



CITY COUNCIL REPORT

November 28, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian Murphy, Assistant City Manager/ Economic Development Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Group Child Care Homes in R-1A through R-1E Zoned Property.
ZOTA 214

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.
- On July 10, 2006, City Council postponed the item until the Regular City Council Meeting scheduled for Monday, September 11, 2006, for the purpose of addressing concerns raised by City Council.
- On September 11, 2006, City Council passed a resolution to postpone this item until the first meeting in December 2007 or until the State of Michigan notifies us that the conflict in the State regulations has been resolved, whichever comes first.
- At this time the only new documentation from the State that we have received on the matter is the enclosed summary of the requirements. This summary outlines the requirements of both the Licensing Rules and Building Codes that the facilities are required to comply with.
- There have been numerous meetings at the State level to try to resolve this matter. However, no revisions have been made to any statutes or rules to change the status of the matter.
- Should we receive any update to this information we will forward it for Council's consideration.



STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

KEITH W. COOLEY
DIRECTOR

August 22, 2007

TO: All Interested Parties

FROM: Henry L. Green
Executive Director

SUBJECT: Code Comparison Summary for Child Care Facilities

Enclosed for your reference is a copy of the Code Comparison Summary of the MDHS Licensing Rules and the 2003 Michigan Building Code.

This summary was developed by the Bureau of Construction Codes, based on concerns brought forth regarding enforcement of the Michigan Building Code on Existing Child Care Facilities. The bureau worked with the Department of Human Services, Division of Child Care Licensing and Office of Children and Adult Licensing to assure that all items were identified and addressed to provide for the safety and security of the occupants of these facilities.

We thank you for your patience while this summary was being researched and prepared. If you have any questions, please contact Irvin Poke, Chief of the Plan Review Division at (517) 241-9328.

HLG/hav

Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
P.O. BOX 30254 • LANSING, MICHIGAN 48909
Telephone (517) 241-9302 • Fax (517) 241-9570
www.michigan.gov

**Code Comparison Summary
Child Care Facilities for 7-12 Children
MDHS Licensing Rules
For
Family and Group Child Care
Vs
The Michigan Building Code
September 1, 2006**

Licensing Overview

Day Care facilities serving 7 – 12 children in a residential setting are subject to regulation and licensure under 1973 PA 116, which defines these facilities as a "Group Day Care Home". Also, the January 1, 2006, licensing rules for Family and Group Child Care Homes apply. The Michigan Department of Human Services (DHS) currently administers PA 116 and the licensing rules. These regulations include very limited provisions related to construction, mechanical, plumbing and electrical issues within the facility. In addition to the licensing rules, DHS licensing staff uses a "Technical Assistance Manual", which is interpretation and guidelines on application of the rules created by licensing staff. Inspections of these facilities for compliance with all requirements are conducted by private contractors as directed by DHS licensing staff and licensing consultants.

Construction Code Act Overview

The Stille-DeRossett-Hale Single State Construction Code Act established the Michigan Construction Code as the construction standard for the construction, reconstruction and use of all buildings. The Michigan Construction Code consists of the Michigan Building Code (MBC), Michigan Electrical Code (MEC), Michigan Mechanical Code (MMC), Michigan Plumbing Code (MPC) and the Michigan Residential Code. There is not a specific preemption citing the Michigan Construction Codes within the child care licensing provisions. Therefore, the Michigan Construction Code is applicable to child care facilities.

Executive Summary

A review of the Michigan Department of Human Services (MDHS), Child Care Licenses Rules and the Michigan Building Code (MBC) requirements for child care facilities yield a number of significant differences. The MDHS child care licensing rules will allow up to 12 children of any age in a single family dwelling. The MBC will allow only 5 children in a single family dwelling. If there are 6 or more children, and not more than 5 of the children are 2 ½ year or less in age, the MBC classifies the building as group E (educational) and applies the applicable standards. These standards are those typically applied to school buildings. If there are more than 5 children 2 ½ or less in age the building must be classified as I-4 (institutional, day care facilities) and an institutional standard is applied, recognizing that the occupants are not capable of self preservation. However, if each room occupied by children 2 ½ years or less has a door directly to the outside, the building may be classified as and E use.

The MDHS licensing rules do not require access to persons with disabilities. Without regard to the use classification the MBC requires the building to meet the standard for accessibility to persons with disabilities. It should be noted that the Americans with Disabilities Act requires access to persons with disabilities, and a non-compliant childcare in a single family dwelling may be subject to the federal complaint process. The MBC references the Michigan Electrical, Mechanical, and Plumbing Codes for the electrical, mechanical, plumbing, and environmental requirements, respectively. The standards in the Michigan Construction Code are specific and detailed, while those in the MDHS rules use subjective language and the user must rely on the interpretations provided in the Technical Assistance Manual.

Code overview

Use Classification

The Michigan Building Code defines specific use categories for the various occupancy types and uses. Section 305.2 of the MBC classifies a child care facility as a Group E (Educational) Building when there are more than 5 children older than 2 ½ years of age. Buildings under the Group E classification do not allow for the care of children less than 2 ½ years of age unless the building complies with the requirements of the exception in this section

Section 308.5 of the MBC, (Group I-4, Day Care Facility), states:

"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. . . "

Section 308.5.2 further defines provisions for Child Care Facilities noting:

" . . . a facility that provides supervision and personal care on less than a 24 hour basis for more than five children 2 ½ years of age or less shall be classified as Group I-4."

An exception to this section allows for a building in which care is provided for children 2 ½ years or less to be classified as Use Group E:

"When the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior. . . "

The Michigan Construction Code requirements for I-4 occupancies are comprehensive, and therefore are not repeated in this summary. However, major requirements which would impact licensing considerations are identified.

Section 1103.2.12 of the MBC states:

"Where a day care facility (use 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."

Accessibility

Therefore, portions of these facilities used for day care are required to meet the applicable accessibility requirements within the MBC. Additionally, the Americans with Disabilities Act (ADA) requires that portion of a residence that provides a service to the public to be accessible. Notwithstanding the MDHS licensing rules, a home child care provider is subject to a federal action if not in compliance with the ADA. This action may be initiated by any person or entity. This is not an area within the purview of any state agency but rather is regulated through the US Department of Justice.

Rehabilitation Code

The Michigan Rehabilitation Code may be utilized for existing buildings and in some cases provide a more reasonable approach achieving overall safety of the building. The requirements of the Rehabilitation Code are exhaustive and require an individual assessment of the building based upon the level of work contemplated. A brief summary of some of the requirements follows that would be applicable to a change of use in the day care portion of the building:

1. Capacity of the means of egress shall comply with the Michigan Building Code (MBC).
2. The interior finish of walls and ceilings shall comply with the requirements of MBC for new buildings.
3. Stairways shall be enclosed in accordance with the provisions of 812.4.1.1 of the 2003 Michigan Rehabilitation Code.
4. Existing corridor walls would be required to have a minimum construction of wood lath, plaster, and gypsum wallboard.
5. Fire barriers would be required to separate a mixed-use building.
6. Automatic sprinklers are required (unless insufficient municipal water supply is available for a NFPA 13 system to the floor of the work area without installing a new fire pump).
7. Accessibility in compliance with the Michigan Building Code and Act 1 of 1966 shall be provided to the day-care portion of the building.

Exceptional Practical Difficulties

The Michigan Construction Codes does provide for other alternative compliance methods. Where a situation is unusual, the code provides for a variance where the practical application of the code would result in an exceptional practical difficulty.

General Discussion

This comparison evaluates those requirements in PA 116 and/or the January 1, 2006 licensing rules which relate to the Michigan code provisions. There are many requirements in these regulations that are considered "non-code" issues. Examples include: staffing requirements; notifying parents about pesticide or fertilizer treatments; or restrictions relating

to firearms on the premises. These are typical of the items not evaluated as part of this report.

For clarification on the application of certain licensing rules and regulations, Jim Sinnamon, Director of the Division of Child Care Licensing, DHS, was consulted.

The requirements of PA 116, and within the January 1, 2006 licensing rules, do not require compliance with all applicable state codes. According to Mr. Sinnamon, the Division of Child Care Licensing does not require family/group home applicants to provide verification of compliance with the state codes as part of the licensing procedure. He stated that the licensing statute requires only that the home be a "private residence", and since applicants are typically already living in their homes when they apply for licensure, it is *assumed* the residence complies with building, electrical, mechanical and/or plumbing codes. It is therefore, questionable if a state or local code enforcement official would be aware of a licensed day care use within a Use Group R-3 Building (one-and-two family dwelling) in the jurisdiction.

Height and area limitations

- *January 1, 2006 Licensing Rules, Rule 43(4);*
- *MBC section 503*

Discussion

The licensing rules do not address the construction type, height or area of the facility. When a level of a home above the second floor is used for child care, Rule 43(4) requires the building to be of one-hour fire resistive construction.

The MBC limits I-4 (Day Care Facility) occupancies in Type VB (unprotected wood frame) construction to one story and 9000 sq. ft. One additional story is permitted if the building is provided with an automatic sprinkler system. In order to be three stories, the MBC would require type IV (Heavy Timber), IIIA (Noncombustible Exterior Walls), IIIB (sprinkled), IIA Noncombustible Construction), IIB (sprinkled), or type I (Noncombustible) construction.

Interior finish

Interior Finishes are defined as interior wall and ceiling finishes and interior floor finishes

- *January 1, 2006 Licensing Rules, not addressed*
- *MBC section 803*

Discussion

The licensing rules do not provide requirements for interior finishes.

The MBC requires Class A finishes in all exits and exit passageways, and Class B in all other rooms/spaces.

Class A interior finishes are defined as materials that provide a flame spread of 0-25 and smoke development rating of 0-450.

Class B interior finishes are defined as materials that provide a flame spread of 26-75 and smoke development rating of 0-450.

The purpose for defining interior finish rating is to assure the interior finishes do not contribute to flame spread and smoke development and allow for exiting of building occupants and emergency rescue and evacuation.

Fire Sprinkler Systems

- *January 1, 2006 Licensing Rules, not addressed*
- *MBC section 903.2.5*

Discussion

The licensing rules do not require fire protection systems.

The MBC requires group I occupancies to be provided throughout with an automatic sprinkler system.

When classified as a Use Group E Occupancy and provided with an exterior door from each room housing children 2 ½ years or less as provided in Section 308.5.2 an automatic sprinkler system is not required.

Fire alarm and detection system

- *January 1, 2006 Licensing Rules, not addressed*
- *MBC section 907.2.6*

Discussion

The licensing rules do not require fire alarm systems, but do require smoke detectors to be installed and maintained on each floor level of the home, including the basement, and in all sleeping areas and bedrooms used by children in care. Heat detectors may be utilized in kitchens. The terminology "smoke detector is antiquated. The proper terminology is a smoke alarm. The changes in the industry vernacular provide that a detector simply detects and a single- or multiple-station smoke alarm is responsive to smoke and sounds an alarm from an integrated or connected audible alarm.

The MBC requires a manual fire alarm system and automatic fire detection system throughout. There are also smoke alarm requirements for buildings built prior to 1974.

Exit enclosure

- *January 1, 2006 Licensing Rules, Rule 43(4)*
- *MBC section 1018, 1019*

Discussion

The licensing rules require 2 stairways to ground level when the second floor of a home is used for child care. The building is required to be constructed of 1-hour fire resistive construction and have at least 1 required stairway and all other vertical openings enclosed by minimum 1-hour fire resistive construction.

The MBC requires a minimum of two enclosed means of egress constructed of fire-resistive construction.

Guardrails

- *January 1, 2006 Licensing Rules, not addressed*
- *MBC section 1012, 1607*

Discussion

The licensing rules require that all steps, stairs, porches, and elevated structures to which children in care have access be protected to prevent falls and shall be free of ice and snow accumulation. However, there is no indication of what "protected" means. DHS licensing staff indicates that their technical assistance manual states "*Steps, stairs, porches, elevated structures, including decks and protective railings should not contain openings greater than 3 ½ inches to prevent head or body entrapments.*" No other direction is provided.

The MBC requires porches, balconies or raised floor surfaces located more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 42 inches (914 mm) in height. Open sides of stairs with a total rise of more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 34 inches (864 mm) in height measured vertically from the nosing of the treads. The MBC has various requirements for protection from ice and snow.

Opening limitations are restricted such that a 4 inch diameter sphere cannot pass through any opening. Further, the code restricts guards so that a climbable element is not created and that the guard be of sufficient strength to resist lateral and vertical forces.

Stairways and Handrails

- *January 1, 2006 licensing rules, Rule 32(4);*
- *MBC Section 1009.11*

Discussion

The licensing rules require three or more steps, or a total rise of 24 inches or more, shall require a handrail. No specific requirements for design or construction of handrails are provided. DHS licensing staff states that there is no definition for the term "handrail" in their rules and regulations. The only guidance offered in their technical assistance manual is "*Total rise is determined by measuring the distance from ground level to the landing.*"

The MBC provides standards for tread and riser relationships, dimensions and headroom. Further, the code requires handrails to be provided on stairways and ramps. Handrail height is required to be not less than 34 (864 mm), nor more than 38 inches (965 mm). There are also specific requirements for the strength, design, continuity, and grip size of handrails.

Water supply; sewage disposal

- *January 1, 2006 licensing rules, Rule 33(1) & (2);*
- *MBC Section 2901*

Discussion

The licensing rules state that water supply shall be from an approved source, and that all sewage be disposed of through a public system, or in the absence thereof, in a manner approved by the environmental health authority. No specific requirements are indicated. DHS licensing staff referred to the technical assistance manual, which states "*private water supplies require an environmental health inspection by the local environmental health authority. Their findings and recommendations are considered when determining compliance with this rule.*"

The MBC refers to the Michigan Plumbing Code, which includes complete requirements for the installation of plumbing systems. These include the protection of potable water systems, waste, drain and venting requirements.

Plumbing facilities

- *January 1, 2006 licensing rules, Rule 33(3)*
- *MBC Section 2901*

Discussion

The licensing rules require that a child care home have a minimum of 1 flush toilet and 1 hand-washing sink with hot and cold running water.

The MBC refers to the Michigan Plumbing Code, which requires 1 drinking fountain, 1 service sink, 1 water closet and 1 lavatory with an ASSE 1016 valve to provide temperature protection as outlined below. This is based on the I-4 use group with an occupant load less than 15. If the occupant load is 15 or greater, toilet facilities would be required for each sex in accordance with MPC table 403.

Water temperature

- *January 1, 2006 licensing rules, Rule 33(4)*
- *MBC Section 2901 & MPC Section 607.1*

Discussion

The licensing rules require hot water temperature shall not exceed 120 degrees Fahrenheit at water faucets accessible to children.

The MBC refers to the Michigan Plumbing Code, Section 607.1; exception 2 requires tempered water to be provided through a control valve that complies with ASSE 1016 standard. The standard requires a valve at each fixture. Tempered water is defined as water having a temperature range of between 85 and 110 degrees Fahrenheit.

-Heating and Ventilation

- *January 1, 2006 licensing rules, Rule 34(1) & (2) & 41(3)*
- *MBC Sections 1204 & 2801*

Discussion – The licensing rules state that each room 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. The temperature shall be not less than 65 degrees Fahrenheit at a point 2 feet above the floor. Rule 41(3) prohibits use of portable heating devices when children are in care. Measures shall be taken to cool the children when the temperature exceeds 82 degrees Fahrenheit. Windows and doors that are used for ventilation shall be screened and in good repair. The ventilation cooling requirements in the licensing rules are not specific, making compliance subjective.

The MBC Section 1204 requires interior spaces intended for human occupancy to be provided with active or passive space heating systems capable of maintaining a minimum indoor temperature of 68 degrees Fahrenheit at a point 3 feet above the floor level. MBC Section 2801 refers to the Michigan Mechanical Code, which includes exhaustive requirements for heating and ventilation. The Michigan Mechanical Code Sections 312, 402 and 403 provide specific requirements for cooling and ventilation based on the activity and number of occupants in a space.

The Michigan Mechanical Code provides for the installation of mechanical systems that provide for heating and ventilation including location of exhaust vents in relationship to building openings and supply air for heating and ventilation equipment. The Code also provides for the protection of recirculation of contaminated air.

Carbon Monoxide detector

- *January 1, 2006 licensing rules, Rule 34(3)*
- *MBC – Not addressed*

Discussion

The licensing rules require an approved carbon monoxide detector be placed on all levels approved for child care.

The MBC does not address this issue. Several questions have been raised regarding the reliability of carbon monoxide detectors. National discussions have not concluded a definitive response to this question.

Radon Gases

- *January 1, 2006 licensing rules, Rule 34(4)*
- *MBC – Not addressed, Michigan Residential Code Appendix F*

Discussion

The licensing rules require all basements approved for child use shall have radon gases not to exceed 4 picocuries per liter of air. Documentation of the results shall be kept on file in the home.

The MBC does not address this issue, as one- and two-family dwellings are regulated by the Michigan Residential Code. Radon is primarily an issue discussed in residential occupancies. The Michigan Residential Code sets forth provisions in Appendix F, Radon Control Methods and would be applicable based on the work performed and the geographical area of the residence. Appendix F provides prescriptive requirements for radon mitigation.

Lighting and Ventilation

- *January 1, 2006 licensing rules, Rule 34(5)*
- *MBC Section 1203, 1205*

Discussion

The licensing rules require that all child-use areas have adequate natural and/or artificial lighting, but don't list specific requirements. DHS licensing staff referred to the technical assistance manual, which describes "adequate lighting" as "*lighting to allow for the supervision of children; and assure for safe exiting in case of emergency.*"

The MBC Section 1205 includes specific requirements for lighting and ventilation. These provisions of the code set forth requirements for natural light and ventilation as well as artificial light and ventilation. The code also provides for lighting and ventilation levels based on occupancy and activities.

Heat Producing Equipment

- *January 1, 2006 licensing rules, Rule 41(1), (2), (4) & (5)*
- *MBC Section 2801*

Discussion

The licensing rules require that all flame-producing and heat-producing equipment be maintained in a safe condition and shielded to protect against burns. Combustible materials and equipment shall not be stored within 4 feet of furnaces, other flame or heat-producing equipment, or fuel-fired water heaters. Furnaces, other flame or heat-producing equipment used to heat the home, and fuel-fired water heaters shall be inspected before the initial license issuance, and every 2 years thereafter at the time of license renewal [Rule 41(5)].

The MBC refers to the Michigan Mechanical Code, which includes complete requirements for heat producing appliances (water heaters, furnaces, fireplaces and boilers), the protection of such devices and relationship to building elements and occupants.

Electrical service; maintenance

- *January 1, 2006 licensing rules, Rule 42(1), (2) & (3)*
- *MBC Section 2701*

Discussion

The licensing rules require the electrical service be maintained in a safe condition, and when warranted, an electrical inspection by an electrical inspecting authority. However, there is no guidance regarding who makes the determination that such an inspection is warranted, or who the electrical authority is. Electrical outlets accessible to children must have safety covers. Electrical cords shall be arranged so they are not hazards to children. DHS licensing staff refer to the technical assistance manual, which states "*Possible indicators of an electrical problem may include, but are not limited to: Exposed, loose, frayed or stripped wires; Burned wiring; Buzzing sound at the electrical box; Inappropriate/misuse of extension cords, especially when used in lieu of permanent wiring; Flickering or dimming of the lights.*"

The MBC refers to the Michigan Electrical Code, which includes complete requirements for the installation and ongoing use of electrical systems, appliances and equipment. This includes the protection from shock hazards, the relationship of electrical equipment to other building elements, and the hazards to building occupants. Specifically, the Electrical Code defines unsafe conditions and when action is warranted to correct defects and hazards

Exits – number of, and arrangement

- *January 1, 2006 licensing rules, Rule 43(1), (2), (3) & (10)*
- *MBC Section 1014*

Discussion – The licensing rules require at least 2 remotely located exits for every floor level occupied by children. At least one exit from each floor level shall provide a direct, safe means of unobstructed travel to the outside at street or ground level. No specific requirements for the size or location of the doors are indicated. Rooms or spaces accessible only by a ladder or folding stairway shall not be used by children in care. A window may be used as a second exit if it is accessible to children and caregiving staff, is clearly identified, is readily openable, and is of a size and design to allow for the evacuation of all children and caregiving staff. DHS licensing staff refers to the technical assistance manual, which states "*The caregiver is responsible for explaining the plans for safe exiting from all floors used for child care to all assistant caregivers, the designated emergency person, and the children. Any basement window used as an exit must open into an area that permits those exiting to reach the ground at grade in a safe manner.*"

The MBC requires two exit or exit access doorways from any space for more than 10 occupants. The requirements for exits and means of egress in the MBC are exhaustive.

Emergency escape and rescue windows are not considered exits but are required in habitable basements and sleeping rooms for emergency escape and rescue.

Means of Egress Lighting

- *January 1, 2006 licensing rules, Rule 43(6)*
- *MBC Section 1006*

Discussion

The licensing rules require the means of egress to be adequately lit at all times that children are in care. DHS licensing staff states that adequate lighting for safe passage to the identified means of egress is required. However, there is no specific definition for the term "adequate". DHS licensing staff refers to the technical assistance manual, which states "*Adequate lighting can be natural light, overhead lighting, or lamps.*"

The MBC Section 1006 includes exhaustive requirements for means of egress lighting. MBC section 1006.2 requires an illumination level of 1 foot candle (11 lux) at the floor level.

Exit Door locks

- *January 1, 2006 licensing rules, Rule 43(7), (8) & (9)*
- *MBC Section 1008.1.8*

Discussion

The licensing rules state all locking devices on doors in "a required path of escape" shall not impede or prohibit emergency exiting, and must be easily disengaged 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. Interior door hardware shall be designed to allow opening from the outside during and emergency. All closet door latches shall be such that children can open the door from inside the closet.

Section 1008.1.8 of the MBC requires all egress doors to be readily openable from the side of egress without the use of a key or special knowledge or effort.

Basements

- *January 1, 2006 licensing rules, Rule 43(11) & (12)*
- *MBC Section 1025*

Discussion

The licensing rules require steps or 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. An emergency escape window to the outside is required for basements approved for child use after the effective date of these rules. The window shall be not less than 20 inches wide and 24 inches high, with a minimum area of 5 square feet. The bottom of the opening shall be less than 44 inches above the floor. If the sill height is below grade, it shall open into a

window well with at least 9 square feet of area, 3 feet in length and width. If the depth is over 44 inches, this shall have approved steps.

Section 1025 of the MBC requires basements with habitable space and every sleeping room to have at least one operable emergency escape and rescue opening. Sill height shall be not more than 44 inches above the floor. Such openings must have a minimum net clear opening of 5.7 square feet; grade floor openings must be minimum 5 square feet. Openings shall be minimum 20 inches wide and 24 inches high. Window wells must be minimum 9 square feet, with a minimum horizontal projection of 36 inches. Section 1025.5.2 requires window wells with a vertical depth greater than 44 inches shall be equipped with a permanent ladder. However, where a basement is designed for 10 or more occupants in the basement 2 exits are required. An emergency escape and rescue window is not considered an exit.

Fire Extinguishers

- *January 1, 2006 licensing rules, Rule 44(3)*
- *MBC Section 906.1 refers to the International Fire Code*

Discussion

The licensing rules require 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, on each floor level that is used by children in care.

The IFC Section 906, by reference from the MBC, requires portable fire extinguishers in accordance with NFPA 10.

Flood-Resistant Construction

- *January 1, 2006 licensing rules, not addressed*
- *MBC Appendix G*

Discussion

The licensing rules have no requirements for flood resistant construction.

The MBC Appendix G has complete requirements to regulate flood resistant construction. These requirements cover floor elevation above the base flood level and construction of the foundations. The MRC in section 323 also has corresponding requirements for one- and two-family dwellings.