

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carol Skornicka, Secretary of the Department of Industry,

Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to restroom parity

(Subject)

were duly approved and adopted by this department on June 23, 1993
(Date)

I further certify that said copy has been compared by me with the original on file in the department and that the same is a true copy thereof, and of the whole of such original.

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3:20 pm
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Bureau

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 8:00 a.m. in the city of Madison, this 23rd day of June A.D. 19 93.

Pat Osborne
for Secretary

ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s)
101.128, Stats., as created by 1991 Wis. Act 110

Stats., the Department of Industry, Labor and Human Relations creates; amends;
 repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter(s):
ILHR 50 - 64 State Building Code
(Number) (Title)

The attached rules shall take effect on January 1, 1994
_____ pursuant to section 227.22, Stats.

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Adopted at Madison, Wisconsin this

date: June 23, 1993

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN
RELATIONS



for Secretary



State of Wisconsin \ Department of Industry, Labor and Human Relations

RULES in FINAL DRAFT FORM

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Rule No.: Chapters ILHR 50-64 State Building Code

Relating to: Restroom Parity (1991 Wisc. Act 110)

Clearinghouse Rule No.: 93-34

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to: create ILHR 50.03(4), 51.01(2m), (41g), (89g), (90g), (103g), (119g), (130g), 52.52 Note, 52.63(2), 56.16(2), Table 56.16, 58.32 subchapter (title), 58.68 subchapter (title), 58.69(6)(b), 62.79(2) and (3), 62.992 and 62.992 subchapter VIII; renumber ILHR 51.01(41a) as 51.01(41m), 51.01(119c) as 51.01(119m), and 51.01 (130a) as (130m); renumber and amend ILHR 56.16(2) as 56.16(3); amend ILHR 52.04 (4)(c) 2., 52.04 Table 52.04 footnote 5, 52.50 (2), 52.50(2)(c) and (d), 52.52, 52.53(2), 52.59(1) to (4), 52.60 (title), 52.62(1)(a) Note, 52.62 (1)(b), 52.63(1)(a) to (e), 55.32(2), 56.16(1), 56.37, 58.68, 58.69(6) (intro), 62.31(2), 62.70, and 62.79 (1) (title), and Index chs. ILHR 50-64; repeal and recreate ILHR 54.12, Tables 54.12-A and 54.12-B, Table 55.32, 56.45, 57.12, Table 57.12, 58.32, Table 58.32, Table 58.68, 60.15, 61.17, and 62.58.

* * * * *

ANALYSIS OF PROPOSED RULES

Statutory authority: s. 101.128, Stats.
Statutes interpreted: s. 101.128, Stats.

On February 13, 1992, the 1991 Wisconsin Act 110 was signed into law. Act 110, which relates to equal speed of access for men and women in use of rest rooms in certain public buildings, requires the department to establish rules such that rest room equity is provided in facilities where the public congregates.

The facilities affected by the rule revision are those where the public congregates and include: any amusement facility; a convention or trade hall or center; a specialty event center; a stadium; an airport, bus terminal, train station or other transportation center, which has a general capacity or a seating capacity of 500 or more persons.

The rule revision applies to providing a sufficient number of water closets, permanent or temporary, to ensure that women have an equal speed of access to toilets in the facility or at an event that equals the speed of access men have to toilets and urinals in the facility or at an event when the facility is used to its maximum capacity.

"Equal speed of access" has been determined through researching national building codes, other state building codes and technical papers issued by professional associations and various universities. Technically, the following ratio has been determined to adequately provide equal speed of access: 3/2 (3 water closets designated for females to every 2 water closets and urinals designated for males) or 50% more fixtures for females as for males in facilities or at events under the scope of this rule revision when the occupancy or general capacity is greater than 500.

The rule revision applies to a new structural facility, a new facility without a permanent structure, an existing structural facility with alterations that affect 50% or more of the square footage of the facility, an existing structural facility in which an addition has a square footage equal to or greater than 51% of the square footage of the existing structure, and an existing facility with no permanent structure with an addition of land to the facility equal to or greater than 51% of the existing facility acreage.

The following single-use buildings are exempt from this rule revision: a hotel, a restaurant, a school. The rule revision applies to mixed-use facilities where the public congregates and which includes a hotel, a restaurant or school. Only the portion of these mixed-use facilities, such as an assembly hall, gymnasium, or dinner theater, that does not include a hotel, a restaurant or school shall meet these revisions.

RULE REVISION ANALYSIS

ILHR 50.03(4) This section is created to clarify within chs. ILHR 50 to 64 where rest room parity applies.

ILHR 51.01(2m), (41g), (89g), (90g), (103g), (119g) and (130g) These sections are created to clarify which buildings and facilities shall provide parity in rest rooms as established in 1991 Wisc. Act 110 and provide definitions to terms used in the language of the Act.

ILHR 52.50(2) and 52.50(2)(c) and (d) These sections are created to include subchapters listed in the table of contents, but not currently in the text of the chapter.

ILHR 52.52 and 52.52 Note This section is amended to clarify the intent of the signage for sex designation (including UNISEX toilet rooms) of toilet rooms and to add a reference to the recently enacted federal Americans with Disabilities Act (ADA) requirements.

ILHR 52.53(2) This section is amended to clarify ventilation openings.

ILHR 52.59(1) to (4) These sections are amended to correct cross references.

ILHR 52.60 (title) The title is amended to be consistent within chs. ILHR 50 to 64.

ILHR 52.62(1)(a) Note and 52.62 (1)(b) and 52.63 (1)(a) to (e) These sections are amended to correct reference to the state plumbing code, chs. ILHR 81 to 87, and to clarify the determination of the number of fixtures for specialty event facilities, now defined in ch. ILHR 51.

ILHR 52.63(2) This section is created to address outdoor toilets temporarily used to meet the sanitary fixture requirements for specialty events.

ILHR 54.12 and Table 54.12-A and 54.12-B This section and tables are recreated for consistency in format within chs. ILHR 50 to 64 and included ratios of sanitary fixtures to be consistent with the Act.

ILHR 55.32(2) This section is amended so that terminology is consistent within chs. ILHR 50 to 64.

ILHR 55.32 Table 55.32 This table is amended to clarify at what occupancy or seating capacity of specific buildings or facilities must provide rest room parity, as specified in the Act.

ILHR 56.16(1) This section is amended so that language is consistent within chs. ILHR 50 to 64.

ILHR 56.16(2) and (3) One section is renumbered and amended, and another created so that format is consistent within chs. ILHR 50 to 64.

ILHR 56.16 Table 56.16 This table is created for clarification purposes and numbered to conform to tabular format within chs. ILHR 50 to 64. The ratio for drinking fountains has been revised to reflect a per person calculation rather than calculation based on square footage of floor area.

ILHR 56.37 This section is amended so that terminology and language is consistent within chs. ILHR 50 to 64.

ILHR 56.45 This section is repealed and recreated so that format is consistent within chs. ILHR 50 to 64.

ILHR 57.12 and Table 57.12 This section and table are created so that format is consistent within chs. ILHR 50 to 64 and the determination of the number of fixtures is in tabular format similar to chs. ILHR 50 to 64.

ILHR 58.32 and Table 58.32 This section and table are repealed and recreated so that format and subsections are consistent within chs. ILHR 50 to 64.

ILHR 58.68 subchapter (title) and 58.68, and Table 58.68 These sections are amended to clarify the exemptions and the table is recreated so that format and subsections are consistent within chs. ILHR 50 to 64. The subchapter title is created to be consistent with the format of this chapter.

ILHR 58.69(6) (intro) and 58.69(6)(b) These sections are amended to clarify the intent of ensuring privacy in an individual guard tower.

ILHR 60.15 and 61.17 These sections are repealed and recreated so that format and subsections are consistent within chs. ILHR 50 to 64.

ILHR 62.31(2) This section is amended so that it is written in the active voice.

ILHR 62.58 This section is recreated so that the format is consistent within chs. ILHR 50 to 64.

ILHR 62.70 This section is amended to include "stadiums" in the scope of the chapter.

ILHR 62.79(1) (title) This section is amended for clarity, typographical corrections and format consistency within chs. ILHR 50 to 64.

ILHR 62.79(2) and (3) These sections are created to include subsections as listed within chs. ILHR 50 to 64.

ILHR 62.992 subchapter (title) and 62.992 This subchapter is created to address areas of concern not currently referenced in chs. ILHR 50 to 64, but applicable to the Act.

Chs. ILHR 50-64 INDEX Portions of the index are amended to be consistent with changes in this rule revision, updating cross-references and addition of definitions in s. 101.128, Stats.

SECTION 1. ILHR 50.03 (4) is created to read:

ILHR 50.03 (4) REST ROOM PARITY. Rest room parity applies to any facility where the public congregates which has a general capacity or seating capacity of 500 or more persons and meet the following conditions:

- (a) A new structural facility;
- (b) A new facility without a permanent structure;
- (c) An existing structural facility with alterations that affect 50% or more of the square footage of the facility;
- (d) An existing structural facility in which an addition has a square footage equal to or greater than 51% of the square footage of the existing structure; and
- (e) An existing facility with no permanent structure with an addition of land to the facility equal to or greater than 51% of the existing facility acreage.

NOTE: The percentage requirements established in this subsection shall apply to the accumulative sum of any remodeling or additions, or both undertaken after [Revisor to insert: effective date of this subsection]. The addition of land applies only to that portion of added land which is specified as the expansion of the facility or event on that parcel and may not mean the total added land area to an existing facility or event.

SECTION 2. ILHR 51.01 (2m) is created to read:

ILHR 51.01 (2m) "Amusement facility" has the meaning given in s. 101.128(1)(a), Stats.

NOTE: Section 101.128(1)(a), Stats., defines amusement facility as any zoo, state or local park, amusement or theme park, state fair park, or county or other local fairgrounds. For the purposes of calculating sanitary fixtures, an amusement facility may also be referred to as an outdoor event.

SECTION 3. ILHR 51.01 (41a) is renumbered 51.01 (41m).

SECTION 4. ILHR 51.01 (41g) is created to read:

ILHR 51.01 (41g) "Facility where the public congregates" has the meaning given in s. 101.128(1)(b), Stats.

NOTE: Section 101.128(1)(b), Stats., defines facility where the public congregates as any of the following that has a capacity or a seating capacity of 500 or more persons:

1. An amusement facility;
2. A convention or trade hall or center;
3. A specialty event center;
4. A sports or entertainment arena, center, or building;
5. A stadium; and
6. An airport, bus terminal, train station or other transportation center.

SECTION 5. ILHR 51.01 (89g) is created to read:

ILHR 51.01 (89g) "Outdoor event" means an event held at a location generally without a permanent structure and may include organized sports games, home tours, auctions, picnics, concerts, art shows, fairs, or any similar, infrequent, short-term event.

SECTION 6. ILHR 51.01 (90g) is created to read:

ILHR 51.01 (90g) "Outdoor toilet" means either a permanently constructed toilet with a disposal cavity, or a portable toilet provided where either a public sewer is unavailable or where additional toilet fixtures are temporarily needed to meet the required number for an outdoor event.

NOTE: A privy may also be referred to as an outdoor toilet.

SECTION 7. ILHR 51.01 (103g) is created to read:

ILHR 51.01 (103g) "Privy" has the meaning given in s. ILHR 83.02 (42).

NOTE: Section ILHR 83.02 (42) defines a privy as a structure, not connected to a plumbing system, which is used by persons for the deposition of human body wastes.

SECTION 8. ILHR 51.01 (119c) is renumbered 51.01 (119m).

SECTION 9. ILHR 51.01 (119g) is created to read:

ILHR 51.01 (119g) "Specialty event center" has the meaning given in s. 101.128 (1)(g), Stats.

NOTE: Section 101.128 (1)(g), Stats., defines specialty event center as an open arena used for rallies, concerts, exhibits, or other assemblies with no permanent structure for such assembly. Also refer to sub. (89g) for definition of an outdoor event.

SECTION 10. ILHR 51.01 (130a) is renumbered 51.01 (130m).

SECTION 11. ILHR 51.01 (130g) is created to read:

ILHR 51.01 (130g) "Toilet room" means a room in a permanent structure solely designated for sanitary fixtures which ensures privacy of their use. A toilet room may include a water closet, urinal and a lavatory.

SECTION 12. ILHR 52.04 (4)(c) 2. is amended to read:

ILHR 52.04 (4)(c) 2. One accessible toilet room is required in buildings accommodating 10 or less employes and less than 25 patrons per s. ILHR 54.12 ~~(1)(a)-1~~ (2).

SECTION 13. ILHR 52.04 Table 52.04 footnote 5 is amended to read:

⁵ In enclosed shopping malls, toilet facilities provided within a tenant space less than 750 square feet in net area, are not required to be accessible, providing accessible public toilet facilities are provided in the mall. Toilet facilities provided in accordance with s. ILHR 54.12 ~~(1)(b)~~ (2) shall be accessible.

SECTION 14. ILHR 52.50 (2) is amended to read:

ILHR 52.50 TOILET ROOMS. (2) Entrances for toilet rooms shall be provided with doors or mazed passageways to ensure privacy to the users of the toilet rooms, except as permitted in ss. ILHR 56.16 (1) and ~~60.15-(2)(a)~~ 60.15 (3). If mazed passageways are employed in lieu of doors:

SECTION 15. ILHR 52.50 (2)(c) and (d) are amended to read:

ILHR 52.05 (2)(c) The maze shall prevent a direct view of the water closet compartments, or urinals ~~or lavatories~~ from the outside entrance of the maze;

(d) The maze shall prevent an indirect view of the water closet compartments, or urinals ~~or lavatories~~ from the outside entrance of the maze by means of mirrors located within the toilet room; and

SECTION 16. ILHR 52.52 is amended to read:

ILHR 52.52 SEX DESIGNATION. Where separate toilet rooms are provided for each sex are as required by this code, each toilet room shall be clearly marked with regard to the sex for which uses it is designated. ~~words~~ Words such as MEN or WOMEN, in letters not less than ~~one-inch~~ one-inch high, or appropriate symbols may be used to designate the sex for which the toilet room is designed. Where a single toilet room is provided for use by either sex, the toilet room may be marked as UNISEX.

SECTION 17. ILHR 52.52 Note is created to read:

NOTE: The American Disabilities Act Accessibility Guidelines may require more restrictive standards on size and arrangement of toilet rooms as published in the Federal Register, 28 CFR, Part 36.

SECTION 18. ILHR 52.53 (2) is amended to read:

ILHR 52.53 (2) The glass glazed opening area for a toilet room containing one water closet or urinal shall be at least 4 square feet. A toilet room containing one water closet or urinal shall have a window with a net openable area of at least 2 square feet openable.

SECTION 19. ILHR 52.59 (1) to (4) is amended to read:

ILHR 52.59 ENCLOSURE OF FIXTURES. (1) PRIVACY. Water closets and urinals within a toilet room shall be arranged to ensure privacy. Water closets shall be enclosed with partitions, except as provided in ss. ILHR 58.68 (1) (a) and ~~60.15-(2)(a)~~ 60.15 (3). Urinals shall be placed against walls at least 6 feet 8 inches high and arranged individually with or without partitions.

(a) ~~Exception.~~ Exceptions. 1. The above requirements need not apply to toilet rooms accommodating only a single water closet or urinal or as specified in s. ILHR 52.59 (6)(b).

2. A privacy lock shall be provided for a toilet room with a single water closet and a nonregulated urinal when privacy partions are not provided.

(2) PARTITION DESIGN. ~~A space of 6 to 12 inches shall be left between the floor and the bottom of each partition. The top of the partition enclosure shall be provide privacy from 5 1/2 to 6 feet an elevation of 12 inches above the floor to 5 1/2 feet above the floor. Doors with the top 5 1/2 to 6 feet above the floor, and the bottom 6 to 12 inches above the floor, shall be provided for all water closet compartments. All partitions and doors shall be of material and finish required for walls and ceilings under s. ILHR 52.58 and ensure privacy.~~

(3) COMPARTMENT DESIGN. The water closet compartments in toilet rooms shall be not less than 30 inches in width, and shall be not less than 54 inches in depth with a clearance of not less than 24 inches between the fixture and the compartment door when closed except as specified in s. ILHR 52.04 (8). Compartment doors which are hung to swing inward shall clear the fixture by not less than 2 inches.

(4) PROHIBITIONS. No admission fee shall be charged for the use of any toilet ~~facility~~ room in a public building or place of employment. Key-locking of toilet rooms is prohibited in all buildings except service stations and filling stations having exterior toilet room access.

NOTE: Section 146.085, Stats., prohibits charging a fee for the use of any toilet facilities compartment and imposes a fine ~~of \$10 to \$50~~ for violations.

SECTION 20. ILHR 52.60 (title) is amended to read:

ILHR 52.60 SANITARY FACILITIES.

SECTION 21. ILHR 52.62 (1)(a) Note is amended to read:

NOTE: For detailed requirements on such systems see ~~chs.~~ chs. ILHR 82 and 83.

SECTION 22. ILHR 52.62 (1)(b) is amended to read:

ILHR 52.62 (1)(b) Where the local conditions make it impractical to install such system, outdoor toilets, as described in s. ILHR 52.63, or other facilities, such as septic toilets installed in accordance with the provisions of ~~the septic toilet code~~ the state plumbing code, chs. ILHR 81 to 87, issued by the department may be used; provided that in the case of places of employment for more than 10 persons, schools larger than 2 rooms, and apartment houses, water-flush toilets as herein described shall be provided, unless outdoor toilets or other facilities are permitted in writing by the department.

SECTION 23. ILHR 52.63 (1)(a) to (e) are amended to read:

ILHR 52.63 PERMANENT AND TEMPORARY OUTDOOR TOILETS. (1) PERMANENT OUTDOOR TOILETS. Permanent outdoor toilets shall comply with ss. ILHR 52.50 to 52.59, inclusive, and in addition:

(a) No privy, with or without a leaching seepage pit or other container as specified for use by the department, shall be erected or maintained within 50 feet of any well, 10 feet of the line of any street or other public thoroughfare, 5 feet of the property line between premises or 25 feet of the door-or-window a door, window or other outdoor openings of any building;

(b) Located A permanent outdoor toilet shall be located on ground a site where that-is the soil is well-drained, and where there is no possibility of contaminating any drinking water supply, groundwater or surface water;

NOTE: Refer to ch. ILHR 83 for soil and site criteria for location of outdoor toilets.

(c) Provided A permanent outdoor toilet shall be provided with a suitable approach, such as a concrete, gravel or cinder walk;

(d) The For permanent outdoor toilets the foundations shall be of concrete or other masonry;

(e) The vault of a permanent outdoor toilet shall extend at least 6 inches above ground, be as-dark-as-possible impervious to light, and be proof against entrance by flies, rats, or other vermin. The upper portion shall be of concrete, or of brick or stone laid in cement mortar. If located on a site with in-poorly-drained poorly-drained soil, the entire vault shall be of concrete, or-brick, or stone, or laid in cement mortar;

SECTION 24. ILHR 52.63 (2) is created to read:

ILHR 52.63 (2) TEMPORARY OUTDOOR TOILETS. Temporary outdoor toilets shall comply with ss. ILHR 52.50 to 52.59, inclusive, and in addition:

(a) No temporary toilet may be erected or maintained within 50 feet of any well, 10 feet of the line of any street or other public thoroughfare, unless vehicular traffic has been temporarily detoured while toilets are in use, 5 feet of the property line between premises or 25 feet of a door, window or other outdoor openings of any building;

(b) A temporary outdoor toilet shall be stabilized and located on a site where the soil is well-drained, and where there is no possibility of contaminating any drinking water supply, groundwater or surface water;

(c) A temporarily outdoor toilet shall be located with an approach such that access is unobstructed, and free of brush, debris and standing water;

(d) A temporary outdoor toilet shall be serviced by a licensed septage disposer and the contents disposed of properly as required by ch. NR 113.

(e) For specialty events centers without permanent sanitary fixtures in number as required by Tables 54.12-A or 54.12-B, temporary outdoor toilets shall be used to meet the number required for the event, using capacity or seating capacity.

SECTION 25. ILHR 54.12 and Tables 54.12-A and 54.12-B are repealed and recreated to read:

ILHR 54.12 SANITARY FACILITIES. (1) GENERAL. The occupancies included under the scope of this chapter shall be provided with toilet rooms as outlined in this section.

(a) The toilet rooms shall be available for all occupants and employes during all hours of operation and located as specified in sub. (2) (b) 2.

(b) Toilet rooms for employes shall be accessible and convenient during all hours of operation.

(c) Sanitary fixtures for the public shall be provided using Table 54.12-A. Sanitary fixtures for employes shall be provided using Table 54.12-B.

[NOTE TO REVISOR: Insert Tables 54.12-A and 54.12-B here.]

(2) TOILET ROOMS. (a) Factories, office and mercantile buildings. All factories, office and mercantile buildings shall be provided with separate toilet rooms for each sex.

(b) Exceptions. 1. Where not more than 10 employes and 25 patrons are accommodated, one toilet room to accommodate both sexes shall be provided. The door of the toilet room shall be equipped with an operating lock to ensure privacy.

2. Separate toilet rooms for employes and the general public need not be provided if the toilet rooms are accessible to both employes and the general public during all hours of operation. If the toilet rooms are accessible only through the employe work area, separate toilet rooms shall be provided for the general public.

3. Buildings and structures which provide service to people in automobiles, such as drive-in bank teller booths, photography and film service booths, or parking lot attendant booths, but not including drive-in restaurants, shall not be required to provide toilet rooms, provided that a written statement is submitted to the department verifying that convenient toilet facilities are available during all shifts and periods of operation. Toilet rooms are not required for mobile crews or in unattended buildings, provided the employes have access to convenient toilet facilities during all hours of operation.

(c) Shopping centers and shopping malls. 1. 'General public.' Separate toilet rooms for each sex shall be provided for use by the general public in all shopping centers and shopping malls. The toilet rooms may be located in the public mall or in individual tenant spaces provided the toilet rooms are available during all hours of operation and located as specified in par. (b) 2. A minimum of one set of toilet rooms shall be provided for the general public.

2. 'Tenant spaces and employes.' a. Separate toilet rooms for each sex shall be provided for the employes in each individual tenant space. In tenant spaces which accommodate not more than 10 employes, one toilet room to accommodate both sexes may be provided. For an individual tenant space or an individual booth within the public mall with a net area of 750 square feet or less, toilet rooms for the employes need not be provided if the employes have access to convenient public toilet rooms located in the public mall during all hours of operation.

b. Toilet rooms for other use groups which may also be included in shopping centers or shopping malls shall be provided as specified in sub. (2)(e) and s. ILHR 55.32.

NOTE: The department recommends that public toilet rooms in shopping centers and shopping malls be conveniently located for patron use and that the travel distance between sets of public toilet rooms be less than 400 feet. A set of public toilet rooms means one toilet room for each sex.

(d) Places of worship and mausoleums. 1. 'Places of worship.' Places of worship which are included under this chapter shall be provided with separate toilet rooms for each sex.

2. 'Mausoleums.' Sanitary facilities are not required for unheated worship areas of mausoleums without fixed seating or for mausoleums within cemeteries where public sanitary facilities for each sex are provided within the cemetery.

(e) Places for entertainment, recreation and dining. 1. Restaurants, taverns, and places for entertainment and recreation which are included under the scope of this chapter shall be provided with separate toilet rooms for each sex. Separate toilet rooms for employes and the general public need not be provided if the toilet rooms are accessible to both employes and the general public during all hours of operation.

2. For mixed-use facilities, such as a dinner theater, the number required for the restaurants apply.

NOTE: See rules of the department of health and social services, ch. HSS 196--Restaurants, for supplementary requirements for toilet room facilities in restaurants.

(e) Garages, service stations and filling stations. Toilet rooms shall be provided as outlined in this paragraph.

1. 'Garages.' Separate toilet rooms for each sex shall be provided in all service and repair garages, body shops, automobile tire and battery shops, and buildings of similar use, except that a single toilet room to accommodate both sexes may be provided in buildings which accommodate not more than 10 employes and 25 patrons. If toilet rooms are accessible to both employes and patrons during all hours of operation, separate toilet rooms for employes and patrons need not be provided.

2. 'Service stations and filling stations.' Separate toilet rooms for each sex shall be provided in service stations and filling stations, including self-service stations. If toilet rooms are accessible to both employes and patrons, separate toilet rooms for employes and patrons need not be provided.

(f) Airports, bus terminals, train stations and other transportation centers. All airports, bus terminals, train stations and other transportation centers shall be provided with separate toilet rooms for each sex as required in Table 54.12-A.

(3) SANITARY FIXTURES. (a) General. In public buildings and places of employment, except as provided in par. (b), the total number of sanitary fixtures required in the building shall be based upon the total number of occupants of the building and shall be determined by using the higher number calculated from Tables 54.12-A and 54.12-B. The total number of occupants will be considered equally divided between males and females unless a different ratio is established by the department.

(b) Exceptions. 1. Except as provided in subd. 2., taverns and restaurants shall provide at least one separate toilet room for each sex.

2. Restaurants providing seating for 15 or less occupants, one toilet room having at least one water closet (WC) and one lavatory (L) may be provided to accommodate both sexes. The door of the toilet room shall be equipped with a lock to ensure privacy. If the toilet rooms are accessible to both employes and the general public separate toilet rooms for employes and the general public need not be provided.

3. Taverns and restaurants accommodating 16 to 50 total occupants, at least one water closet (WC) and one lavatory (L) for each sex shall be provided.

4. Taverns and restaurants accommodating 51 to 100 occupants, at least 2 water closets (WC) and one lavatory (L) for female patrons and at least one water closet (WC), one urinal (U) and one lavatory (L) for male patrons shall be provided.

5. Taverns and restaurants accommodating more than 100 occupants, the number of sanitary fixtures provided shall be as determined by using Table 55.32.

(c) OSHA regulations. The ratios for water closets established in Table 54.12-B for employes are taken directly from the U.S. department of labor, occupational safety and health act (OSHA) regulations. Therefore, s. ILHR 50.25, petitions for variance, is not applicable to the requirements of Table 54.12-B.

TABLE 54.12-A
NUMBER OF SANITARY FIXTURES REQUIRED FOR PATRONS/OCCUPANTS
FOR PUBLIC BUILDINGS

Number of Patrons/ Occupants of Each Sex ²	Type of Fixture ¹				
	Water Closets (WC)		Urinals (U)	Drinking Facilities (DF)	Lavatories ³ (L)
	Males (M)	Females (F)			
1- 100	1	1	0	One (DF)	One (L) for
101- 200	1	2	1	for each	each 2
201- 250	1	3	2	150 occupants	fixtures
251- 300	1	4	2	or fraction	(WC) or (U)
301- 350	2	5	2	up to 600	required or
351- 400	2	6	2		fraction
401- 450	2	7	3		
451- 500	2	8	3		
501- 600	2	9	4		
Over 600	One (WC) for each addition- al 600 (M) or 275 (F) or fraction		One (U) for each addi- tional 500 (M) or fraction	One additional (DF) for each additional 3000 occupants or fraction	

¹ Showers shall be required only in public pool facilities and for occupants exposed to occupational hazards such as poisonous, infectious or irritating materials.

² The determination of the number of each sex shall be based on equal number of each sex unless other information is made available to the department and accepted. Where a single toilet room designated as UNISEX is provided, it shall be considered as accommodating no more than 10 employes and 25 occupants.

³ A minimum of one lavatory shall be provided in each toilet room.

NOTE: For structures with additions or alterations, the required number of sanitary fixtures shall be the sum of the fixtures required for the existing portion at the time it was constructed plus the fixtures required by this table for the new addition or altered area. At such time as the summation of the addition and alteration area is equal to or greater than 51% of the building area calculated as specified in s. ILHR 50.03(4)(d), fixtures shall be provided in conformance to this table utilizing the capacity of the entire building.

TABLE 54.12-B

NUMBER OF SANITARY FIXTURES REQUIRED FOR EMPLOYEES
FOR PUBLIC BUILDINGS

Number of Employees of Each Sex ²	Type of Fixture ¹					
	Water Closets (WC)		Urinals (U)	Drinking Facilities (DF)	Lavatories ³ (L)	Showers (S)
	Males (M)	Females (F)				
0 - 15	1	1	0	One (DF)	One (L) for	One (S)
16 - 35	1	2	1	for each	for each 2	for each 10
36 - 55	2	3	1	100 employes,	fixtures (WC)	employes of
56 - 80	2	4	2	or fraction	or (U), or	each sex, or
81 - 110	3	5	2		fraction	fraction
111 - 150	4	6	2			
150 - 200	5	8	3			
201 - 250	6	9	3			
Over 250	One (WC) for each addi- tional 55 (M) or fraction; one (WC) for each addi- tional 15 (F) or fraction		One (U) for each addi- tional 75 (M) or fraction			

- ¹ Showers shall be provided in public pool facilities and for employes exposed to occupational hazards such as poisonous, infectious or irritating materials.
- ² The determination of the number of each sex shall be based on equal number of each sex unless other information is made available to the department and accepted. Where a single toilet room designated as UNISEX is provided, it shall be considered as accommodating no more than 10 employes and 25 occupants.
- ³ A minimum of one lavatory shall be provided in each toilet room.

NOTE #1: For structures with additions or alterations, the required number of sanitary fixtures shall be the sum of the fixtures required for the existing portion at the time it was constructed plus the fixtures required by this table for the new addition or altered area. At such time as the summation of the addition and alteration area is equal to or greater than 51% of the building area calculated as specified in s. ILHR 50.03(4)(d), fixtures shall be provided in conformance to this table utilizing the capacity of the entire building.

NOTE #2: **Examples:** **Example #1:** Mercantile building with 300 patrons and 50 employes = 350 total occupants; equally divided between sexes = 175 males, 175 females. From Table 54.12-A, 101-200 occupants of each sex: males require one water closet, one urinal, one lavatory; females require 2 water closets, one lavatory. Check for compliance with Table 54.12-B for employes: 50 employes, equally divided between sexes = 25 males, 25 females; 16-35 employes of each sex, males require one water closet, one urinal, one lavatory; females require 2 water closets, one lavatory. Therefore, the number of fixtures required by Table 54.12-A also satisfies the requirements of Table 54.12-B for employes and governs.

Example #2: Office building with 300 employes and 50 patrons = 350 total occupants; equally divided between sexes = 175 males, 175 females. From Table 54.12-A, 101-200 occupants of each sex: males require one water closet, one urinal, one lavatory; females require 2 water closets, one lavatory. Check for compliance with Table 54.12-B for employes: 300 employes, equally divided between sexes = 150 males, 150 females; 111-150 employes of each sex, males require 4 water closets, 2 urinals, 3 lavatories; females require 6 water closets, 3 lavatories. Therefore, the number of fixtures required by Table 54.12-B for employes is more restrictive and governs.

NOTE #3: See also rules of the department of health and social services for sanitary fixtures for public swimming places, mobile home parks, camping grounds, camping resorts, recreational camps and educational camps.

SECTION 26. ILHR 55.32 (2) is amended to read:

ILHR 55.32 (2) SANITARY FIXTURES. The number of water closets, urinals, lavatories and drinking facilities required for the total number of occupants of each sex shall be determined in accordance with the ratios established in Table 55.32, but in no case shall the ratio of the number of fixtures to number of employes be less than those specified in Table 54.12-B. The total number of persons occupants will be considered equally divided between men and women unless a different ratio is established and submitted to the department and accepted.

SECTION 27. ILHR 55.32 Table 55.32 is repealed and recreated to read:

TABLE 55.32

NUMBER OF FIXTURES REQUIRED FOR PATRONS/OCCUPANTS
IN PLACES OF ASSEMBLY

Number of Patrons/ Occupants of Each Sex ²	Type of Fixture ¹				
	Water Closets (WC)		Urinals (U)	Drinking Facilities (DF)	Lavatories ³ (L)
	Males (M)	Females (F)			
Places of Assembly					
1- 100	1	1	0	One (DF)	One (L) for
101- 200	1	2	1	for each	each 2 fix-
201- 250	1	3	2	150 occupants	tures (WC) or
251- 300	1	4	2	or fraction	(U) required,
301- 350	2	5	2	up to 600	or both, or
351- 400	2	6	2		fraction
401- 450	2	7	3		
451- 500	2	8	3		
501- 600	2	9	4		
Over 600	One (WC) for each additional 600 (M) or fraction; one for each add- tional 275 (F) or fraction		One (U) for each add- tional 500 (M), or fraction	One additional (DF) for each additional 3000 occupants	
Taverns and restaurants ¹					
	One (WC) for each 75 (M) or fraction; one (WC) for each 30 (F) or fraction		One (U) ² for each 50 (M) or fraction	0	

¹ The ratio of the number of fixtures to the number of occupants accommodated in excess of 300 need be one-half of the figures shown.

² The urinal may be omitted in restaurants which accommodate less than 25 males and do not serve alcoholic beverages.

³ A minimum of one lavatory shall be provided in each toilet room. Where a single toilet room designated as UNISEX is provided, it shall be considered as accommodating no more than 10 employees and 25 occupants.

NOTE #1: For structures with additions or alterations, the required number of sanitary fixtures shall be the sum of the fixtures required for the existing portion at the time it was constructed plus the fixtures required by this table for the new addition or altered area. At such time as the summation of the addition and alteration area is equal to or greater than 51% of the building area calculated as specified in s. ILHR 50.03(4)(d), fixtures shall be provided in conformance to this table utilizing the capacity of the entire building.

NOTE #2: See also rules of the department of health and social services for sanitary fixtures for public swimming places, mobile home parks, camping grounds, camping resorts, recreational camps and educational camps.

NOTE #3: For mixed-use facilities such as a dinner theater, use the required number for restaurants as specified in s. ILHR 54.12 (2) (d) 2.

SECTION 28. ILHR 56.16 (1) is amended to read:

ILHR 56.16 SANITARY FACILITIES. (1) TOILET ROOMS. Separate toilet rooms for each sex shall be provided for all occupancies included under the scope of this chapter. The toilet rooms shall be completely enclosed and arranged to ensure privacy, ~~except that in elementary schools (kindergarten through grade 8) the doors to the toilet rooms may be eliminated if the entrance to the toilet room is located in the wall of a public corridor.~~

SECTION 29. ILHR 56.16 (2) is renumbered and amended to read as s. ILHR 56.16 (3):

ILHR 56.16 (2) (3) SANITARY FIXTURES. (a) The following tabulated groups or combinations thereof shall be provided with one fixture of each type in accordance with the ratio given in chart to serve the total number of persons designated on the plans. The number of sanitary fixtures shall be determined by the number of persons of each group or combination of groups using Table 56.16. The number of persons in each group shall be designated on the plans.

(a) (b) When fixtures required for a designated group are not available to another designated group the number of fixtures shall be provided according to the ratio indicated in the chart Table 56.16 and independent of other group requirements the number or ratio of fixtures provided for another group.

(b) (c) Where a theater is a part of an educational facility the requirements listed under "large group occupancies" shall apply for the number of fixtures to be provided shall be determined as specified in Table 56.16 for large group areas.

SECTION 30. ILHR 56.16 (2) is created to read:

ILHR 56.16 (2) SEX DESIGNATION. Where separate toilet rooms are required by this code, each toilet room shall be clearly marked for which it is designated as specified in s. ILHR 52.52.

SECTION 31. ILHR 56.16 Table 56.16 is created to read:

TABLE 56.16
NUMBER OF PERSONS BY GROUP FOR EACH TYPE OF SANITARY FIXTURE
FOR OCCUPANTS¹

Type of Fixture	Number of Persons per Fixture by Designated Group ²				
	Grades K - 6	Grades 7 - 12	Post High School	Large Group Area	Adminis- trative Area
Water Closets (F)	35	50	100	200	10
Water Closets (M)	75	100	200	300	15
Urinals (U) (M) ³	35	50	100	150	40
Lavatories (L) ⁴	75	100	100	150	15
Drinking Fountains (DF)	40	50	50	150	100

¹ For the purposes of this table, please refer to the appropriate occupancy chapter. Where a single toilet room designated as UNISEX is provided, it shall be considered as accommodating no more than 10 employees and 25 occupants.

² Example: For grades K - 6, one (WC) for each 35 (F), one (WC) for each 75 (M) and one (U) for each 35 (M) need to be provided.

³ Section ILHR 52.60 (2)(b) allows only stall-type urinals in schools for grades K-8.

⁴ A minimum of one (L) and one (WC) shall be provided in each toilet room.

NOTE: For structures with additions or alterations, the required number of sanitary fixtures shall be the sum of the fixtures required for the existing portion at the time it was constructed plus the fixtures required by this table for the new addition or altered area. At such time as the summation of the addition and alteration area is equal to or greater than 51% of the building area calculated as specified in s. ILHR 50.03(4)(d), fixtures shall be provided in conformance to this table utilizing the capacity of the entire building.

SECTION 32. ILHR 56.37 is amended to read:

ILHR 56.37 SANITARY FIXTURES FACILITIES. (1) SANITARY FIXTURES.

Sanitary The number of sanitary fixtures for relocatable classrooms shall be provided in accordance with the requirements of ss. ILHR 52.50 through 52.64 and 56.16.

(a) Exception. Sanitary fixtures ~~within the relocatable classroom structure~~ need not be provided in each relocatable classroom structure if the sanitary fixtures in the main school building are convenient and available for use during all hours of operation and the relocatable classroom structure is connected to the main school building with an enclosed passageway.

SECTION 33. ILHR 56.45 is repealed and recreated to read:

ILHR 56.45 SANITARY FACILITIES. (1) TOILET ROOMS. (a) Toilet rooms within the mobile training unit shall comply with the requirements of ss. ILHR 52.50 through 52.64 and s. ILHR 56.16.

(b) Toilet rooms in the mobile training unit in which the toilet room door is equipped with a privacy lock the requirements specified in s. ILHR 52.59 are not applicable.

(2) SANITARY FIXTURES. Sanitary fixtures are not required in the mobile training unit provided the sanitary fixtures in the main school building are available for use during all hours of operation.

(3) ACCESSIBILITY. Toilet facilities accessible for the physically disabled need not be provided if accessible toilet facilities in the main school building are provided and available for use during all hours of operation.

SECTION 34. ILHR 57.12 and Table 57.12 are repealed and recreated to read:

ILHR 57.12 SANITARY FACILITIES. (1) TOILET ROOMS. Every building included under the scope of this chapter shall be provided with separate toilet rooms for each sex, except that a single toilet room to accommodate both sexes may be provided in individual living or sleeping units.

(2) SANITARY FIXTURES. (a) Residents. The number of sanitary fixtures required for each sex shall be determined in accordance with the numbers and ratios established in Table 57.12.

[NOTE TO REVISOR: Insert Table 57.12 immediately below s. ILHR 57.12 (2) (a).]

(b) Employees. Sanitary facilities for employees who do not sleep in the building shall be provided as specified in Table 54.12-A, unless the employees have access to the sanitary facilities provided for the residents during all shifts.

(c) General public. Sanitary facilities for the general public shall be provided as specified in Table 54.12-A or Table 54.12-B, unless the general public has access to the facilities provided for the residents.

(3) FOOD PREPARATION. One kitchen sink, equipped with hot and cold running water, shall be provided in living units equipped for food preparation.

TABLE 57.12

NUMBER OF SANITARY FIXTURES REQUIRED FOR RESIDENTIAL OCCUPANCIES ^{1,2}

Type of Occupancy	Type of Fixture					
	Water Closets (WC)			Drinking Facilities (DF)	Lavatories (L)	Bathtubs or Showers (S)
	Males (M)	Females (F)	Urinals (U)			
With individual unit toilet rooms	One for each living unit		0	0	One for each living unit	One for each living unit
With communal use sanitary facilities	One for each 10 (M), or fraction; one for each 10 (F), or fraction		Urinals may be substituted for up to 2/3 required WC for (M)	One for each 100 persons	One for each 10 persons	One for each 20 persons

¹ For structures with additions or alterations, the required number of sanitary fixtures shall be the sum of the fixtures required for the existing portion at the time it was constructed plus the fixtures required by this table for the new addition or altered area. At such time as the summation of the addition/alteration area is equal to or greater than 51% of the building area calculated as specified in s. ILHR 50.03(4)(d), fixtures shall be provided in conformance to this table utilizing the capacity of the entire building.

² Where a single toilet room designated as UNISEX is provided, it shall be considered as accommodating no more than 10 employees and 25 occupants.

SECTION 35. ILHR 58.32 subchapter (title) is created to read:

SANITARY FACILITIES

SECTION 36. ILHR 58.32 is repealed and recreated to read:

ILHR 58.32 SANITARY FACILITIES. (1) TOILET ROOMS. Every building included under the scope of this subchapter shall be provided with separate toilet rooms for each sex, and shall comply with the requirements as specified in this section and:

(a) ss. ILHR 52.50(b) to 52.62; and

(b) ss. ILHR 52.041 and 52.042, and s. ILHR 52.04 (4) and (8).

(2) SANITARY FIXTURES. (a) Patients. The number of fixtures required for each sex shall comply with the ratios as specified in Table 58.32.

(b) Employees. The number of fixtures for employes shall comply with the requirements a as specified in Table 54.12-B.

(c) General public. The number of fixtures for the general public shall comply with the requirements specified in Table 54.12-A and s. ILHR 52.04 (4) and (8).

NOTE: See ch. HSS 124--Hospitals, and ch. HSS 132--Nursing Homes, for special requirements and locations for water closets, lavatories and bathing facilities.

SECTION 37. ILHR 58.32 Table 58.32 is repealed and recreated to read:

TABLE 58.32
NUMBER OF SANITARY FIXTURES REQUIRED FOR
RESIDENTS OF HEALTH CARE FACILITIES ^{1,2}

Type of Occupancy	Type of Fixture			
	Water Closets (WC)	Lavatories (L)	Bathtubs or Showers	Drinking Facilities (DF)
Nursing Homes	One (WC) per every 2 patient rooms and not more than 4 beds	One (L) per every 2 patient rooms and not more than 4 persons per each (L)	One per each 20 patients or fraction	One (DF) for each 100 persons
Hospitals	One (WC) per every 2 patient rooms and not more than 4 beds	One (L) per every 2 patient rooms and not more than 4 persons per each (L)	One per each 15 patients or fraction	One (DF) for each 100 persons

¹ For structures with additions or alterations, the required number of sanitary fixtures shall be the sum of the fixtures required for the existing portion at the time it was constructed plus the fixtures required by this table for the new addition or altered area. At such time as the summation of the addition and alteration area is equal to or greater than 51% of the building area calculated as specified in s. ILHR 50.03(4)(d), fixtures shall be provided in conformance to this table utilizing the capacity of the entire building.

² Where a single toilet room designated as UNISEX is provided, it shall be considered as accommodating no more than 10 employes and 25 occupants.

SECTION 38. ILHR 58.68 subchapter (title) is created to read:

SANITARY FACILITIES

SECTION 39. ILHR 58.68 is amended to read:

~~ILHR 58.68 Sanitation requirements~~ **SANITARY FACILITIES.** (1) **TOILET ROOMS.** Every building included under the scope of this subchapter shall be provided with separate toilet rooms for each sex, and shall comply with the requirements specified in this section and ss. ILHR 52.52 to 52.62, ~~except for the following modifications:~~

(a) Exceptions. 1. Enclosure of fixtures as specified in s. ILHR 52.59 shall be required only for fixtures used by the staff or visitors, or both; ~~or.~~

~~(b)~~ 2. Water closet seats as specified in s. ILHR 52.60 (1) are not required on water closets used by residents in maximum security detention and correctional facilities.

(2) **SANITARY FIXTURES.** (a) Residents. The number of sanitary fixtures required for each sex shall be determined in accordance with the ratios as specified in Table 58.68.

~~(3)~~ (b) Employees. The number of sanitary fixtures for employees shall be provided in accordance with the requirements as specified in Table 54.12-B and s. ILHR 52.04 (4) and (8).

~~(4)~~ (c) General public. The number of sanitary fixtures for the general public shall be provided in accordance with the requirements as specified in Table 54.12-A and ss. ILHR 52.04 (4) and (8).

SECTION 40. ILHR 58.68 Table 58.68 is repealed and recreated to read:

TABLE 58.68

NUMBER OF SANITARY FIXTURES REQUIRED FOR RESIDENTS OF DETENTION AND CORRECTIONAL FACILITIES ^{1,2}

Type of Fixture				
<u>Water Closets (WC)</u>		<u>Urinals (U)</u>	<u>Lavatories</u>	<u>Bathtubs</u>
<u>Males(M)</u>	<u>Females(F)</u>	<u>Males(M)</u>	<u>(L)</u>	<u>or Showers</u> ³
One (WC) for each 8 (M) or fraction	One (WC) for each 8 (F) or fraction	Urinals may be substituted for up to 2/3 of the required number of (WC) for (M)	One (L) for each 8 persons or fraction	One for each 10 persons or fraction

1 For structures with additions or alterations, the required number of sanitary fixtures shall be the sum of the fixtures required for the existing portion at the time it was constructed plus the fixtures required by this table for the new addition or altered area. At such time as the summation of the addition and alteration area is equal to or greater than 51% of the building area calculated as specified in s. ILHR 50.03(4)(d), fixtures shall be provided in conformance to this table utilizing the capacity of the entire building.

2 Where a single toilet room designated as UNISEX is provided, it shall be considered as accommodating no more than 10 employes and 25 occupants.

3 In places of detention, the number of shower heads as specified in this table may be reduced provided a written statement is submitted to the department from the sheriff or jail administrator confirming that the shower facilities will be operated under scheduled shower times. In this case, the number of shower heads may be based on the number of occupants using the shower facilities at one scheduled time period. A minimum of 2 shower heads shall be provided.

SECTION 41. ILHR 58.69 (6) (intro) is amended to read:

ILHR 58.69 (6) SANITARY FACILITIES. (a) Toilet facilities are not required in guard towers or observation stations provided toilet facilities are available in adjacent buildings to accommodate the number of occupants in the guard towers or observation stations.

SECTION 42. ILHR 58.69 (6) (b) is created to read:

(b) Toilet fixtures which are provided in single employe guard towers need not be enclosed as specified in ss. ILHR 52.50 and 52.59.

SECTION 43. ILHR 60.15 is repealed and recreated to read:

ILHR 60.15 SANITARY FACILITIES. (1) TOILET ROOMS. Toilet facilities consisting of at least one water closet and one lavatory shall be provided in all day care centers.

(2) SANITARY FIXTURES. (a) Number required for children. 1. One water closet shall be provided for the first 10 children over the age of 30 months. One water closet shall be provided for each additional 15 children, or fraction, over the age of 30 months.

2. Children under the age of 30 months need not be included when determining the number of required water closets; however, in all cases at least one water closet shall be provided in each day care center.

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

(b) Number required for staff members. 1. For day care centers with 10 or more staff members at one time, sanitary facilities, in accordance with Table 54.12-B, shall be provided in addition to those required for the children, as specified in par. (a).

2. Urinals may be substituted for up to 1/3 of the total required water closets for staff members.

(3) PRIVACY. 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 compartment doors, are available for staff members and children 5 years of age and older.

(4) SEX DESIGNATION. Separate toilet rooms for each sex shall be provided and available for staff members in day care 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. (3) 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 compartment doors only for children who have not reached the age of sex awareness.

SECTION 44. ILHR 61.17 is repealed and recreated to read:

ILHR 61.17 SANITARY FACILITIES. (1) TOILET ROOMS. (a) A CBRF shall be provided with at least 2 separate toilet rooms which are accessible from public areas, such as nonsleeping areas, during all hours of operation.

(b) Toilet rooms shall be provided with locks to ensure privacy.

(2) SANITARY FIXTURES. (a) Minimum number provided. A CBRF shall be provided with at least 2 water closets, 2 lavatories connected to hot and cold water and 2 bathtubs or showers connected to hot and cold water.

(b) Determination of number provided. The ratio of occupants to water closets and lavatories shall be not less than one water closet and one lavatory for each 8 occupants, or fraction. The ratio of occupants to bathtubs and showers shall be not less than one bathtub or shower for each 10 occupants, or fraction.

(3) ACCESSIBILITY. Toilet rooms shall be so located that the maximum vertical travel distance between toilet rooms and sleeping rooms shall be not more than one floor level.

NOTE: Also refer to ch. HSS 3--Community-based Residential Facilities, for additional requirements.

SECTION 45. ILHR 62.31 (2) is amended to read:

ILHR 62.31 (2) ATTENDED PARKING STRUCTURES. Sanitary facilities for employes at attended parking structures shall be provided in accordance with s. ILHR 54.12 (1) (a) 3 ~~in-attended-parking-structures~~.

NOTE: Sanitary facilities for parking patrons need not be provided.

SECTION 46. ILHR 62.58 is repealed and recreated to read:

ILHR 62.58 SANITARY FACILITIES. (1) TOILET ROOMS. Outdoor theaters and other occupancies under this chapter shall be provided with separate toilet rooms for each sex. Toilet rooms and equipment shall comply with the requirements of ss. ILHR 52.50 through 52.64.

(2) SANITARY FIXTURES. Toilet fixture ratios shall be provided as required by s. ILHR 55.32. In determining the number of fixtures required for toilet rooms in connection with outdoor theaters, the capacity of the theater shall be established by using 2 1/4 persons for each vehicle accommodated, exclusive of vehicles parked in the waiting or hold-over area. The total number of persons will be considered equally divided between men and women.

(3) ACCESSIBILITY. Where toilet rooms are provided for the public and are so located that the patrons must cross a ramp area in order to reach the toilet rooms, a suitable approach or passageway leading ~~thereto~~ to the toilet rooms shall be maintained. Such passageways shall be properly lighted and unobstructed.

SECTION 47. ILHR 62.70 is amended to read:

ILHR 62.70 SCOPE. The requirements of this subchapter apply to all assembly seating facilities and stadiums intended primarily to support persons for the purpose of spectator seating.

SECTION 48. ILHR 62.79 (1) (title) is amended to read:

ILHR 62.79 SANITARY FACILITIES. (1) TOILET ROOMS. All ~~places-of~~ spectator assembly facilities shall be provided with toilet rooms and sanitary fixtures as specified in s. ILHR 55.32. Toilet room construction and equipment shall comply with the requirements as specified in ss. ILHR 52.50 ~~to~~ through 52.64.

SECTION 49. ILHR 62.79 (2) and (3) are created to read:

ILHR 62.79 (2) SANITARY FIXTURES. In determining the number of sanitary fixtures required for spectator assembly facilities under this subchapter, the capacity shall be considered equally divided between men and women. The number of sanitary fixtures shall be determined using Tables 52.32-A but not less than the number determined from Table 52.32-B.

(3) ACCESSIBILITY. Where toilet rooms are provided for the public and are so located that the patrons must cross a ramp area in order to reach the toilet rooms, a suitable approach or passageway leading thereto shall be maintained. Such passageways shall be properly lighted and unobstructed access shall be provided.

SECTION 50. ILHR 62.992 Subchapter VIII (title) is created to read:

**Subchapter VIII
Amusement Facility & Specialty Event Centers**

SECTION 51. ILHR 62.992 is created to read:

ILHR 62.992 SPECIALTY EVENT CENTERS. (1) APPLICATION. Specialty event centers are assembly halls or places of assembly which include, but are not limited to stadiums, zoos, state or local parks, amusement or theme parks or facilities, state fair grounds, county or local fairgrounds, specialty event centers.

(2) SANITARY FACILITIES. A sufficient number of permanent or temporary sanitary facilities shall be provided as determined from Table 55.32, but in no case shall the ratio of the number of fixtures to the number of occupants or capacity be less than those specified in Table 54.12-A. The total capacity shall be considered equally divided between men and women unless a different ratio is established and submitted to the department.

SECTION 52. Chs. ILHR 50 to 64 INDEX is amended to read:

ALTERATION	50.03(4), 51.01(2e), 51.01(105m)
AMUSEMENT FACILITY	51.01(2m)
BATHROOM (see TOILETS, TOILET ROOMS, REST ROOMS, SANITARY FACILITIES)	
BUILDING:	
Capacity	54.06, 55.06, 56.02 , 57.04, 60.11
PARITY, REST ROOM.	55.32, 54.12, 52.50, 62.58
SPEED OF ACCESS (see PARITY)	
SPECIALTY EVENT CENTER	51.01(119g)
TOILET ROOMS	51.01 (130g), 52.64, 58.66, 57.12

(end)

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (b), Stats., these rules shall take effect on the first day of the 7th month following publication in the Wisconsin Administrative Register.

JMM:CODES1:245:final draft

3/24/93

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Revisor of Statutes
Bureau

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State of Wisconsin Department of Industry, Labor and Human Relations

June 23, 1993

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Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 93-34

RULE NO. Chapters ILHR 50 - 64

RELATING TO: Restroom Parity (1991 Wisc. Act 110)

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Carol Skornicka'.

Carol Skornicka
Secretary