



ADMINISTRATIVE RULES OF MONTANA



37.100.141 ADULT FOSTER CARE HOMES (AFCH): FIRE SAFETY

- (1) A smoke detector approved by a recognized testing laboratory, which is properly maintained and regularly tested, must be located on each level of the AFCH and in all sleeping areas and common living areas with the exception of the kitchen and bathrooms.
- (2) If individual battery-operated smoke detectors are used, the following maintenance is required:
 - (a) smoke detectors must be tested at least once a month to ensure that they are operating correctly;
 - (b) new operating batteries must be installed at least once each calendar year; and
 - (c) documentation demonstrating required maintenance must be kept on-site for a period of 24 months.
- (3) A workable portable fire extinguisher, with a minimum rating of 2A10BC, must be located on each floor of the home. Fire extinguishers must be:
 - (a) mounted on the wall not to exceed five feet from handle to floor and no closer than four feet from the floor;
 - (b) no more than 75 feet from each other;
 - (c) inspected, recharged, and tagged at least once a year by a person certified by the state to perform such services; and
 - (d) not obstructed or obscured from view.
- (4) No unvented fuel-fired heating devices are allowed in the home.
- (5) No stove or combustion heater will be so located as to block escape or be located under a stairway in case of malfunctioning of the stove or heater.
- (6) Exits are defined as a means of egress or passage to safe ground outside a building.
 - (a) Every room used for sleeping, living, or dining must have at least two exits that are remote from one another, at least one of which must be a door or stairway providing a means of unobstructed travel to the street or ground level outside of the building. Of these two exits, one may be an egress window which meets the criteria in (6)(c)(i) through (iv).
 - (b) All exits must be maintained in unobstructed, easily traveled condition at all times, free of ice and snow on the outside.
 - (c) Every floor of the AFCH that is utilized for resident activities will have two remote exits. Of these two exits, one may be a window which meets the following criteria found in the

National Fire Protection Association Unified Facilities Criteria (NFPA UFC) 101 or Section 1025 International Building Code (IBC) (2006):

- (i) emergency escape and rescue openings must be a minimum net clear opening of 5.7 square feet;
 - (ii) minimum net clear opening of not less than 24 inches in height and 20 inches in width;
 - (iii) window openings must not be greater than 44 inches from the floor; and
 - (iv) window openings must be operational from the inside without use of keys or tools.
- (d) Stairways in a basement may only be used as an exit if they provide a means of unobstructed travel to the outside of the building.
- (e) Doors which form a part of a required exit must be at least 36 inches in width in new construction and at least 30 inches in width in existing facilities. In all cases, exit doors must be of adequate width for wheelchairs.
- (f) Traffic to and from any room must not be through a resident's bedroom.
- (g) The first floor of an AFCH must have at least two separate and independent exits leading to the outside.
- (h) Homes accommodating residents, who regularly require wheelchairs, must be equipped with ramps located at each exit to the outside. A ramp must not exceed 1 foot of rise in 12 feet of run.
- (i) The required path of travel to the outside must not be through rooms that are subject to locking or otherwise controlled by a person other than the person seeking to escape.
- (7) Access to rooms that are occupied by residents must not be by means of a trap door, ladder, or folding stairs.
- (8) Every door that can be locked must have a means to open the door from the outside in case of emergencies. Locks on closet doors must be openable from both sides.

Authorizing statute(s): 50-5-103, 50-5-215, MCA

Implementing statute(s): 50-5-103, 50-5-215, MCA

History: NEW, 1985 MAR p. 289, Eff. 3/29/85; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 667; AMD, 2014 MAR p. 1098, Eff. 5/23/14.