

# Montgomery County Fire Marshal's Office

## Day Care Inspection and Permitting Guidelines

As of January 1<sup>st</sup>, 2008, Montgomery County has adopted a County Fire Code for all public buildings, commercial establishments, and multi-family residential complexes with more than 4 units. The Adopted Code is the 2006 International Fire Code with local amendments that can be found on the MCFMO website.

Dependent on the number of children and State classification, a Day Care operating in Montgomery County may require compliance with the County Fire Code. Certain home day cares and existing daycare centers may be subject to inspection only by the State Life Safety Code. At a minimum all State listed, registered or licensed daycares must meet the State adopted Life Safety Code. Existing operations prior to adoption of the County Fire Code that do not change will continue to be inspected by the Life Safety Code. Whether or not a new daycare operation needs to be permitted under the Fire Code will depend on the classification of the home or building. In order to address whether or not a facility needs to have a fire code permit or just a life safety inspection, please refer to the following: Here is a link as well to the DFPS webpage

[http://www.dfps.state.tx.us/child\\_care/Other\\_Child\\_Care\\_Information/childcare\\_types.asp#homebased](http://www.dfps.state.tx.us/child_care/Other_Child_Care_Information/childcare_types.asp#homebased)

### General Types of Daycare Operations

- **Listed** (1-3) and **Registered** homes ( up to 6 ) provide care in the caregiver's home.
- **Licensed Child Care Homes** provide care for less than 24 hours per day for 7-12 children under 14 years old.
- **Child Care Centers** are any operation that cares for 13 or more children under 14 years old for less than 24 hours.

### Permit / Inspection Requirements

Up to and including Licensed Child Care **Homes** - Life Safety Inspection only, No Fire Code Permit required as these are "**homes**" under DFPS rules.

**Existing Child Care Centers** – Continue with Life Safety Inspection only as long as there is no change in level of activity or "substantial improvement" as defined in Fire Code.

**New / Converted Child Care Centers** - Fire Code Permit and County Fire Code apply (Commercial Establishment)

For More Information please email [fire.codes@mctx.org](mailto:fire.codes@mctx.org)