

# RULES CERTIFICATE

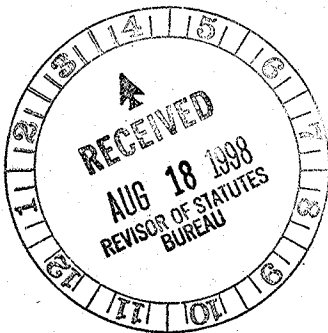
## Department of Commerce

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, William J. McCoshen, Secretary of the Department of Commerce,  
and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to  
Child day care facilities  
(Subject)

were duly approved and adopted by this department.

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.



IN TESTIMONY WHEREOF, I have hereunto set  
my hand at 201 West Washington Avenue  
in the city of Madison, this 17<sup>th</sup>  
day of August A.D. 19 98

[Signature]  
Secretary

10-1-98

# ORDER OF ADOPTION

## Department of Commerce

Pursuant to authority vested in the Department of Commerce by section(s) 101.02 (1) and (15)

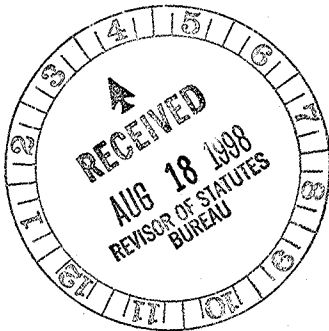
   Stats., the Department of Commerce  creates;  amends;

repeals and recreates;  repeals and adopts rules of Wisconsin Administrative Code chapter(s):

ILHR 60 (number) Child Day Care Facilities (Title)

The attached rules shall take effect on the first day of the month following publication in the Wisconsin

Administrative Register pursuant to section 227.22, Stats.



Adopted at Madison, Wisconsin this

date: 8-17-98

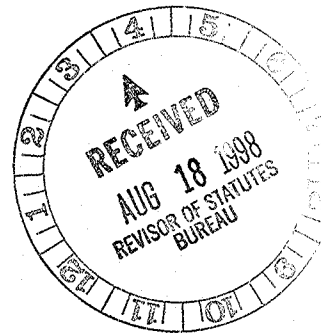
DEPARTMENT OF COMMERCE

[Signature]  
Secretary



State of Wisconsin \ Department of Commerce

# RULES in FINAL DRAFT FORM



**Rule No.:** Chapter ILHR 60

**Relating to:** Child Day Care Facilities

**Clearinghouse Rule No.:** 97-109

The Wisconsin Department of Commerce proposes an order to repeal s. ILHR 60.31 (6); to amend s. ILHR 60.30 (1): to repeal and recreate ss. ILHR 60.001 (1) (b) Note, ILHR 60.01, ILHR 60.11, ILHR 60.34 (2), ILHR 60.36 and ILHR 60.38; and to create ss. ILHR 60.30 (2), ILHR 60.39 and 60.40, relating to design and construction of public buildings and places of employment used as day care centers.

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## ANALYSIS OF PROPOSED RULES

Statutory Authority: ss. 101.02 (1) and (15)

Statutes Interpreted: s. 101.02 (15)

The purpose of chapter ILHR 60 is to establish minimum design and construction requirements for the health and safety of the employes and occupants of buildings and facilities used as day care centers.

The proposed changes to this chapter are in response to 1995 Wisconsin Act 439 to permit children under the age of 24 months to be cared for on a floor other than floor level of exit discharge of a child day care center. The following is a summary of the major changes being proposed in chapter ILHR 60. These changes reflect safeguards contained in national model building and life safety codes.

1. Cross-reference ch. HFS 46 for the staff to child ratios. [ILHR 60.11]
2. Require the installation of sprinklers in buildings where children under the age of 24 months are cared for on floors above or below the floor level of exit discharge. It also requires these floor levels to be divided into at least 2 smoke compartments. [ILHR 60.30 (2)]
3. Restrict children under the age of 24 months to be cared for on a floor level of exit discharge in buildings of wood frame unprotected construction. [ILHR 60.30 (2)]
4. Require fire alarms in buildings where children under the age of 24 months are cared for on floors above or below the level of exit discharge. [ILHR 60.30 (2) and ILHR 60.38]
5. Amend the requirements relating to exit signs and emergency lighting to be consistent with national model codes. [ILHR 60.36]
6. Establish construction and exiting requirements for smoke compartments. [ILHR 60.39 and 60.40]

SECTION 1. ILHR 60.001 (1) (b) Note is repealed and recreated to read:

ILHR 60.001 (1) SCOPE.

Note: Refer to HFS 45, rules of the department of health and family services, for requirements pertaining to day care centers serving 4 to 8 children and to 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.

SECTION 2. ILHR 60.01 is repealed and recreated to read:

ILHR 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).

SECTION 3. ILHR 60.11 is repealed and recreated to read:

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 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.

SECTION 4. ILHR 60.30 (1) is amended to read:

ILHR 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.

SECTION 5. ILHR 60.30 (2) is created to read:

ILHR 60.30 (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. ILHR 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.

SECTION 6. ILHR 60.31 (6) is repealed:

SECTION 7. ILHR 60.34 (2) is repealed and recreated to read:

ILHR 60.34 (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 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.

SECTION 8. ILHR 60.36 is repealed and recreated to read:

ILHR 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 9 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. A day care center 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.

SECTION 9. ILHR 60.38 is repealed and recreated to read:

ILHR 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 from 9 p.m. and 5 a.m.

SECTION 10. ILHR 60.39 and 60.40 are created to read:

ILHR 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. ILHR 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.

ILHR 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-resistive 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.



(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.

(END)

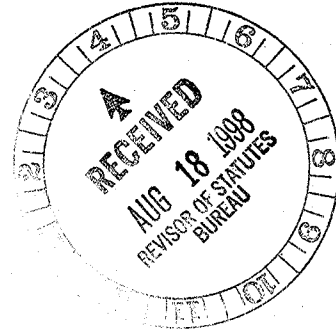
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EFFECTIVE DATE

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

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August 17, 1998

Gary Poulson  
Assistant Revisor of Statutes  
Suite 800  
131 West Wilson Street  
Madison, Wisconsin 53703-3233

Douglas LaFollette  
Secretary of State  
10th Floor  
30 West Mifflin Street  
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

**TRANSMITTAL OF RULE ADOPTION**

CLEARINGHOUSE RULE NO.: 97-109

RULE NO.: Chapter ILHR 60

RELATING TO: Child Day Care Facilities

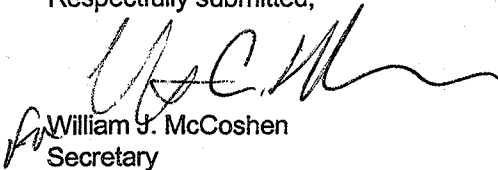
Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

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 also included.

Respectfully submitted,

  
William J. McCoshen  
Secretary

