

Although many Day Cares are built from the ground up, the Office of the State Fire Marshal has seen an increasing number of these occupancies converted from buildings with other Use categories. It is important to note that the Office of the State Fire Marshal needs to be consulted prior to this change in addition to the appropriate child-care licensing agencies.

Regardless if a new building is being constructed or if an existing structure is merely experiencing a "Change in Use", an application is required to be processed through our Office. It is recommended that the requirements for Day Care be carefully reviewed prior to purchasing a property or signing a lease since not all existing facilities are arranged to meet the requirements. To assist an applicant in preparing their application and building plans, the following items may serve as a partial list of concerns that need to be addressed. This list is not intended to be all inclusive. All Day Care occupancies are required to meet the minimal requirements outlined in the 2006 edition of the Life Safety Code® as well as any applicable State Regulations.

When a Day Care is designed so as to permit more than 12 clients and the clients are to be located below the Level of Exit Discharge (typically known as grade level), the area is to be protected by automatic sprinklers and the construction is to be either Fire Resistive, Non-combustible, or incorporate a minimum of 1-hour rated fire resistivity. When the clients are to be located only one level above the Level of Exit Discharge, the area is to be protected by automatic sprinklers unless the construction is either Fire Resistive or Non-combustible incorporating a minimum 2-hour rated fire resistivity. When the clients are to be located more than 1 level above the Level of Exit Discharge, the area is always required to be protected by automatic sprinklers.

When Day Care occupancies are located two or more levels above the Level of Exit Discharge, each story of the Day Care shall be subdivided into not less than two smoke compartments by

smoke barriers. In Day Care occupancies located any number of levels above the Level of Exit Discharge AND if the clients are less than 24 months of age or incapable of self-preservation, each story of the Day Care shall be subdivided into not less than two smoke compartments by smoke barriers.

Only doors equipped with panic hardware or fire exit hardware shall be permitted to lock and/or latch in a required means of egress from an area having an occupant load of 13 or more persons.

Every closet door latch shall be such that clients can open the door from inside the closet. Every bathroom door lock shall be designed to allow opening of the locked door from the outside in an emergency. The opening device shall be readily accessible to the staff.

Each floor occupied by clients shall have at least two exits. Unless protected by an automatic sprinkler system, Dead-End corridors shall not exceed 20 feet and a Common Path of Travel shall not exceed 75 feet. In a Day Care that is protected by an automatic sprinkler system, Dead-End corridors shall not exceed 50 feet and a Common Path of Travel shall not exceed 100 feet.

Some of the areas that will require emergency lighting are interior stairs, interior corridors, assembly use spaces, and interior or windowless portions of the building. All EXITS shall be provided with EXIT signs.

Unless the building is protected throughout by a supervised automatic sprinkler system, or the room/space has a door leading directly to the outside, every room/space (except bathrooms) occupied by clients shall have at least one outside window for rescue. The window shall be openable from the inside without the use of tools. It shall provide an opening of not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area. The bottom of the window shall not be more than 44 inches above the floor.

In many cases, every interior corridor is to be constructed of walls having not less than a 1-hour fire resistance rating. In sprinkler protected buildings, the corridors need not be rated as long as they form smoke partitions.

All electrical receptacles in all areas occupied by clients are to be provided with special protective covers. Heating equipment in spaces occupied by clients are to be provided with partitions, screens, or other means to protect clients from hot surfaces and open flames.

Typically, clothing and personal effects are prohibited from being stored in corridors.

Artwork and teaching materials attached directly to the walls are not permitted to exceed 20 percent of the wall area.

## **SPECIAL RULES FOR DAY-CARE HOMES WHERE THERE WILL BE 12 OR FEWER CLIENTS:**

Every room used for sleeping, living, or dining purposes shall have not less than two means of escape, of which at least one shall be a door or stairway providing a means of unobstructed travel to the outside of the building at street or ground level. No room or space accessible only by a ladder or folding stairs or through a trap door shall be occupied for living or sleeping purposes.

Where the number of clients exceeds six, every story occupied by clients shall have at least 2 remotely located means of escape. Where spaces on the story above the level of exit discharge are used by clients, not less than one means of escape shall be an exit discharging directly to the outside.

Emergency lighting is not required for day-care homes where there will be 12 or fewer clients. Smoke alarms shall be installed within day-care homes. Single-station smoke alarms powered by the building electrical system, shall be provided in all rooms used for sleeping. Where a day-care

home is located within a building of another occupancy, such as in an apartment building or office building, corridors serving the day-care home shall be provided with a smoke detection system.

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#### **The following items are required for submittal?**

1. One (1) copy of your building construction plans;
2. Application for Fire Protection Plan Review; and
3. Building Plan Review Fee: Multiply the construction costs by \$0.007 for the first million, and \$0.003 over the first million (check, money order, or cashier's check made payable to **City of Wilmington**)
4. A minimum \$150.00 Building Plan Review Fee is required for any plan submittal whose construction costs are less than \$21,428.57.

#### **For further information or questions, contact one of the following offices:**

##### **New Castle County**

Office of State Fire Marshal  
2307 MacArthur Road  
New Castle, DE 19720-2426  
Phone: (302) 323-5365  
Fax: (302) 323-5366

##### **Kent County**

Office of State Fire Marshal  
Delaware State Fire Service Center  
1537 Chestnut Grove Road  
Dover, DE 19904  
Phone: (302) 739-4394  
Fax: (302) 739-3696

##### **Sussex County**

Office of State Fire Marshal  
Industrial Park Boulevard  
RD #3, Box 15-A  
Georgetown, DE 19947  
Phone: (302) 856-5298  
Fax: (302) 856-5800

**If your project is located within the jurisdiction of one of the following cities, contact.**

##### **Wilmington Fire Marshal's Office**

Louis L. Redding-City/County Building  
800 North French Street - Third Floor  
Wilmington, DE 19801  
Phone: (302) 576-3120  
[www.WilmingtonDE.gov/departments/firemarshal.htm](http://www.WilmingtonDE.gov/departments/firemarshal.htm)

##### **City Fire Marshal's Office**

P.O. Box 475  
Dover, DE 19903  
Phone: (302) 736-7010

##### **New Castle Fire Marshal's Office**

212 Delaware Street  
New Castle, DE 19720  
Phone: (302) 322-9801

# Day Care Occupancies

## Wilmington Fire Department



## Fire Marshal's Office

# General Requirements

1-2009