

**9503.0155 FACILITY.**

Subpart 1. **Occupancy designation.** In areas of the state that have adopted the Minnesota State Building Code, the applicant must comply with the standards specified by the code if the application is an initial one. In those areas of the state that have not adopted the Minnesota State Building Code, an applicant for licensure must comply with any applicable local building ordinances if the application is an initial one. The commissioner must not grant an initial license until written verification of compliance with the State Building Code or local building ordinance, when applicable, has been received by the commissioner from the building official with jurisdiction.

Subp. 2. **Fire inspection.** The center must be inspected by a fire marshal within 12 months before initial licensure. The commissioner must not grant an initial license until the commissioner has received written approval of compliance with the Minnesota Uniform Fire Code from the fire marshal with jurisdiction.

Subp. 3. **Reinspection for cause.** If the commissioner has reasonable cause to believe that a potential hazard exists, the commissioner may request another inspection and written report by a fire marshal, building official, or health authority to verify the absence of hazard.

Subp. 4. **Facility floor plan and designated areas.** Indoor and outdoor space to be used for child care must be designated on a facility floor plan. This space must be exclusively used for child care by the center during the hours of operation. The initial application for licensure and the center's administrative record must contain a floor plan of the center. Precise scale drawings are not required. The plan must indicate the:

- A. dimensions and location of all areas of the center designated for the provision of child care;
- B. planned use of each area; and
- C. size and location of areas used for outdoor activity.

Subp. 5. **Child's personal storage space.** A center must have storage space for each child's clothing and personal belongings. The space must be at a height appropriate to the age of the child.

Subp. 6. **Space for children who become sick.** Space must be provided in the center for a child who becomes sick at a center not licensed to operate a sick care program under part 9503.0085. The space must be separate from activity areas used by other children. A cot and blanket must be provided. The space must be within sight and hearing of a staff person and supervised by a staff person when occupied by a sick child.

Subp. 7. **Outdoor activity area.** An outdoor activity area that complies with the following items must be provided or available for all child care programs except those licensed to exclusively provide sick care as specified in part 9503.0085, drop in care as specified in part 9503.0075, and those operating for less than three hours a day.

- A. A center must have an outdoor activity area of at least 1,500 square feet, and there must be at least 75 square feet of space per child within the area at any given time during use.

B. An outdoor activity area used daily by children under school age must be within 2,000 feet of the center or transportation must be provided by the license holder. In no case, however, shall the outdoor activity area be farther than one-half mile from the center.

C. The area must be enclosed if it is located adjacent to a traffic, rail, water, machinery, or other environmental hazard, unless the area is a public park or playground.

D. The area must be free of litter, rubbish, toxic materials, water hazard, machinery, animal waste, and sewage contaminants.

E. The area must contain the outdoor large muscle equipment required by part 9503.0060.

Subp. 8. [Repealed, L 2019 1Sp9 art 2 s 134]

Subp. 9. **Indoor space.** The licensed capacity of the center must be limited by the amount of indoor space. A minimum of 35 square feet of indoor space must be available for each child in attendance. Hallways, stairways, closets, utility rooms, lavatories, water closets, kitchens, and space occupied by cribs may not be counted as indoor space. Twenty-five percent of the space occupied by furniture or equipment used by staff or children may be counted as indoor space.

Subp. 10. **Shielding of hot surfaces.** Radiators, fireplaces, hot pipes, and other hot surfaces in areas used by children must be shielded or insulated to prevent burns.

Subp. 11. **Electrical outlets.** Except in a center that serves only school-age children, electrical outlets must be tamper proof or shielded when not in use.

Subp. 12. **Water hazards.** Bodies of water within or adjacent to the center must be inaccessible to children. When using a pool or beach, children must be supervised at all times.

Subp. 13. **Room temperature.** A minimum temperature of 68 degrees Fahrenheit must be maintained in indoor areas used by children.

Subp. 14. [Repealed, 18 SR 2748]

Subp. 15. **Hazardous areas.** Kitchens, stairs, and other hazardous areas must be inaccessible to children except during periods of supervised use.

Subp. 16. **Fire extinguisher inspection.** Fire extinguishers must be serviced annually by a qualified inspector. The name of the inspector and date of the inspection must be written on a tag attached to the extinguisher.

Subp. 17. **Screens.** Outside doors and windows used for ventilation must be screened to provide protection from insects.

Subp. 18. **Toilets and hand sinks.** Toilets and hand sinks must be provided as specified in items A to G:

A. The center must have at least one hand sink and one toilet for each 15 children or portion of 15 children specified in the licensed capacity. One toilet training seat or training chair must be

provided for every 15 toddlers specified in the licensed capacity. Any hand sink required for children, other than infants, must be in the toilet area.

B. In newly constructed centers or those undergoing major remodeling to the plumbing system, foot or wrist operated sinks must be provided in the diaper changing area.

C. Hand sinks for children must not be used for custodial work or food preparation.

D. The temperature of hot water in the hand sinks used by children must not exceed 120 degrees Fahrenheit.

E. Single service towels or air dryers must be available to dry hands and designed for easy use by the children.

F. Toilets, sinks, faucets, and hand drying devices in the toilet area used by children under school age other than infants must be placed at a height appropriate to the ages of the children.

G. Portable steps may be used to meet the requirement in item F for toddlers and preschoolers, if the steps are sturdy and washable.

**Statutory Authority:** *MS s 245A.02; 245A.09; 252.28*

**History:** *13 SR 173; 18 SR 2748; L 2019 1Sp9 art 2 s 134*

**Published Electronically:** *October 30, 2019*