

Joint Committee on Administrative Rules

ADMINISTRATIVE CODE

TITLE 41: FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 100 FIRE PREVENTION AND SAFETY

The General Assembly's Illinois Administrative Code database includes only those rulemakings that have been permanently adopted. This menu will point out the Sections on which an emergency rule (valid for a maximum of 150 days, usually until replaced by a permanent rulemaking) exists. The emergency rulemaking is linked through the notation that follows the Section heading in the menu.

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- [Section 100.APPENDIX A Modification of Standards Referenced in NFPA 101 \(Repealed\)](#)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 Reg. 5992; Part repealed, new Part adopted at 12 Ill.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. 11919, effective January 1, 2002; amended at 27 Ill. Reg. 3360, effective April 1, 2003.

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CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL
PART 100 FIRE PREVENTION AND SAFETY
SECTION 100.1 INTRODUCTION

Section 100.1 Introduction

Pursuant to authority conferred upon the Office of the State Fire Marshal Office (the Office) by Section 9 of "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 in relation to the investigation and prevention of fire and dangerous conditions in and near buildings and other structures.

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SECTION 100.3 TITLE, JURISDICTION, POWERS, PENALTIES, RIGHT OF ENTRY,
EXISTING STRUCTURES

Section 100.3 Title, Jurisdiction, Powers, Penalties, Right of Entry, Existing Structures

- a) Title
This Part shall be known and cited as 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.
- c) Powers
 - 1) The Office is authorized and directed to enforce the provision of this Part. The State Fire Marshal shall make, or cause to be made, inspections of buildings, structures and premises to determine their conformity with the provisions of this Part and their safety to life and property from fire or other emergency requiring evacuation of the building (such as presence of explosive or flammable gasses, fume hazard, and power failure).
 - 2) Such inspections shall be made by the Office. Under the direction of the Office, the chief of the local fire department is hereby empowered and directed to make inspections in his geographical area of responsibility. Where any such inspection discloses a violation or violations of this Part, the State Fire Marshal or the local fire chief shall notify the owner, occupant, or other interested party in writing as provided in Section 9 of the Fire Investigation Act [425 ILCS 25/9] to correct said violation or violations. Violations shall be corrected within a reasonable time based upon the severity of the hazard and the work required to correct the violation.
 - 3) The Office will inspect building based upon requests from agencies of state and local government, complaints from the public, known or observed violations, potential for loss of lives from fire in given occupancies where statutes, rules or regulations mandate inspections by the Office or where an inspection of a structure or an occupancy is necessary to prevent fire or to minimize the dangers of fire, in accordance with this Part, subject to available resources.
- d) Penalty
The penalties for violation of the provisions of this Part shall be such as are

provided in Section 9e of the Fire Investigation Act [425 ILCS 25/9e].

- e) **Entry**
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.

- 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) Where the term 'the authority having jurisdiction' is used, it shall mean the Office.

(Source: Amended at 25 Ill. Reg. 11919, effective January 1, 2002)

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SECTION 100.4 BUILDING CONSTRUCTION TYPES (REPEALED)

Section 100.4 Building Construction Types (Repealed)

(Source: Repealed at 25 Ill. Reg. 11919, effective January 1, 2002)

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SECTION 100.5 FIRE AREAS (REPEALED)

Section 100.5 Fire Areas (Repealed)

(Source: Repealed at 25 Ill. Reg. 11919, effective January 1, 2002)

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SECTION 100.7 ADOPTION OF NFPA 101, LIFE SAFETY CODE BY REFERENCE

Section 100.7 Adoption of NFPA 101, 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) 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) Modifications to the Life Safety Code
 - 1) 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;

- 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.
- 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 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.
- 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
 - 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 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;
 - 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 27 Ill. Reg. 3360, effective April 1, 2003)

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SECTION 100.110 MODIFICATION OF NFPA 101 (1985) FOR EXISTING DAY CARE
(REPEALED)

Section 100.110 Modification of NFPA 101 (1985) for Existing Day Care (Repealed)

(Source: Repealed at 25 Ill. Reg. 11919, effective January 1, 2002)

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SECTION 100.APPENDIX A MODIFICATION OF STANDARDS REFERENCED IN
NFPA 101 (REPEALED)

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

(Source: Repealed at 25 Ill. Reg. 11919, effective January 1, 2002)