**Chapter 38 New Business Occupancies**

38.1 General Requirements

38.1.1 Application

38.1.1.1

The requirements of this chapter shall apply to new buildings or portions thereof used as business occupancies. (See 1.3.1.)

38.1.1.2 Administration

The provisions of Chapter 1, Administration, shall apply.

38.1.1.3 General

The provisions of Chapter 4, General, shall apply.

38.1.1.4

The provisions of this chapter shall apply to life safety requirements for all new business buildings.

38.1.1.5

Additions to existing buildings shall conform to the requirements of 4.6.7. Existing portions of the structure shall not be required to be modified, provided that the new construction has not diminished the fire safety features of the facility.

38.1.2 Classification of Occupancy

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

38.1.3 Multiple Occupancies

38.1.3.1 General

38.1.3.1.1

All multiple occupancies shall be in accordance with 6.1.14 and 38.1.3.

38.1.3.1.2

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.

38.1.3.2 Combined Business Occupancies and Parking Structures

38.1.3.2.1

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.

38.1.3.2.2

Openings in the fire barrier required by 38.1.3.2.1 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.

38.1.4 Definitions

38.1.4.1 General

For definitions, see Chapter 3, Definitions.

38.1.4.2 Special Definitions

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

38.1.5 Classification of Hazard of Contents

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

38.1.6 Minimum Construction Requirements

(No requirements.)

38.1.7 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 of Table 7.3.1.2 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.

38.2 Means of Egress Requirements

38.2.1 General

38.2.1.1

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

38.2.1.2

If, owing to differences in grade, any street floor exits are 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.

38.2.1.3

Stairs and ramps serving two or more floors below a street floor occupied for business use shall be permitted in accordance with 38.2.1.3.1 and 38.2.1.3.2.

38.2.1.3.1

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

38.2.1.3.2

An inside open stairway or inside open ramp shall be permitted to serve as a required egress facility from not more than one floor level below the street floor.

38.2.1.4

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.

38.2.2 Means of Egress Components

38.2.2.1 Components Permitted

Means of egress components shall be limited to the types described in 38.2.2.2 through 38.2.2.12.

38.2.2.2 Doors

38.2.2.2.1

Doors complying with 7.2.1 shall be permitted.

38.2.2.2.2\*

Locks complying with 7.2.1.5.5 shall be permitted only on principal entrance/exit doors.

38.2.2.2.3

Elevator lobby exit access door-locking arrangements in accordance with 7.2.1.6.3 shall be permitted.

38.2.2.2.4 Reserved

38.2.2.2.5

Delayed-egress locks complying with 7.2.1.6.1 shall be permitted.

38.2.2.2.6

Access-controlled egress doors complying with 7.2.1.6.2 shall be permitted.

38.2.2.2.7

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.

38.2.2.2.8 Reserved

38.2.2.2.9

Revolving doors complying with 7.2.1.10 shall be permitted.

38.2.2.3 Stairs

38.2.2.3.1

Stairs complying with 7.2.2 shall be permitted.

38.2.2.3.2

Spiral stairs complying with 7.2.2.2.3 shall be permitted.

38.2.2.4 Smokeproof Enclosures

Smokeproof enclosures complying with 7.2.3 shall be permitted.

38.2.2.5 Horizontal Exits

Horizontal exits complying with 7.2.4 shall be permitted.

38.2.2.6 Ramps

Ramps complying with 7.2.5 shall be permitted.

38.2.2.7 Exit Passageways

Exit passageways complying with 7.2.6 shall be permitted.

38.2.2.8 Reserved

38.2.2.9 Reserved

38.2.2.10 Fire Escape Ladders

Fire escape ladders complying with 7.2.9 shall be permitted.

38.2.2.11 Alternating Tread Devices

Alternating tread devices complying with 7.2.11 shall be permitted.

38.2.2.12 Areas of Refuge

38.2.2.12.1

Areas of refuge complying with 7.2.12 shall be permitted.

38.2.2.12.2

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 3.3.22 shall not be required.

38.2.3 Capacity of Means of Egress

38.2.3.1

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

38.2.3.2\*

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).

38.2.3.3

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

38.2.4 Number of Means of Egress

38.2.4.1

Means of egress shall comply with all of the following, except as otherwise permitted by 38.2.4.2 through 38.2.4.6:

The number of means of egress shall be in accordance with Section 7.4.

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.

38.2.4.2

Exit access, as required by 38.2.4.1(3), shall be permitted to include a single exit access path for the distances permitted as common paths of travel by 38.2.5.3.

38.2.4.3

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 38.2.4.3(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.

38.2.4.4

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).

Interior exit stairs 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.

38.2.4.5

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, supervised automatic sprinkler system in accordance with 9.7.1.1(1).

38.2.4.6

A single exit shall be permitted for a single-tenant space or building two or fewer stories in height, 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).

38.2.5 Arrangement of Means of Egress

38.2.5.1

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

38.2.5.2

Dead-end corridors shall be permitted in accordance with 38.2.5.2.1 or 38.2.5.2.2.

38.2.5.2.1

In buildings protected throughout by an approved, supervised automatic sprinkler system in accordance with 9.7.1.1(1), dead-end corridors shall not exceed 50 ft (15 m).

38.2.5.2.2

In buildings other than those complying with 38.2.5.2.1, dead-end corridors shall not exceed 20 ft (6100 mm).

38.2.5.3

Limitations on common path of travel shall be in accordance with 38.2.5.3.1, 38.2.5.3.2, and 38.2.5.3.3.

38.2.5.3.1

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

38.2.5.3.2

Common path of travel shall not exceed 100 ft (30 m) within a single tenant space having an occupant load not exceeding 30 persons.

38.2.5.3.3

In buildings other than those complying with 38.2.5.3.1 or 38.2.5.3.2, common path of travel shall not exceed 75 ft (23 m).

38.2.6 Travel Distance to Exits

Travel distance shall comply with 38.2.6.1 through 38.2.6.3.

38.2.6.1

Travel distance shall be measured in accordance with Section 7.6.

38.2.6.2

Travel distance to an exit shall not exceed 200 ft (61 m) from any point in a building, unless otherwise permitted by 38.2.6.3.

38.2.6.3

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.

38.2.7 Discharge From Exits

Exit discharge shall comply with Section 7.7.

38.2.8 Illumination of Means of Egress

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

38.2.9 Emergency Lighting

38.2.9.1

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 50 or more occupants above or below the level of exit discharge.

The occupancy is subject to 300 or more total occupants.

38.2.9.2

Emergency lighting in accordance with Section 7.9 shall be provided for all underground and limited access structures, as defined in 3.3.271.11 and 3.3.271.3, respectively.

38.2.10 Marking of Means of Egress

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

38.2.11 Special Means of Egress Features

38.2.11.1 Reserved

38.2.11.2 Lockups

Lockups in business occupancies shall comply with the requirements of 22.4.5.

38.3 Protection

38.3.1 Protection of Vertical Openings

38.3.1.1

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.

Exit access stairs in accordance with 38.2.4.6 shall be permitted to be unenclosed.

38.3.1.2

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.

38.3.2 Protection From Hazards

38.3.2.1\* 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.

38.3.2.2\* 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.

38.3.2.3 Cooking Equipment

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

Outdoor equipment

Portable equipment not flue-connected

Equipment used only for food warming

38.3.3 Interior Finish

38.3.3.1 General

Interior finish shall be in accordance with Section 10.2.

38.3.3.2 Interior Wall and Ceiling Finish

38.3.3.2.1

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

38.3.3.2.2

Interior wall and ceiling finishes shall be Class A, Class B, or Class C in areas other than those specified in 38.3.3.2.1.

38.3.3.3 Interior Floor Finish

38.3.3.3.1

Interior floor finish shall comply with Section 10.2.

38.3.3.3.2

Interior floor finish in exit enclosures shall be Class I or Class II.

38.3.3.3.3

Interior floor finish shall comply with 10.2.7.1 or 10.2.7.2, as applicable.

38.3.4 Detection, Alarm, and Communications Systems

38.3.4.1 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 50 or more occupants above or below the level of exit discharge.

The occupancy is subject to 300 or more total occupants.

38.3.4.2 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)

Means of an approved automatic fire detection system that complies with 9.6.2.1(2) and provides protection throughout the building

Means of an approved automatic sprinkler system that complies with 9.6.2.1(3) and provides protection throughout the building

38.3.4.3 Occupant Notification

During all times that the building is occupied, the required fire alarm system, once initiated, shall activate a general alarm in accordance with 9.6.3 throughout the building, and positive alarm sequence in accordance with 9.6.3.4 shall be permitted.

38.3.4.4 Emergency Forces Notification

Emergency forces notification shall be provided and shall include notifying both of the following:

Fire department in accordance with 9.6.4

Local emergency organization, if provided

38.3.5 Extinguishment Requirements

Portable fire extinguishers shall be provided in every business occupancy in accordance with 9.7.4.1.

38.3.6 Corridors

38.3.6.1\*

Where access to exits is provided by corridors, such corridors shall be separated from use areas by fire barriers in accordance with Section 8.3 having a minimum 1-hour fire resistance rating, unless one of the following conditions exists:

\*Where exits are available from an open floor area

\*Within a space occupied by a single tenant

Within buildings protected throughout by an approved, supervised automatic sprinkler system in accordance with 9.7.1.1(1)

38.3.6.2

Openings in corridor walls required by 38.3.6.1 to have a fire resistance rating shall be protected in accordance with Section 8.3.

38.3.7 Subdivision of Building Spaces

(No special requirements.)

38.4 Special Provisions

38.4.1 Limited Access or Underground Buildings

See Section 11.7

38.4.2 High-Rise Buildings

High-rise buildings shall comply with Section 11.8.

38.4.3 Air Traffic Control Towers

38.4.3.1

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

38.4.3.2

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

38.5 Building Services

38.5.1 Utilities

Utilities shall comply with the provisions of Section 9.1.

38.5.2 Heating, Ventilating, and Air-Conditioning

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

38.5.3 Elevators, Escalators, and Conveyors

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

38.5.4 Rubbish Chutes, Incinerators, and Laundry Chutes

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

38.6 Reserved

38.7 Operating Features

38.7.1 Emergency Plans

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

38.7.2 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.

38.7.3 Extinguisher Training

Designated employees of business occupancies shall be periodically instructed in the use of portable fire extinguishers.

38.7.4 Food Service Operations

Food service operations shall comply with 12.7.2.

38.7.5 Upholstered Furniture and Mattresses

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

38.7.6 Soiled Linen and Trash Receptacles

The requirements of 10.3.9 for containers for rubbish, waste, or linen with a capacity of 20 gal (75.7 L) or more shall not apply.