

State of Oregon  
Building Codes Division

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Alternate Method Ruling No. 07-01  
(Ref.: ORS 455.060)

*Issued February 7, 2007*

**CHILD CARE IN M OCCUPANCIES**

**Requested by:** Tualatin Valley Fire and Rescue

**Background:**

Many mercantile occupancies (malls, department stores, etc.) now provide limited duration, child-care for the convenience of patrons. While the Oregon Structural Specialty Code (OSSC) provides clear guidance for the regulation of traditional daycare, limited stay child care in mercantiles is not clearly defined.

When the strict application of the OSSC is applied to traditional daycare in a mercantile, compliance can be difficult at best. For example, the OSSC assigns an occupancy classification of either an E or I-4 to child care or daycare uses. In turn, access to two independent exits must be provided where 10 or more children are present. Most mercantiles offering limited duration child care are unable to provide this level of access. In addition, occupancy separation walls with fire ratings of up to 2 hours are necessary between these two uses.

Given the limited duration of the child care being provided in stores, it is not reasonable to expect the same level of fire, life-safety code compliance required for traditional daycare where supervision may be provided on a 24 hour basis. It should also be noted that there have been no reported fire, life-safety issues with this use.

The scientific and technical merits of this alternate method ruling have been reviewed by the Building Codes Structures Board.

**APPLICABLE CODES**

2004 and 2007 Oregon Structural Specialty Code

**History:** The Building Codes Structures Board concurred with the scientific and technical merits of this alternate method ruling on February 7, 2007. Certain requirements of this ruling default to I-4 occupancy provisions rather than E, since the ages of the children are not known. In order to

facilitate a timely exit of the children through the M occupancy means of egress, the child care area is limited to 750 square feet.

**Alternate Method Ruling:**

1. The purpose and function of limited duration, drop-in child care is accessory to the M occupancy's primary function.
2. The aggregate floor area devoted to the child care area must not be greater than 10 percent of the mercantile floor area and in no case exceed 750 square feet.
3. Access to no less than two independent exits shall be provided immediately upon exiting the child care area.
4. The building must be provided with an automatic sprinkler system throughout in accordance with OSSC 903.3.1.1.
5. The travel distance from the child care area is limited to a maximum of 200 feet.
6. The area devoted to child care must be located on the first story above grade plane.