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## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

TITLE 41: FIRE PROTECTION  
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 100  
FIRE PREVENTION AND SAFETY

## Section

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100.APPENDIX A Modification of Standards Referenced in NFPA 101 (Repealed)

AUTHORITY: Implementing and authorized by Section 9 of the Fire Investigation Act [425 ILCS 25/9].

SOURCE: Illinois Rules and Regulations for Fire Prevention and Safety, amended September 24, 1973; amended January 8, 1974; Rules and Regulations relating to Fireworks filed October 8, 1974; codified at 5 Ill. Reg. 10673; amended at 6 Ill. Reg. 13021, effective December 15, 1982; amended at 7 Ill. Reg. 16399, effective January 1, 1984; amended at 9 Ill. Reg. 1009, effective July 1, 1985; Sections 100.81, 100.82 and 100.85 recodified to 41 Ill. Adm. Code 105.5, 105.10 and 105.20 at 11 Ill. Reg. 5992; Part repealed, new Part adopted at 12 Ill. Reg. 8017, effective August 1, 1988; emergency amendment at 13 Ill. Reg. 582, effective January 3, 1989, for a maximum of 150 days; emergency expired June 2, 1989; amended at 13 Ill. Reg. 12547, effective July 14, 1989; amended at 17 Ill. Reg. 19127, effective November 1, 1993; amended at 20 Ill. Reg. 13086, effective September 20, 1996; amended at 21 Ill. Reg. 8932, effective July 15, 1997; amended at 22 Ill. Reg. 21330, effective December 15, 1998; amended at 25 Ill. Reg.

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11919, effective January 1, 2002; amended at 27 Ill. Reg. 3360, effective April 1, 2003; amended at 43 Ill. Reg. 10008, effective January 1, 2020.

**Section 100.1 Introduction**

Pursuant to authority conferred upon the Office of the State Fire Marshal ~~Office (OSFMthe Office)~~ by Section 9 of ~~the Fire Investigation Act [425 ILCS 25], this Part is "AN ACT in relation to the investigation and prevention of fire," (Ill. Rev. Stat. 1985, ch. 127½, par. 9) the following rules are hereby~~ adopted to establish the OSFM requirements for in relation to the investigation and prevention of fire and dangerous conditions in and near buildings and other structures.

(Source: Amended at 43 Ill. Reg. 10008, effective January 1, 2020)

**Section 100.2 Definitions**

"Act" means the Fire Investigation Act [425 ILCS 25].

"Authority Having Jurisdiction" or "AHJ" means the OSFM and local government authorities.

"Fire Safety Evaluation System" or "FSES" means a fire risk indexing approach to determining equivalencies to NFPA 101 for certain occupancies.

"Life Safety Code" or "NFPA 101" means NFPA 101, Life Safety Code as incorporated by reference in Section 100.7.

"Local Government Authorities" means those organizations that are the political governing unit of a county, district or municipality that enforces laws, regulations or ordinances within its specific geographical area.

"NFPA" means the National Fire Protection Association.

"OSFM" means the Office of the State Fire Marshal.

"State Fire Marshal" means the State Fire Marshal, his or her deputies, inspectors or designees.

(Source: Added at 43 Ill. Reg. 10008, effective January 1, 2020)

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**Section 100.3 Title; Jurisdiction; Powers; Responsibility of Owners, Occupants or Lessees; Penalties; Right of Entry; Reference to Documents; Fire Prevention and Safety Standards Equal to or Higher Than this Part Existing Structures**

- a) Title  
This Part shall be known and cited as the Fire Prevention and Safety Rules. ~~They shall be referred to hereinafter as this Part.~~
- b) Jurisdiction  
The provisions of this Part shall apply to ~~all~~ localities within Illinois.
- c) Powers
- 1) ~~OSFM The Office~~ is authorized and directed to enforce the ~~provisions provision~~ of this Part (see subsection (f)). The State Fire Marshal shall make, or cause to be made, inspections of buildings, structures and premises to determine ~~their~~ conformity of those buildings, structures and premises with ~~the provisions of~~ this Part and to ensure their safety to life and property from fire or other emergency requiring evacuation of the building, structure or premises (~~such as presence of explosive or flammable gasses, fume hazard, and power failure~~).
  - 2) *All local officers charged with the duty of investigating fires shall enforce this Part, under the direction of OSFM, except in those localities that have adopted fire prevention and safety standards equal to or higher than the standards adopted by this Part [425 ILCS 25/9].*
  - 3) ~~OSFM The Office~~ will inspect buildings building based upon requests from agencies of ~~State state~~ and local government, complaints from the public, known or observed violations, potential for loss of lives from fire in given occupancies where statutes or, rules ~~or regulations~~ mandate inspections by ~~OSFM the Office~~ or where an inspection of a structure or an occupancy is necessary to prevent fire or to minimize the dangers of fire. The inspections shall be conducted, in accordance with this Part, subject to available resources.
  - 4) OSFM shall allow the use of the edition of NFPA 101, Life Safety Code currently adopted by the federal Centers for Medicare and Medicaid

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Services (CMMS) in occupancies subject to CMMS regulatory authority or reimbursement requirements.

- 5) Except as otherwise provided by statute or interagency agreement, all State-owned buildings and buildings that fall under the scope of the Fire Sprinkler Dormitory Act [110 ILCS 47] and the Greek Housing Fire Safety Act [110 ILCS 130] are subject to inspection by OSFM and are required to comply with NFPA 101, Life Safety Code (2015) as adopted by this Part.
- d) Responsibility of Owners, Occupants or Lessees  
It is the responsibility of the owner, occupant or lessee to ensure his or her building and occupancy comply with this Part or a code that provides a degree of fire safety equal to or higher than that required by this Part.
- ed) PenaltiesPenalty  
The penalties for violation of ~~the provisions of~~ this Part shall be those stated in such as are provided in Section 9e of the Fire Investigation Act [425 ILCS 25/9e].
- fe) Right of Entry  
*OSFM and the officers of cities, villages, towns, and fire protection districts charged with the duty of investigating fire by the Act shall, under the direction of OSFM, inspect and examine, at reasonable hours, any premises and the building and other structures on that premises to determine whether there are any violations of this Part or of the local ordinances for the protection of life and property from fire or other dangerous condition [425 ILCS 25/9]. Local AHJs The State Fire Marshal, his subordinates, the fire chief of any city, town, village, or fire protection district, or a subordinate delegated by said fire chief shall have the right within their respective geographical area of responsibility to enter any building or structure at any reasonable time for the purpose of making an inspection to determine whether or not there are any violations of this Part or the local ordinances for the protection of life and property from fire or other emergency. The inspector shall obtain permission from the owner, occupant, or other interested party to inspect and conduct an inspection at any reasonable time (generally, during regular business hours). Local officials having jurisdiction are empowered and directed to invoke any provisions of this Part to enforce correction of any condition hazardous to life and property from fire or other emergency.*

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- f) Reference to Documents  
~~Wherever a document is incorporated by reference in this Part, a copy of the document shall be kept on file in the Office, and shall be available for public inspection. Where standards are incorporated by reference in this Part, the incorporated material does not include any later editions or amendments.~~
- g) Fire Prevention and Safety Standards Equal to or Higher Than This Part~~Where the term 'the authority having jurisdiction' is used, it shall mean the Office. OSFM may consider codes adopted by local AHJs to be equal to or higher than this Part (as that phrase is used in Section 9 of the Act) when the code meets one or more of the following six criteria:~~
- 1) The local AHJ has demonstrated, to the satisfaction of OSFM, that the code adopted by the local AHJ is identical in its entirety to this Part;
  - 2) The local AHJ has demonstrated, to the satisfaction of OSFM, that the code adopted by the local AHJ incorporates every provision of this Part in its entirety, as well as providing more stringent requirements;
  - 3) The local AHJ has demonstrated, to the satisfaction of OSFM, that the code adopted by the local AHJ incorporates a subsequent edition of NFPA 101, Life Safety Code in its entirety (see Section 100.9);
  - 4) The code adopted by the local AHJ is the subject of an agreement between that local AHJ and OSFM in which OSFM has attested to the fact that the local AHJ's code is equal to or higher than this Part;
  - 5) The model codes, listed in subsections (g)(5)(A) and (B) when adopted in their entirety by a unit of local government, will be considered as providing equivalent fire safety. The unit of local government may amend its adoption limited to all or part of the modifications found in 41 Ill. Adm. Code 100.7(c).
- A) For new occupancies or construction:
- i) Local jurisdictions that have adopted and enforce the International Code Council's International Building Code

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- and International Fire Code; 2012 edition, 2015 edition, or 2018 edition.
- ii) Local jurisdictions that have adopted and enforce NFPA 5000; 2012 edition, 2015 edition, or 2018 edition.
- B) For existing occupancies or buildings:
- i) Occupancies in those local jurisdictions that were constructed and maintained in accordance with the International Code Council's International Building Code and International Fire Code; 2000, 2003, 2006, 2009, 2012, 2015, or 2018 edition.
- ii) Occupancies in those local jurisdictions that were constructed and maintained in accordance with NFPA 5000; 2003, 2006, 2009, 2012, 2015, or 2018 edition; or
- 6) The local AHJ has otherwise demonstrated, to the satisfaction of OSFM, that its local code is equal to or higher than this Part, based upon all of the following factors:
- A) The Chief local official charged with the duty of investigating fires under the Act affirmatively asserts in writing that the local authority uses a fire and life safety code that, in its entirety, is equivalent with this Part when viewed holistically;
- B) OSFM concurs that the local authority uses a fire and life safety code that, in its entirety, is equivalent with this Part when viewed holistically;
- C) The local authority has a dedicated fire prevention inspection capability;
- D) The local authority has its own dedicated administrative enforcement capability; and
- E) The local authority has its own dedicated civil/criminal enforcement capability.

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(Source: Amended at 43 Ill. Reg. 10008, effective January 1, 2020)

**Section 100.7 Adoption of NFPA 101, Codes and Standards~~Life Safety Code by Reference~~**

~~The Office of the State Fire Marshal adopts the "Code for Safety to Life from Fire in Buildings and Structures" as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code.~~

- a) OSFM hereby adopts the nationally-recognized standards, codes and guides listed as incorporated standards in subsection (b), subject to OSFM modifications listed in subsection (c). Standards incorporated by reference in this Part do not include any later editions or amendments, unless explicitly stated otherwise in this Part.~~The Life Safety Code becomes the code for Fire Prevention and Safety subject to the modifications set forth in this Part. NFPA 101, Life Safety Code (2000 edition) is on file with the Office of the State Fire Marshal at the following locations:~~

~~1035 Stevenson Drive  
Springfield, Illinois 62703-4259~~

~~State of Illinois Building  
100 W. Randolph Street  
Chicago, Illinois 60601~~

~~2209 West Main Street  
Marion, Illinois 62959~~

~~Copies are available for purchase from:~~

~~National Fire Protection Association  
Batterymarch Park  
Quincy MA 02269~~

- b) Incorporated Standards  
National Fire Protection Association  
Batterymarch Park  
Quincy MA 02269



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NFPA 101, Life Safety Code (2015) (adopted in its entirety, subject to the OSFM modifications in subsection (c)).

NFPA 101, Life Safety Code (2000) (only to the extent cited in subsections (c)(1), (c)(2) and (c)(6)).

NFPA 101A, Guide on Alternative Approaches to Life Safety (2016).

NFPA 101A, Guide on Alternative Approaches to Life Safety (2001) (only to the extent cited in subsection (c)(1)).

NFPA 914, Code for Fire Protection of Historic Structures (2010) (only to the extent cited in Section 100.8).

NFPA 80, Standard for Fire Doors and Other Opening Protectives (2013) (only to the extent cited in subsection (c)(10)(I)).

NFPA 1, Fire Code (2015) (only to the extent cited in subsection (c)(11)).

cb) Modifications to the Life Safety Code

- 1) High Rise Buildings  
All existing high rise buildings, as defined in NFPA 101, Life Safety Code (all applicable Sections), shall comply with the sprinkler requirements prescribed in the 2000 edition of NFPA 101, Life Safety Code, effective January 1, 2002. Use of a Fire Safety Evaluation System (FSES) for compliance with this Section must adhere to NFPA 101A, Guide on Alternative Approaches to Life Safety (2001).
- 2) Assembly Occupancies  
All existing assembly occupancies, as defined in NFPA 101 (Chapter 13), shall comply with the sprinkler requirements prescribed in the 2000 edition of NFPA 101, Life Safety Code, effective January 1, 2002.
- 3) Day Care Occupancies
  - A) Child Care Facilities (see the Child Care Act of 1969 [225 ILCS 101])

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- i) For purposes of determining the occupancy subclassification of a day care facility, the current version of the following Department of Children and Family Services rules will be applied: 89 Ill. Adm. Code 406, 407 and 408. This is applicable to licensed and nonlicensed facilities.
- ii) Child-to-staff ratios in day care facilities shall comply with 89 Ill. Adm. Code 406, 407 and 408 and with the Child Care Act of 1969 [225 ILCS 10]. Any conflicting provisions of NFPA 101, Life Safety Code are inapplicable to day care facilities.
- iii) In day care homes in which clients occupy a level below the level of exit discharge, means of escape shall be provided in accordance with either the applicable requirements of NFPA 101, Life Safety Code (2015) or with one of the following:
  - If a means of escape discharging directly to the outside at the basement level is not provided, requiring occupants to traverse another level of the home to exit, the path of escape through the level of exit discharge shall be separated from the remainder of that level of the home by construction providing a minimum fire resistance rating of 1-hour; or
  - The home shall be equipped with smoke alarms permanently powered by the building's electrical system and wired so that the actuation of one smoke alarm will actuate all the smoke alarms in the dwelling. At least one such smoke alarm shall be located on each level of the occupancy (excluding unoccupied attics and crawl spaces), and the path of escape through the level of exit discharge (from the basement door to the exterior door of the home) must be protected by automatic fire sprinklers. Listed residential sprinklers shall be used and the installation shall be made in accordance with 41 Ill.

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Adm. Code 109 and codes and standards referenced in that Part.

- B) Windows for Rescue in Existing Day Care Centers  
Windows for rescue required by NFPA 101, Life Safety Code (2015), Section 17.2.11.1, are not required for existing day care centers.
- C) Day Care Homes – New and Existing  
Day care homes shall be defined as new and existing based on the date the original home construction was completed and available for residency.
- D) Smoke Detection in Corridors Outside Day Care Homes Located Within a Building of Another Occupancy  
A smoke alarm system installed as prescribed in this subsection (c)(3)(D) shall be permitted to be used in day care homes located within a building of another occupancy in lieu of a smoke detection system connected to a fire alarm system as required by NFPA 101, Life Safety Code (2015), Sections 16.6.3.4.2 and 17.6.3.4.2:
- i) Smoke alarms connected to the building's electric shall be installed in accordance with proper coverage standards in the corridor serving the day care home.
- ii) Smoke alarms connected to the building's electric shall be installed in accordance with proper coverage standards within the day care home (see NFPA 101, Life Safety Code (2015)), Section 16.6.3.4 for new day care homes and Section 17.6.3.4 for existing day care homes) as well as within 15 ft of all sleeping rooms. NFPA 101, Life Safety Code (2015), Section 17.6.3.4.4 shall not be permitted to be used.
- iii) All smoke alarms regulated by subsections (c)(3)(D)(i) and (ii) will be arranged so that operation of any smoke alarm shall cause all smoke alarms within the corridor and the day care home to sound.

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- 4) One- and Two-Family Dwellings  
NFPA 101, Life Safety Code (2015), Chapter 24 (One- and Two-Family Dwellings) is adopted as recommended guidelines only, except when referenced as being required for compliance with this Part.
- 5) Communicating Spaces  
Corridors shall not be required to be separated from communicating spaces as required in NFPA 101, Life Safety Code (2015), Section 8.6.6, in new or existing occupancies, provided all of the following criteria are met:
  - A) The arrangement complies with all other requirements of Section 8.6.6(4), including, if applicable, 8.6.6(4)(b);
  - B) The building is protected throughout by an approved automatic sprinkler system; and
  - C) Two means of egress are provided to occupants of the building on each floor that is served by the communicating opening that do not require the use of the stairway located within the communicating space, as defined in NFPA 101, Section 8.6.6.
- 6) Mixed Occupancies  
All existing mixed occupancies, as defined by NFPA 101, Life Safety Code, shall, at minimum, continue to comply with the requirements of Section 6.1.14 of NFPA 101, Life Safety Code (2000), effective January 1, 2002, but shall also be permitted to comply with the requirements of Section 6.1.14 of NFPA 101, Life Safety Code (2015).
- 7) Determination of "Story" in Occupancies  
The criteria for what a "story level" is, as found in NFPA 101, Life Safety Code (2015), Section 16.1.1.8 and 17.1.1.8 are permitted to be used for all occupancies found in NFPA 101, Life Safety Code (2015).
- 8) Use of NFPA 101A for Apartment Building Occupancies  
NFPA 101A, Guide on Alternative Approaches to Life Safety (2016), Sections 7.6 and 7.7, may be used to demonstrate equivalent protection in apartment buildings, regardless of whether they contain board and care

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occupancies or house board and care clients receiving personal care services.

- 9) Means of Egress Design to Travel to Direct Exits and Travel to Windows for Rescue in Educational Occupancies and Day Care Centers  
Travel to exits or to windows for rescue shall be permitted as follows in educational occupancies and day care centers:
- A) Travel directly from one room through adjoining rooms to reach an exit without entering a corridor may be permitted as long as the travel distance does not exceed 150 ft and doors located between the rooms are not locked or obstructed and other requirements found in NFPA 101, Life Safety Code (2015) are met.
  - B) Travel directly from one room through adjoining rooms without entering a corridor to reach a window for rescue may be permitted as long as the travel distance does not exceed 75 ft and doors located between the rooms are not locked or obstructed and other requirements found in NFPA 101, Life Safety Code (2015) are met.
  - C) Travel may be considered to be within a single room if two or more rooms are connected using openings that are at least 60 inches in clear width without any doors.
- 10) Door Locking to Prevent Unwanted Entry  
Occupancies shall be permitted to provide locking to prevent unwanted entry as long as all of the following requirements are met:
- A) The locking means is approved and complies with NFPA 101, Life Safety Code (2015);
  - B) The locking means can be engaged without opening the door;
  - C) The unlocking and unlatching from the occupied side of the door can be accomplished without the use of a key or tool;
  - D) For existing occupancies only, the unlocking and unlatching requires not more than two releasing operations. For new

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- occupancies, unlocking and unlatching requires no more than one releasing operation;
- E) The unlocking and unlatching means are mounted at a height not exceeding 48 inches above the finished floor;
- F) Locks, if remotely engaged, can be unlocked from the occupied side;
- G) The door is capable of being unlocked and opened from outside the room by staff with the necessary key or other credential;
- H) The locking means does not modify the door closer, panic hardware, or fire exit hardware;
- I) Modifications to fire door assemblies, including door hardware, shall be in accordance with NFPA 80, Standard for Fire Doors and Other Opening Protectives (2013);
- J) The emergency response plan addresses the use of the locking and unlocking means from within and outside the room;
- K) Staff is drilled in the engagement and release of the locking means, from within and outside the room, as part of the emergency response plan; and
- L) If doors are replaced, the new door shall comply with unlocking and unlatching that does not require more than one releasing operation.
- 11) Use of Combustible Vegetation in Buildings  
Combustible vegetation within buildings shall comply with NFPA 1, Fire Code (2015), Section 10.13.
- 12) Windows for Rescue and Windows Used as a Secondary Means of Escape  
Where windows for rescue are required or where they are used as a secondary means of escape, the bottom sill of the window shall be not more than 44 inches above the floor as required by NFPA 101, Life Safety Code (2015), or a permanently fixed stair or ramp shall be installed at the

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window to allow occupants to be within 44 inches of the bottom window sill when standing atop the stair or ramp. The stair or ramp shall be at least the width of the window or a minimum of 36 inches in width, whichever is larger.

- 13) Size and Access to Secondary Means of Escape  
If a window is used as a secondary means of escape as permitted by NFPA 101, Life Safety Code (2015) and the size is not in accordance with NFPA 101, Life Safety Code (2015), the owner or operator of the facility using this window as a secondary means of escape must demonstrate to an on-site representative of OSFM that all occupants (staff and clients) can escape through the window to the exterior of the facility in 3 minutes or less.

- d) The materials incorporated by this Section are on file with OSFM at the following locations:

1035 Stevenson Drive  
Springfield IL 62703-4259

James R. Thompson Center  
100 W. Randolph Street, Ste. 4-600  
Chicago IL 60601

~~Child Care Facilities~~

- A) ~~Day Care Centers. Those facilities regulated under Chapters 16 and 17 (Day Care Centers) of the Life Safety Code shall include only:~~
- i) ~~any facility licensed as a Day Care Center by the Department of Children and Family Services;~~
  - ii) ~~any unlicensed facility that regularly provides day care for less than 24 hours per day for more than 8 children in a family home, or more than 3 children in a facility other than a family home;~~

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- iii) ~~part day child care facilities, as defined in the Child Care Act of 1969.~~
  - B) ~~Day Care Homes. Those facilities regulated under Chapters 16 and 17 (Family Day Care Homes) of the Life Safety Code shall include only:~~
    - i) ~~any facility licensed as a day care home by the Department of Children and Family Services;~~
    - ii) ~~any unlicensed facility that is a family home that receives more than 3 up to a maximum of 12 children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12. This subsection (b)(1)(B) does not affect facilities that receive only children from a single household.~~
  - C) ~~Group Day Care Homes. Those facilities regulated under Chapters 16 and 17 (Group Day Care Homes) of the Life Safety Code shall include only:~~
    - i) ~~any facility licensed as a group day care home by the Department of Children and Family Services; or~~
    - ii) ~~any unlicensed facility that is a family home that receives more than 3 up to a maximum of 16 children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12.~~
  - D) ~~For purpose of determining the classification of a child care facility, current Department of Children and Family Services guidelines will be applied.~~
- 2) ~~Child to Staff Ratios~~  
~~Child to Staff ratios in day care facilities shall comply with 89 Ill. Adm. Code 406 and 407 and with the Child Care Act of 1969. Any conflicting provisions of the Life Safety Code are inapplicable.~~



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- 3) ~~One and Two Family Dwellings~~  
Chapter 24 (~~One and Two Family Dwellings~~) is adopted as recommended guidelines only.
- 4) ~~When clients occupy a level below the level of exit discharge in a day care home or group day care home occupancy, exiting shall be provided in accordance with the requirements of the applicable edition of the Life Safety Code, or with the following:~~
- A) ~~Primary Means of Egress~~
- i) ~~If an exit discharging directly to the outside at the basement level is not provided, and therefore occupants must traverse another level of the home to exit, the path of egress through the level of exit discharge shall be separated from the remainder of that level of the home by construction providing a minimum fire resistance rating of 1 hour, or~~
- ii) ~~The home shall be equipped with smoke detectors permanently powered by the building's electrical system and wired so that the actuation of one detector will actuate all the detectors in the dwelling. At least one such smoke detector shall be located on each level of the occupancy (excluding unoccupied attics), and the path of egress through the level of exit discharge (from the basement door to the exterior door of the home) must be protected by automatic fire sprinklers. Listed residential sprinklers shall be used and the installation shall be made in accordance with National Fire Protection Association Standard #13D, Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes — 1994 edition.~~
- B) ~~Secondary Means of Egress~~  
~~If a window is used where the size is not in accordance with the applicable edition of the Life Safety Code, the owner or operator of the day care or group day care home must demonstrate to an on-site representative of the Office of the State Fire Marshal that all occupants (staff and clients) can escape through the window to the~~

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~~exterior of the home in 3 minutes or less. The bottom sill of any window used as a secondary means of escape shall be within 44 inches of the floor as required by the Life Safety Code, or a permanently fixed stair or ramp shall be installed at the window to allow occupants to be within 44 inches of the bottom window sill when standing atop the stair or ramp.~~

- 5) ~~Permanently Moored Vessels~~
- A) ~~Occupancies located on permanently moored floating vessels are subject to compliance with the applicable occupancy chapter of the Life Safety Code (2000 edition), the fire safety standards contained in National Fire Protection Association Standard 307, Standard for the Construction and Fire Protection of Marine Terminals, Piers and Wharves (1995 edition) and the criteria listed in this Section.~~
  - B) ~~A stability test shall be conducted by the licensee in accordance with 46 CFR, Subchapter S, Part 170, Subpart F. In lieu of a stability test, the licensee may elect to perform a Deadweight Survey to determine the Lightweight Displacement and Longitudinal Center of Gravity. The Vertical Center of Gravity shall be determined by a conservative estimate, subject to approval by a marine authority acceptable to the Office of the State Fire Marshal.~~
  - C) ~~The intact stability characteristics for each vessel must comply with the following criteria:~~
    - i) ~~46 CFR, Subchapter S, Part 170, Subpart E, Sections 170.160, 170.170, and 170.173.~~
    - ii) ~~In lieu of compliance with Section 170.173, the licensee may elect to comply with alternate criteria for Vessels of Unusual Proportion and Form, as may be acceptable to the United States Coast Guard at that time, for certified passenger vessels.~~
    - iii) ~~46 CFR, Subchapter S, Part 171, Subpart E, Section 171.050.~~

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- ~~D) All permanently moored vessels shall be required to comply with a one-compartment standard of flooding, as outlined in 46 CFR 171.070, regardless of the passenger capacity of the vessel.~~
- ~~E) All permanently moored vessels shall be required to comply with Damage Stability Standards of 46 CFR, Subchapter S, Part 171, Subpart C, Section 171.080.~~
- ~~F) Additionally, all vessels must comply with requirements for Stability After Damage (Damage Righting Energy Criteria) as may be acceptable to the United States Coast Guard at that time for certified passenger vessels.~~
- ~~G) Additionally, an annual survey shall be conducted of permanently moored vessels to determine if structural changes exist which may affect the stability of the vessel. The survey shall consist of the following:~~
- ~~i) General inspection of the superstructure and layout of outfitting to ensure there are no changes to the approved arrangement that may affect the stability of the vessel;~~
  - ~~ii) Inspection of the underdock spaces to ensure watertight integrity of the vessel is maintained;~~
  - ~~iii) Inspection and report on the condition of the hull and watertight bulkheads;~~
  - ~~iv) Inspection and report on the condition of water tight doors and water tight bulkhead penetration; and~~
  - ~~v) Inspection and report on the condition of ventilator, hatch covers, and manhole covers.~~

~~This annual survey does not apply to United States Coast Guard Certified Vessels that are subject to their regulatory inspections.~~

- ~~H) Inspection and Examination of Permanently Moored Vessels~~

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- i) ~~Permanently moored vessels shall undergo drydock and internal structural examinations at intervals in accordance with 46 CFR 71.50-3 or present evidence of compliance with alternative methods of hull examination as may be deemed acceptable at the time, by the United States Coast Guard, for vessels that operate in fresh water.~~
- ii) ~~Inspection of permanently moored vessels having steel or aluminum hulls may be performed in dry dock or in the water. In the water inspections shall consist of an internal structural examination and a detailed non-destructive examination of the vessel's hull. The non-destructive hull examination may be performed by underwater inspection methods or from inside the vessel if all compartments are safely accessible. ("Safely accessible" shall be dependent upon the issuance of a "gas free certificate" by a certified marine chemist.)~~
- iii) ~~All structural and in the water examinations and inspections of permanently moored vessels shall be under the direction of a registered professional engineer. Expertise of the engineer, or engineering team, shall include non-destructive testing methods and procedures, materials engineering and naval architecture, material engineering knowledge of both general and specific corrosion types associated with welds and oxygen differential cells, as well as the effects of such types of corrosion on hull longevity.~~
- iv) ~~The inspection techniques must be under the general direction of an American Society for Nondestructive Testing (ASNT) Level III Non-destructive Certified Technician. Inspections and measurements must be performed by an ASNT Level II (or higher) Non-destructive Certified Technician.~~
- v) ~~The inspection results must be maintained in a format that will allow for examination by the Office of the State Fire~~

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~~Marshal's representatives, including comparison of results from the previous inspections.~~

- ~~vi) Repairs using underwater welding shall be subject to periodic reevaluation at subsequent inspections. Such repairs shall be completed in accordance with the standards found in the American Welding Society's "Specifications for Underwater Welding".~~
- ~~vii) The Office of the State Fire Marshal may require immediate dry docking of the vessel if structural examinations and underwater inspections or repair work are not conducted in accordance with this Section.~~
- ~~viii) All work shall be governed by and construed according to Illinois law effective on the execution date.~~
- ~~I) Written documentation of compliance with the requirements of subsections (b)(5)(B) through (H) shall be furnished to the Office of the State Fire Marshal by the owner of the permanently moored vessel. Such documentation shall be certified by a marine authority approved by the Office of the State Fire Marshal.~~
- ~~J) Permanently moored vessels, when occupied as public assembly occupancies in accordance with definitions given in the Life Safety Code, shall:
  - ~~i) Be equipped with an on-board electrical generator, sized and installed so as to be capable of supplying emergency back-up power to any required fire alarm systems, fire suppression equipment, emergency lighting circuits, communication equipment, bilge pumps, or vessel propulsion equipment;~~
  - ~~ii) At all times occupied by more than 50 occupants, be staffed by personnel trained to initiate shipboard/vessel firefighting and evacuation duties;~~~~

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- iii) ~~In the event of an emergency that causes the vessel to be set adrift, be either capable of self-propulsion or be serviced by a tugboat or tender capable of controlling the vessel; and~~
- iv) ~~have fire alarm systems interconnected with fire alarm systems of adjacent occupancies if any of the required paths of egress from the adjacent occupancy traverse the permanently moored vessel or if the paths of egress from the permanently moored vessel traverse the adjacent occupancy. The activation of either fire alarm system shall cause the other occupancy's fire alarm system to activate.~~

(Source: Amended at 43 Ill. Reg. 10008, effective January 1, 2020)

**Section 100.8 Historic Structures**

Owners, operators or other responsible parties of a historic structure, as defined in NFPA 914, Code for Fire Protection of Historic Structures (2010), may elect to comply with NFPA 914 (2010).

(Source: Added at 43 Ill. Reg. 10008, effective January 1, 2020)

**Section 100.9 More Recent Editions of the Code**

Use of a newer edition of NFPA 101, Life Safety Code in its entirety will be considered equivalent to use of NFPA 101, Life Safety Code (2015) and may be considered by OSFM to be equal to or higher than this Part, as required by Section 100.3(g)(3).

(Source: Added at 43 Ill. Reg. 10008, effective January 1, 2020)

**Section 100.10 Appeal of an Administrative Action**

- a) Any person aggrieved by a decision or order of OSFM may, as a matter of right, appeal that action.
- b) Appeals from a decision or order of OSFM shall be instituted by filing a written request for a hearing, in the format required by 41 Ill. Adm. Code 210, no later than 10 days following receipt of the decision or order of OSFM. Requests will be deemed to be timely if they are postmarked no later than the time period allowed.

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c) All appeal requests under this Part shall be mailed to:

Office of the State Fire Marshal  
Division of Fire Prevention  
1035 Stevenson Drive  
Springfield IL 62703

(Source: Added at 43 Ill. Reg. 10008, effective January 1, 2020)

**Section 100.11 Severability**

If any provision or Section of this Part shall be held to be invalid, illegal, unenforceable or in conflict with the law of any jurisdiction, the validity, legality and enforceability of the remaining provisions and Sections shall not in any way be affected or impaired.

(Source: Added at 43 Ill. Reg. 10008, effective January 1, 2020)