied areas within the smoke compartment to other smoke compartments.

308.5 Group I-4, day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. A facility such as the above with five or fewer persons shall be classified as a Group R-3 or shall comply with the *International Residential Code* in accordance with Section 101.2. Places of worship during religious functions are not included.

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.

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 $2^1/_2$ 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 $2^1/_2$ years or less of age, when the rooms where such children are cared for are located on the level of exit discharge and

TABLE 503
ALLOWABLE HEIGHT AND BUILDING AREAS
Height limitations shown as stories and feet above grade plane.
Area limitations as determined by the definition of "Area, building," per floor.

		TYPE OF CONSTRUCTION								
		TYPE I		TYPE II		TYPE III		TYPE IV	TYPE V	
		A	B	A	B	A	B	HT	A	B
	Hgt(feet)									
GROUP	Hgt(S)	UL	160	65	55	65	55	65	50	40
A-1	S	UL	5	3	2	3	2	3	2	1
	A	UL	UL	15,500	8,500	14,000	8,500	15,000	11,500	5,500
A-2	S	UL	11	3	2	3	2	3	2	1
	A	UL	UL	15,500	9,500	14,000	9,500	15,000	11,500	6,000
A-3	S	UL	11	3	2	3	2	3	2	1
	A	UL	UL	15,500	9,500	14,000	9,500	15,000	11,500	6,000
A-4	S	UL	11	3	2	3	2	3	2	1
	A	UL	UL	15,500	9,500	14,000	9,500	15,000	11,500	6,000
A-5	S	UL	UL	UL	UL	UL	UL	UL	UL	UL
	A	UL	UL	UL	UL	UL	UL	UL	UL	UL
B	S	UL	11	5	4	5	4	5	3	2
	A	UL	UL	37,500	23,000	28,500	19,000	36,000	18,000	9,000
E	S	UL	5	3	2	3	2	3	1	1
	A	UL	UL	26,500	14,500	23,500	14,500	25,500	18,500	9,500
F-1	S	UL	11	4	2	3	2	4	2	1
	A	UL	UL	25,000	15,500	19,000	12,000	33,500	14,000	8,500
F-2	S	UL	11	5	3	4	3	5	3	2
	A	UL	UL	37,500	23,000	28,500	18,000	50,500	21,000	13,000
H-1	S	1	1	1	1	1	1	1	1	NP
	A	21,000	16,500	11,000	7,000	9,500	7,000	10,500	7,500	NP
H-2	S	UL	3	2	1	2	1	2	1	1
	A	21,000	16,500	11,000	7,000	9,500	7,000	10,500	7,500	3,000
H-3	S	UL	6	4	2	4	2	4	2	1
	A	UL	60,000	26,500	14,000	17,500	13,000	25,500	10,000	5,000
H-4	S	UL	7	5	3	5	3	5	3	2
	A	UL	UL	37,500	17,500	28,500	17,500	36,000	18,000	6,500
H-5	S	3	3	3	3	3	3	3	3	2
	A	UL	UL	37,500	23,000	28,500	19,000	36,000	18,000	9,000
I-1	S	UL	9	4	3	4	3	4	3	2
	A	UL	55,000	19,000	10,000	16,500	10,000	18,000	10,500	4,500
I-2	S	UL	4	2	1	1	NP	1	1	NP
	A	UL	UL	15,000	11,000	12,000	NP	12,000	9,500	NP
I-3	S	UL	4	2	1	2	1	2	2	1
	A	UL	UL	15,000	10,000	10,500	7,500	12,000	7,500	5,000
I-4	S	UL	5	3	2	3	2	3	1	1
	A	UL	60,500	26,500	13,000	23,500	13,000	25,500	18,500	9,000
M	S	UL	11	4	4	4	4	4	3	1
	A	UL	UL	21,500	12,500	18,500	12,500	20,500	14,000	9,000
R-1	S	UL	11	4	4	4	4	4	3	2
	A	UL	UL	24,000	16,000	24,000	16,000	20,500	12,000	7,000
R-2[a]	S	UL	11	4	4	4	4	4	3	2
	A	UL	UL	24,000	16,000	24,000	16,000	20,500	12,000	7,000
R-3[a]	S	UL	11	4	4	4	4	4	3	3
	A	UL	UL	UL	UL	UL	UL	UL	UL	UL
R-4	S	UL	11	4	4	4	4	4	3	2
	A	UL	UL	24,000	16,000	24,000	16,000	20,500	12,000	7,000
S-1	S	UL	11	4	3	3	3	4	3	1
	A	UL	48,000	26,000	17,500	26,000	17,500	25,500	14,000	9,000
S-2[b, c]	S	UL	11	5	4	4	4	5	4	2
	A	UL	79,000	39,000	26,000	39,000	26,000	38,500	21,000	13,500
U[c]	S	UL	5	4	2	3	2	4	2	1
	A	UL	35,500	19,000	8,500	14,000	8,500	18,000	9,000	5,500

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m^2.
UL = Unlimited, NP = Not permitted.
a. As applicable in Section 101.2.
b. For open parking structures, see Section 406.3.
c. For private garages, see Section 406.1.

SECTION 903
AUTOMATIC SPRINKLER SYSTEMS

[F] 903.1 General. Automatic sprinkler systems shall comply with this section.

[F] 903.1.1 Alternative protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in lieu of automatic sprinkler protection where recognized by the applicable standard and approved by the building official.

[F] 903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section.

Exception: Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by a wall with a fire-resistance rating of not less than 1 hour and a floor/ceiling assembly with a fire-resistance rating of not less than 2 hours.

[F] 903.2.1 Group A. An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group A occupancies as provided in this section. For Group A-1, A-2, A-3 and A-4 occupancies, the automatic sprinkler system shall be provided throughout the floor area where the Group A-1, A-2, A-3 or A-4 occupancy is located, and in all floors between the Group A occupancy and the level of exit discharge. For Group A-5 occupancies, the automatic sprinkler system shall be provided in the spaces indicated in Section 903.2.1.5.

[F] 903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:

1. The fire area exceeds 12,000 square feet (1115 m^2).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than the level of exit discharge.
4. The fire area contains a multitheater complex.

[F] 903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (464.5 m^2).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than the level of exit discharge.

[F] 903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The fire area exceeds 12,000 square feet (1115 m^2).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than the level of exit discharge.

Exception: Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.

[F] 903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for Group A-4 occupancies where one of the following conditions exists:

1. The fire area exceeds 12,000 square feet (1115 m^2).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than the level of exit discharge.

Exception: Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.

[F] 903.2.1.5 Group A-5. An automatic sprinkler system shall be provided in concession stands, retail areas, press boxes and other accessory use areas in excess of 1,000 square feet (93 m^2).

[F] 903.2.2 Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 20,000 square feet (1858 m^2) in area.
2. Throughout every portion of educational buildings below the level of exit discharge.

Exception: An automatic sprinkler system is not required in any fire area or area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level.

[F] 903.2.3 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. Where a Group F-1 fire area exceeds 12,000 square feet (1115 m^2);
2. Where a Group F-1 fire area is located more than three stories above grade; or
3. Where the combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m^2).

[F] 903.2.3.1 Woodworking operations. An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 square feet (232 m^2) in area which generate finely divided combustible waste or use finely divided combustible materials.

[F] 903.2.4 Group H. Automatic sprinkler systems shall be provided in high-hazard occupancies as required in Sections 903.2.4.1 through 903.2.4.3.

[F] 903.2.4.1 General. An automatic sprinkler system shall be installed in Group H occupancies.

[F] 903.2.4.2 Group H-5. An automatic sprinkler system shall be installed throughout buildings containing Group H-5 occupancies. The design of the sprinkler sys-

tem shall not be less than that required by this code for the occupancy hazard classifications in accordance with Table 903.2.4.2. Where the design area of the sprinkler system consists of a corridor protected by one row of sprinklers, the maximum number of sprinklers required to be calculated is 13.

[F] TABLE 903.2.4.2
GROUP H-5 SPRINKLER DESIGN CRITERIA

LOCATION	OCCUPANCY HAZARD CLASSIFICATION
Fabrication areas	Ordinary Hazard Group 2
Service corridors	Ordinary Hazard Group 2
Storage rooms without dispensing	Ordinary Hazard Group 2
Storage rooms with dispensing	Extra Hazard Group 2
Corridors	Ordinary Hazard Group 2

[F] 903.2.4.3 Pyroxylin plastics. An automatic sprinkler system shall be provided in buildings, or portions thereof, where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities exceeding 100 pounds (45 kg).

[F] 903.2.5 Group I. An automatic sprinkler system shall be provided throughout buildings with a Group I fire area.

Exception: An automatic sprinkler system installed in accordance with Section 903.3.1.2 or 903.3.1.3 shall be allowed in Group I-1 facilities.

[F] 903.2.6 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. Where a Group M fire area exceeds 12,000 square feet (1115 m²);
2. Where a Group M fire area is located more than three stories above grade; or
3. Where the combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).

[F] 903.2.6.1 High-piled storage. An automatic sprinkler system shall be provided in accordance with the *International Fire Code* in all buildings of Group M where storage of merchandise is in high-piled or rack storage arrays.

[F] 903.2.7 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

[F] 903.2.8 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 12,000 square feet (1115 m²);
2. A Group S-1 fire area is located more than three stories above grade; or
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).

[F] 903.2.8.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406, as shown:

1. Buildings two or more stories in height, including basements, with a fire area containing a repair garage exceeding 10,000 square feet (929 m²).
2. One-story buildings with a fire area containing a repair garage exceeding 12,000 square feet (1115 m²).
3. Buildings with a repair garage servicing vehicles parked in the basement.

[F] 903.2.8.2 Bulk storage of tires. Buildings and structures where the area for the storage of tires exceeds 20,000 cubic feet (566 m³) shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

[F] 903.2.9 Group S-2. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.4 or where located beneath other groups.

Exception: Enclosed parking garages located beneath Group R-3 occupancies as applicable in Section 101.2.

[F] 903.2.9.1 Commercial parking garages. An automatic sprinkler system shall be provided throughout buildings used for storage of commercial trucks or buses where the fire area exceeds 5,000 square feet (464 m²).

[F] 903.2.10 All occupancies except Groups R-3 and U. An automatic sprinkler system shall be installed in the locations set forth in Sections 903.2.10.1 through 903.2.10.1.3.

Exception: Group R-3 as applicable in Section 101.2 and Group U.

[F] 903.2.10.1 Stories and basements without openings. An automatic sprinkler system shall be installed throughout every story or basement of all buildings where the floor area exceeds 1,500 square feet (139.4 m²) and where there is not provided at least one of the following types of exterior wall openings:

1. Openings below grade that lead directly to ground level by an exterior stairway complying with Section 1009 or an outside ramp complying with Section 1010. Openings shall be located in each 50 linear feet (15 240 mm), or fraction thereof, of exterior wall in the story on at least one side.
2. Openings entirely above the adjoining ground level totaling at least 20 square feet (1.86 m²) in each 50 linear feet (15 240 mm), or fraction thereof, of exterior wall in the story on at least one side.

[F] 903.2.10.1.1 Opening dimensions and access. Openings shall have a minimum dimension of not less than 30 inches (762 mm). Such openings shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that fire fighting or rescue cannot be accomplished from the exterior.

[F] 903.2.10.1.2 Openings on one side only. Where openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet (22 860 mm) from such openings, the story shall be equipped throughout with an approved automatic sprinkler system, or openings as specified above shall be provided on at least two sides of the story.

[F] 903.2.10.1.3 Basements. Where any portion of a basement is located more than 75 feet (22 860 mm) from openings required by Section 903.2.10.1, the basement shall be equipped throughout with an approved automatic sprinkler system.

[F] 903.2.10.2 Rubbish and linen chutes. An automatic sprinkler system shall be installed at the top of rubbish and linen chutes and in their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within such chutes at alternate floors. Chute sprinklers shall be accessible for servicing.

903.2.10.3 Buildings more than 30 feet in height. An automatic sprinkler system shall be installed throughout a building that has a floor level which has an occupant load of 30 or more occupants and which is located 30 feet (9144 mm) or more above the lowest level of fire department vehicle access.

Exceptions:

1. Airport control towers.
2. Open parking structures.
3. Occupancies in Group F-2.
4. Existing buildings having occupied floor levels not more than 55 feet (16 764 mm) in height above the lowest level of fire department vehicle access, where the local unit of government complies with the following parameters:
   - 4.1. The local unit of government having a municipal fire department with an ISO rating of 3 or lower, employing a full-time career fire-fighting staff.
   - 4.2. The governing body of the local unit of government has passed a resolution affirming the use of this exception and filed that resolution with the department of labor & economic growth, bureau of construction codes and fire safety.

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[F] 903.2.11 During construction. Automatic sprinkler systems required during construction, alteration and demolition operations shall be provided in accordance with the *International Fire Code.*

[F] 903.2.12 Other hazards. Automatic sprinkler protection shall be provided for the hazards indicated in Sections 903.2.12.1 and 903.2.12.2.

[F] 903.2.12.1 Ducts conveying hazardous exhausts. Where required by the *International Mechanical Code*, automatic sprinklers shall be provided in ducts conveying hazardous exhaust, or flammable or combustible materials.

Exception: Ducts in which the largest cross-sectional diameter of the duct is less than 10 inches (254 mm).

[F] 903.2.12.2 Commercial cooking operations. An automatic sprinkler system shall be installed in commercial kitchen exhaust hood and duct system where an automatic sprinkler system is used to comply with Section 904.

[F] 903.2.13 Other required suppression systems. In addition to the requirements of Section 903.2, the provisions indicated in Table 903.2.13 also require the installation of a suppression system for certain buildings and areas.

[F] 903.3 Installation requirements. Automatic sprinkler systems shall be designed and installed in accordance with Sections 903.3.1 through 903.3.7.

[F] TABLE 903.2.13
ADDITIONAL REQUIRED SUPPRESSION SYSTEMS

SECTION	SUBJECT
402.8	Covered malls
403.2, 403.3	High-rise buildings
404.3	Atriums
405.3	Underground structures
407.5	Group I-2
410.6	Stages
411.4	Special amusement buildings
412.2.5, 412.2.6	Aircraft hangars
415.7.2.4	Group H-2
416.4	Flammable finishes
417.4	Drying rooms
507	Unlimited area buildings
IFC	Sprinkler requirements as set forth in Section 903.2.13 of the *International Fire Code*

[F] 903.3.1 Standards. Sprinkler systems shall be designed and installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.

[F] 903.3.1.1 NFPA 13 sprinkler systems. Where the provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Section 903.3.1.1.1.

[F] 903.3.1.1.1 Exempt locations. Automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.

1103.2.4 Detached dwellings. Detached one- and two-family dwellings and accessory structures, and their associated sites and facilities as applicable in Section 101.2, are not required to be accessible.

1103.2.5 Utility buildings. Occupancies in Group U are exempt from the requirements of this chapter other than the following:

1. In agricultural buildings, access is required to paved work areas and areas open to the general public.
2. Private garages or carports that contain required accessible parking.

1103.2.6 Construction sites. Structures, sites and equipment directly associated with the actual processes of construction including, but not limited to, scaffolding, bridging, materials hoists, materials storage or construction trailers are not required to be accessible.

1103.2.7 Raised areas. Raised areas used primarily for purposes of security, life safety or fire safety including, but not limited to, observation galleries, prison guard towers, fire towers or lifeguard stands are not required to be accessible or to be served by an accessible route.

1103.2.8 Limited access spaces. Nonoccupiable spaces accessed only by ladders, catwalks, crawl spaces, freight elevators or very narrow passageways are not required to be accessible.

1103.2.9 Equipment spaces. Spaces frequented only by personnel for maintenance, repair or monitoring of equipment are not required to be accessible. Such spaces include, but are not limited to, elevator pits, elevator penthouses, mechanical, electrical or communications equipment rooms, piping or equipment catwalks, water or sewage treatment pump rooms and stations, electric substations and transformer vaults, and highway and tunnel utility facilities.

1103.2.10 Single-occupant structures. Single-occupant structures accessed only by passageways below grade or elevated above grade including, but not limited to, toll booths that are accessed only by underground tunnels, are not required to be accessible.

1103.2.11 Residential Group R-1. Buildings of Group R-1 containing not more than five sleeping units for rent or hire that are also occupied as the residence of the proprietor are not required to be accessible.

1103.2.12 Day care facilities. Where a day care facility (Groups A-3, E, I-4 and R-3) is part of a dwelling unit, only the portion of the structure utilized for the day care facility is required to be accessible.

1103.2.13 Detention and correctional facilities. In detention and correctional facilities, common use areas that are used only by inmates or detainees and security personnel, and that do not serve holding cells or housing cells required to be accessible, are not required to be accessible or to be served by an accessible route.

1103.2.14 Fuel-dispensing systems. The operable parts on fuel-dispensing devices shall comply with ICC A117.1, Section 308.2.1 or 308.3.1.

1103.2.15 Military, fire service, and police facilities. Housing, bathing, toilet, training, and storage areas intended for use and occupancy exclusively by military, fire service, police, or security personnel required to be physically agile are not required to be accessible.

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SECTION 1104
ACCESSIBLE ROUTE

1104.1 Site arrival points. Accessible routes within the site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones and public streets or sidewalks to the accessible building entrance served.

Exception: An accessible route shall not be required between site arrival points and the building or facility entrance if the only means of access between them is a vehicular way not providing for pedestrian access.

1104.2 Within a site. At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements and accessible spaces that are on the same site.

Exception: An accessible route is not required between accessible buildings, accessible facilities, accessible elements and accessible spaces that have, as the only means of access between them, a vehicular way not providing for pedestrian access.

1104.3 Connected spaces. When a building, or portion of a building, is required to be accessible, an accessible route shall be provided to each portion of the building, to accessible building entrances connecting accessible pedestrian walkways and the public way. Where only one accessible route is provided, the accessible route shall not pass through kitchens, storage rooms, restrooms, closets or similar spaces.

Exceptions:

1. In assembly areas with fixed seating required to be accessible, an accessible route shall not be required to serve fixed seating where wheelchair spaces or designated aisle seats required to be on an accessible route are not provided.
2. Accessible routes shall not be required to mezzanines provided that the building or facility has no more than one story, or where multiple stories are not connected by an accessible route as permitted by Section 1104.4.
3. A single accessible route is permitted to pass through a kitchen or storage room in an accessible dwelling unit.

1104.3.1 Employee work areas. Common use circulation paths within employee work areas shall be accessible routes.

Exceptions:

1. Common use circulation paths, located within employee work areas that are less than 300 square feet (27.9 m^2) in size and defined by permanently installed partitions, counters, casework or furnishings, shall not be required to be accessible routes.

each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

SECTION 309
MERCANTILE GROUP M

309.1 Mercantile Group M. Mercantile Group M occupancy includes, among others, buildings and structures or a portion thereof, for the display and sale of merchandise, and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public. Mercantile occupancies shall include, but not be limited to, the following:

Department stores
Drug stores
Markets
Motor fuel-dispensing facilities
Retail or wholesale stores
Sales rooms

309.2 Quantity of hazardous materials. The aggregate quantity of nonflammable solid and nonflammable or noncombustible liquid hazardous materials stored or displayed in a single control area of a Group M occupancy shall not exceed the quantities in Table 414.2.4.

SECTION 310
RESIDENTIAL GROUP R

310.1 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 where the occupants are primarily transient in nature, including:

Boarding houses (transient)
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)
Convents
Dormitories
Fraternities and sororities
Monasteries
Vacation timeshare properties
Hotels (nontransient)
Motels (nontransient)

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4 or I and where buildings do not contain more than two dwelling units as applicable in Section 101.2, or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Adult and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code* in accordance with Section 101.2.

R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants, excluding staff.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 except as otherwise provided for in this code or shall comply with the *International Residential Code* in accordance with Section 101.2.

310.2 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

BOARDING HOUSE. A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

DORMITORY. A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group, under joint occupancy and single management, as in college dormitories or fraternity houses.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

PERSONAL CARE SERVICE. The care of residents who do not require chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the resident while inside the building.

RESIDENTIAL CARE/ASSISTED LIVING FACILITIES. A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This classification shall include, but not be limited to, the following: residential board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers and convalescent facilities.

SECTION 311
STORAGE GROUP S

311.1 Storage Group S. Storage Group S occupancy includes, among others, the use of a building or structure, or a portion thereof, for storage that is not classified as a hazardous occupancy.

311.2 Moderate-hazard storage, Group S-1. Buildings occupied for storage uses which are not classified as Group S-2 including, but not limited to, storage of the following:

Aerosols, Levels 2 and 3
Aircraft repair hangar
Bags; cloth, burlap and paper
Bamboos and rattan
Baskets

7-1-06

Gladys Ford
1563 Brentwood Dr.
Troy - 48098

Northfield Hills Condo

In response to your survey regarding the rezoning for a group home in a residential neighborhood -

I certainly would vote against the rezoning for several reasons but in large part because of the tremendous taxes we pay as homeowners.

Even the increase in traffic per day is a concern.

I'm sure with more investigation a more rural setting would be more satisfactory for all.