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CHAPTER 10
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Section 1. **Authority and Purpose.**

(a) The fire standards for building and life safety shall be administered and enforced by the authority having jurisdiction designated by W.S. 35-9-101 through 35-9-130. For the purpose of these rules, the authority having jurisdiction is called the fire official. The fire official has the authority and responsibility to administer and enforce the adopted codes and/or laws of the jurisdiction, and to require technical assistance as needed.

(b) These requirements shall apply to all child care centers and family child care centers in the State of Wyoming with a current license dated prior to the effective date of these rules in which clients receive education, supervision or personal services for less than twenty-four (24) hours per day.

(c) These fire standards are basic requirements. The fire official, after conducting an onsite fire inspection, may require correction of other fire hazards.

(d) Changes to a facility licensed prior to the effective date of these rules requiring a plan review will require the facility to comply with the currently adopted building, fire, electrical and mechanical codes of the jurisdiction.

(e) Child care centers and family child care centers requesting licensure or facilities moving to a new location after the effective date of these rules shall comply with the currently adopted building, fire, electrical and mechanical codes of the jurisdiction.

(f) The purpose of the fire inspection is to ensure compliance with minimum requirements that will provide a reasonable level of fire and life safety, property protection and public welfare from actual and potential hazards created by fire, explosions and other hazardous conditions. Actions taken on licenses due to non-compliance with these rules will be taken through the Department of Family Services as a result of the recommendations from the fire inspector.

(g) A limited but reasonable time shall be allowed for compliance with any part of the code requirements.

(h) Child care centers and family child care centers licensed prior to the effective date of these rules, shall be maintained in accordance with the codes under which the facility was licensed.

(i) New child care centers and family child care centers requesting certification shall comply with the currently adopted building, fire, electrical and mechanical codes of the jurisdiction.

Section 2. **Definitions.**

The following definitions shall apply in the interpretation of minimum fire and life safety requirements for Child Care Centers and Family Child Care Centers.

(a) “Approved” pertains to materials, type of construction or appliances and refers to approval by the building or fire official as the result of investigation and tests conducted by that official or by reason of accepted principals and/or tests by nationally recognized authorities, technical or scientific organizations.

(b) “Building or Fire Official” the authorized person serving as a designated employee, representative or agent of the governing authority and may be known as fire marshal, fire chief, fire prevention officer, chief fire prevention officer, chief of the bureau of fire prevention, fire prevention chief, fire inspector, building inspector, electrical inspector, building official or authority having jurisdiction.

(c) “Child Care Center or Family Child Care Center” the use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than ten (10) children shall be classified as a Group E.

(d) “Homemade Appliance” an appliance which has been manufactured or constructed by an individual who is not normally in a business of manufacturing or constructing such appliances; and where such appliance has not been tested or evaluated by a nationally recognized testing laboratory and properly labeled. Such appliances are prohibited in child care centers.

(e) “Institutional (Group I-4)” a facility that provides supervision and personal care on less than a twenty-four (24) hour basis for more than five (5) children two and one-half (2-1/2) years of age or less shall be classified as Institutional Group I-4. Exception: a child day care facility that provides care for more than five (5) but no more than one hundred (100) children two and one-half (2-1/2) years of age or less, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

(f) “Local Enforcement Jurisdiction” the governing authority who has the responsibility to provide minimum fire and life safety requirements within their own jurisdiction as outlined in Wyoming Statute 35-9-121.

Section 3. Review of Building Plans.

(a) Plans shall be submitted to the Wyoming Department of Fire Prevention and Electrical Safety for review prior to beginning work for remodeling or additions to existing facilities and for new construction when the cost for construction or remodeling is over forty thousand dollars (\$40,000) and the facility houses more than ten (10) children.

(i) Plan review applications for the installation of any fire alarm systems, fire sprinkler systems or commercial hood systems shall be submitted and approved by the Fire or Building authority prior to installation.

(b) Child care centers and family child care centers operating within local enforcement jurisdictions shall follow procedures for obtaining permits and plan review as required by the local jurisdiction.

(c) All construction, regardless of cost or size, shall comply with the minimum adopted State of Wyoming codes.

Section 4. Automatic Fire Sprinklers.

(a) An automatic sprinkler system shall be provided throughout all Group E fire areas greater than twenty thousand (20,000) square feet in area. An automatic sprinkler system shall also be provided for every portion of educational buildings below the level of exit discharge.

(i) Exception: where each classroom has at least one exterior exit door at ground level.

(b) The building owner shall be responsible for ensuring that the fire and life safety systems are maintained in an operable condition at all times.

(c) Records of all system inspections, tests and maintenance required shall be maintained on the premises and made available to the fire official or the Department of Family Services personnel upon request.

Section 5. Fire Alarms.

(a) A manual fire alarm system shall be installed in Group E occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system.

(i) Exception: Group E occupancies with an occupant load of less than fifty (50). (NOTE: Occupant load is based on square footage of the facility divided by a factor of twenty (20). It is not based on Department of Family Services licensing numbers.)

(ii) Fire detection and alarm systems shall be maintained in an operative condition at all times, and shall be replaced or repaired when defective.

(iii) The building owner shall be responsible for ensuring that the fire and life safety systems are maintained in an operable condition at all times.

(iv) Service personnel shall meet the qualification requirements of NFPA 72A for maintaining, inspecting, and testing such systems.

(v) Records of all system inspections, tests and maintenance required shall be maintained on the premises and made available to the fire official or Department of Family Services personnel upon request.

Section 6. **Smoke Alarms.**

(a) Smoke alarms (detectors) shall be installed and maintained as follows:

(i) On the ceiling or wall outside each separate sleeping area in the immediate vicinity of sleeping rooms.

(ii) In each room used for sleeping purposes.

(iii) In each story including basements and cellars.

(iv) Smoke alarms shall emit a signal when the batteries are low.

(v) In new construction, additions and alterations, required smoke alarms shall receive their primary power from the building wiring and shall be equipped with a battery backup.

(A) Wiring shall be permanent and without a disconnecting switch.

(B) Where more than one (1) smoke alarm is required to be installed, the smoke alarms shall be interconnected in such a manner that the activation of one (1) alarm will activate all of the alarms.

(vi) The alarm shall be clearly audible in all sleeping rooms over background noise levels with all intervening doors shut.

(vii) Smoke alarms shall be tested monthly (weekly testing is highly recommended).

(viii) A written record of all inspections, tests and maintenance required shall be maintained made available to the fire official or Department of Family Services personnel.

(b) All child care facilities must install carbon monoxide detectors.

Section 7. Occupancy Use and Separation.

(a) Child care centers located in mixed use occupancies shall be separated from such buildings/uses by an approved two(2) hour occupancy separation.

(i) Exception, two (2) hour separation is not required in all mixed use occupancies that are fully fire sprinklered per NFPA 13, have a manual automatic and monitored fire alarm system and one(1) hour occupancy separation as defined by the International Building Code.

Section 8. Exits.

(a) The building or fire official in accordance with the International Building and Fire Codes shall determine number of exits, placement and adequacy. General requirements are:

(i) A minimum of two (2) exits;

(A) A second exit may consist of a sliding glass patio door with approved landing, guardrails and handrails;

(B) Windows and garages shall not be considered as an exit for this purpose; and

(C) An exit door is a side-hinged door and shall be at least 3' by 6'8" in new construction, or as approved by the authority having jurisdiction in existing construction;

(ii) Doors shall swing in the direction of egress travel where serving an occupant load of fifty (50) or more. Occupant load is based on the square footage of facility divided by a factor of twenty (20);

(iii) Required exit access, exits or exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency;

(iv) An exit shall be free from obstructions that would prevent its use, including the accumulation of snow and ice;

(v) Egress doors shall be readily openable from the inside without the use of a key or any special knowledge or effort, the door knob system shall be an "emergency exit feature type, no unlocking required". Use of dead bolts, chains, night latches, manually operated flush bolts or surface bolts are not permitted during child care hours;

(vi) Exit paths shall be illuminated at all times the building is occupied;

(vii) Exit path illumination shall be supplied from two (2) sources of power where the exiting system requires two (2) exits (storage batteries, unit equipment or on-site generator);

(viii) Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel;

(ix) Exit signs shall be internally or externally illuminated by two (2) lamps or shall be of the self-luminous type;

(x) Exit signs shall be illuminated at all times. In case of power loss the exit signs shall be connected to emergency power source (storage batteries, unit equipment, or on-site generator);

(xi) Porches, steps, stairs, landings and walkways shall be maintained in good repair and safe condition, and in compliance with the adopted code or as approved by the authority having jurisdiction;

(xii) Guardrails shall be located along open-sided walking surfaces, mezzanines, stairways, ramps and landings and along glazed sides of stairways, ramps and landings which are located more than thirty (30) inches above the floor or grade below;

(xiii) Guardrails shall form a protective barrier not less than forty-two (42) inches high.

(xiv) Open guardrails shall have intermediate rails or balusters or ornamental patterns such that a three and one-half (3 ½) inch diameter sphere cannot pass through any opening.

(xv) In new construction and remodeled facilities landings shall be no less than ½ inch below the sill plate of the door and shall have a length measured in the direction of travel of not less than forty-four (44) inches.

Section 9. Emergency Escape and Rescue Window.

(a) Sleeping rooms shall have at least one (1) exterior emergency escape and rescue opening (may be a window or door). Such opening shall open directly to the exterior.

(i) Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height shall be twenty-four (24) inches; the minimum net clear opening width shall be twenty (20) inches.

(ii) Emergency escape and rescue openings shall have the bottom of the clear opening not greater than forty-four (44) inches measured from the floor.

(iii) Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.

Section 10. Kitchen Hood & Duct Fire Extinguishing System.

(a) Each commercial kitchen exhaust hood and duct system required by the adopted fire code or mechanical code to have a Type I hood shall be protected with an approved automatic fire-

extinguishing system. Prior to the installation of a Type I hood a plan review must be submitted and approved by the fire authority.

(b) Pre-engineered automatic dry and wet chemical extinguishing systems shall be tested in accordance with UL 300 and listed and labeled for the intended application.

(c) Other types of automatic fire-extinguishing systems shall be listed and labeled for specific use as protection for cooking operations.

(d) A manual actuation device shall be located at or near a means of egress from the cooking area, a minimum of ten (10) feet and a maximum of twenty (20) feet from the kitchen exhaust system.

(e) The manual actuation device shall be located a minimum of four and one-half (4.5) feet and a maximum of five (5) feet above the floor.

(f) The actuation of the fire suppression system shall automatically shut down the fuel or electrical power supply to the cooking equipment.

(g) The fuel and electrical supply reset shall be manual.

(h) Where a building fire alarm system is installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm system in accordance with NFPA 72.

(i) Automatic fire-extinguishing systems shall be serviced at least every six (6) months and after activation of the system. The system shall have a service tag attached stating date of service and who serviced it. Inspection shall be by qualified individuals certified by the State of Wyoming, and a certificate of inspection shall be forwarded to the fire official upon completion.

(j) Hoods, grease-removal devices, fans, ducts and other appurtenances shall be cleaned at intervals necessary to prevent the accumulation of grease.

(k) Cleanings shall be recorded, and records shall state the extent, time and date of cleaning. Such records shall be maintained on the premises.

(l) A portable class K rated fire extinguisher shall be provided within a thirty (30) foot travel distance of commercial-type cooking equipment.

Section 11. Portable Fire Extinguishers.

(a) Portable fire extinguishers shall be installed in Group E occupancies. The fire official having jurisdiction shall approve the proper type and number of extinguishers. General rules are:

(i) At least one (1) fire extinguisher is required for each three thousand (3,000) square feet of floor area. Additional extinguishers may be required to make sure travel distance to an extinguisher is no more than seventy-five (75) feet from any location;

(ii) The rating of each fire extinguisher shall not be less than 2A-10:BC. (Look for this number on the extinguisher);

(iii) The extinguisher shall be located in a conspicuous location where it will be readily accessible and immediately available for use. The location shall be along the normal path of travel;

(iv) Fire extinguishers shall not be obstructed or obscured from view;

(v) Fire extinguishers shall be installed on the hangers or brackets supplied. (Unless housed in approved fire extinguisher cabinets.) Hangers or brackets shall be securely anchored to the mounting surface in accordance with the manufacturer's installation instructions;

(vi) Fire extinguishers shall be installed so that the top is not more than five (5) feet above the floor. The clearance between the bottom of the extinguisher and the floor shall not be less than four (4) inches;

(vii) Fire extinguishers shall not be mounted or stored in cupboards or broom closets in Child Care Centers,

(A) Fire extinguishers in Family Child Care Centers will not be mounted or stored in cupboards or broom closets except if the location is properly signed with a sign approved by the fire inspector.

(viii) Fire extinguishers shall be inspected monthly by the provider and documentation of the inspection shall be kept;

(ix) New fire extinguishers will be inspected and will have the annual service tag attached before the issuance of a license; and

(x) Fire extinguishers shall be inspected and serviced annually according to NFPA Standard 10.

Section 12. **Storage.**

(a) Curtains, draperies, hangings and other decorative materials suspended from walls or ceilings shall be flame resistant in accordance with NFPA 701.

(b) Storage of combustible materials in buildings shall be orderly and separated from heaters or heating devices by distance or shielding so that ignition cannot occur. No explosives of any type are allowed on the premises.

(c) Clothing and personal effects shall not be stored in corridors and lobbies unless:

(i) Corridors are protected by an approved automatic sprinkler system.

- (ii) Corridors are protected by an approved smoke detection system.
- (iii) Storage in metal lockers provided the minimum required egress width is maintained.
- (d) Artwork and teaching materials shall be limited on walls of corridors to not more than twenty percent (20%) of the wall area.
- (e) Combustible materials shall not be stored in attic, under-floor, under exit stairways, and concealed spaces unless walls, floor and ceiling forming the storage area are protected on the enclosed side by one-hour fire-resistive construction or the space is provided with an approved automatic fire sprinkler system.
- (f) Trapdoors and access covers shall be kept closed at all times except when in use.
- (g) Combustible storage shall be maintained two (2) feet or more below the ceiling in nonsprinklered buildings or a minimum of eighteen (18) inches below sprinkler head deflectors in sprinklered buildings.
- (h) Combustible storage shall not be stored in exits, hallways or stairways.
- (i) Combustible material shall not be stored in boiler rooms, mechanical rooms or electrical equipment rooms.
- (j) Combustible and flammable materials and liquids shall be properly stored and shall not create a fire hazard. The maximum amount allowed shall not exceed ten (10) gallons.

Section 13. **Heating Appliances.**

- (a) Heating appliances shall be listed and approved and installed in accordance with the manufacturer's instructions, the adopted building code, mechanical code and electrical code. All chimneys, smokestacks or similar devices from stoves, furnaces, fireboxes or boilers shall be installed or constructed in accordance with their listings and the above-mentioned codes.
 - (i) The fire official may require the furnace, boiler, fireplace or heating appliance to be inspected and/or serviced by a licensed serviceman.
 - (b) Furnaces shall be cleaned (including filter replacement) as often as necessary to prevent accumulation of lint and dust.
 - (c) Homemade heating appliances shall be removed from service.
 - (d) Heating appliances such as free standing and built in fireplaces shall have a non-combustible guard placed around the unit with a separation to prevent accidental burns.

Section 14. **Electrical.**

(a) All electrical wiring, equipment and appliances shall be installed and maintained in accordance with NFPA 70, National Electrical Code.

(b) Special protective covers for all electrical outlets, or tamper resistant outlets, not in use shall be installed in all areas occupied by the children. All new construction and remodeled child care facilities must be fitted with tamper resistant outlets.

(c) Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.

(d) Extension cords and flexible cords shall not be used as a substitute for permanent wiring.

(e) Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact.

(f) Extension cords shall be used only with portable appliances.

(g) Extension cords shall be plugged directly into an approved receptacle, power tap or multiplug adapter and, except for approved multiplug extension cords, shall serve only one (1) portable appliance.

(h) The ampacity of the extension cords shall not be less than the rated capacity of the portable appliance supplied by the cord.

(i) Extension cords shall be maintained in good condition without splices, deterioration or damage.

(j) Extension cords shall be grounded when serving grounded portable appliances.

(k) Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.

(l) All breakers or fuses in an electrical panel shall be legibly labeled and identified as to purpose or use on a circuit directory located on the face or inside the panel door.

(m) A working space of not less than thirty (30) inches in width, thirty-six (36) inches in depth and seventy-eight (78) inches in height shall be provided in front of electrical service equipment. No storage of any materials shall be located within the designated working space.

Section 15. **Premises Identification.**

(a) New and existing buildings shall have approved address numbers, building numbers, or approved building identification. Numbers and/or identification shall:

- (i) Be placed in a position to be plainly legible and visible from the street or road fronting the property;
- (ii) Contrast with their background; and
- (iii) Be a minimum of four (4) inches high with a minimum stroke width of 0.5 inch.

Section 16. Fire Safety and Evacuation Plans.

(a) An approved fire safety and evacuation plan shall be prepared and maintained in Group E occupancies.

(i) Fire safety and evacuation plans shall be reviewed or updated annually or as necessitated by changes in staff assignments, occupancy, or the physical arrangement of the building.

(ii) Fire safety and evacuation plans shall be available in the workplace for reference and review by employees, and copies furnished to the fire official for review upon request.

(b) Fire Evacuation Plans shall contain the following:

- (i) Emergency egress or escape routes;
- (ii) Procedures for employees who must remain to operate critical equipment before evacuating;
- (iii) Procedures for accounting for occupants after evacuation has been completed;
- (iv) Identification and assignment of personnel responsible for rescue or emergency medical aid;
- (v) The preferred and any alternative means of notifying occupants of fire or emergency;
- (vi) The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization;
- (vii) Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan; and
- (viii) A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.

(c) Fire Safety Plans shall include the following:

- (i) The procedure for reporting a fire or other emergency;
 - (ii) The life safety strategy and procedures for notifying, relocating, or evacuating occupants.
 - (iii) Site plans indicating the following:
 - (A) The occupancy assembly point;
 - (B) The locations of fire hydrants; and
 - (C) The normal routes of fire department vehicle access;
 - (iv) Floor plans identifying the locations of the following:
 - (A) Exits;
 - (B) Primary evacuation routes;
 - (C) Secondary evacuation routes;
 - (D) Accessible egress routes;
 - (E) Areas of refuge;
 - (F) Manual fire alarm boxes;
 - (G) Portable fire extinguishers;
 - (H) Occupant-use hose stations; and
 - (I) Fire alarm annunciator panels and controls;
 - (v) A list of major fire hazards associated with the normal use and occupancy of the premises, including maintenance and housekeeping procedures;
 - (vi) Identification and assignment of personnel responsible for maintenance of systems and equipment installed to prevent or control fires; and
 - (vii) Identification and assignment of personnel responsible for maintenance, housekeeping and controlling fuel hazard sources.
- (d) Employee Training and Response Procedures shall include the following:
- (i) Employees shall be trained in the fire emergency procedures described in their fire evacuation and fire safety plans;

(ii) Employees shall receive training in the contents of fire safety and evacuation plans and their duties as part of new employee orientation and at least annually thereafter. Records shall be kept and made available to the fire official or Department of Family Services personnel upon request;

(iii) Employees shall be trained in fire prevention, evacuation and fire safety in accordance with the following:

(A) Employees shall be apprised of the fire hazards of the materials and processes to which they are exposed;

(B) Each employee shall be instructed in the proper procedures for preventing fires in the conduct of their assigned duties;

(C) Employees shall be familiarized with the fire alarm and evacuation signals, their assigned duties in the event of an alarm or emergency, evacuation routes, areas of refuge, exterior assembly areas, and procedures for evacuation; and

(D) Employees shall be trained to know the locations and proper use of fire extinguishers.

Section 17. Emergency Evacuation Drills (Fire Drills).

(a) Emergency evacuation drills shall:

(i) Be held monthly in Group E occupancies;

(ii) Require all occupants participate;

(iii) Be planned and conducted by the director or staff;

(iv) Require prior notification to the fire official when required;

(v) Be conducted at different hours of the day or evening, during the recess or gymnastic periods, at unexpected times and under varying conditions, to avoid distinction between drills and actual fires. Drills shall be held to simulate the unusual conditions that occur in case of fire; and

(vi) Be initiated by activating the fire alarm system when a fire alarm system is provided.

(b) Outdoor assembly areas shall be designated and shall be located a safe distance from the building being evacuated so as to avoid interference with fire department operations. The assembly areas shall be arranged to keep each class separate to provide accountability of all individuals.

(i) As building occupants arrive at the assembly point, the responsible staff or auxiliary staff person shall determine if all occupants have been successfully evacuated or have been accounted for.

(c) Records shall be maintained of required emergency evacuation drills and include the following information:

- (i) Identity of the person conducting the drill;
- (ii) Date and time of drill;
- (iii) Notification method used;
- (iv) Staff members on duty and participating;
- (v) Number of occupants evacuated;
- (vi) Special conditions simulated;
- (vii) Problems encountered;
- (viii) Weather conditions when occupants were evacuated; and
- (ix) Time required to accomplish complete evacuation.

(d) No one shall reenter the premises until authorized to do so by the staff or auxiliary staff person in charge.

(e) If the child care center is a preschool, the first emergency evacuation drill of each school year shall be conducted within ten (10) days of the beginning of classes.