

Ind 49

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STATE OF WISCONSIN)
) SS
DEPARTMENT OF INDUSTRY,)
LABOR AND HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Stephen J. Reilly, Executive Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said Department, do hereby certify that the attached rules to Wisconsin Administrative Code, Chapter Ind 49, Migrant Labor Camps, were adopted by the Department of Industry, Labor and Human Relations on May 1, 1975.

I further certify that said copy has been compared by me with the original on file in this 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 and affixed the official seal of the Department at the Capitol, in the City of Madison, this 1 day of May, A.D., 1975.


Stephen J. Reilly, Executive Secretary


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Stephen J. Reilly, Executive Secretary

CHAPTER IND 49 - Migrant Labor Camps

Chapter Ind 49 is repealed and recreated to read:

Ind 49.001 Scope. This code is to set forth minimum standards for design, construction, operation, repair, maintenance and inspection of all structures including the site for migrant labor camps as defined in section 101.20, Wis. Stats.

Ind 49.01 Application for Certification. Application to operate a migrant labor camp shall be made annually to the department no later than April 1, or 30 days prior to the opening of a new camp. (Ref. 101.20 Wis. Stats.) Issuance of a certificate to operate will be contingent on the camp satisfying the minimum standards of this code.

Ind 49.02 Definitions. (1) Camp operator is a person who maintains a migrant labor camp.

(2) Common use facilities means structures or areas other than sleeping or living quarters designed to be used by camp occupants not members of the same family (see service building).

(3) Department means the department of industry, labor and human relations.

(4) Migrant labor camp is the site and all structures maintained as living quarters and common use facilities for any seasonal or migrant agricultural, horticultural, arboricultural or herbaceous worker by any person or for him or under his control and supervision, but not including premises occupied by the employer as his own residence. Where an employer employs a migrant worker, each housing location for such worker shall be considered a migrant labor camp.

(5) Migrant worker is a worker engaged primarily in agricultural, horticultural, arboricultural or herbaceous industry, who must move so far in the course of his seasonal employment that he must establish a temporary residence at one or more locations away from the place he calls home.

(6) Occupants means migrant workers and family dependents who move with the workers living in the camp.

(7) Service buildings means common use facilities for housing toilets, lavatories, showers and laundry facilities.

Ind 49.03 Plans and specifications. (1) Plans and specifications for all new construction including additions to existing buildings intended for use as housing or common use facilities shall be approved by the department before letting contracts or commencing work.

(a) Exception. No prior approval of plans shall be required for the following:

1. Single story buildings for use as housing for not more than 2 families.
2. Buildings for use by not more than 10 persons not members of the same family.
3. Common use facilities containing less than 25,000 cubic feet total volume providing they have no floor or roof span greater than 30 feet and are not more than 2 stories high.

(b) Buildings for which the submission of plans and specifications is waived shall comply with the requirements of this code.

(2) Three copies of plans and one copy of specifications are required for approval.

(3) Plans shall include:

(a) A plot plan of the migrant camp which includes the location and grades of adjoining streets, alleys, lot lines and any other buildings on the same lot or property.

(b) Name of owner.

(c) Intended use or uses of all rooms, and the number of persons to be accommodated therein.

(4) All requirements of the Wis. Adm. Code chapters 50-64 Building and Heating, Ventilating and Air Conditioning Code applicable to approval of plans shall apply unless specifically exempted from this code.

(5) One set of approved plans shall be kept by the owner or camp operator and made available to the inspector.

Ind 49.04 Variations. (1) The department may from time to time grant written permission to individual camp operators to vary from particular provisions set forth in this part when the extent of the variation is clearly specified and it is demonstrated to the department that:

(a) Such variation is necessary to obtain a beneficial use of an existing facility.

(b) The variation is necessary to prevent a practical difficulty or unnecessary hardship; and

(c) Appropriate alternative measures have been taken to protect the health and safety of the occupants and assure that the purpose of the provisions from which variation is sought will be observed.

(2) Written application for such variation shall be filed with the department on form SB-8. No such variation shall be effective until granted in writing by the department.

Ind 49.05 Housing site. (1) Housing sites shall be well drained and free from depressions in which water may stagnate.

(2) Housing shall not be subject to, or in proximity to conditions that create or are likely to create or attract insects or be subject to noise, traffic, or any similar hazardous condition.

(3) Grounds within the housing site shall be free from debris, noxious plants (poison ivy, etc.) and uncontrolled weeds or brush.

(4) The housing site shall provide a space for recreation reasonably related to the size of the facility and type of occupancy.

(5) No Mobile Home unit shall be located less than 10 feet from any other building or from the boundary line of the premises on which it is located.

Ind 49.06 Water supply. (1) An adequate and convenient supply of water safe for human consumption shall be provided to meet the standards of the department.

NOTE: The department will accept the standards for well construction and pump installations set by the department of Natural resources.

(2) A cold water tap independent of laundry facilities shall be available within 100 ft. of each individual living unit when water is not provided in the unit.

(a) Adequate drainage facilities shall be provided for overflow and spillage.

(3) Common drinking cups shall not be permitted.

(4) Drinking fountains shall not be located in toilet rooms.

Ind 49.07 Excreta and liquid waste disposal. (1) Facilities shall be provided and maintained for effective disposal of excreta and liquid waste in a manner which neither creates nor likely to create a nuisance, or a hazard to health.

(a) Raw or treated liquid waste shall not be discharged or allowed to accumulate on the ground surface.

(2) Where public sewer systems are available, all facilities for disposal of excreta and liquid wastes shall be connected thereto.

(3) Where public sewers are not available, a subsurface septic tank seepage system or other type of liquid waste treatment and disposal system, privies or portable toilets shall be provided.

Note: The department will accept the standards set by the division of health of the department of health and social services.

Ind 49.08 Housing. (1) Housing shall comply with the following codes or sections of this code.

(a) Structural design and construction shall meet requirements of Wis. Adm. Code chapter 50-64, Building and Heating, Ventilating and Air Conditioning.

(b) Exit requirements shall be as specified under section Ind 49.18.

(c) Maintenance of facilities shall be as specified under section Ind 49.19.

(2) Housing shall have flooring constructed of rigid materials, smooth finished, readily cleanable, and so located as to prevent the entrance of ground and surface water.

(3) The following space requirements shall be provided:

(a) For sleeping purposes only in family units and in dormitory accommodations using single beds, not less than 50 square feet of floor space per occupant;

(b) For sleeping purposes in dormitory accommodations using double bunk beds only, not less than 40 square feet per occupant;

(c) For combined cooking, eating, and sleeping purposes not less than 60 square feet of floor space per occupant.

Note: The space requirements of (3) are in accordance with the Federal Register, Volume 33, Number 213, Thursday, October 31, 1968, Title 20--Employe's Benefits, Chapter V--Bureau of Employment Security, Department of Labor, Part 620--Housing for Agricultural Workers, Section 620.7(c) (1), (2) & (3).

An interpretation by definition issued April 1, 1970 in the Employment Security Manual, section 2031M, states: "Space Requirements. For children under 12 years of age, space requirements are one-half that required for occupants in quarters used for combined cooking, eating and sleeping purposes."

This interpretation will be considered by the department in certifying migrant labor camps for compliance with (c).

(4) Housing used for families with one or more children over 6 years of age shall have a room or partitioned sleeping area for the husband and wife. The partition shall be of rigid materials and installed so as to provide reasonable privacy.

(5) Separate sleeping accommodations shall be provided for each sex or each family.

(a) Partitions between living units in a multifamily shelter shall extend to the ceiling of the shelter unless other acceptable methods are used to provide privacy.

(6) Adequate and separate arrangements for hanging clothing and storing personal effects for each person or family shall be provided.

(7) At least one-half of the floor area in each living unit shall have a minimum ceiling height of 7 feet. No floor space shall be counted toward minimum requirements where the ceiling height is less than 5 feet.

(8) Each habitable room (not including partitioned areas) shall have at least one window or skylight opening directly to the out-of-doors.

(a) The minimum total window or skylight area, including windows in doors, shall equal at least 10% of the usable floor area.

(b) The total openable area shall equal at least 45% of the minimum window or skylight area required, except where comparable adequate ventilation is supplied by mechanical or some other method.

Ind 49.09 Screening. (1) All outside openings shall be protected with screening of not less than 16 mesh.

(2) All screen doors shall be tight fitting, in good repair, and equipped with self-closing devices.

Ind 49.10 Heating. (1) All living quarters and service buildings shall be provided with properly installed, operable heating equipment capable of maintaining a temperature of at least 70° F. if during the period of normal occupancy the temperature in such quarters falls below 70°.

(a) In the absence of permanently installed heating equipment approved portable electric heaters shall be available for occupancies between June 1 and September 15.

(2) Any stoves or other sources of heat utilizing combustible fuel shall be installed and vented in such a manner as to prevent fire hazards and a dangerous concentration of gases and be in compliance with the Wis. Adm. Code, Chapters 50-64, Building and Heating, Ventilating and Air Conditioning.

(a) No portable heater other than those operated by electricity shall be provided.

(b) If a solid or liquid fuel stove is used in a room with wooded or other combustible flooring, there shall be a concrete slab, insulated metal sheet, or other fireproof material on the floor under each stove, extending at least 24 inches beyond the perimeter of the base of the stove.

(3) Any wall or ceiling within 24 inches of a solid or liquid fuel stove or a stovepipe shall be of fireproof material.

(a) An approved vented metal collar shall be installed around a stovepipe, or vent passing through a wall, ceiling, floor or roof.

(4) When a heating system has automatic controls, the control shall be of the approved type which cuts off the fuel supply upon failure or interruption of the flame or ignition, or whenever a predetermined safe temperature or pressure is exceeded.

Ind 49.11 Electricity and lighting. (1) All housing sites shall be provided with electric service.

(2) Each habitable room and all common use rooms, and areas such as: laundry rooms, toilets, privies, hallways, stairways, etc., shall contain adequate ceiling or wall type light fixtures.

(a) In existing buildings at least one wall type electrical convenience outlet shall be provided in each individual living room.

(3) Adequate lighting shall be provided for the yard area, and pathways to common use facilities.

(4) All electrical wiring and lighting fixtures shall be installed and maintained in a safe condition and shall comply with the provisions of the Wis. Adm. Code, Electrical Vol. II except as provided in section Ind 49.11(2)(a).

(5) Common use facilities shall be provided with a light switch at the entrance door.

(a) Illumination of common use facilities shall be not less than 10 foot candles 30 inches above the floor.

(6) The public passageways, stairway and exit doors shall be illuminated in accordance with the Wis. Adm. Code chapters 50-64, Building and Heating, Ventilating and Air Conditioning.

Ind 49.12 Toilets. (1) All toilet rooms shall comply with the applicable provisions of the Wis. Adm. Code, Building and Heating, Ventilating and Air Conditioning except that privies for single family use need not be provided with artificial light.

(2) Water closets or privy seats for each sex shall be in the ratio of not less than one such unit for each 15 occupants, with a minimum of one unit for each sex in common use facilities.

(3) Urinals of the approved type shall be provided in toilets and privies to be used by 10 or more males in the ratio of one per 40 males or fraction thereof.

(a) In the case of privies, 24 inches of trough type or other approved design shall be equal to one urinal.

(b) Urinals may be substituted for toilet seats on the basis of one urinal for one toilet seat up to a maximum of one-third of the required toilet seats.

(4) Except in individual family units, separate toilet accommodations for men and women shall be provided.

(a) If toilet facilities for men and women are in the same building, they shall be separated by a solid wall from floor to roof or ceiling.

(b) Toilets shall be distinctly marked "men" and "women" in English and in the language of the persons expected to occupy the housing.

(5) Where common use toilet facilities are provided, an adequate and accessible supply of toilet tissue, with holders shall be furnished.

(6) Common use toilets and privies shall be well lighted and ventilated and shall be clean and sanitary.

(7) All interior surfaces of privies including toilet seats shall be of impervious material or shall be well painted or varnished.

(8) Toilet facilities shall be located within 200 feet of each living unit.

(9) Privies shall not be located closer than 75 feet from any living unit or any facility where food is prepared or served.

(10) Privy structures and pits shall be fly tight.

(11) Privy pits shall have adequate capacity for the required seats.

(12) All privies shall be located in accordance with local zoning ordinances.

Ind 49.13 Bathing, laundry and handwashing. (1) Bathing and handwashing facilities, supplied with adequate hot and cold water under pressure, shall be provided for the use of all occupants.

(a) These facilities shall be clean and sanitary and located within 200 feet of each living unit.

(2) There shall be a minimum of one showerhead per 15 persons.

(a) Showerheads shall be spaced at least 3 feet apart, with a minimum of 9 square feet of floor space per unit.

1. A commercially available 30 inch shower stall (at least 6.25 square feet area) is acceptable.

(b) Floors of showers shall be constructed of nonabsorbent, nonskid materials and sloped to properly constructed floor drains.

(c) When common use shower facilities for both sexes are in the same building, the facilities shall be separated by a solid opaque and nonabsorbent wall extending from the floor to ceiling, or roof, and shall be plainly designated "men" or "women" in English and in the native language of the persons expected to occupy the housing.

1. Adequate dry dressing space shall be provided in common use facilities.

(d) In exception to individual family units, separate shower facilities shall be provided for each sex.

(e) Each shower unit for women shall be enclosed with a separate compartment.

(f) Each shower compartment for women shall be supplemented by an individual dressing compartment.

(3) Lavatories or equivalent units shall be provided in a ratio of 1 per 15 persons.

(4) Laundry facilities, supplied with adequate hot and cold water under pressure, shall be provided for the use of all occupants.

(a) Double compartment laundry trays or tubs shall be provided in the ratio of 1 per 25 persons.

1. Mechanical washers may be provided in the ratio of 1 per 50 persons in lieu of laundry trays, although a minimum of 1 laundry tray per 100 persons shall be provided in addition to the mechanical washers.

Ind 49.14 Cooking and eating facilities. (1) When workers or their families are permitted or required to cook in their individual unit, a space shall be provided and equipped for cooking and eating. Such space shall be provided with:

(a) A cookstove or hot plate with a minimum of 2 burners.

(b) Adequate food storage shelves and a counter for food preparation.

(c) Provisions for mechanical refrigeration of food at a temperature of not more than 40°F.

(d) A table and chairs or equivalent seating and eating arrangements, all commensurate with the capacity of the unit.

(e) Adequate lighting and ventilation.

(2) When workers or their families are permitted or required to cook and eat in a common facility, a room or building separate from the sleeping facilities shall be provided for cooking and eating. Such room or building shall be provided with:

(a) Stoves or hot plates with a minimum equivalent of 2 burners, in a ratio of 1 stove or hot plate to 10 persons or 1 stove or hot plate to 2 families.

(b) Adequate food storage shelves and a counter for food preparation.

(c) Mechanical refrigeration for food at a temperature of not more than 40°F.

(d) Tables and chairs or equivalent seating adequate for the intended use of the facility.

(e) Adequate sinks with hot and cold water under pressure.

(f) Adequate lighting and ventilation.

(g) Floors shall be of nonabsorbent, easily cleaned materials.

(3) When central mess facilities are provided, the kitchen and mess hall shall be in proper proportion to the capacity of the housing and shall be separate from the sleeping quarters.

(a) The physical facilities, equipment and operation when operated by or for the camp operator shall be in accordance to the following:

1. The kitchen and dining room shall be separated from sleeping quarters and toilet rooms.
 - a. No kitchen or dining room shall be used for sleeping purposes.
2. Kitchen and dining room tables and chairs or benches shall be so constructed as to be easily kept clean.
 - a. Table tops or coverings shall be smooth and free from cracks.
3. Dishes and utensils shall be of nontarnishable materials, free from cracks and easily cleanable.
4. Cooking utensils shall be stored on racks or suspended on hooks at least 12 inches above the floor.
5. The kitchen and dining room shall be swept daily, preferably with sweeping compound to lay the dust.
6. The kitchen and dining room shall be scrubbed with hot soap suds or suitable detergent at least once a week and preferably more often during a rainy period.
7. Dining tables shall be washed with soap or suitable detergent and water after each meal.
8. Handwashing facilities shall be provided in kitchens and shall include hot and cold water under pressure, soap, and individual toweling for use by kitchen personnel only.
9. Cooks and all food handlers shall keep clean and wear clean clothing.
10. A sink with ample facilities for providing hot and cold water under pressure shall be provided for washing dishes and kitchen utensils.
 - a. All dishes and utensils after being thoroughly scraped shall be washed and scalded or disinfected.
 - b. Air drying is required.
11. All milk used shall either be adequately pasteurized, evaporated, or powdered.
12. Perishable foods such as meats, milk, butter, eggs and salads must be kept under refrigeration not to exceed 40°F.
13. Refrigerators shall be thoroughly washed with hot water and soap or suitable detergents at least once a week.
14. Nonperishable foods must be stored in clean and rodent proof containers elevated above the floor.
 - (a) The wall surface adjacent to cooking areas shall be of fire-resistant material and shall comply with Wis. Adm. Code, Building and Heating, Ventilating and Air Conditioning. (Ind 59.49 ref.)

Ind 49.15 Garbage and other refuse. (1) Durable, fly tight, clean containers in good condition of a minimum capacity of 20 gallons, shall be provided adjacent to each housing unit for the storage of garbage and other refuse.

(a) Such containers shall be provided in a minimum ratio of 1 per 15 persons.

(2) Provisions shall be made for collection of refuse at least twice a week, or more often if necessary.

(a) The disposal of refuse, which includes garbage, shall be in accordance with state and local law.

Ind 49.16 Insect and rodent control. Housing and facilities shall be free of insects, rodents and other vermin.

Ind 49.17 Sleeping facilities. (1) Sleeping facilities shall be provided for each person.

(a) Such facilities shall consist of comfortable beds, cots or bunks, provided with clean mattresses.

(2) Any bedding provided by the camp operator shall be clean and sanitary.

(3) Triple deck bunks shall not be permitted.

(4) The clear space above the top of the lower mattress of a double deck bunk and the bottom of the upper bunk shall be a minimum of 27 inches.

(a) The distance from the top of the upper mattress to the ceiling shall be a minimum of 36 inches.

(5) Beds used for double occupancy are permitted only in family accommodations.

Ind 49.18 Fire, safety and first aid. (1) All buildings shall be constructed and maintained in accordance with applicable state or local fire and safety laws.

(2) In family housing and housing units for less than 10 persons, of one story construction, 2 means of escape shall be provided.

(a) One of the 2 required means of escape may be a readily accessible window with an openable space of not less than 24 x 24 inches.

(3) All sleeping quarters intended for use by 10 or more persons, central dining facilities and common assembly rooms shall have at least 2 doors remotely separated so as to provide alternate means of escape to the outside or to an interior hall.

(4) Sleeping and common use rooms located on or above the second story shall comply with the state and local fire and building codes relative to multi-story dwellings.

(a) Exception: on two-story buildings a modified class 'A' fire escape constructed of wood may be provided as a second exit serving not more than eight persons.

1. The fire escape and its connectors shall be capable of supporting 100 pounds per square foot and shall be fastened to the building by through bolts (at least 7/8 inch diameter), nut and washer (at least 4 inch diameter).

(5) Exit lights and signs shall be provided in accordance with Wis. Adm. Code chapters 50-64, Building and Heating, Ventilating and Air Conditioning.

(6) Fire extinguishing equipment shall be provided in a readily accessible place located not more than 100 feet from each housing unit.

(a) Such equipment shall provide protection equal to a 2-1/2 gallon stored pressure or 5 gallon pump type water extinguisher.

(7) First aid facilities shall be provided and readily accessible for use at all times.

(a) Such facilities shall be equivalent to the 16 unit First Aid Kit recommended by the American Red Cross, and provided in a ratio of 1 per 50 persons.

1. A kit supplied to each family shall be deemed equivalent to the foregoing if it contains at least the following items:

a. 3-1/2 yards gauze bandage 1 inch width

b. 1-1/2 yards 1/2 inch adhesive tape

c. 12 adhesive bandages.

d. 7/8 oz. first aid cream

e. Two 2 x 2- 12 ply gauze pads

(8) No flammable or volatile liquids or materials shall be stored in or adjacent to rooms used for living purposes, except for those needed for current household use.

(9) Agricultural pesticides and toxic chemicals shall not be stored in the housing area during the period of occupancy.

Ind 49.19 Camp operators' and occupants' responsibilities. (1) The camp operator or his agent shall clearly explain to camp occupants their responsibilities as to camp occupancy and care.

(a) The camp operator or his agent shall at least once a week inspect the camp area, structures, toilets, showers, and other facilities and see that each is maintained in a clean and orderly condition and that broken or damaged property is promptly repaired.

(b) The camp operator shall designate an individual to maintain the grounds and common use facilities in a clean and orderly condition at least daily.

(c) In camps occupied by 100 or more persons, the camp operator shall provide a full-time person to perform these duties.

(2) Each occupant of a camp shall use the sanitary and other facilities furnished for his convenience and shall comply with applicable camp regulations which may concern or affect his conduct.

(a) Each occupant shall keep in a clean and orderly manner that part of the camp and premise which he occupies or uses.

(b) Each occupant to whom a dwelling unit has been assigned shall be responsible for the cleanliness of that unit and adjacent grounds.

(c) Each occupant shall dispose of his rubbish and garbage by placing it in containers provided for this purpose.

(3) The camp operator shall designate some individual or employe to be responsible for the compliance with these standards and such person's name is to appear on the regulations posted in accordance with section Ind 49.21.

Ind 49.20 Inspection. (1) All migrant labor camps including individual dwelling units shall be opened to inspection at all reasonable hours by representatives of the department.

(a) The inspector shall make his presence known to the camp operator or an adult member of the operator's immediate family or the person designated as responsible for compliance with these standards before making an inspection.

Ind 49.21 Posting of regulations. A summary of these regulations, prepared by the department, shall be posted in the camp where they can be easily seen by the camp occupants and shall state where copies of the regulations may be obtained.