



**ARAPAHOE COUNTY**  
COLORADO'S FIRST

## Public Works and Development

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**BRYAN D. WEIMER, PWLF**  
Director

## BOARD SUMMARY REPORT

**DATE:** April 5, 2019

**TO:** Board of County Commissioners

**THROUGH:** Bryan D. Weimer, PWLF, Director  
Public Works and Development

**FROM:** Joe Richards, Division Manager  
Building Division

**SUBJECT:** **ADOPTION OF BUILDING CODE APPENDIX M – ADDRESSING CHILD DAY CARE IN RESIDENTIAL HOMES**

### Request and Recommendation

This agenda item is to recommend and request that the Board of County Commissioners (BoCC) establish a revision to the adopted Building Code as set forth in the attached proposed Resolution pursuant to Section 30-28-204 C.R.S. This revision will add Appendix M of the 2015 International Residential Code (IRC) (County's Residential Building Code) as it relates to expanding the limits for the number of children allowed by the Building Code.

Appendix M will be conducive to the public welfare of Arapahoe County as a whole and specifically address Home Day Care – in R3 Occupancy Building classification. Child Day Care is licensed by the State of Colorado and this Resolution will bring the State licensing occupancies quantities in line with Arapahoe County Government Land Use and Building Division Code limitations. The proposal is to address the current requirement to provide sprinkler systems in residential homes that provide child day care for more than 5 children.

PWD Staff recommends that the BoCC adopt Appendix M of the 2015 International Residential Code, with modifications listed in the Resolution.



## Background

The County adopted building code for Group R3 Occupancy in the 2015 International Residential Code. As such, home day care occupancy limits are capped at 5 children without a sprinkler system being installed. In addition, the County's land use code regarding child day care limited the use to 6 children without a Special Use Permit. Furthermore, the State of Colorado has the ability and has frequently issued permits for child day care facilities capable of caring for up to 12 children (see attached map for license day care facilities in the County). These inconsistencies has created challenges for day care providers, which in turn has led to exploration of state legislation by the Colorado Children's Campaign to address licensing for child day care at a state level. To avoid a state mandated solution, as well as address this issue within Arapahoe County, Staff has met with the County Human Services Department, South Metro Fire District, CCI, Colorado Children's Campaign, and other building officials and believed we have come up with a solution to the challenge of sprinkling homes for more than 5 children who receive custodial care for less than 24 hours.

## Align Arapahoe

Two elements of Align Arapahoe (Service First, Quality of Life) would be addressed with this initiative and PWD's involvement.

### Service First

This effort would help provide a streamlined and efficient means for the licensed day care provider to obtain necessary permits from Arapahoe County to operate a safe day care facility.

### Quality of Life

This action would provide a safe, licensed, permitted and inspected day care facility for children alternative to being "on the streets" and helps to address a gap in housing services for vulnerable populations.

## Discussion

After meeting with various stakeholder groups referenced above, PWD decided to investigate the 2015 International Residential Code and discuss with other peer building officials on how to solve the home sprinkler issue, while providing a safe facility for children. Other communities are struggling with the same issue and pressures. A general consensus was arrived that adoption of Appendix M of the International Residential Code, with modifications, would address this issue.

Appendix M provides means of egress and smoke detection requirements for a Group R-3 Occupancy that is to be used as a home day care for more than five children who receive custodial care for less than 24 hours. This appendix sets forth the means of egress requirements that are unique to a home day care, such as two exits required, fenced yards, type of fencing, guards for decks and type of locks and latches for exits. This Appendix also requires installation of smoke detectors. 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.

Additions to Appendix M are being proposed with the adoption of Appendix M via resolution (attached). This includes limiting the number of children to be cared for in the home to a maximum of 12. Appendix M did not set a maximum limit on the number of children in the home. This maximum number aligns with the maximum number that the State would license for a home day care facility. Also, the adoption resolution provides that the smoke and carbon monoxide detection shall be monitored by a third party monitoring service for all family child care homes that are subject to this Appendix M. These two amendments provide an additional factor of safety with adoption of the appendix.

The proposed adoption of Appendix M is a modification to the building code, and as such, State Statues (C.R.S. 30-28-204) required a 14 day published notice of a public hearing before the BoCC. The proposed modification were also included on the PWD – Building Division website.



## **Alternatives**

The alternative to the County adoption of Appendix M, would be for the Building Division to continue using the R-3 requirements of the building code, which would have a limitation of 5 children in an in-home day care facility before sprinkler systems would be required.

## **Fiscal Impact**

The fiscal impact to Arapahoe County will be minimal if any with this building code modification.

## **Concurrence**

The Public Works and Development Department concurs with the proposal for the Building Division to adopt Appendix M, with modification, thereby modifying the current County Building Code. Staff has also coordinated this building code modification with the South Metro Fire Rescue Authority and the Arapahoe County Human Service Department and they both support adoption of Appendix M, with proposed modifications, to the County's building code.

## **Attorney Review**

The County Attorney's Department has reviewed this document and the resolution.

## **Reviewed By**

This Board Summary Report has been reviewed by the following:

Bryan D. Weimer, Director - PWD  
Joe Richards, Building Division Manager - PWD  
Robert Hill, Assistant County - Attorney Department  
Todd Weaver, Budget Manager – Finance Department

cc: Bryan D. Weimer, Director – PWD  
Joe Richards, - Division Manager – Building  
Jan Yeckes, Planning Division Manager - PWD  
Jason Reynolds, Current Planning Manager – Planning Division  
Caitlyn Cahill, Zoning and Animal Control Manager - PWD  
Robert Hill, Assistant County - Attorney Department  
Todd Weaver, Budget Manager – Finance  
Cheryl Ternes, Director – Human Services  
File (Building Division)  
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