

Chapter Comm 60

CHILD DAY CARE FACILITIES

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Note: Chapter Ind 60 was renumbered chapter ILHR 60, effective in January 1, 1984. Chapter ILHR 60 was renumbered to be Chapter Comm 60 under s. 13.93 (2m) (b) 1., Stats., and corrections were made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1998, No. 513.

Note: See ch. HFS 45 relating to day care licensing.

Comm 60.001 Scope. (1) (a) The requirements of this chapter shall apply to all buildings or parts of buildings which accommodate public or private day care centers for 4 or more children.

(b) The requirements of this chapter shall not apply to public school programs defined in s. 115.01 (1), Stats., or private school programs defined in s. 121.51 (3), Stats., or to short-time programs such as Boy Scouts, Girl Scouts, Sunday school and similar type programs.

Note: Refer to ch. HFS 45, rules of the department of health and family services for requirements pertaining to day care centers serving 4 to 8 children and HFS 46 for licensing requirements for group day care centers serving more than 9 children. Where more than one code applies, an owner must comply with the most restrictive requirements from the applicable codes.

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

(3) School age day care programs for children 5 years of age and older shall comply with the requirements of one of the following chapters:

(a) Ch. Comm 56 – Schools and Other Places of Instruction; or

(b) Ch. Comm 60 – Child Day Care Facilities.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; am. (4), Register, December, 1983, No. 336, eff. 1-1-84; cr. (5), Register, August, 1985, No. 356, eff. 9-1-85; emerg. r. and recr. eff. 9-1-89; r. and recr. Register, February, 1990, No. 410, eff. 3-1-90; am. (1) (a), Register, September, 2000, No. 537, eff. 10-1-00.

Comm 60.01 Definition. (1) “Day care center” means a facility required to be licensed under s. 48.65, Stats.

(2) “Floor level of exit discharge” means a first floor level of a building as specified in s. Comm 60.105 or a ground floor as defined in s. Comm 51.01 (67).

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; r. and recr. (1), Register, March, 1991, No. 423, eff. 4-1-91; r. and recr., Register, September, 1998, No. 513, eff. 10-1-98.

Comm 60.10 Occupancy separations and hazard enclosures. Occupancies within the scope of this chapter shall be separated from other occupancies or uses in accordance with s. Comm 51.08. Hazards shall be enclosed in accordance with s. Comm 51.08.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; r. and recr., Register, December, 1981, No. 312, eff. 1-1-82; r. and recr., Register, March, 1991, No. 423, eff. 4-1-91; r. and recr., Register, December, 1995, No. 480, eff. 4-1-96; r. and recr., Register, March, 1997, No. 495, eff. 4-1-97.

Comm 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.

Comm 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 requirements of the department of health and family services may supersede this requirement.

Note: The minimum staff-to-child ratio may be found under ch. HFS 46.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; r. and recr., Register, September, 1998, No. 513, eff. 10-1-98.

Comm 60.12 Doors. (1) All exit doors, and all doors along the path of travel to an exit, shall meet the requirements of s. Comm 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.

(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.

Comm 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. Comm 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.

Comm 60.15 Sanitary facilities. (1) TOILET ROOMS. Toilet facilities consisting of at least one water closet 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.

Note: Section Comm 52.60 (2) (b) allows only stall type urinals in child day care facilities.

(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: 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: 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.

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; am. (1) (b) and (c), Register, August, 1985, No. 356, eff. 9-1-85; r. and recr., Register, August, 1993, No. 452, eff. 3-1-94.

Comm 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. Comm 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; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1996, No. 492.

Comm 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. Comm 73.04.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; correction made under s. 13.93 (2m) (b) 7., Stats., Register December, 1995, No. 480.

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

(2) Outside air at the rate of 7.5 cfm per person or as specified in s. Comm 64.05 shall be provided for centers that do not comply with the openable window requirements of s. Comm 60.13 (2).

Note: Section Comm 60.18 was revised in December, 1995, effective April 1, 1996. On April 6, 1996 the department of industry, labor and human relations published an emergency rule stating that the effective date of the December, 1995 rule revision was delayed. A permanent rule was adopted in December, 1996 stating

that the revised text of s. Comm 60.18, as published, would be effective April 1, 1997.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; am. (2), Register, January, 1980, No. 289, eff. 2-1-80; am. (2), Register, December, 1995, No. 480, eff. 4-1-96; am. (2), Register, December, 1996, No. 492, eff. 4-1-97.

Comm 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 a mandatory standard for the storage of flammable and combustible liquids within the scope of ch. Comm 10.

Note: See Appendix A for further explanatory material.

(5) Guardrails protecting open sides of stairways, elevated platforms, walks, balconies and mezzanines shall have intermediate rails or an ornamental pattern designed to prevent the passage of a sphere with a diameter larger than 6 inches.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; cr. (5), Register, January, 1980, No. 289, eff. 2-1-80; r. and recr. (5), Register, January, 1994, No. 457, eff. 2-1-94.

Comm 60.30 Class of construction. (1) GENERAL. Except as specified in sub. (2), the class of construction for day care centers shall comply with Table 60.30 and s. Comm. 51.03. 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 shall be 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.

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

(c) All ceilings shall be covered with 1/2-inch gypsum wall-board or equivalent.

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

(2) DAY CARE CENTERS CARING FOR CHILDREN UNDER THE AGE OF 24 MONTHS. (a) Types No. 1 to No. 7 construction. The care of children under the age of 24 months shall be restricted to a

floor level of exit discharge in a building of type No. 1 to No. 7, unless all of the following conditions are provided:

1. The entire building shall be completely protected by an automatic fire sprinkler system complying with s. Comm 51.23.

2. Each floor of the day care center where children under the age of 24 months are cared for shall be divided into at least 2 smoke compartments complying with s. Comm 60.39.

(b) *Type No. 8 construction.* The care of children under the age of 24 months shall be restricted to a floor level of exit discharge in buildings of type No. 8 construction.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; am. (1), cr. (2), Register, September, 1998, No. 513, eff. 10-1-98.

Comm 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.

(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) shall be reduced by 50% for children under the age of 24 months.

(5) The travel distances in sub. (3) may be increased by 50 feet in buildings completely protected with an automatic fire sprinkler system. No increase in travel distance is permitted for children under the age of 24 months.

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; am. (4) and (5), Register, August, 1985, No. 356, eff. 9-1-85; r. (6), Register, September, 1998, No. 513, eff. 10-1-98.

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

(2) If horizontal exits (s. Comm 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.

Comm 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. Comm 60.32. The minimum width shall be not less than 3 feet 8 inches.

(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; reprinted to restore dropped copy in (2), Register, October, 1998, No. 514.

Comm 60.34 Stair and shaft enclosure. (1) GENERAL. Except as provided in sub. (2), all stairs and vertical shafts serving 2 or more floor levels shall comply with the requirements of s. Comm 51.02 (11) and Table 51.03-A. All required stair enclosures shall lead to the outside without interruption.

(2) EXCEPTIONS. Unenclosed stairways may be used as required exits in all of the following:

(a) Day care centers located in one story places of worship, providing the care of children under the age of 24 months is restricted to a floor level of exit discharge.

(b) Day care centers located in one and two story schools constructed prior to January 1, 1982, providing the care of the children under the age of 24 months is restricted to a floor level of exit discharge.

(c) Day care centers accommodating up to 39 children, providing the care of children under the age of 24 months is restricted to a floor level of exit discharge. The unenclosed stairway shall meet all of the following:

1. The unenclosed stairway connects the floor of exit discharge with only one adjacent floor level.

2. The unenclosed stairway is separated at all other floor levels by fire-resistive rated construction as specified in Table 51.03-A.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; am. (1), Register, October, 1982, No. 322, eff. 11-1-82; r. and recr. Register, August, 1985, No. 356, eff. 9-1-85; r. and recr. (2), Register, September, 1998, No. 513, eff. 10-1-98.

Comm 60.35 Fire protection systems. (1) SPRINKLER SYSTEMS. Automatic fire sprinkler systems shall be provided as outlined in s. Comm 52.012.

(2) FIRE EXTINGUISHERS. Portable fire extinguishers suitable for Class B fires shall be provided in kitchens or cooking areas in accordance with s. Comm 51.22.

TABLE 60.35

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

Note: See Appendix A for further explanatory material.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; r. and recr., Register, March, 1991, No. 423, eff. 4-1-91; am. (2), Register, January, 1994, No. 457, eff. 2-1-94.

Comm 60.36 Fire alarm and smoke detection systems. (1) SMOKE DETECTION SYSTEMS. (a) *Where required.*

Except as specified in par. (b), in every building or portion of a building accommodating a day care center serving up to 20 children, stand-alone, battery-operated smoke detectors shall be installed in front of doors to the stairways and in the corridors of all floors occupied by the day care center. Smoke detectors shall also be installed in lounges, recreation areas and sleeping rooms in the day care center. The smoke detector alarm shall be audible throughout the day care center.

(b) *Exceptions.* Smoke detectors are not required in the following:

1. Day care centers housed only in one room.

2. A day care center serving children 6 years of age or older if no sleeping facilities are provided.

Note: See ch. Comm 69 for requirements on visual alarms.

(2) FIRE ALARM SYSTEMS. (a) *Where required.* Except as specified in par. (b), every building or portion of a building accommodating a day care center serving more than 20 children, a fire alarm system shall be installed that complies with s. Comm 51.24, or an approved smoke detection system shall be installed that complies with s. Comm 51.245.

(b) *Day care centers caring for children under the age of 24 months.* Where children under the age of 24 months are cared for on floors above or below a floor level of exit discharge, a fire alarm system shall be installed that complies with s. Comm 51.24, or an approved smoke detection system shall be installed that complies with s. Comm 51.245.

Note: See ch. Comm 69 and ADAAG 4.28 for requirements on visual alarms.

History: Cr. Register, October, 1974, No. 226, eff. 11-1-74; am., Register, December, 1981, No. 312, eff. 1-1-82; r. and recr. Register, January, 1994, No. 457, eff. 2-1-94; r. and recr., Register, September, 1998, No. 513, eff. 10-1-98; am. (1) (a), Register, September, 2000, No. 537, eff. 10-1-00.

Comm 60.38 Exit signs and emergency lighting.

(1) EXIT SIGNS. All required exit doors and exit passageways in a day care center serving more than 20 children shall be clearly marked with an illuminated exit sign as specified in s. Comm 51.15 (5).

Note: See ch. Comm 16 for requirements for standby emergency power for required exits.

(2) EMERGENCY LIGHTING. Standby emergency power of a type permitted by ch. Comm 16 shall be provided as a source of electrical power for emergency lighting for exit passageways in a day care center where there are more than 20 children receiving nighttime care anytime between 9 p.m. and 5 a.m.

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; r. and recr. (2), Register, March, 1991, No. 423, eff. 4-1-91; r. and recr. Register, January, 1994, No. 457, eff. 2-1-94; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1996, No. 492; r. and recr., Register, September, 1998, No. 513, eff. 10-1-98.

Comm 60.39 Smoke compartments. Smoke compartments as required by this chapter shall comply with the following:

(1) DESIGN. Smoke compartments shall be created by smoke barriers complying with s. Comm 60.40.

(2) EXITING FROM COMPARTMENTS. Each smoke compartment shall have access to at least 2 exits. At least one means of egress shall be an exit accessible immediately from each compartment. The second means of egress shall be permitted through adjacent compartments, but shall not require return through the compartment of fire origin.

History: Cr., Register, September, 1998, No. 513, eff. 10-1-98.

Comm 60.40 Smoke barriers. A smoke barrier required by this chapter shall be designed to restrict the movement of smoke between compartments and shall comply with the following:

(1) GENERAL. A smoke barrier shall form an effective continuous barrier from outside wall to outside wall and from floor slab to floor or roof deck above, including continuity through all concealed spaces, such as the space above suspended ceilings, and including interstitial structural and mechanical spaces.

(2) RATING OF BARRIERS. A smoke barrier shall have a fire-resistant rating of not less than 1 hour.

(3) OPENINGS IN BARRIERS. Openings in smoke barriers shall be protected as specified in ss. Comm 51.048 and 51.049. Door openings in smoke barriers shall be protected with fire doors with a rating of not less than 20 minutes.

(4) PENETRATION OF BARRIERS. (a) Except as specified in par. (b), penetrations in a smoke barrier shall comply with the requirements specified in s. Comm 51.049 and approved smoke dampers designed to resist the passage of smoke shall be provided at each point a duct or air transfer opening penetrates a smoke barrier wall. Approved combination smoke and fire dampers are permitted in lieu of a separate fire and smoke damper.

(b) Smoke dampers are not required where the building is provided with an engineered smoke control system.

(c) Structural framing may be continuous through or over the smoke barrier wall.

History: Cr., Register, September, 1998, No. 513, eff. 10-1-98; am. (3), Register, September, 2000, No. 537, eff. 10-1-00.