

# RULES CERTIFICATE

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

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Howard S. Bellman, 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 Chs. ILHR 50-64 - Building & Heating, Ventilating & A/C Code (Child Day Care & CBRF Only) were duly approved and adopted by this department on 6/13/85.

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 8:am in the city of Madison, this 13<sup>th</sup> day of June A.D. 1985.

Howard S. Bellman  
Secretary

9-1-85

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# ORDER OF ADOPTION

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Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 101.02(1), 101.02(15)(h) to (j) Stats., the Department of Industry, Labor and Human Relations hereby  creates;  amends;  repeals and recreates; and  repeals and adopts rules of Wisconsin Administrative Code chapter(s):

ILHR	<u>50 - 64</u>	<u>Building and Heating, Ventilating &amp; Air Conditioning Code (Child Day Care and CBRF Rules Only)</u>
	(Number)	(Title)

The attached rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to section 227.026, Stats.

Adopted at Madison, Wisconsin, this 13<sup>th</sup> day of June, A.D., 1985.

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

Howard B. Bellman  
Secretary



# RULES in FINAL DRAFT FORM

**Rule:** Chapters ILHR 50 - 64

**Relating to:** Building & Heating, Ventilating & Air Conditioning Code  
Changes for 1986/1987 Edition (\*Day Care & CBRF Only)

**Clearinghouse Rule No.:** 85-29\*

\*This package of rules contains 9 sections of proposed rule changes dealing with Day Care Centers and Community-Based Residential Facilities (CBRF) only. Clearinghouse rule 85-29 originally included all the proposed changes for the 1986/1987 code (in excess of 160 sections). The remaining sections will be assigned a new Clearinghouse Report number by Legislative Council and will be forwarded for Legislative Committee Review and Approval under separate cover.

AN ORDER to amend ss. ILHR 57.16 (1) (a), 60.15 (1) (b) and (e), 60.31 (4) and (5), 61.20; to repeal and recreate ss. ILHR 60.23 (3), 60.34, 61.14; to create ss. ILHR 57.165, 60.001 (5) relating to child day care centers and community-based residential facilities as regulated by the building and heating, ventilating and air conditioning code.

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#### ANALYSIS OF RULES

The Wisconsin Administrative Building and Heating, Ventilating and Air Conditioning Code is updated on a two-year cycle. The proposed changes dealing with child day care centers and CBRF are based upon suggestions submitted by users of the code, state enforcement and inspection staff and local building and fire inspectors. The following is a summary of the major changes included in the proposal:

1. Expanded rules for smoke detection systems in community-based residential facilities (CBRF) are added based upon recent law changes.
2. Fire extinguisher rules for CBRF are clarified.
3. The scope of ch. ILHR 60 - Day Care Centers is amended to recognize facilities located in ch. ILHR 56 - Schools.
4. Child age limitation rules in ch. ILHR 60 are modified to be consistent with DH&SS day care licensing rules.
5. Exiting rules for day care centers are clarified.
6. Rules regarding the number of lavatories needed for for toilet rooms in day care centers are clarified.

All of the proposals have been reviewed and considered by the Building Code Advisory Review Board. The membership of the Review Board is as follows:

BUILDING CODE ADVISORY REVIEW BOARD

Owen Ayres	Wisconsin Society of Professional Engineers
Shary Bisgard	Public (League of Women Voters)
Ronald Chiapete	Wisconsin State Fire Chiefs Association
Victor Halloran	Wisconsin Society of Architects/AIA
Pharis Horton	State Bar of Wisconsin
Lee C. Jensen	City of Milwaukee Building Inspection
Marshall Kuhnly	Wisconsin State AFL-CIO
Thomas Lorenz	Master Builders Association of Wisconsin, Inc.
George Mark	Wisconsin Realtors Association/Wisconsin Builders Association
Donald Roth	League of Wisconsin Municipalities
David J. Schield	Wisconsin Association of Manufacturers and Commerce
Stephen D. Schlough	Wisconsin Department of Health & Social Services
Richard C. Schumacher	Wisconsin Chapter of the Associated General Contractors of America, Inc.
Helmut Seaman	Division of State Facilities Management Department of Administration
William Shea	Building Owners & Managers Assoc. of Milwaukee, Inc. (BOMA)/Income Property Owner's Association, Inc.
Jahn Tinglum (Chairman)	Department of Public Instruction
Larry J. Wills	Wisconsin Chapter - Society of Fire Protection Engineers

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Pursuant to the authority vested the State of Wisconsin Department of Industry, Labor and Human Relations by ss. 101.02 (1) and 101.02 (15) (h) to (j), Stats., the department hereby amends, repeals and recreates and creates rules interpreting ss. 101.02 (15) (h) to (j), Stats., as follows:

SECTION 1. ILHR 57.16 (1) (a) is amended to read:

ILHR 57.16 (1) (a) All buildings within the scope of this chapter, except CBRF shall be provided with approved smoke detectors as specified in this section.

SECTION 2. ILHR 57.165 is created to read:

ILHR 57.165 SMOKE DETECTION FOR CBRF. (1) GENERAL. All CBRF within the scope of this chapter shall be provided with an approved smoke detection system.

(2) TYPE OF SYSTEM. The smoke detection system specified in sub. (1) shall be at least a low voltage interconnected smoke detection system designed to protect the entire facility and capable of sounding an alarm throughout the facility or at a central location upon actuation of any smoke detector.

(3) SMOKE DETECTOR LOCATION. At least 1 approved interconnected smoke detector shall be provided at the following locations:

(a) At the head of every open stairway;

(b) At the door leading to every enclosed stairway on each floor level;

(c) In every corridor, spaced not more than 30 feet apart and not further than 15 feet from any wall;

(d) In each common use room, including living rooms, dining rooms, family rooms, lounges and recreation rooms but not including kitchens; and

(e) In each sleeping room in which smoking is allowed.

(4) APPLICABILITY. The provisions of this section shall apply to all CBRF constructed on or after the effective date of this section and to those CBRF previously constructed.

Note: See s. ILHR 51.245 for additional requirements pertaining to smoke detectors.

SECTION 3. ILHR 60.001 (5) is created to read:

ILHR 60.001 (5) School age day care programs for only children 5 years of age and older shall comply with the requirements of one of the following chapters:

(a) Ch. ILHR 56 - Schools and Other places of Instruction; or

(b) Ch. ILHR 60 - Child Day Care Facilities.

SECTION 4. ILHR 60.15 (1) (b) and (e) are amended to read:

ILHR 60.15 (1) (b) Children under the age of ~~30~~ 24 months need not be included when determining the required fixtures; however, in all cases, at least one water closet and one lavatory shall be provided in all day care centers.

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

SECTION 5. ILHR 60.23 (3) is repealed and recreated to read:

ILHR 60.23 (3) Unenclosed stairways, connecting the floor of exit discharge with one adjacent floor level, may be used as required exits provided the stairways are enclosed at all other levels with solid partitions. Openings in the partitions shall be protected with self-closing doors.

SECTION 6. ILHR 60.31 (4) and (5) are amended to read:

ILHR 60.31 (4) The travel distances in sub. (3) ~~above~~ shall be reduced by 50% for children under the age of ~~30~~ 24 months.

(5) The travel distances in sub. (3) ~~above~~ may be increased by 50 feet in buildings completely ~~equipped~~ protected with an automatic fire sprinkler system. No increase in travel distance is permitted for children under the age of ~~30~~ 24 months.

SECTION 7. ILHR 60.34 <sup>?</sup> is repealed and recreated to read:

ILHR 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. ILHR 51.02 (11) and Table 51.03-A. All required stair enclosures shall lead to the outside without interruption.

(2) EXCEPTIONS. (a) Exit stairways serving day care centers located in one story places of worship need not be enclosed.

(b) Exit stairways serving day care centers located in one and two story schools constructed prior to January 1, 1982 need not be enclosed.

(c) Unenclosed stairways, connecting the floor of exit discharge with one adjacent floor level, may be used as required exits for day care centers accommodating 9 to 39 children, provided the stairways are enclosed at all other levels with fire-resistive rated construction equal to or better than the hourly rating specified in Table 51.03-A.

SECTION 8. ILHR 61.14 is repealed and recreated to read:

ILHR 61.14 SMOKE DETECTION. (1) GENERAL. All CBRF within the scope of this chapter shall be provided with an approved smoke detection system.

(2) TYPE OF SYSTEM. The smoke detection system specified in sub. (1) shall be at least a low voltage interconnected smoke detection system designed to protect the entire facility and capable of sounding an alarm throughout the facility or at a central location upon activation of any smoke detector.



(3) SMOKE DETECTOR LOCATION. At least 1 approved interconnected smoke detector shall be provided at the following locations:

(a) At the head of every open stairway;

(b) At the door leading to every enclosed stairway on each floor level;

(c) In every corridor, spaced not more than 30 feet apart and not further than 15 feet from any wall;

(d) In each common use room, including living rooms, dining rooms, family rooms, lounges and recreation rooms but not including kitchens; and

(e) In each sleeping room in which smoking is allowed.

(4) APPLICABILITY. The provisions of this section shall apply to all CBRF constructed on or after the effective date of this section and to those CBRF previously constructed.

Note: See s. ILHR 51.245 for additional requirements pertaining to smoke detectors.

SECTION 9. ILHR 61.20 is amended to read:

ILHR 61.20 FIRE EXTINGUISHERS. A portable, dry chemical fire extinguisher, with a minimum 2A, ~~20~~ 10 B-C rating, shall be provided on each occupied floor level. On the floor containing the kitchen, the fire extinguisher shall be located in the kitchen or cooking area.

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EFFECTIVE DATE

Pursuant to s. 227.026 (1) (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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State of Wisconsin \ Department of Industry, Labor and Human Relations

Office of the Secretary  
201 E. Washington Avenue  
P.O. Box 7946  
Madison, Wisconsin 53707  
Telephone 608/266-7552

The Honorable John Plewa  
State Senator  
Joint Committee for Review of  
Administrative Rules  
337 South, State Capitol  
Madison, Wisconsin 53707

The Honorable Steven Brist  
State Representative  
Joint Committee for Review of  
Administrative Rules  
10 West, State Capitol  
Madison, Wisconsin 53707

Dear Senator Plewa and Representative Brist:

Pursuant to your committee's request, attached is an implementation report regarding the following rule:

Rule: Chs. ILHR 50-64

Rule Clearinghouse No. 85-29

Relating to: Building & Heating, Ventilating & A/C Code (Child Day Care and

CBRF Only)

1. Description of the rule.

The proposed rules amend certain building code rules for Child Day Care Centers and CBRF to bring the rules in align with recently changed DH&SS licensing rules for the facilities. The rules also repeat the statutory requirements for additional smoke detectors in CBRF as mandated by 1983 Wisconsin Act 363.

2. Personnel involved in enforcing the rule.

The rules will be enforced by:

1. Plan examiners and building inspectors of the Bureau of Buildings and Structures, Division of Safety and Buildings, DILHR.
2. Local fire department inspectors as mandated by s. 101.14, stats.; and
3. Licensing staff in DH&SS as a function of their licensing program.


3. How the rule will be enforced.

The rules will be enforced by plan examination (where applicable) and inspection of the facilities prior to licensing. Ongoing annual inspections will be conducted by local fire department inspectors and DH&SS licensing inspectors for relicensing of the facilities.

4. Comments and recommendations on statutory authority.

None.

Yours very truly,



Howard S. Bellman  
Secretary

The Wisconsin Department of Industry, Labor and Human Relations

June 13, 1985

Office of the Secretary  
201 E. Washington Avenue  
P.O. Box 7946  
Madison, Wisconsin 53707  
Telephone 608/266-7552

Gary Poulson  
Assistant Revisor of Statutes  
for Administrative Rules  
411 West, State Capitol  
Madison, Wisconsin

Douglas LaFollette  
Secretary of State  
Room 271, GEF-1  
201 East Washington Avenue  
Madison, Wisconsin

Dear Messrs. Poulson and LaFollette:

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TRANSMITTAL OF RULE ADOPTION

JUN 14 1985

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Bureau

CLEARINGHOUSE RULE NO. 85-29

RULE NO. Chs. ILHR 50-64

RELATING TO: Bldg & Heating, Ventilating & A/C Code (Child Day Care & CBRF Only)

Pursuant to section 227.023, Stats., agencies are required to file a certified copy of every rule adopted by the agency in 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 227.016 (6), Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,



Howard S. Bellman  
Secretary

cc: Agency Contact Person