**Chapter 39 Existing Business Occupancies**

39.1 General Requirements

39.1.1 Application

39.1.1.1

The requirements of this chapter shall apply to existing buildings or portions thereof currently occupied as business occupancies.

39.1.1.2 Administration

The provisions of Chapter 1, Administration, shall apply.

39.1.1.3 General

The provisions of Chapter 4, General, shall apply.

39.1.1.4

The provisions of this chapter shall apply to life safety requirements for existing business buildings. Specific requirements shall apply to high-rise buildings (see definition in 3.3.37.7) and are contained in paragraphs pertaining thereto.

39.1.1.5 Reserved

39.1.1.6

Where construction, alteration, or demolition operations are conducted, the provisions of 4.6.10.2 shall apply.

39.1.2 Classification of Occupancy

Business occupancies shall include all buildings and structures or parts thereof with occupancy as defined in 6.1.11.

39.1.3 Multiple Occupancies

39.1.3.1 General

39.1.3.1.1

All multiple occupancies shall be in accordance with 6.1.14 and 39.1.3.

39.1.3.1.2

Where there are differences in the specific requirements in this chapter and provisions for mixed occupancies or separated occupancies as specified in 6.1.14.3 and 6.1.14.4, the requirements of this chapter shall apply.

39.1.3.2 Combined Business Occupancies and Parking Structures

39.1.3.2.1

The fire barrier separating parking structures from a building classified as a business occupancy shall be a fire barrier having a minimum 2-hour fire resistance rating.

39.1.3.2.2

Openings in the fire barrier required by 39.1.3.2.1 shall not be required to be protected with fire-protection-rated opening protectives in enclosed parking structures that are protected throughout by an approved, supervised automatic sprinkler system in accordance with 9.7.1.1(1), or in open parking structures, provided that all of the following conditions are met:

The openings do not exceed 25 percent of the area of the fire barrier in which they are located.

The openings are used as a public entrance and for associated sidelight functions.

The building containing the business occupancy is protected throughout by an approved, supervised automatic sprinkler system in accordance with 9.7.1.1(1).

\*Means are provided to prevent spilled fuel from accumulating adjacent to the openings and entering the building.

Physical means are provided to prevent vehicles from being parked or driven within 10 ft (3050 mm) of the openings.

The openings are protected as a smoke partition in accordance with Section 8.4, with no minimum fire protection rating required.

39.1.3.3

Atrium walls in accordance with 6.1.14.4.6 shall be permitted to serve as part of the separation required by 6.1.14.4.1 for creating separated occupancies on a story-by-story basis from nonhazardous spaces in assembly, educational, day-care, health care, ambulatory health care, residential, residential board and care occupancies, and mercantile occupancies other than bulk merchandise buildings.

39.1.4 Definitions

39.1.4.1 General

For definitions, see Chapter 3, Definitions.

39.1.4.2 Special Definitions

Special terms applicable to this chapter are defined in Chapter 3.

39.1.5 Classification of Hazard of Contents

The contents of business occupancies shall be classified as ordinary hazard in accordance with Section 6.2.

39.1.6 Minimum Construction Requirements

(Reserved.)

39.1.7 Occupant Load

The occupant load, in number of persons for whom means of egress and other provisions are required, shall be determined on the basis of the occupant load factors that are characteristic of the use of the space or shall be determined as the maximum probable population of the space under consideration, whichever is greater.

39.2 Means of Egress Requirements

39.2.1 General

39.2.1.1

All means of egress shall be in accordance with Chapter 7 and this chapter.

39.2.1.2

If, owing to differences in the finished ground level, any street floor exits are located at points above or below the street or the finished ground level, such exits shall comply with the provisions for exits from upper floors or floors below the street floor.

39.2.1.3

Stairs and ramps serving two or more floors below a street floor occupied for business use shall be permitted in accordance with 39.2.1.3.1 and 39.2.1.3.2.

39.2.1.3.1

Where two or more floors below the street floor are occupied for business use, the same stairs, escalators, or ramps shall be permitted to serve each floor.

39.2.1.3.2

An inside open stairway, inside open escalator, or inside open ramp shall be permitted to serve as a component of the required means of egress system from not more than one floor level below the street floor.

39.2.1.4

Floor levels that are below the street floor; are used only for storage, heating, and other service equipment; and are not subject to business occupancy shall have means of egress in accordance with Chapter 42.

39.2.2 Means of Egress Components

39.2.2.1 Components Permitted

Means of egress components shall be limited to the types described in 39.2.2.2 through 39.2.2.12.

39.2.2.2 Doors

39.2.2.2.1

Doors complying with 7.2.1 shall be permitted.

39.2.2.2.2\* Door Locking to Prevent Unwanted Entry

Where approved, doors, other than those complying with 39.2.11.2, shall be permitted to be locked to prevent unwanted entry provided that all of the following conditions are met:

The locking means shall be capable of being engaged without opening the door.

The unlocking and unlatching operation from the egress side of the door shall be accomplished without the use of a key, tool, or special knowledge or effort.

Egress shall require not more than one releasing motion.

The releasing mechanism for unlocking and unlatching shall be located at a height not less than 34 in. (865 mm) and not exceeding 48 in. (1220 mm) above the finished floor.

Locks, if remotely engaged, shall be unlockable from the egress side of the door without the use of a key, tool, or special knowledge or effort.

The door shall be capable of being unlocked and opened from outside the room with the necessary key or other credential.

The locking means shall not modify the door closer, panic hardware, or fire exit hardware.

Modifications to required fire door assemblies, including door hardware, shall be in accordance with NFPA 80.

39.2.2.2.3\*

Locks complying with 7.2.1.5.6 shall be permitted only on exterior, principal entrance/exit doors.

39.2.2.2.4

Elevator lobby exit access door-locking arrangements in accordance with 7.2.1.6.4 shall be permitted.

39.2.2.2.5

The re-entry provisions of 7.2.1.5.7 shall not apply to any of the following:

Existing business occupancies that are not high-rise buildings

Existing high-rise business occupancy buildings that are protected throughout by an approved automatic sprinkler system in accordance with 9.7.1.1(1)

Existing high-rise business occupancy buildings having approved existing means for providing stair re-entry

39.2.2.2.6

Delayed-egress electrical locking systems complying with 7.2.1.6.1 shall be permitted.

39.2.2.2.7

Sensor-release of electrical locking systems complying with 7.2.1.6.2 shall be permitted.

39.2.2.2.8

Horizontal or vertical security grilles or doors complying with 7.2.1.4.1(3) shall be permitted to be used as part of the required means of egress from a tenant space.

39.2.2.2.9

Approved existing horizontal-sliding or vertical-rolling fire doors shall be permitted in the means of egress where they comply with all of the following conditions:

They are held open by fusible links.

The fusible links are rated at not less than 165°F (74°C).

The fusible links are located not more than 10 ft (3050 mm) above the floor.

The fusible links are in immediate proximity to the door opening.

The fusible links are not located above a ceiling.

The door is not credited with providing any protection under this Code.

39.2.2.2.10

Revolving doors complying with 7.2.1.10 shall be permitted.

39.2.2.3 Stairs

39.2.2.3.1

Stairs complying with 7.2.2 shall be permitted.

39.2.2.3.2

Spiral stairs complying with 7.2.2.2.3 shall be permitted.

39.2.2.3.3

Winders complying with 7.2.2.2.4 shall be permitted.

39.2.2.4 Smokeproof Enclosures

Smokeproof enclosures complying with 7.2.3 shall be permitted.

39.2.2.5 Horizontal Exits

Horizontal exits complying with 7.2.4 shall be permitted.

39.2.2.6 Ramps

Ramps complying with 7.2.5 shall be permitted.

39.2.2.7 Exit Passageways

Exit passageways complying with 7.2.6 shall be permitted.

39.2.2.8 Escalators and Moving Walks

Escalators and moving walks complying with 7.2.7 shall be permitted.

39.2.2.9 Fire Escape Stairs

Fire escape stairs complying with 7.2.8 shall be permitted.

39.2.2.10 Fire Escape Ladders

Fire escape ladders complying with 7.2.9 shall be permitted.

39.2.2.11 Alternating Tread Devices

Alternating tread devices complying with 7.2.11 shall be permitted.

39.2.2.12 Areas of Refuge

39.2.2.12.1

Areas of refuge complying with 7.2.12 shall be permitted.

39.2.2.12.2

In buildings protected throughout by an approved, supervised automatic sprinkler system in accordance with 9.7.1.1(1), two rooms or spaces separated from each other by smoke-resistant partitions in accordance with the definition of area of refuge in 3.3.23 shall not be required.

39.2.3 Capacity of Means of Egress

39.2.3.1

The capacity of means of egress shall be in accordance with Section 7.3.

39.2.3.2

The clear width of any corridor or passageway serving an occupant load of 50 or more shall be not less than 44 in. (1120 mm).

39.2.3.3

Street floor exits shall be sufficient for the occupant load of the street floor plus the required capacity of open stairs, ramps, escalators, and moving walks discharging through the street floor.

39.2.4 Number of Means of Egress

39.2.4.1

Means of egress shall comply with all of the following, except as otherwise permitted by 39.2.4.2 through 39.2.4.6:

The number of means of egress shall be in accordance with 7.4.1.1 and 7.4.1.3 through 7.4.1.6.

Not less than two separate exits shall be provided on every story.

Not less than two separate exits shall be accessible from every part of every story.

39.2.4.2

Exit access, as required by 39.2.4.1(3), shall be permitted to include a single exit access path for the distances permitted as common paths of travel by 39.2.5.2.

39.2.4.3

A single exit shall be permitted for a room or area with a total occupant load of less than 100 persons, provided that all of the following criteria are met:

The exit shall discharge directly to the outside at the level of exit discharge for the building.

The total distance of travel from any point, including travel within the exit, shall not exceed 100 ft (30 m).

The total distance of travel specified in 39.2.4.3(2) shall be on the same story, or, if traversing of stairs is necessary, such stairs shall not exceed 15 ft (4570 mm) in height, and both of the following also shall apply:

Interior stairs shall be provided with complete enclosures to separate them from any other part of the building, with no door openings therein.

A single outside stair in accordance with 7.2.2 shall be permitted to serve all stories permitted within the 15 ft (4570 mm) vertical travel limitation.

39.2.4.4

Any business occupancy three or fewer stories in height, and not exceeding an occupant load of 30 people per story, shall be permitted a single separate exit to each story, provided that all of the following criteria are met:

The exit shall discharge directly to the outside.

The total travel distance to the outside of the building shall not exceed 100 ft (30 m).

The exit shall be enclosed in accordance with 7.1.3.2, and both of the following also shall apply:

The stair shall serve as an exit from no other stories.

A single outside stair in accordance with 7.2.2 shall be permitted to service all stories.

39.2.4.5

A single means of egress shall be permitted from a mezzanine within a business occupancy, provided that the common path of travel does not exceed 75 ft (23 m), or 100 ft (30 m) if protected throughout by an approved automatic sprinkler system in accordance with 9.7.1.1(1).

39.2.4.6

A single means of egress shall be permitted for a maximum two-story, single-tenant space or building provided that both of the following criteria are met:

The building is protected throughout by an approved, supervised automatic sprinkler system in accordance with 9.7.1.1(1).

The total travel to the outside does not exceed 100 ft (30 m).

39.2.4.7

A single exit shall be permitted for a single-tenant building three or fewer stories in height and not exceeding an occupant load of 15 people per story, provided that all of the following criteria are met:

The building is protected throughout by an approved, supervised automatic sprinkler system in accordance with 9.7.1.1(1) and an automatic smoke-detection system in accordance with Section 9.6.

Activation of the building sprinkler or smoke detection system shall provide occupant notification throughout the building.

The total travel to the outside does not exceed 100 ft (30 m).

39.2.5 Arrangement of Means of Egress

39.2.5.1

Means of egress shall be arranged in accordance with Section 7.5.

39.2.5.2\*

Limitations on common path of travel shall be in accordance with 39.2.5.2.1, 39.2.5.2.2, and 39.2.5.2.3.

39.2.5.2.1

Common path of travel shall not exceed 100 ft (30 m) on a story protected throughout by an approved automatic sprinkler system in accordance with 9.7.1.1(1).

39.2.5.2.2

Common path of travel shall not be limited in a single-tenant space with an occupant load not exceeding 30 people.

39.2.5.2.3

In buildings other than those complying with 39.2.5.2.1 or 39.2.5.2.2, common path of travel shall not exceed 75 ft (23 m).

39.2.5.3\*

Dead-end corridors shall not exceed 50 ft (15 m).

39.2.6 Travel Distance to Exits

Travel distance shall comply with 39.2.6.1 through 39.2.6.3.

39.2.6.1

Travel distance shall be measured in accordance with Section 7.6.

39.2.6.2

Travel distance to an exit shall not exceed 200 ft (61 m) from any point in a building, unless otherwise permitted by 39.2.6.3.

39.2.6.3

Travel distance shall not exceed 300 ft (91 m) in business occupancies protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 9.7.

39.2.7 Discharge From Exits

Exit discharge shall comply with Section 7.7.

39.2.8 Illumination of Means of Egress

Means of egress shall be illuminated in accordance with Section 7.8.

39.2.9 Emergency Lighting

39.2.9.1

Emergency lighting shall be provided in accordance with Section 7.9 in any building where any one of the following conditions exists:

The building is three or more stories in height.

The occupancy is subject to 100 or more occupants above or below the level of exit discharge.

The occupancy is subject to 1000 or more total occupants.

39.2.9.2

Emergency lighting in accordance with Section 7.9 shall be provided for all underground and limited-access structures, as defined in 3.3.284.12 and, 3.3.284.3 respectively.

39.2.10 Marking of Means of Egress

Means of egress shall have signs in accordance with Section 7.10.

39.2.11 Special Means of Egress Features

39.2.11.1 Reserved

39.2.11.2 Lockups

Lockups in business occupancies, other than approved existing lockups, shall comply with the requirements of 23.4.6.

39.2.11.3\* Hazardous Materials

Where hazardous materials are present the provisions of 7.12.2 shall apply.

39.3 Protection

39.3.1 Protection of Vertical Openings

39.3.1.1

Vertical openings shall be enclosed or protected in accordance with Section 8.6, unless otherwise permitted by any of the following:

Unenclosed vertical openings in accordance with 8.6.9.1 shall be permitted.

Unenclosed vertical openings in accordance with 8.6.9.2 shall be permitted.

Unenclosed vertical openings in accordance with 8.6.9.7 shall be permitted.

Exit access stairs in accordance with 39.2.4.6 or 39.2.4.7 shall be permitted to be unenclosed.

Unprotected vertical openings shall be permitted in buildings complying with all of the following:

Where protected throughout by an approved automatic sprinkler system in accordance with 9.7.1.1(1)

Where no unprotected vertical opening serves as any part of any required means of egress

Where required exits consist of exit doors that discharge directly to the finished ground level in accordance with 7.2.1, outside stairs in accordance with 7.2.2, smokeproof enclosures in accordance with 7.2.3, or horizontal exits in accordance with 7.2.4

39.3.1.2

Floors that are below the street floor and are used for storage or other than a business occupancy shall have no unprotected openings to business occupancy floors.

39.3.2 Protection From Hazards

39.3.2.1\* General

Hazardous areas including, but not limited to, areas used for general storage, boiler or furnace rooms, and maintenance shops that include woodworking and painting areas shall be protected in accordance with Section 8.7.

39.3.2.2\* High Hazard Contents Areas

High hazard contents areas, as classified in Section 6.2, shall meet all of the following criteria:

The area shall be separated from other parts of the building by fire barriers having a minimum 1-hour fire resistance rating, with all openings therein protected by self-closing fire door assemblies having a minimum 3/4-hour fire protection rating.

The area shall be protected by an automatic extinguishing system in accordance with 9.7.1.1(1) or 9.7.1.2.

39.3.2.3\* Hazardous Materials

Where hazardous materials are stored or handled, the provisions of 8.7.3.1 shall apply.

39.3.2.4\* Commercial Cooking Operations

Commercial cooking operations shall be protected in accordance with 9.2.3, unless the cooking equipment is one of the following types:

Outdoor equipment

Equipment used only for food warming

39.3.2.5 Medical Gas

Medical gas storage areas and the operation, management, and maintenance of medical gases shall be in accordance with NFPA 99.

39.3.3 Interior Finish

39.3.3.1 General

Interior finish shall be in accordance with Section 10.2.

39.3.3.2 Interior Wall and Ceiling Finish

39.3.3.2.1

Interior wall and ceiling finish materials complying with Section 10.2 shall be Class A or Class B in exits and in exit access corridors.

39.3.3.2.2

Interior wall and ceiling finishes shall be Class A, Class B, or Class C in areas other than those specified in 39.3.3.2.1.

39.3.3.3 Interior Floor Finish

(No requirements.)

39.3.4 Detection, Alarm, and Communications Systems

39.3.4.1 General

A fire alarm system in accordance with Section 9.6 shall be provided in all business occupancies where any one of the following conditions exists:

The building is three or more stories in height.

The occupancy is subject to 100 or more occupants above or below the level of exit discharge.

The occupancy is subject to 1000 or more total occupants.

39.3.4.2 Initiation

Initiation of the required fire alarm system shall be by one of the following means:

Manual means in accordance with 9.6.2.1(1)

Approved automatic fire detection system in accordance with 9.6.2.1(2) that provides protection throughout the building and the provision of 9.6.2.6 shall apply.

Approved automatic sprinkler system in accordance with 9.6.2.1(3) that provides protection throughout the building and the provision of 9.6.2.6 shall apply.

39.3.4.3 Occupant Notification

During all times that the building is occupied (see 7.2.1.1.3), the required fire alarm system, once initiated, shall perform one of the following functions:

It shall activate a general alarm in accordance with 9.6.3 and both of the following also shall apply:

Positive alarm sequence in accordance with 9.6.3.5 shall be permitted.

A presignal system in accordance with 9.6.3.4 shall be permitted.

Occupant notification shall be permitted to be made via a voice communication or public address system in accordance with 9.6.3.10.2.

39.3.4.4 Emergency Forces Notification

Emergency forces notification shall be accomplished in accordance with 9.6.4 when the existing fire alarm system is replaced.

39.3.5 Extinguishment Requirements

Portable fire extinguishers shall be provided in every business occupancy in accordance with Section 9.9.

39.3.6 Corridors

(No requirements.)

39.3.7 Subdivision of Building Spaces

(No special requirements.)

39.4 Special Provisions

39.4.1 Limited-Access or Underground Buildings

See Section 11.7.

39.4.2 High-Rise Buildings

39.4.2.1

All high-rise business occupancy buildings shall be provided with an approved, supervised automatic sprinkler system in accordance with 9.7.1.1(1) unless the building is provided with an approved engineered life safety system developed by a registered professional engineer experienced in fire and life safety systems.

39.4.2.2\*

Previously approved engineered life safety systems shall be maintained in accordance with the approved design documents and applicable standards.

39.4.3 Airport Traffic Control Towers

39.4.3.1

Airport traffic control towers shall comply with the requirements of this chapter and Section 11.3.

39.4.3.2

The requirements of Section 11.8 shall not apply to airport traffic control towers.

39.4.4 Alcohol-Based Hand-Rub Dispensers

Alcohol-based hand-rub dispensers in accordance with 8.7.3.3 shall be permitted.

39.5 Building Services

39.5.1 Utilities

Utilities shall comply with the provisions of Section 9.1.

39.5.2 Heating, Ventilating, and Air-Conditioning

Heating, ventilating, and air-conditioning equipment shall comply with the provisions of Section 9.2.

39.5.3 Elevators, Escalators, and Conveyors

Elevators, escalators, and conveyors shall comply with the provisions of Section 9.4.

39.5.4 Waste Chutes, Incinerators, and Laundry Chutes

Waste chutes, incinerators, and laundry chutes shall comply with the provisions of Section 9.5.

39.6 Reserved

39.7 Operating Features

39.7.1 Emergency Action Plans

Emergency action plans complying with Section 4.8 shall be provided in high-rise buildings.

39.7.2 Drills

In all business occupancy buildings occupied by more than 500 persons, or by more than 100 persons above or below the street level, employees and supervisory personnel shall be periodically instructed in accordance with Section 4.7 and shall hold drills periodically where practicable.

39.7.3 Portable Fire Extinguisher Training

Designated employees of business occupancies shall be trained periodically to know the locations and proper use of portable fire extinguishers.

39.7.4 Food Service Operations

Food service operations shall comply with 13.7.2.

39.7.5 Upholstered Furniture and Mattresses

The provisions of 10.3.2 shall not apply to upholstered furniture and mattresses.

39.7.6 Soiled Linen and Trash Receptacles

The requirements of 10.3.8 for containers for waste, or linen with a capacity of 20 gal (75.7 L) or more shall not apply.

39.7.7 Inspection of Door Openings

Door openings shall be inspected in accordance with 7.2.1.14.

Integrated fire protection and life safety systems shall be tested in accordance with 9.11.4.1.

39.7.8.2

Integrated fire protection and life safety systems in high-rise buildings shall be tested in accordance with 9.11.4.2.