

## Chapter ILHR 60

### CHILD DAY CARE FACILITIES

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Note: Chapter Ind 60 was renumbered chapter ILHR 60, effective in January 1, 1984.

**ILHR 60.001 Scope.** The requirements of this chapter shall apply to all public and private day care centers accommodating children, including all buildings, or parts of buildings, used as child day care facilities. Chapter ILHR 60 shall not apply to public schools defined in s. 115.01 (1), Stats., or private schools defined in s. 121.51 (3), Stats., or to short-time programs (i.e., Boy Scouts, Girl Scouts, Sunday schools, etc.).

(1) Part I of this chapter is general requirements applicable to all child day care facilities within the scope of ch. ILHR 60.

(2) Part II of this chapter is applicable to day care centers serving 4 to 8 children.

(3) Part III of this chapter is applicable to day care centers serving 9 or more children.

(4) Chapters ILHR 50 to 53 inclusive are applicable for general and structural design requirements. Chapters ILHR 63 and 64 are applicable to newly constructed day care centers and to alterations to mechanical systems.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; am. (4), Register, December, 1983, No. 336, eff. 1-1-84.

**ILHR 60.01 Definitions.** (1) **DAY CARE CENTER.** Any place which receives at any one time for compensation 4 or more children under the age of 7 years, for care and supervision, for less than 24 hours a day for more than 10 days a month, without the attendance of a parent, relative or legal guardian.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74.

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## Part I — GENERAL REQUIREMENTS

**ILHR 60.10 Occupancy separations.** (1) Except as provided in sub. (2), where a day care center is located in a building used also for assembly hall or hazardous occupancy purposes, the day care center shall be separated from the assembly hall or hazardous occupancy with occupancy separations as specified in ss. ILHR 55.05 and 59.22, respectively.

(2) An occupancy separation as specified under s. ILHR 55.05 is not required to separate a day care center from a church assembly hall occupancy if the day care center complies with the more stringent requirements of ch. ILHR 55.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; r. and recr., Register, December, 1981, No. 312, eff. 1-1-82.

**ILHR 60.105 Height of first floor above grade.** The elevation of the first floor and the sills of all required exit discharges from the first floor shall be at or not more than 6 feet above an exit discharge grade for existing buildings to be licensed as child day care centers.

History: Cr. Register, December, 1983, No. 336, eff. 1-1-84.

**ILHR 60.11 Capacity of buildings.** The occupant load shall be the maximum number of children intended to occupy that floor, but not more than one child per 35 square feet of net floor area. Licensing limitations of the department of health and social services may supersede this requirement.

Note: The minimum staff-to-child ratio shall meet the requirements of ch. HSS 55 which is as follows:

| Age             | Minimum number of staff to children |
|-----------------|-------------------------------------|
| 0-1 years       | 1 to 3 children                     |
| 1-2 years       | 1 to 4 children                     |
| 2-2½ years      | 1 to 6 children                     |
| 2½-3 years      | 1 to 8 children                     |
| 3-4 years       | 1 to 10 children                    |
| 4-5 years       | 1 to 12 children                    |
| 5 years or over | 1 to 16 children                    |

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74.

**FP ILHR 60.12 Doors.** (1) All exit doors, and all doors along the path of travel to an exit, shall meet the requirements of s. ILHR 51.15 with the following exceptions:

(a) The width of all required exit doors may be reduced to 2 feet 8 inches in existing buildings not accommodating more than 8 children;

(b) All such doors used by not more than 25 persons need not swing outward;

(c) All such doors in centers serving 20 or less children need not be provided with illuminated exit signs; and

(d) Sliding glazed patio-type doors may serve as the second exit. A means to prevent accumulation of snow and ice in the door track or freezing of the door shall be provided.

(2) Every closet door latch shall be such that children can open the door from inside the closet.

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(3) Every toilet room door lock shall be designed to permit opening of the locked door from the outside in an emergency, and the opening device shall be readily accessible to the staff.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; cr. (1)(d), Register, December, 1977, No. 264, eff. 1-1-78; r. (1)(a), renum. (1)(b) to (d) to be (1)(a) to (c), Register, January, 1980, No. 289, eff. 2-1-80; am. (1) (c), Register, May, 1980, No. 293, eff. 6-1-80; cr. (1) (d), Register, December, 1981, No. 312, eff. 1-1-82.

**ILHR 60.13 Windows and outside openings.** (1) All areas used for sleeping purposes shall be provided with vision panels or windows facing directly upon a street, alley, or open court. The vision panels or windows shall be glazed with glass or other approved material.

(2) The windows or vision panels shall have a total glazed area of at least 8% of the floor area of the room served. The openable area of the windows shall be equal to at least 4% of the floor area of the room served.

(3) See s. ILHR 60.18 (2) for exception to the requirement for openable windows.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; am. (2) and (3), Register, January, 1980, No. 289, eff. 2-1-80; r. and recr. (2), Register, December, 1981, No. 312, eff. 1-1-82; am. (2), Register, October, 1982, No. 322, eff. 11-1-82; am. (1), Register, December, 1983, No. 336, eff. 1-1-84.

**ILHR 60.15 Sanitary facilities.** (1) **FIXTURES REQUIRED.** Toilet facilities shall be provided in all day care centers.

(a) One water closet shall be provided for the first 10 children. One water closet shall be provided for each additional 15 children, or fraction.

(b) Children under the age of 30 months need not be included when determining the required fixtures; however, in all cases, at least one water closet and one lavatory shall be provided in all day care centers.

(c) Water closets and urinals for the staff, in accordance with s. ILHR 54.12, shall be provided in addition to those required for the children, in day care centers with 10 or more staff members at any one time.

(d) Urinals may be substituted for up to 1/3 of the total required water closets.

(e) Lavatories shall be provided in the ratio of one lavatory for every 2 water closets and urinals, or fraction.

(2) **PRIVACY.** (a) Doors to the toilet rooms and water closet compartments may be omitted for toilet rooms used by children, provided that other toilet facilities equipped with toilet room doors and water closet compartments, are available for the staff and children 10 years of age and older.

(b) Sex designated toilet rooms shall be provided, available for staff use, in centers having 10 or more staff members at any one time.

Note #1: The term "staff member," as used in this section, is intended to include all employees, whether on pay status or on a volunteer status.

Note #2: The intent of sub. (2) is to allow toilet rooms used in common by both sexes in day care centers with less than 10 adults, and to omit the privacy requirements of toilet room

doors and water closet compartments only for children who have not reached the age of sex awareness.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; r. and recr. Register, December, 1976, No. 252, eff. 1-1-77; r. and recr., Register, December, 1977, No. 264, eff. 1-1-78.

**FP ILHR 60.16 Electrical work.** (1) The electrical systems in existing buildings proposed to be used as day care centers shall conform to the Wisconsin state electrical code, volume 2, ch. ILHR 16.

(2) Special protective receptacle covers shall be installed in all areas occupied by children.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74.

**ILHR 60.17 Illumination.** The illumination for occupied areas, other than sleeping areas, shall have a minimum intensity of 20 foot-candles at a horizontal plane 24 inches above the floor. All other spaces shall meet the requirements of s. Ind 19.04.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74.

**ILHR 60.18 Heating and ventilating.** (1) The heating system shall be capable of maintaining an inside temperature of not less than 67° F.

(2) Fresh air at the rate of 5 cubic feet per minute per occupant shall be provided for centers that do not comply with the openable window requirements of s. ILHR 60.13 (2).

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; am. (2), Register, January, 1980, No. 289, eff. 2-1-80.

**FP ILHR 60.19 Operating features.** (1) Fire prevention inspections shall be conducted monthly. A copy of the latest completed inspection form shall be posted in a conspicuous place in the day care facility.

(2) A fire evacuation plan shall be practiced not less than once per month. Fire alarm and/or smoke detection systems shall be tested at weekly intervals. It is recommended that fire safety be a part of the educational program of the center.

(3) Furnishings, decorations, or other objects shall not be so placed as to obstruct exits, access thereto, egress therefrom, or visibility thereof.

(4)\* Flammable and combustible liquids shall be stored in areas accessible only to designated individuals and as recommended in NFPA standard No. 30, Flammable and Combustible Liquids Code.

Note: NFPA standard No. 30 is not a mandatory standard.

(5) Railings guarding differences of elevation (i.e., open sides of stairways, elevated platforms, walks, balconies, mezzanines) shall be designed to prevent the passage of an object with a diameter larger than 9 inches.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; cr. (5), Register, January, 1980, No. 289, eff. 2-1-80.

\*See Appendix A for further explanatory material.

**Part II — DAY CARE CENTERS SERVING 4 TO 8 CHILDREN**

**ILHR 60.20 Class of construction.** (1) Buildings which are 2 stories or less in height shall be constructed of wood frame unprotected type No. 8 construction, or better, as specified in s. ILHR 51.03.

(2) Buildings which are 3 stories in height shall be constructed of metal frame unprotected type No. 6 construction, or better, as specified in s. ILHR 51.03.

(3) Buildings which are more than 3 stories in height shall be constructed of fire-resistive type No. 1 or No. 2 construction, as specified in s. ILHR 51.03.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74.

**ILHR 60.21 Exiting.** (1) Children under the age of 24 months shall be restricted to the first floor, as determined in s. ILHR 51.02 (14), or to ground floors as defined in s. ILHR 51.01 (67). **FP**

(2) Each floor occupied by children shall have not less than 2 exits.

(3) The exits shall be located to provide the best possible means of egress.

(4) Where the floor above exit discharge grade is used by children for sleeping purposes, one exit shall lead directly from the floor to the exterior.

(5) Travel distance from any point to an outside exit door or stair enclosure leading to the outside shall not exceed 75 feet. Travel distance may be increased to 125 feet when the building is provided with a sprinkler system in accordance with the requirements of s. ILHR 51.23.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; am. (1), Register, December, 1977, No. 264, eff. 1-1-78; am. (1), Register, December, 1983, No. 336, eff. 1-1-84.

**ILHR 60.22 Passageways.** The minimum unobstructed passageway width shall not be less than 3 feet. **FP**

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74.

**ILHR 60.23 Stair and shaft enclosure.** (1) A self-closing door shall be provided at the stair between the basement or ground floor and the first floor. **FP**

(2) A self-closing door or smoke detector shall be provided at the stair between the first floor and the second floor when the second floor is used by the children for sleeping purposes. (This requirement does not apply to buildings which are provided with a fire alarm system as described in s. ILHR 51.24.)

(3) Stairs and shafts serving 3 or more floor levels shall comply with the requirements of s. ILHR 51.02 (11) and Table 51.03-A.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; am. (3), Register, October, 1982, No. 322, eff. 11-1-82; am. (3), Register, December, 1983, No. 336, eff. 1-1-84.

**FP ILHR 60.24\* Fire extinguishers.** A portable fire extinguisher suitable for Class B fires shall be provided for the kitchen and cooking area.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74.

**FP ILHR 60.25 Hazardous areas.** (1) A boiler, furnace, or any area containing gas- or oil-fired units other than laundry or kitchen equipment shall be protected by one of the following methods:

(a) One-hour fire-resistive enclosure. The door in the enclosure shall be a 1¾-inch thick, solid wood core door. Combustion air shall be provided in accordance with s. ILHR 64.09; or

(b) Protected by a smoke detection system.

(2) Hazardous equipment in areas occupied by children shall be separated by one-hour fire-resistive partitions.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; am. (1) (a), Register, December, 1975, No. 240, eff. 1-1-76.

### Part III — DAY CARE CENTERS SERVING 9 OR MORE CHILDREN

**ILHR 60.30 Class of construction.** (1) Class of construction for day care centers shall comply with Table 60.30. Day care centers located in buildings of more than 4 stories shall be provided with one independent stairway serving the day care center only and restricted to the height indicated in Table 60.30.

TABLE 60.30

| Type of Construction                               | Maximum Allowable Height (feet) | Maximum Allowable Number of Stories |     |                        |   |
|--|---------------------------------|-------------------------------------|-----|------------------------|---|
|  |                                 | 1                                   | 2   | 3                      | 4 |
| Fire-resistive Type A No. 1 and Type B No. 2       | 85                              | X                                   | X   | X                      | X |
| Metal Frame Protected No. 3 and Heavy Timber No. 4 | 75                              | X                                   | X   | X                      |   |
| Exterior Masonry No. 5                             | 50                              | X                                   | (c) | (a) & (b) or (a) & (d) |   |
| Metal Frame Unprotected No. 6                      | 50                              | X                                   | (c) | (a)                    |   |
| Wood Frame Protected No. 7                         | 40                              | X                                   | X   |                        |   |
| Wood Frame Unprotected No. 8                       | 35                              | X                                   | (c) |                        |   |

X = permitted.

(a) All floors and supporting members shall have a one-hour fire-resistive rating.

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(b) The entire building shall be equipped with an automatic sprinkler system in accordance with s. ILHR 51.23.

(c) All ceilings shall be covered with ½-inch gypsum wallboard or equivalent.

(d) All floor systems shall be of noncombustible construction.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74.

**ILHR 60.31 Exiting.** (1) Each floor shall have not less than 2 exits. All required exits shall lead directly, or through an enclosed stairway, to the outside. **FP**

(2) The exits shall be located to provide the best possible means of egress.

(3) Travel distance measured along safe passageways between:

(a) Any point in a sleeping room or suite and an exit access door of that room or suite shall not exceed 50 feet;

(b) Any room door intended as an exit access and an exit shall not exceed 50 feet; and

(c) Any point in a room or suite and an exit shall not exceed 100 feet.

(4) The travel distances in sub. (3) above shall be reduced by 50% for children under the age of 30 months.

(5) The travel distances in sub. (3) above may be increased by 50 feet in buildings completely equipped with an automatic sprinkler system. No increase in travel distance is permitted for children under the age of 30 months.

(6) Children under the age of 24 months shall be restricted to the first floor, as determined in s. ILHR 51.02 (14), or to ground floors as defined in s. ILHR 51.01 (67).

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; am. (4), (5) and (6) Register, December, 1977, No. 264, eff. 1-1-78; am. (6), Register, December, 1983, No. 336, eff. 1-1-84.

**ILHR 60.32 Required exit width.** (1) The total required exit width from a building level shall be in accordance with the requirements of ss. ILHR 51.15 (6) and 51.16 (3). **FP**

(2) If horizontal exits (s. ILHR 51.19) are provided for any floor, the number of persons accommodated on such floor may be increased at the rate of 100 persons for each 40 inches of width of such exits, provided such increase shall not exceed 100% of the number of persons accommodated by the stairways.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; r. and recr. Register, December, 1974, No. 228, eff. 1-1-75.

**ILHR 60.33 Passageways.** (1) The minimum unobstructed width of corridors and passageways shall be determined in the same manner as specified for stairways and exits in s. ILHR 60.32. The minimum width shall be not less than 3 feet 8 inches. **FP**

(2) The minimum passageway width shall not be less than 3 feet in existing buildings proposed to be used as day care centers, provided the capacity of the day care center does not exceed 40 persons.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74.

**FP ILHR 60.34 Stair and shaft enclosure.** (1) All stairs and vertical shafts serving 2 or more floor levels shall comply with the requirements of s. ILHR 51.02 (11) and Table 51.03-A. All required stair enclosures shall lead to the outside without interruptions.

(2) No storage closets shall be placed under any stairway, platform or landing. A room may be placed under a stairway or stair landing of 2-hour fire-resistive construction, or better, provided such room does not have combustible material or hazardous equipment stored or operated therein. The door to such room shall be a self-closing, solid, flush type wood door, 1¾ inches in thickness, or better.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; am. (1), Register, October, 1982, No. 322, eff. 11-1-82.

**FP ILHR 60.35\* Fire extinguishers.** Portable fire extinguishers suitable for Class B fires shall be installed in kitchens and cooking areas, and extinguishers suitable for Class A fires shall be installed throughout the remainder of the center.

**TABLE 60.35**

| Basic Minimum Extinguisher Rating for Area Specified | Maximum Travel Distance to Extinguishers (feet) | Area to be Protected per Extinguisher (square feet) |
|--|---|---|
| 1A   | 75  | 3,000   |
| 2A   | 75  | 6,000   |
| 3A   | 75  | 9,000   |
| 4A   | 75  | 11,250  |
| 6A   | 75  | 11,250  |

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74.

**FP ILHR 60.36 Fire alarm and detection systems.** Every building accommodating more than 20 children shall be provided with a fire alarm system as specified in s. ILHR 51.24 or an approved smoke detection system as specified in s. ILHR 51.245.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; am., Register, December, 1981, No. 312, eff. 1-1-82.

**FP ILHR 60.37 Hazardous areas.** Hazardous areas, including boiler or furnace rooms, fuel storage, maintenance shops, woodworking shops, painting areas, and laundries having gas- or oil-fired units with a maximum aggregate input of 37,000 Btu or more, shall be separated from other parts of the building by construction having not less than a one-hour fire-resistive rating. All openings shall be protected by ¾-hour self-closing doors in buildings of 3 stories or less in height. Enclosures shall have a 2-hour fire-resistive rating with 1½-hour "B" label doors in buildings more than 3 stories in height. If the hazard is severe, automatic sprinklers shall

\*See Appendix A for further explanatory material.

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be provided in addition to the fire-resistive enclosure when deemed necessary by the department.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74.

**ILHR 60.38 Exit and emergency lighting.** (1) **EXIT LIGHTS.** All required exit doors and exit stairways in day care centers serving more than 20 children shall be plainly marked as specified in s. ILHR 51.15 (5). **FP**

(2) **EMERGENCY POWER SOURCE.** All illuminated exit signs shall be supplied from an emergency source recognized by Ch. E 700, Vol. 2 Wisconsin State Electrical Code, [s. ILHR 16.31] Wis. Adm. Code.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; am. (1), Register, May, 1980, No. 293, eff. 6-1-80; am. (1), Register, December, 1983, No. 336, eff. 1-1-84.