

780 CMR: MASSACHUSETTS AMENDMENTS TO THE *INTERNATIONAL BUILDING CODE 2009*

**CHAPTER 3: USE AND OCCUPANCY CLASSIFICATION**

**301.2** Add section:

**301.2 Referenced Codes.** Refer to section 101 for requirements in other referenced codes, including 101.4.5 regarding 527 CMR.

**303.1.1** Add section:

**303.1.1 Definitions.**

**NIGHT CLUB.** An occupancy generally characterized by a combination of any of the following: no theatrical stage accessories other than raised platform; low lighting levels; entertainment by a live band or recorded music generating above-normal sound levels; later-than average operating hours; tables and seating arranged or positioned so as to create ill defined aisles; a specific area designated for dancing; service facilities for alcoholic beverages with limited food service; and high occupant load density.

**305.2** Replace this section with:

**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 two years nine months of age, shall be classified as a Group E occupancy.

**Exception.** See use group R-2 or R-3 for a day care with six to ten children. Also see M.G.L. c. 15D.

**307.1** Throughout this section replace '*International Fire Code*' with '*International Fire Code* and 527 CMR, as applicable'.

**307.1** Revise item 8 in the Exception to read as follows:

8. See Appendix C for agricultural material storage and utilization.

**307.2** Add or revise definitions as follows:

**COMBUSTIBLE LIQUID.** Delete the last sentence and replace with these exceptions:

**Exceptions:** The category of combustible liquids shall not apply to:

1. Compressed gases or cryogenic fluids.
2. Class II and III liquids that are not heated to or above their flash points and:
  - a. that have no fire point when tested in accordance with ASTM D92, up to the boiling point of the liquid or up to a temperature at which the sample being tested shows an obvious physical change; or
  - b. that are in a water-miscible solution or in a dispersion with a water and inert (noncombustible) solids content of more than 80% by weight, which do not sustain combustion when tested using 49CFR 173 Appendix H or the UN Recommendation on the Transport of Dangerous Goods.

**WATER MISCIBLE LIQUID.** A liquid that mixes in all proportions with water without the use of chemical additives, such as emulsifying agents.

**308.2** Add a third and fourth paragraph to this section as follows:

Residences such as the above with five or fewer occupants that are operated or licensed by the Massachusetts Department of Developmental Services shall comply with the 780 CMR One- and Two-family Dwellings.

For assisted living facilities also see the *residential care/assisted living facilities* definition in Section 310.2.

**308.3** Add a second paragraph to this section as follows:

A building or structure such as above subject to licensure pursuant to 104 CMR 28.00: *Licensing and Operational Standards for Community Programs* or operated by the Department of Mental Health, housing no more than 12 people, shall be classified as Group R-4.

3.00: continued

**308.3.1** Revise this definition as follows:

**CHILD CARE FACILITIES.** Facilities that provide care on a 24-hour basis to more than five children, two years nine months of age or less.

**308.5.2** Replace as follows:

**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 two years nine months of age or less shall be classified as Group I-4.

**Exceptions:**

1. A child day care facility that provides care for more than five but no more than 100 children two years nine months of age or less, where the rooms in which the children are cared for are located on a *level of exit discharge* serving such rooms and each of these child care rooms has an *exit* door directly to the exterior, shall be classified as Group E.
2. See use group R-2 or R-3 for a day care with six to ten children. Also see M.G.L. c. 15D.

**310.1 R-2** Add to the list of occupancies:

**Summer Camps for Children** (see section 426)

**310.1 R-2** Add these three paragraphs:

*Child care facilities* which comply with M.G.L. c. 15D, and that provide accommodations for ten or fewer children of any age for less than 24 hours are permitted in dwelling units of an R-2 building.

R-2 occupancies include facilities regulated by the Department of Mental Health that are in conformance with the occupant safety requirements of 115 CMR 7.00: *Standards for All Services and Supports*.

For assisted living facilities also see the *residential care/assisted living facilities* definition in Section 310.2.

**310.2 R-3** Replace as follows:

**R-3 Residential occupancies** where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

Buildings that do not contain more than two *dwelling units*.

Adult care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.

*Child care facilities*, which comply with M.G.L. c. 15D, which provide accommodations for ten or fewer children of any age for less than 24 hours, in a dwelling unit of a one or two dwelling unit building. Such dwelling units for *child care facilities* are permitted to comply with the 780 CMR One-and Two-Family Dwellings.

Congregate living facilities with 16 or fewer persons.

Adult care and *child care facilities* and residences within a one family dwelling or units of a two family dwelling are permitted to comply with the 780 CMR One-and Two-Family Dwellings.

Townhouses (three or more attached dwelling units) more than three stories in height. Height and area and fire protection requirements for townhouses shall be restricted to those for R-2 uses. (Note: Townhouses three stories or less are also classified as R-3 but shall comply with the 780 CMR One-and Two-family Dwellings.)

Residences with five or fewer occupants that are operated or licensed by the Massachusetts Department of Developmental Services shall comply with the 780 CMR One-and Two-family Dwellings.

R-3 occupancies include facilities regulated by the Department of Mental Health that are in conformance with the occupant safety requirements of 115 CMR 7.00: *Standards for All Services and Supports*.

**310.2** Add or revise definitions as follows:

3.00: continued

**BOARDING HOUSE.** A building arranged or used as a "lodging house" as defined in M.G.L. c. 140, § 22.

**CONGREGATE LIVING FACILITIES.** A building or part thereof that contains sleeping units where residents share bathroom and/or kitchen facilities. Such facilities may include exempted facilities noted in M.G.L. c. 140, § 22.

**RESIDENTIAL CARE/ASSISTED LIVING FACILITIES.** Add a second paragraph and Note:

Assisted living facilities shall conform with this code and M.G.L. c. 19D as administered by the Executive Office of Elder Affairs. Assisted living facilities with more than 16 persons, licensed by the Executive Office of Elderly Affairs per MGL 19D, shall be classified as Group R-2. For building code purposes portions of assisted living residences which are used for any use other than R Use shall be classified, designed and constructed in accordance for their intended use.

**Note.** This occupancy includes such facilities regulated by the Department of Mental Health that are in conformance with the occupant safety requirements of 115 CMR 7.00: *Standards for All Services and Supports*.

**SUMMER CAMPS FOR CHILDREN.** Premises with residential facilities operated solely between April and October for recreational and other purposes. For requirements *see* section 426.

312.2 Add subsection:

**312.2 Agricultural Buildings.** Agricultural buildings shall be exempt from the provisions otherwise applicable to use Group U buildings, but shall be governed by the provisions set forth in Appendix C.

NON-TEXT PAGE