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## Ill. Admin. Code tit. 89 § 407.390

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Current through Register Vol. 47, No. 19, May 12, 2023

Section 407.390 - Outdoor Play Area

Partially exempt programs are exempt from these standards.

- a) An outdoor play area shall be provided unless the program operates less than three hours per day in accordance with Section 407.200(d)(3) or a waiver has been granted by the Department in accordance with subsection (q) of this Section.
- b) The requirements for outdoor play areas shall be met immediately, except for equipment and protective surfaces installed by the center before January 1, 1998. Fences around play areas that are newly installed or replaced after January 1, 1998 must comply with the requirements of this Section.
- c) The outdoor play area shall accommodate 25 percent of the licensed capacity at any one time.
- d) There shall be a minimum of 75 square feet of safe outdoor area per child for the total number of children using the area at any one time. Children under the age of 24 months shall not use a common outdoor play area at the same time as children ages three or older.
- e) Play space shall be in a well-drained area.
- f) All play space shall be fenced or otherwise enclosed or protected from traffic and other hazards. Fences shall be at least 48 inches in height (for fences installed or replaced after

inches.

- g) The outdoor play area shall be adequately protected from traffic, water hazards, electrical transformers, toxic gases and fumes, railway tracks and animal hazards.
- h) The outdoor play area shall be arranged so that all areas are visible to staff at all times.
- i) Protective surfaces (wood mulch, bark mulch, wood chips, sand, gravel, rubber mats, etc.) shall be provided in areas where climbing, sliding, swinging or other equipment from which a child might fall is located.
- 1) The protective surface shall extend at least six feet beyond the perimeter of the equipment, except for swings.
    - A) For single-axis (traditional) swings, the protective surface shall extend both forward and backward a distance of at least two times the height measured from the supporting bar.
    - B) For tire swings which rotate, the protective surface shall extend six feet beyond the farthest reach of the tire in all directions.
  - 2) The protective surface shall have a Critical Height value of at least the height of the highest accessible part of the equipment, unless rubber mats are used which have been manufactured specifically for this purpose and which comply with the requirements established by the Consumer Products Safety Commission or the American Society for Testing Materials. See Appendix H for Critical Height values.
  - 3) The surface material shall be properly drained to prevent the growth of molds and bacteria.
  - 4) When resilient materials become packed, they shall be raked and/or turned to restore resilience.
- j) A surface shall be provided that is suitable for children's wheeled vehicles and pull toys.
- k) There shall be a shaded area in the summer to protect children from excessive sun exposure. Equipment with smooth metal surfaces, such as slides, shall be in an area that is shaded during the summer or shall be placed in a north/south alignment. Equipment permanently affixed on January 1, 1998 shall be accepted if otherwise determined safe.

- 1) The equipment in the outdoor play area shall be of safe design and in good repair.
- 2) The equipment shall be free of sharp points or corners, splinters, protruding nails or bolts, loose or rusty parts, hazardous small parts, broken glass, lead-based paint or other poisonous materials.
- 3) All bolts, hooks, eyes, shackles, rungs and other connecting and linking devices used on playground equipment shall be designed and secured to prevent loosening or unfastening.
- 4) Outdoor equipment shall be situated to avoid collisions and accidents while still permitting freedom of action by the children.
- 5) Supports for climbing apparatus and large equipment shall be securely fastened to the ground.
- 6) Access to play equipment shall be limited to age groups for which the equipment is developmentally appropriate according to the manufacturer's instructions.
- 7) Swings, if used, shall have seats of rubber or impact-absorbing material and design. Wood or metal seats shall not be used.
- 8) Crawl spaces, such as tunnels, shall be short and wide enough to permit access by adults.
- 9) All pieces of playground equipment used by children five years of age and younger shall be designed to guard against entrapment or situations that may cause strangulation.
  - A) Openings in exercise rings shall be smaller than 4 1/2 inches or larger than 9 inches in diameter.
  - B) There shall be no openings in a play structure with a dimension between 3 1/2 inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.
  - C) Distances between vertical slats or poles, where used, must be 3 1/2 inches or less (to prevent head entrapment).

entrapment).

10) Sandboxes, if smaller than 100 square feet, shall be covered when not in use. Larger sand play areas shall be covered, or there shall be a written plan for the daily raking and cleaning of animal fecal matter, if present.

11) Areas for sand play shall be distinct from the landing areas surrounding slides and other equipment.

m) The center director or designee shall inspect the playground daily before children go out to play to ensure there are no hazards present.

n) Prior approval of the Department is required when play space not connected with the center is used to meet the requirements of subsections (a) through (1) of this Section in lieu of the center's own play space. Proposed use of a nearby park, school yard or other alternative shall be considered on a case-by-case basis in consultation with local health and safety officials, with consideration given to the following criteria:

1) Location;

2) Accessibility to children and staff by foot or the availability of push carts or other means of transporting infants and toddlers;

3) Age(s) of the children in the group(s);

4) Availability of appropriate equipment;

5) Traffic patterns of vehicles and people in the area;

6) Condition of the park in areas related to safety;

7) Usage of the park by other groups when the children would be most likely to use it;

8) Compliance with the requirements of subsections (a) through (m) of this Section.

o) If an area not connected with the center is used for play or recreation, the children shall be closely supervised both during play and while traveling to and from the area.

approved in writing the use of the roof as a playground.

q) The Department may grant a waiver of the outdoor play area requirement under the following conditions:

- 1) The facility is located in an urban area where suitable, safe outdoor space is not available;
- 2) The facility has an indoor activity room that provides 75 square feet per child for at least 25% of the licensed capacity of the facility and is used for gross motor play in lieu of outdoor space; and
- 3) Parents are given notification of this waiver in writing upon enrollment of their children.

*Ill. Admin. Code tit. 89, § 407.390*

*Amended at 28 Ill. Reg. 3011, effective February 15, 2004*

Previous Section

[Section 407.380 - Equipment and Materials](#)

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