

**NC Department of Insurance  
Office of the State Fire Marshal - Engineering Division  
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**Maximum Occupant Load for a Day Care Facility**

**Code:** 2012 Building Code  
**Section:** 305.2, 308.5 and 310.1

**Date:** July 17, 2012

**Question:**

What is the maximum occupant load for a Day Care Facility?

**Answer:**

The maximum occupant load for a Day Care Facility is based on the age of the clients and the occupancy type of the facility.

- Residential Group R-3:
  - Adult Care facilities – five or fewer persons of any age, excluding staff
  - Child Care facilities – eight or fewer persons with no more than five that are of preschool age, excluding staff. (Section 310.1)
- Residential Group R-4 (Any age):
  - More than five but not more than 16 occupants, excluding staff. (Section 310.1)
- Education Group E:
  - 6 to 100 children preschool aged 2<sup>1</sup>/<sub>2</sub> years or less (Section 310.1)
  - More than 5 children 2<sup>1</sup>/<sub>2</sub> years through 12<sup>th</sup> Grade (Section 305.2)
- Institutional Group I-4:
  - Adult Care facilities – six or more (Section 308.5.1).
  - Child Care facilities – six or more (Section 308.5.2).

**Keywords:**

Day Care, Occupant Load, Age