

**APPENDIX M**  
**HOME DAY CARE—R-3 OCCUPANCY**  
**(Not Adopted by the State of Oregon)**

*(The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.)*

**SECTION AM101**  
**GENERAL**

**AM101.1 General.** This appendix shall apply to a home day care operated within a *dwelling*. It is to 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 or relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for.

**SECTION AM102**  
**DEFINITIONS**

**EXIT ACCESS.** That portion of a means of egress system that leads from any occupied point in a building or structure to an exit.

**SECTION AM103**  
**MEANS OF EGRESS**

**AM103.1 Exits required.** If the occupant load of the residence is more than nine, including those who are residents, during the time of operation of the day care, two exits are required from the ground-level *story*. Two exits are required from a home day care operated in a *manufactured home* regardless of the occupant load. Exits shall comply with Section R311.

**AM103.1.1 Exit access prohibited.** An exit access from the area of day-care operation shall not pass through bathrooms, bedrooms, closets, garages, fenced rear *yards* or similar areas.

**Exception:** An exit may discharge into a fenced *yard* if the gate or gates remain unlocked during day-care hours. The gates may be locked if there is an area of refuge located within the fenced *yard* and more than 50 feet (15 240 mm) from the *dwelling*. The area of refuge shall be large enough to allow 5 square feet (0.5 m<sup>2</sup>) per occupant.

**AM103.1.2 Basements.** If the *basement* of a *dwelling* is to be used in the day-care operation, two exits are required from the *basement* regardless of the occupant load. One of the exits may pass through the *dwelling* and the other must lead directly to the exterior of the *dwelling*.

**Exception:** An emergency and escape window complying with Section R310 and which does not conflict with Section AM103.1.1 may be used as the second means of egress from a *basement*.

**AM103.1.3 Yards.** If the *yard* is to be used as part of the day-care operation it shall be fenced.

**AM103.1.3.1 Type of fence and hardware.** The fence shall be of durable materials and be at least 6 feet (1529 mm) tall completely enclosing the area used for the day-care operations. Each opening shall be a gate or door equipped with a self-closing and self-latching device to be installed at a minimum of 5 feet (1528 mm) above the ground.

**Exception:** The door of any *dwelling* which forms part of the enclosure need not be equipped with self-closing and self-latching devices.

**AM103.1.3.2 Construction of fence.** Openings in the fence, wall or enclosure required by this section shall have intermediate rails or an ornamental pattern that do not allow a sphere 4 inches (102 mm) in diameter to pass through. In addition, the following criteria must be met:

1. The maximum vertical clearance between *grade* and the bottom of the fence, wall or enclosure shall be 2 inches (51 mm).
2. Solid walls or enclosures that do not have openings, such as masonry or stone walls, shall not contain indentations or protrusions except for tooled masonry joints.
3. Maximum mesh size for chain link fences shall be 1<sup>1</sup>/<sub>4</sub>-inches (32 mm) square unless the fence has slats at the top or bottom which reduce the opening to no more than 1<sup>3</sup>/<sub>4</sub> inches (44 mm). The wire shall not be less than 9 gage [(0.148 in.) (3.8 mm)].

**AM103.1.3.3 Decks.** Decks that are more than 12 inches (305 mm) above *grade* shall have a guard in compliance with Section R312.

**AM103.2 Width and height of an exit.** The minimum width of a required exit is 36 inches (914 mm) with a net clear width of 32 inches (813 mm). The minimum height of a required exit is 6 feet 8 inches (2032 mm).

**AM103.3 Type of lock and latches for exits.** Regardless of the occupant load served, exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. When the occupant load is 10 or less, a night latch, dead bolt or security chain may be used, provided such devices are openable from the inside without the use of a key or tool and mounted at a height not to exceed 48 inches (1219 mm) above the finished floor.

**AM103.4 Landings.** Landings for stairways and doors shall comply with Section R311 except that landings shall be required for the exterior side of a sliding door when a home day-care is being operated in a Group R-3 Occupancy.

**SECTION AM104  
SMOKE DETECTION**

**AM104.1 General.** Smoke detectors shall be installed in *dwelling* units used for home day-care operations. Detectors shall be installed in accordance with the approved manufacturer's instructions. If the current smoke detection system in the *dwelling* is not in compliance with the currently adopted code for smoke detection, it shall be upgraded to meet the currently adopted code requirements and Section AM103 before daycare operations commence.

**AM104.2 Power source.** Required smoke detectors shall receive their primary power from the building wiring when that wiring is served from a commercial source and shall be equipped with a battery backup. The detector shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than those required for over-current protection. Required smoke detectors shall be interconnected so if one detector is activated, all detectors are activated.

**AM104.3 Location.** A detector shall be located in each bedroom and any room that is to be used as a sleeping room and centrally located in the corridor, hallway or area giving access to each separate sleeping area. When the *dwelling* unit has more than one *story*, and in *dwelling*s with *basements*, a detector shall be installed on each *story* and in the *basement*. In *dwelling* units where a *story* or *basement* is split into two or more levels, the smoke detector shall be installed on the upper level, except that when the lower level contains a sleeping area, a detector shall be installed on each level. When sleeping rooms are on the upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. In *dwelling* units where the ceiling height of a room open to the hallway serving the bedrooms or sleeping areas exceeds that of the hallway by 24 inches (610 mm) or more, smoke detectors shall be installed in the hallway and in the adjacent room. Detectors shall sound an alarm audible in all sleeping areas of the *dwelling* unit in which they are located.