

**661—5.501(100) Child care centers in mixed occupancies.**

**5.501(1)** *“Application—mixed occupancy.”* All child care centers seeking licenses under Iowa Code chapter 237A, located in mixed occupancies shall meet the requirements of the primary use and occupancy of the building as promulgated by the state fire marshal. If no such rules exist the following shall be complied to and the area used for child care shall comply as per number of children occupying the center at any given time.

**5.501(2)** *“Mixed occupancy.”*

*a. “Not meeting codes.”* In facilities not meeting nationally recognized codes for child care centers the minimum division between the child occupied area and other areas shall be a one-hour fire partition and the perimeter protected with an approved fire detection or automatic extinguishing system as directed by the fire marshal. Less than a one-hour partition may be accepted when the fire marshal approves adequate perimeter protection.

*b. “Meeting recognized codes.”* Where child care centers are located in a building containing mixed occupancies, the separation requirements of a nationally recognized code are satisfied, it shall be considered as complying to the section above.

*c. “Undue danger.”* Child care centers shall not be in buildings of mixed occupancies where the acts of other occupants could unduly endanger the lives of the children in the child care center.