



Determination 2016/058

Dispute over the requirement for fire door signage to hotel suites at 124 Devon Street West, New Plymouth

Summary

This determination considers whether signage is required between the common corridor and guest suites in a hotel in order to satisfy Clause F8 of the Building Code. The determination discusses the risks of the doors being wedged open and whether this constitutes a potential hazard.

1. The matter to be determined

- 1.1 This is a determination under Part 3 Subpart 1 of the *Building Act 2004*¹ (“the Act”) made under due authorisation by me, John Gardiner, Manager Determinations and Assurance, Ministry of Business, Innovation and Employment (“the Ministry”), for and on behalf of the Chief Executive of the Ministry.
- 1.2 The parties are:
 - New Plymouth District Council carrying out its duties and functions as a territorial authority or building consent authority (“the authority”) and who applied for this determination
 - the owner of the building, Renaissance Holdings Ltd (the “owner”).
- 1.3 I have provided the New Zealand Fire Service Commission (“the NZFS”) with the determination documentation for comment by way of consultation under section 170 of the Act².
- 1.4 This determination arises from a disagreement between the owner and the authority as to whether particular signs are required to be placed on hotel suite doors in order to comply with certain clauses of the Building Code (First Schedule, Building Regulations 1992).
- 1.5 The matter to be determined requested by the authority in relation to the hotel suite doors was “whether signs were required on fire doors to identify a hazard”.
- 1.6 The owner requested the matter to be determined to be amended to “whether the private suite doors that form the entrance to the room suites off the public hallways require fire signage on them.”
- 1.7 For the sake of clarity, the matter to be determined³ is “whether signage is required on the doors between the common corridor and guest suites to satisfy Building Code clause F8 with respect to notifying a safety feature or potential hazard.”

¹ The Building Act, Building Code, compliance documents, past determinations and guidance documents issued by the Ministry are all available at www.building.govt.nz or by contacting the Ministry on 0800 242 243.

² In this determination, unless otherwise stated, references to sections are to sections of the Act and references to clauses are to clauses of the Building Code.

- 1.8 In making my decision, I have considered the submissions of the parties in this matter. I have not considered any other aspects of the Act or of the Building Code, nor have I considered any other building elements other than in regards to signs on the guest suite doors.

2. The building work

- 2.1 The building work is the alteration of an existing two-storey building to convert its use to a hotel, and includes the creation of eleven guest suites off a common corridor.
- 2.2 Egress from the upper floor is provided by stairs at each end of the corridor.
- 2.3 Each guest suite is designed to be an individual fire cell, with access to the corridor by means of a fire door, fitted with a self-closer. The plan is shown in Figure 1 below:

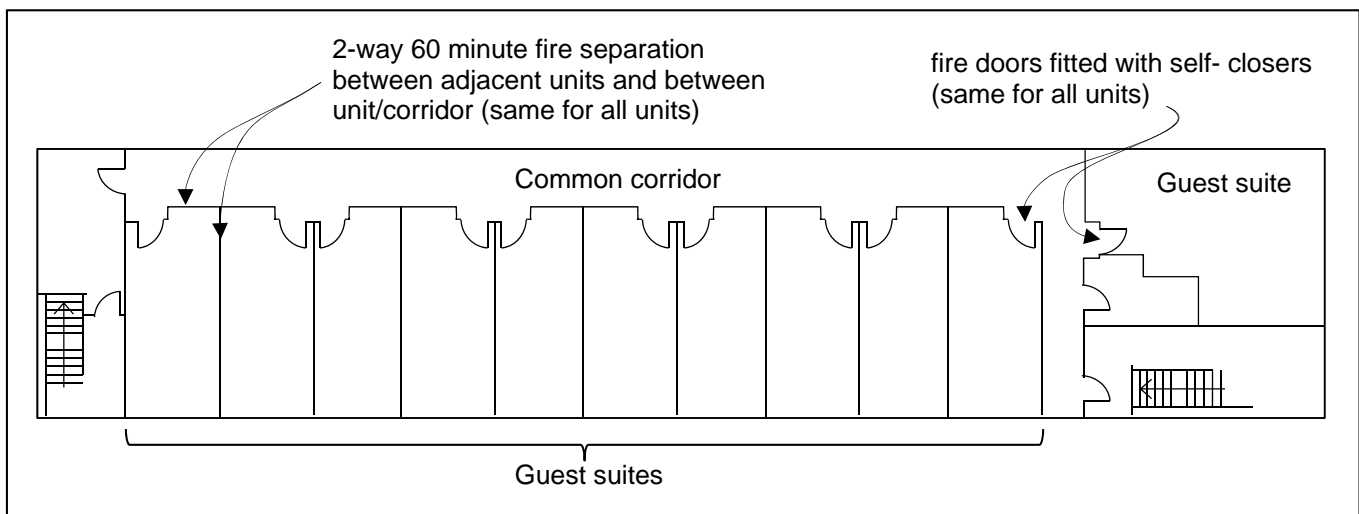


Figure 1: Drawing showing suites, corridor, and fire separations

3. Background

- 3.1 The owner has completed alterations under building consent number 15118096.
- 3.2 A final inspection undertaken by the authority on 24 March 2016 identified a number of matters that needed to be attended to, including the provision of notices on fire doors separating the corridor from the hotel suites.
- 3.3 Following a meeting between the owner and authority, on 8 July 2016 the owner emailed the authority submitting that signs were not required, citing the Acceptable Solution F8/AS1 paragraph 1.0 which states that "... signs are not required for detached dwellings, within household units in multi-unit dwellings or within hotel and motel suites".
- 3.4 The authority responded the same day commenting that:
- ... I still think the "fire Door Keep Closed" signs are required on the doors to identify them as fire doors and the fact they can't be wedged open.
- 3.5 In a further email that day the owner pointed out that suite doors in other areas of the hotel complex (not the building work to which this applies) do not have signs and that he was surprised to learn (at the meeting with the authority) that the authority had 'exempted' those doors.

³ Under section 177(1)(a) of the Act

- 3.6 The authority acknowledged there had been a discussion about the font and colour of a number of signs previously but that there was no record on file.
- 3.7 The authority undertook to seek an opinion from an officer of the Ministry, which was received on 12 July 2016. That opinion reiterated that the wording of F8/AS1 paragraph 1.0 applies “within” suites and not to a door which leads “from” a suite, and that the more specific requirements set out in paragraph 5.2.1 of F8/AS1 apply.
- 3.8 In a further email on 12 July 2016, the owner reiterated his submission that the doors would not be wedged open and therefore there was no need for a sign, and observed that many hotel suite doors throughout New Zealand do not have signage.
- 3.9 The application for determination was received by the Ministry on 25 August 2016.

4. The submissions

- 4.1 In a submission dated 23 August 2016 the authority provided copies of email correspondence between the authority and the owner. The authority submitted (in summary) that signs in accordance with F8/AS1 were required to be fixed to both sides of the fire door.
- 4.2 The authority also provided a copy of documentation recording a final inspection, in which the absence of signs was noted as a matter to be attended to.
- 4.3 The owner provided a submission on 20 September 2016 requesting an amendment to the matter to be determined (as in para 1.6) and submitted that:
- the decision of the authority to require signs on these doors is not consistent with other similar doors in the same hotel approved previously by the authority
 - there is no room suite door signage in other hotels the owner had been in around the country.
- 4.4 A draft of this determination was issued to the parties and NZFS for comment on 3 November 2016.
- 4.5 The authority and the owner accepted the draft determination without further comment, and by email on 25 November 2016 the NZFS confirmed it also had no comment.

5. Discussion

5.1 General

- 5.1.1 The relevant clause of the Building Code is F8.2, which sets out functional requirement that signs be provided to identify emergency-related safety features and potential hazards and F8.3 which sets out performance requirements for signs to notify building occupants of emergency-related safety features and potential hazards.
- 5.1.2 Although Clause F8.2 does not apply to some particular types of buildings (detached dwellings, or within household units in multi-unit dwellings), it does apply to this type of building.
- 5.1.3 The Building Code F8 performance requirements are that signs are clearly visible, and signs identifying potential hazards must be provided and located so that people encounter the signs before encountering the potential hazard.
- 5.1.4 In making his submission the owner has made reference to other similar buildings, in which he has not observed notices on hotel suite doors.

- 5.1.5 I have confined my consideration to this particular building work, and not considered the practices in other buildings reported by the owner. The matter to be determined is specific to the guest suite doors and circumstances in this building.

5.2 The Acceptable Solution F8/AS1

- 5.2.1 Section 19 of the Act provides various means as establishing compliance with the Building Code, including but not limited to compliance with the relevant Acceptable Solution (in this case F8/AS1).
- 5.2.2 I infer from the drawing references to Acceptable Solutions C/AS2 and C/AS4 that compliance with the fire safety requirements for the guest suites has been based on the Acceptable Solution C/AS2, and that the fire doors are provided as part of the means of complying with C/AS2.
- 5.2.3 Acceptable Solution C/AS2 paragraph 3.16 requires all escape routes, fire doors and smoke control doors to have signs complying with Clause F8 of the Building Code.
- 5.2.4 Paragraphs 5.2 of Acceptable Solution F8/AS1 set out the requirements for signs on fire doors and smoke control doors (refer Appendix B1). The Acceptable Solution is unequivocal regarding the fixing of notices to the leaf of fire doors:

5.2.1 Fire doors and smoke control doors required by NZBC Clause C Protection from Fire shall have a sign fixed to both sides of the door leaf adjacent to the handle or push plate, stating 'Fire Door, keep closed' or 'Smoke Control Door, keep closed', except that door leaves fitted with hold-open devices shall have a sign stating only 'Fire Door' or 'Smoke Control Door'."

I am satisfied that had the Acceptable Solution been the basis of compliance then signs would be required.

- 5.2.5 However, the requirement of C/AS2 is to comply with the Clause F8 of the Building Code, and not necessarily by way of the Acceptable Solution F8/AS1. The authority has made that observation in emails to the owner, as has an officer of the Ministry.
- 5.2.6 Although the owner did not couch them in these terms, I have taken his submissions regarding door signage to be an alternative solution based on complying with the Building Code, rather than complying with the Acceptable Solution F8/AS1.

5.3 What emergency-related safety feature or potential hazard exists with respect to fire doors

- 5.3.1 The drawing showing the location of fire separations describes each suite as being its own fire cell, with a fire-rated door leading to the common corridor. The fire doors are safety features that assist in reducing the spread of smoke and fire to other parts of the building and contribute to a safe means of escape from fire.
- 5.3.2 While the term "hazard" is not defined, Clause A2 of the Building Code does define "hazardous" as 'creating an unreasonable risk to people of bodily injury or deterioration of health'.
- 5.3.3 I have taken the potential hazard in this case to be the exposure of building occupants in the escape route, ie the corridor, to products of combustion (smoke and heat) originating from an attached fire cell (guest suite).
- 5.3.4 Essential to the purpose of the fire door minimising the passage of products of combustion is that, when the fire cell is unoccupied the fire door is closed, and in the event of a fire when the fire cell is occupied the fire cell the door is closed after occupants have left the fire cell.

- 5.3.5 The doors are provided with a self-closer that in normal use closes the door automatically.
- 5.3.6 In deciding this matter, I have considered the likelihood of the fire door being wedged open and whether the consequent lack of fire separation constitutes an additional potential hazard, having due regard to various factors which I discuss in the paragraphs below.
- 5.3.7 I note a comment in C/AS2 paragraph 3.15.9 that detector activated hold-open devices should eliminate the unsafe practice of wedging or otherwise keeping self-closing doors open in circumstances where the volume of type of occupant traffic means it is not practical to assume the doors will remain closed. This comment relates to paragraph 3.15.3(d) where a hold-open device is required in locations where, due to the volume of occupant traffic using the doors, there is a likelihood that the doors may be kept open by some other ‘unauthorised’ means.
- 5.3.8 A “hold open” device is not required for a door into a guest room/suite off a corridor, because the volume of traffic is such that using an unauthorised means to keep the door open is unlikely.
- 5.3.9 The owner has submitted that the use of a wedge to hold the fire doors open is unlikely in this building because the occupants of the guest rooms/suites are likely to keep the room/suite door shut to preserve their privacy, and because wedges are not provided (or otherwise readily available) to facilitate the wedging open of the doors. I accept the owner’s submission in this respect.
- 5.3.10 I consider the hotel environment to be one where guests are transient, accommodated for a short time and are likely to keep the door closed for security and privacy. I would not necessarily reach the same view for other types of buildings where there might be a different social context or environment.
- 5.3.11 I do not dismiss the ability of occupants to find innovative ways to wedge a door open even when a wedge is not provided for that purpose, but I consider that to be unlikely in the circumstances of a hotel for travelling guests and is something that is able to be managed by hotel staff should it be observed.

5.4 Conclusions

- 5.4.1 Taking into account the analysis outlined above, and in the absence of any evidence to the contrary, I am satisfied that the risk of guest room/suite doors being wedged open does not present a potential hazard.
- 5.4.2 I conclude that because there is not a potential hazard, notices on the guest room/suite doors are not required.
- 5.4.3 It is emphasised that each determination is conducted on a case-by-case basis. Accordingly, the fact that notices on the guest suite doors have been found to be not required in relation to this particular building work does not necessarily mean that such notices would not be required in other buildings.

6. The decision

In accordance with section 188 of the Building Act 2004, I hereby determine that the fire doors separating the guest room/suites from the corridor at 124 Devon Street West, New Plymouth, do not require notices advising to keep them shut to be fixed to the door in order to comply with the Building Code Clause F8 Signs.

Signed for and on behalf of the Chief Executive of the Ministry of Business, Innovation and Employment on 28 November 2016.

John Gardiner
Manager Determinations and Assurance

Appendix A: The legislation

A1. The relevant sections of the Act include:

19 How compliance with building code is established

(1) A building consent authority must accept any or all of the following as establishing compliance with the building code:

- (a) compliance with regulations referred to in section 20:
- (b) compliance with an acceptable solution:
- (ba) compliance with a verification method:

A2. Building Code Clause F8 Signs includes:

F8.2 Signs must be provided in and about buildings to identify:

- (a) escape routes,
- (b) emergency-related safety features,
- (c) potential hazards, and
- (d) accessible routes and facilities for people with disabilities.

Requirement F8.2 does not apply to detached dwellings, or within household units in multi-unit dwellings.

F8.3

F8.3.1 Signs must be clearly visible and readily understandable under all conditions of foreseeable use, including emergency conditions.

F8.3.2 Signs identifying potential hazards must be provided and located so that people encounter the signs before encountering the potential hazard.

F8.3.3 Signs to facilitate escape to a place of safety must be provided and

- (a) be located to identify the escape routes, and
- (b) continue to meet the performance requirements in clause F8.3.1 during failure of the main lighting for the period required by performance F6.3.4 and performance F6.3.5.

Appendix B: The Acceptable Solutions

B.1 Relevant paragraphs of Acceptable Solution F8/AS1 include:

1.0 Scope

This Acceptable Solution describes one way of meeting the requirements of NZBC Clause F8 for the design and provision of signage in and around buildings. Included are safety signs, exit signs, fire related safety feature signs, hazard signs, and signs for access and facilities for people with disabilities.

Signs are not required for detached dwellings, within household units in multi-unit dwellings or within hotel and motel suites.

Signs for persons with disabilities are only required in buildings to which section 118 of the Building Act 2004 applies.

5.2 Fire and smoke control doors

5.2.1 Fire doors and smoke control doors required by NZBC Clause C Protection from Fire shall have a sign fixed to both sides of the door leaf adjacent to the handle or push plate, stating 'Fire Door, keep closed' or 'Smoke Control Door, keep closed', except that door leaves fitted with hold-open devices shall have a sign stating only 'Fire Door' or 'Smoke Control Door'.

5.2.2 Fire doors and smoke control doors that have an automatic door closer shall have a sign fixed to the exposed side of the door stating 'Fire Door (automatic closing) do not obstruct' or 'Smoke Control Door (automatic closing) do not obstruct' as appropriate.

5.2.3 Safe condition signs on fire doors and smoke control doors shall measure no less than 90 mm x 50 mm and shall be in white letters no less than 8 mm high on a safety green background. (Refer to Paragraph 3.2.3.)

B.2 Relevant paragraphs of Acceptable Solution C/AS2:

Hold-open devices

3.15.9 Detector activated hold-open devices shall be fitted to fire doors or smoke control doors required:

- a) Between open paths and exitways if the occupant load is greater than 1000, and
- b) For subdividing long corridors (see Paragraph 4.12), and
- c) In fire separations where an escape route passes into an adjacent firecell (see paragraph 3.7.13), and
- d) In locations where, due to the type or volume of occupant traffic using the doors, the doors may be kept open by unauthorised means.

Comment:

An example of c) would be between a horizontal safe path or smoke lobby and a vertical safe path.

Comment:

Hold-open devices are used where it is not practical to assume fire doors and smoke control doors will remain closed, because of the type or volume of occupant traffic using the doors. The devices should eliminate the unsafe practice of wedging or otherwise keeping self-closing doors open.

For the convenience of building occupants, it is often useful to provide a clearly-labelled push-button release adjacent to doors with hold-open devices

3.16 Signs

3.16.1 All escape routes, fire doors and smoke control doors shall have signs complying with NZBC F8.