



OKLAHOMA CITY FIRE DEPARTMENT

Fire Marshal's Office

Interpretation

Interpretation #: OKCAHJ-2018-01	Subject of Interpretation: Change of Use Building Permits	
Code Reference: 2009 IFC Section 102.3 and 104.1		
Reviewed By: Robert Crisp	Title: Assistant Fire Marshal	Effective Date: 2/19/2018
Approved By: Harold Thompson	Title: Fire Marshal	Revision Date: N/A

Purpose:

2009 International Fire Code (IFC) Section 104.1 states, “the fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions.” This policy will require all structures experiencing a change in use to obtain a Change of Use building permit from the Development Center (Permits & Licensing, 420 W. Main St, 8th Floor) to include all required inspections before legally occupying the structure. Any existing facility with non-ambulatory occupants will need a BLDC permit to change the use. Any existing facility with ambulatory occupants will need a BLDC permit to change the use, unless records can be shown to establish that the use existed prior to the adoption of the 2003 International Building Code (IBC) dated 9-28-2004. If an existing structure meets this condition, the facility can be approved as a legal-non-conforming occupancy if a fire alarm system is provided.

Description of Code Reference:

2009 IFC Section 102.3 states, “no change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the International Building Code (IBC).”

Policy based on the Interpretation of the Authority Having Jurisdiction (AHJ):

The policy of this office is that no change shall be made in the use of a building unless the building is made to comply with code requirements for such division or group. A Change of Use permit will be required when occupancy use changes occur in existing buildings, buildings that are remodeled to accommodate a use change, or when an addition is constructed onto an existing building to accommodate a use change. A change in use that places a building into a different use group has to comply with the fire code requirements for such division or use group.

The following are scenarios that involve a change in use of a building and requiring a Change of Use building permit:

- Change in use by moving across use groups; examples include moving from business (Group B) occupancy to a residential (Group R) occupancy or from a mercantile (Group M) occupancy to a day care (Group E or I-4) occupancy. In these situations, the newly created occupancy must meet all of the applicable fire code requirements for new buildings for the new occupancy classification.
- Change in division within the same use group; examples include moving from a one- and two-family dwelling (Group R-3) to a residential care/assisted living (Group R-4) or from an H-3 to H-2 occupancy due to a change in chemical hazard or from a hotel (Group R-1) to an apartment (Group R-2) for the new occupancy classification. In these situations, the occupancy must meet all of the applicable fire code requirements for new buildings for the new occupancy classification.