



Florida Division of State Fire Marshal

The Florida Fire Marshals and Inspectors Association,
"Organization" (§633.026)

Informal Interpretation

Date: August 22, 2013

NFPA Document Number: 101

Edition: 2009

Paragraph Reference: 36.3.2.1.1

For purpose of this petition, pertinent factors do not include the name of the governmental agency or persons representing that agency. Petitioners are discouraged from making any personal assertions about an agency or agency official. If this involves an actual situation, briefly explain all of the pertinent factors.

Actual Situation Explanation:

We are proposing a new 7,150 sf O'Reilly Auto Parts Store, non-sprinkled. The local fire marshal is asking us to fire separate Parts Area 'A' (3,317 sf) from Parts Areas 'B' (3,011 sf) and 'C' (247 sf). The entire building is used for the sale of auto parts and is well under the hazardous quantities listed in 2010 FL Building Code. The parts areas are open to each other because employees are constantly navigating through the spaces to retrieve parts for customers. All areas house auto parts and accessories but Parts Area 'A' is for public use and Parts Areas 'B' and 'C' are for employees. If Parts Area 'A' stores items to be accessed at the same frequency as Parts Areas 'B' and 'C' would they have to be separated from each other?

Question (*should be worded so that it can be answered with either "Yes" or "No"*):

Should Parts Area 'A' need fire separation from Parts Areas 'B' and 'C'?

Answer: No

Reference to the definitions of occupancies in 101 indicates what a mercantile occupancy incorporates. As there is no indication of a higher storage hazard than what is located on the floor where customers are allowed or an occupancy load over 50, it should be listed as a Mercantile Occupancy as defined.

Rulings herein expressed are not the formal position of the Florida State Fire Marshal's Office

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3.3.178.9* Mercantile Occupancy. An occupancy used for the display and sale of merchandise. [5000, 2006]

A.3.3.178.9 Mercantile Occupancy. Mercantile occupancies include the following:

- (1) Auction rooms
- (2) Department stores
- (3) Drugstores
- (4) Restaurants with fewer than 50 persons
- (5) Shopping centers
- (6) Supermarkets

Office, storage, and service facilities incidental to the sale of merchandise and located in the same building should be considered part of the mercantile occupancy classification.

Committee Answer Submitted by,
Wesley Hayes, Chair
Informal Fire Code Interpretation Committee

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