

TITLE 6

DAYCARE

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CHAPTER 6.04

DAYCARE SERVICES

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6.04.010: SHORT TITLE:

This title shall be known and may be cited as the *CHUBBUCK DAYCARE ORDINANCE*. (Ord. 310 §1, 1988)

6.04.020: PURPOSE:

This title is enacted to exercise the local option granted to municipalities under Idaho Code section 39-1108 whereby a municipality may adopt provisions for the licensing and regulation of daycare services. (Ord. 310 §2, 1988)

6.04.030: DEFINITIONS:

For the purposes of this chapter, the following definitions shall apply:

COMPENSATION: Goods, services or money received in exchange for providing daycare services. Compensation shall include any funds provided for childcare by any government agency or contractor acting on behalf of a government agency.

DAYCARE: Any home or place, other than one meeting the definition of a "family home daycare", where nonmedical care, protection, and supervision is regularly provided to children under twelve (12) years of age, for periods less than twenty four (24) hours per day, while the parents and guardians are not on the premises.

DAYCARE EMPLOYEE: Any person hired to assist a daycare provider with the care of children or an unpaid employee or an unpaid volunteer that assists a daycare provider with the care of children.

DAYCARE PROVIDER: A person using a place, home, building or location to provide daycare for one or more children, not the children or stepchildren of the provider, in return for compensation.

EXEMPT FAMILY HOME DAYCARE: Any home where nonmedical care, protection, and supervision is regularly provided to less than five (5) children under twelve (12) years of age, for periods less than twenty four (24) hours per day, while the parents and guardians are not on the premises, and which children are related to the provider as grandchildren, siblings, nieces or nephews or grandnieces or grandnephews and no compensation is provided by ICCP or some such similar governmental agency. Any provider in an exempt family home daycare shall not be required to be licensed and the facility shall not need either a business license or a home occupation permit under title 18 of this code.

NONEXEMPT FAMILY HOME DAYCARE: Any home where nonmedical care, protection, and supervision is regularly provided to less than five (5) children under twelve (12) years of age, for periods less than twenty four (24) hours per day, while the parents and guardians are not on the premises, and which children are related to the provider as grandchildren, siblings, nieces or nephews or grandnieces or grandnephews and compensation is provided by ICCP or some such similar governmental agency. A provider in a nonexempt family home daycare shall be licensed but the facility shall not need either a business license or a home occupation permit under title 18 of this code. (Ord. 715, 2012)

6.04.040: APPLICABILITY:

The regulations set out in this chapter shall apply to all facilities and persons entering into or engaged in the business of daycare within the limits of the city, specifically including private nurseries, nursery schools, kindergartens or any other private facility caring for children during either the day or night; provided, however, that nothing in this chapter shall be construed to apply to:

- A. The occasional care of a child or children by neighbors, relatives, or friends not ordinarily engaged in childcare for pay.
- B. Private or parochial educational facilities in which children kindergarten age or older are taught a curriculum approved by the state board of education.
- C. Summer day camps, programs, religious schools and other summer activities operating less than twelve (12) weeks during a calendar year.
- D. Exempt family home daycare. (Ord. 586 §2, 2004)

6.04.050: DAYCARE PROVIDER LICENSE REQUIRED:

A. No person shall be a daycare provider within the city unless a business license and a daycare provider's license are first procured, prominently displayed in the place, home, building or location, and are maintained in effect and unrevoked.

B. Applicants for a license shall complete a form provided by the chief of police or the chief's designee with information and authorizations necessary to provide complete criminal history checks, as set forth hereinafter. Such information shall include, but may not be limited to, a current list of all employees, all individuals twelve (12) years of age or older living at the location where daycare is provided, and regular volunteers who have unsupervised contact with the children. Failure to provide the necessary information or authorizations shall be grounds to deny a license.

C. Daycare providers' licenses shall have subscribed thereon the maximum number of children allowed in the place, home, building or location wherein the daycare is provided. Such licenses are premises specific and may not be used to provide daycare in any place, home, building or location other than the one named on the license.

D. It shall be the responsibility of the daycare provider to ensure that all daycare employees or volunteers are duly licensed as required in this chapter. Any employee or volunteer that becomes associated with a daycare after the initial or renewed application but prior to the annual renewal must obtain a license pursuant to this chapter prior to being on site at the daycare in any capacity as an employee or volunteer. Additionally it shall be the responsibility of the daycare provider to ensure that any resident twelve (12) years of age or older, whether or not actually working or assisting with daycare, has submitted the appropriate paperwork to the Chubbuck police department to allow it to process a criminal history check and which criminal history check shows no issues that would disqualify the daycare for having the resident on the premises. (Ord. 656 §1, 2008)

6.04.055: DAYCARE EMPLOYEE LICENSE REQUIRED:

A. No person meeting the definition of a daycare employee or volunteers at a daycare shall be a daycare employee or a volunteer at any daycare facility or perform services for a daycare provider within the city without having obtained the appropriate license issued under the provisions of this chapter. Provided, however, that employee-applicants may be hired and a volunteer may volunteer to assist in providing care, after having made application, and only while results of the criminal history check are pending, and may continue to assist in providing daycare, until the license is denied or issued. It shall be a violation of this chapter for any employee-applicant or volunteer to continue at the daycare after denial of the license, or any provider to continue to use the services of an employee-applicant or volunteer after the denial of the license or prior to the employee-applicant or volunteer having filed an application.

B. Applicants for a daycare employee license or volunteers at a daycare shall complete an application form provided by the chief of police or the chief's designee supplying all requested information and providing authorizations necessary to obtain complete criminal history checks, as set forth herein. Failure to provide the necessary information or authorizations shall be grounds to deny a

license.

C. Any resident twelve (12) years of age or older that resides at a premises providing daycare must have criminal history check processed by the police department and which history must show no issues that would disqualify the daycare for having the resident on the premises. (Ord. 656 §2, 2008)

6.04.060: LICENSE; PERIOD OF VALIDITY:

Licenses issued under this chapter shall be valid for one year and shall expire one year from the date of issue. All licenses in effect prior to July 1, 2000, shall expire on the expiration date in effect the date the license was issued. To renew a license, the provider or employee must present a completed application accompanied by the license fee, at least thirty (30) days prior to license expiration. (Ord. 533 §2, 2000)

6.04.070: LICENSE; GENERAL AUTHORITY AND REQUIREMENTS:

Upon approval of an application for a daycare license of any type by the fire, police and building departments, the city clerk shall issue the license. The city council shall hear all appeals of any denials, suspensions or revocations of licenses for daycare providers and their employees and shall grant, deny or revoke such licenses based upon the requirements of this chapter and chapter 6.08 of this title. Any license issued shall have the number of children allowed in the facility noted upon the license. (Ord. 633 §1, 2007)

6.04.080: CRIMINAL HISTORY CHECKS:

The police department of the city is authorized to perform criminal history checks of daycare providers, of individuals twelve (12) years of age or older living in locations where daycare is provided, of regular volunteers who have contact with the children, and of daycare employees, as set forth hereinafter. (Ord. 490 §3, 1998)

6.04.090: OTHER CHECKS:

The building department and fire department are authorized to perform such other checks as the building official and fire chief, in their discretion, deem necessary to ascertain compliance with applicable building and fire codes, and may contract with the Southeastern district health department to conduct a health standard check pursuant to the rules of that department.

Such other checks may be periodically reviewed by the Chubbuck safety officer or members of the building department or fire department to inspect the premises of the daycare provider and, if violations are found, the Southeastern district health department or the fire department may be immediately notified of such violations. (Ord. 310 §9, 1988)

6.04.095: REQUIRED IMMUNIZATIONS:

All childcare facilities shall require all children to be age appropriately immunized. A current copy of the immunization records for all children in the provider's care shall be on file within fourteen (14) days of the initial attendance. These immunizations will be updated for the child's age as recommended by the public health service advisory committee on immunization practices (ACIP). The only exception shall be for health reasons or on religious grounds in which case the daycare provider shall have on file the records required in subsection 6.04.115F of this chapter. (Ord. 533 §3, 2000)

6.04.100: DISCLAIMER:

The issuance of a daycare provider's license or daycare employee's license shall not constitute a representation to any person that the daycare services provided thereunder are free from risk. The city of Chubbuck, its officers, agents and employees shall not be liable for, nor shall a cause of action exist for any loss or damage resulting from enforcement of this chapter, or based upon the failure of any person to meet the standards contained in this chapter. (Ord. 310 §10, 1988)

6.04.110: STAFF AND TRAINING REQUIREMENTS:

A. The maximum staff to child ratios and maximum group size limits shall be as set forth in Idaho Code section 39-1109. No one licensed staff member shall be responsible for or have in the staff member's immediate presence the lesser of more than twelve (12) children or children totaling more than twelve (12) points under the statutory point system of Idaho Code section 39-1109 at one time. There shall, however, always be present and in the presence of the children not less than one licensed person of at least eighteen (18) years of age. The daycare provider shall keep and maintain a sign in and sign out sheet of each child utilizing the provider's services. The person dropping off a child and picking up a child from the daycare provider shall sign in and sign out each time a child is picked up or dropped off. The daycare provider or the daycare employees shall not sign for any person dropping off or picking up a child but shall require the person dropping off or picking up a child to do so. Said sign in-sign out log shall be available to the Chubbuck police department, the Idaho department of health and welfare, the Southeastern district health department or any other such agency, at their request. For purposes of this section, the children of a provider or any employee shall be counted and staffing provided for them for all daycare except an exempt family home daycare.

B. Every licensed daycare provider and every daycare employee is required to attend CPR and first aid training. Each daycare provider must provide proof to the city of the provider's attendance, as well as each employee's attendance, at such CPR and first aid training within ninety (90) days of licensing and within ninety (90) days of hiring an employee. The provider shall provide proof that the provider and each employee have received twelve (12) hours of ongoing training, which may include the CPR and first aid training, in each twelve (12) month period after licensing or the employee's hire date, in compliance with the state laws. Each provider or employee must also be certified in CPR and first aid within ninety (90) days of commencing childcare duties, and must provide proof of certification to the chief of police or the chief's designee upon request.

C. All daycare providers and employees shall view a tape on the effects of "shaken baby syndrome" within thirty (30) days of licensing or employment. The tape will be provided by the city and must be viewed at the police department. Each person viewing the tape must sign a statement indicating they have viewed the tape and understand the dangers of shaking a baby. (Ord. 700, 2011)

6.04.115: RECORDS REQUIRED:

A daycare provider shall keep the following records on file on the premises:

- A. The child's full name, month, day, and year of birth.
- B. The full name, telephone number, and address of parents, guardian, and an additional emergency contact person.

C. A medical treatment consent form signed by the parent or guardian, which will authorize emergency treatment by a physician if the parents cannot be reached.

D. Name, address, and telephone number of a physician designated by the parents, including the parents' hospital preference if emergency treatment is required.

E. Information regarding medication and other health related needs, if applicable.

F. A current immunization card for each child unless the child's parent or guardian has submitted to the childcare facility provider/owner a certificate signed by a physician licensed by the state board of medicine stating that the physical condition of the child is such that all or any of the required immunizations would endanger the life or health of the child; or the child's parent or guardian has submitted a signed statement to the childcare facility owner/provider objecting to immunizations upon religious grounds.

G. A copy of each child's birth certificate. If parent or guardian is unable to provide such information, necessary forms for obtaining a birth certificate will be provided to the parent/guardian, so that they may locate such information. Any parent not complying with the daycare's request for a birth certificate will be referred to the police department by the daycare.

H. Training records for each provider and childcare worker. These records shall include the number of hours of class attendance, name of training session, subject content and name of instructor and facility that provided the training.

I. The sign in and sign out log referenced in subsection 6.04.110A of this chapter.

Failure to maintain and/or allow inspection of the above records shall be grounds for the facility's license suspension or revocation. All records required in this section shall be available to the Chubbuck police department, the Idaho department of health and welfare, the Southeastern district health department or any other such agency, at their request. Failure to turn over such requests when requested shall be cause for license revocation of both the daycare employee refusing to turn the records over and the daycare provider for whom the records are maintained. (Ord. 656 §4, 2008)

6.04.120: PHYSICAL FACILITIES:

A. All places, homes, buildings or locations wherein daycare services are licensed pursuant to this chapter shall conform to the building and fire codes, as adopted and amended by the city and as interpreted by the building official and fire chief in their discretion. However, said places, homes, buildings or locations shall conform to the state fire safety standards for daycare, IDAPA 18G.55, if any of those standards are more stringent than those adopted from time to time by the city.

B. All places, homes, buildings or locations wherein daycare services are licensed pursuant to this chapter shall comply with the health standards adopted from time to time by the Southeastern district health department pursuant to Idaho Code 39-1110 and 39-1111.

C. All places, homes, buildings or locations wherein daycare services are licensed pursuant to this chapter shall comply with title 18 of this code.

D. Outdoor play areas shall abut the physical facility and shall be enclosed at any places, homes, buildings or locations wherein daycare services are licensed pursuant to this chapter.

E. All places, homes, buildings or locations wherein daycare services are licensed pursuant to this chapter shall have a safe and reliable water supply which complies with the rules of the Southeastern district health department and shall be supplied with reasonable articles for personal hygiene such as hot water, soap, and either paper towels, multiple use towels, or hot air dryers.

F. Daycare facilities located in an owner occupied residence as a home occupation shall be limited to the lesser of twelve (12) children or children totaling twelve (12) points under the statutory point system of Idaho Code section 39-1109. For purposes of this section, the children of the provider or any employee shall be included and counted.

G. Daycare operations shall not be located above or below the main floor unless in compliance with the existing requirements of Idaho administrative procedure act (IDAPA) section 18, title 01, chapter 55, paragraph 011.

H. No smoking shall be allowed inside any daycare facility while services are being provided.

I. The following standards shall be observed:

1. Walls, ceilings, floors, and other surfaces throughout the daycare facility shall be maintained free from visible soil, and in a clean condition;

2. Indoor environmental surfaces associated with children's activities, such as tabletops, shall be cleaned and disinfected when they are soiled or at least once weekly;

3. Carpets and floors shall be maintained in good repair;

4. Floors, except those carpeted, shall be vacuumed or swept and mopped with a sanitizing solution at least daily and when soiled;

5. Carpeting, rugs, or throw rugs shall be maintained free from visible soil.

J. The facility must have current fire and liability insurance coverage and such shall be provided at the time of the initial licensing and proof thereof as from time to time requested by the city or any user of the facility. (Ord. 715, 2012)

6.04.130: LICENSE APPLICATION; CONTENTS:

A. Each applicant for a daycare provider's license or employee's license shall fully complete an application form, under oath, providing applicant's necessary background information and shall sign an authorization expressly allowing the police department to conduct one or more criminal history checks as set forth hereinafter. In the case of daycare providers, applicants shall also arrange for each individual twelve (12) years of age or older living at the location where daycare is provided, and each regular volunteer who

has unsupervised contact with the children, to provide necessary background information and to sign a criminal history check authorization in conjunction with the provider's application.

B. Necessary background information shall include fingerprints, a photograph, a history of all nontraffic criminal charges and convictions, a list of residences for the past ten (10) years, any history of incarceration or mental illness. Such information shall include actions which brought an applicant under the purview of the youth rehabilitation act, Idaho Code title 16, chapter 18, or similar provisions in any other jurisdiction. (Ord. 310 §13, 1988)

6.04.140: LICENSE APPLICATION; FALSE STATEMENTS:

A false statement, an omission of a material fact on an application, or where applicable, a failure to arrange for the necessary background information and authorizations shall be grounds for denial of the license. A false statement or omission of any material fact on any form relevant to an application shall be a violation of this chapter and may be grounds for revocation of the license. (Ord. 310 §14, 1988)

6.04.150: LICENSE APPLICATION; CRIMINAL HISTORY CHECK:

A. As a condition of receiving or maintaining a daycare provider's or employee's license under this chapter, the police department is authorized to undertake local criminal history checks of all persons from whom authorizations have been received in connection with a license application. The department is further authorized to undertake state and national criminal history checks for all applicants, whether a new application or renewal, or where information obtained in a local check or subsequent information received from other sources indicates to the department a need therefor. Such checks, including fingerprint searches, may be made of the following sources:

1. National crime information center;
2. Federal bureau of investigation;
3. Criminal identification bureau, statewide;
4. Employment history;
5. City, county and state records at former residences over the past ten (10) years;
6. Such other reasonable information sources as circumstances may indicate.

B. Subsequent criminal history checks may be made of any person from whom an authorization has been received in connection with a license application, or renewal, to the extent deemed to be required by the chief of police or the chief's designee.

C. Notwithstanding any other provisions of this title, a criminal history check shall include all checks required by Idaho Code section 39-1105.

D. To determine the suitability of prospective applicants for daycare provider's or employee's license, the chief of police or the chief's designee shall require an applicant to provide information and fingerprints necessary to obtain criminal history information from the Idaho state police and the federal bureau of investigation. Pursuant to section 67-3008, Idaho Code, and congressional enactment public law 92-544, the chief of police or the chief's designee shall submit a set of fingerprints obtained from the applicant and the required fees to the Idaho state police, bureau of criminal identification, for a criminal records check of state and national databases. The submission of fingerprints and information required by this section shall be on forms prescribed by the Idaho state police. The chief of police or the chief's designee is authorized to receive criminal history information from the Idaho state police and from the federal bureau of investigation for the purpose of evaluating the fitness of applicants for a daycare provider's or employee's license. As required by state and federal law, further dissemination or other use of the criminal history information is prohibited. (Ord. 558 §1, 2002)

6.04.160: SAFETY:

A daycare provider's license may be denied, revoked or suspended where the buildings, equipment or grounds at the place, home, building or location wherein the daycare is provided are found by the city council, after an opportunity for a notice and a hearing, to be unsafe for the care of children. (Ord. 310 §16, 1988)

6.04.170: LICENSE; FEE:

A. Applications for a daycare provider's license shall be accompanied by the current fee then being charged for each of the following:

1. Fee for any fire and building code checks; and local criminal history checks and administrative costs;
2. Fee charged for initial and yearly renewal and health checks by Southeastern district health department;
3. Fee charged by other governmental organizations for state and national criminal history checks of provider, volunteers with contact with children, and residents age twelve (12) or older living at the location where daycare is provided;
4. Fee for initial applications for criminal background check, including fingerprinting and related processing fees charged by the police department;
5. Fee for business license application, city of Chubbuck;
6. Should a conditional use permit be required to comply with section 18.08.040 of this code, the provider would be required to pay the standard hearing and notification fees for said permit;
7. Renewal background checks are required every year from the date of the initial application. A full check, including new fingerprint card processing, may be required, as determined by the chief of police or the chief's designee;
8. Any necessary zoning compliance costs.

B. Applications for a daycare employee's license shall be accompanied by the current fee then being charged for each of the following:

1. Fee for initial application for criminal history checks and administrative costs including fingerprinting and processing fees;
2. Fee charged by other governmental organizations for state and national criminal history checks.

C. Fees for license renewals shall be based upon the current fee schedule unless other governmental entities have changed their fees charged. Renewal checks shall include driver's license checks, NCIC criminal histories, local record checks and such other checks as the chief of police or the chief's designee shall deem necessary.

D. Any daycare provider licensed by the state of Idaho at the time of passage of this chapter shall still be required to have a license issued pursuant to this chapter; however, the fees set forth in this section shall be waived. Notwithstanding anything else set forth in this chapter, the initial license issued pursuant to this chapter to any daycare provider that is licensed by the state of Idaho at the time of this chapter shall expire at the same time the state license expires. Upon such expiration, renewal of the Chubbuck license shall require all fees set forth above.

E. Any daycare provider or employee who has verifiable proof of having been licensed in the city of Pocatello within one year of the current application date, including full criminal history checks and fingerprints sent to the bureau of criminal identification for processing, will have the full background check fees waived at the chief of police's discretion. A reduced charge for administrative costs shall be assessed and the applicable renewal dates for the Chubbuck licenses will apply.

F. Fees for initial and renewal applications for a daycare provider's license and for an employee's license shall be as set from time to time by the Chubbuck city council; provided, however, all fees charged to the city or paid by the city to outside agencies shall be passed to and paid by applicant. (Ord. 595 §1, 2005; Ord. 490 §7, 1998)

6.04.180: LICENSES; DENIAL, SUSPENSION OR REVOCATION PURSUANT TO CRIMINAL HISTORY CHECK OF PROVIDER OR EMPLOYEE:

A. A license as either a daycare provider or daycare employee may be denied, suspended or revoked if any criminal history check reveals that the provider or employee has:

1. Been found guilty of or has pled guilty to:
 - a. Any felony or misdemeanor involving moral turpitude or domestic violence, or
 - b. Any violation of the uniform controlled substances act, Idaho Code title 37, chapter 27, or similar provisions in another jurisdiction, within the past ten (10) years. Additionally, each applicant shall include a listing of all other persons, including children over the age of twelve (12), living in the home who are currently under investigation or have in the past been charged with crimes, other than traffic violations, including, but not limited to, drug and alcohol offenses;
2. Been found guilty of, pled guilty to, or admitted to any offense involving neglect or any physical injury to, or other abuse of, a child, including any sex crime as defined in Idaho Code title 18, chapter 66; rape as defined in Idaho Code title 18, chapter 61; injuring a child as defined in Idaho Code section 18-1501; selling or bartering a child as defined in Idaho Code section 18-1511; sexually abusing or exploiting a child as defined in Idaho Code sections 18-1506 to 18-1508; disseminating obscene material to minors as provided in Idaho Code sections 18-1513 to 18-1515; or similar provisions in another jurisdiction;
3. Been committed pursuant to Idaho Code title 66, chapter 3, or similar provision in another jurisdiction, unless:
 - a. Such individual has been released from, and is no longer under, any form of treatment in relation to such commitment, and
 - b. Such individual has been examined at his own expense by at least two (2) professionals licensed to evaluate the mental health of individuals, at least one of whom shall be a psychiatrist, and both professionals certify that the individual is no longer mentally ill and presents no threat or danger to any child;
4. Had parental rights affected by a child protection action under Idaho Code title 16, chapter 20, or child custody termination action under Idaho Code title 16, chapter 22;
5. Violated any of the terms of this chapter;
6. Supplied false information, refused to disclose any information required on the application form, or refused to authorize the police investigation required by this chapter.

B. For purposes of this chapter, any withheld judgment on any of the above offenses shall be noted on the report and shall constitute grounds for denial. (Ord. 310 §18, 1988)

6.04.190: LICENSES; DENIAL, SUSPENSION OR REVOCATION PURSUANT TO CRIMINAL HISTORY CHECK OF VOLUNTEERS OR RESIDENTS:

Upon consideration of an application the city may deny, suspend or revoke a daycare provider's license if the criminal history check of any individual age twelve (12) or older living at the location where daycare is provided, or the criminal history check of a volunteer who has contact with the children, reveals any violations of this chapter, or any of the disqualifications listed in section 6.04.180 of this chapter. Any denial, suspension or revocation may be appealed to the city council at its next regular council meeting. The chief of police or the chief's designee may suspend a daycare provider's license without prior notice, for a period not exceeding twenty (20) days; provided, any suspended licensee shall be entitled to have the suspension reviewed by the city council at its next regular council meeting, or, if said meeting is beyond the twenty (20) day period, at a special meeting called to review such suspension. (Ord. 633 §3, 2007)

6.04.200: LICENSES; DENIAL, SUSPENSION OR REVOCATION PURSUANT TO PHYSICAL FACILITY CHECKS:

A license as a daycare provider may be denied, suspended or revoked if the building and fire code checks, zoning checks or health standards checks reveal that any of the building, fire, safety, or zoning provisions, made applicable herein, have not been met. (Ord.

310 §20, 1988)

6.04.210: RIGHT OF ENTRY FOR PARENT OR GUARDIAN; ENFORCEMENT:

The license of any daycare provider may be denied, suspended or revoked if said provider refuses to allow entry of a parent or guardian having legal custody of the child or children, at any time during the period of care of the child or children. Failure to allow entry of such parent or guardian shall constitute a misdemeanor. (Ord. 310 §21, 1988)

6.04.215: REFUSAL TO COOPERATE WITH AUTHORITIES:

The license of any daycare provider may be denied, suspended or revoked if said provider refuses to allow entry of a representative of any agency having jurisdiction over the daycare premises or political subdivision at any time during the period of care of the child or children or if the provider fails to cooperate in any investigation or review of the daycare provider's responsibilities or alleged violations under this title. Failure to allow entry or to cooperate shall constitute a misdemeanor. (Ord. 596, 2005)

6.04.220: LICENSE REVOCATION OR SUSPENSION:

The city council may suspend or revoke any daycare license for violations of any of the terms of this chapter, or for other cause, after a hearing, upon not less than ten (10) days' written notice to the licensee, such notice to specify the grounds for the proposed revocation or suspension. (Ord. 310 §22, 1988)

6.04.230: MISDEMEANOR:

It shall be a misdemeanor for any person or entity to do the following:

- A. Operate a "daycare" of any kind as defined in section 6.04.030 of this chapter without a required license.
- B. Operate a daycare and employ any unlicensed "daycare employee" as defined in section 6.04.030 of this chapter.
- C. Operate a daycare without having provided the police department with the necessary information to perform criminal history checks upon: 1) any individuals twelve (12) years of age or older living in the location where the daycare is provided, 2) volunteers who have contact with the children or 3) daycare employees or providers.
- D. Operate a daycare without having appropriate immunization records required by section 6.04.095 of this chapter.
- E. Operate a daycare without complying with the staff and record requirements of sections 6.04.110 and 6.04.115 of this chapter.
- F. Maintain a daycare not in compliance with the physical requirements of section 6.04.120 of this chapter.

Any person or entity violating this section shall be guilty of a misdemeanor. Each day that a violation occurs or continues shall be deemed a separate offense. (Ord. 638 §2, 2007)

CHAPTER 6.08

BUILDING AND FACILITY REQUIREMENTS

SECTION:

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6.08.010: FIRE AND BUILDING CODE COMPLIANCE:

In addition to any requirements otherwise contained in this code, related fire and building codes, and any other law, regulations or ordinance applicable by any governmental subdivision, a daycare provider shall be required to comply and have facilities that comply with the requirements of this chapter and Idaho Code sections 39-1109 and 39-1110; provided however an exempt family home daycare shall not be required to be inspected for compliance with the fire and building code requirements of this chapter. A nonexempt family home daycare shall be inspected for life safety matters under this chapter but shall not be required to comply with the fire and building code requirements of this chapter. (Ord. 586 §2, 2004)

6.08.020: ADDRESS NUMBER:

Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. (Ord. 310 §2, 1988)

6.08.030: SMOKE DETECTORS:

In group E, division 3 and group R occupancies, smoke detectors shall be installed on the ceiling of each story in such locations as determined by the building official. Detectors shall also be installed in lounges and recreation areas of these occupancies. (Ord. 490 §9, 1998)

6.08.040: FIRE EXTINGUISHERS:

A. Size And Location: A minimum of a 2A-10BC fire extinguisher shall be available within seventy five feet (75') of any portion of the facility used for daycare purposes and located where they will be readily accessible and immediately available in the event of fire, and preferably located along normal paths of travel, including exits from an area. They shall be mounted securely at a height not to exceed five feet (5') to the top of the unit. Extinguishers shall not be obstructed or obscured from view.

B. Fire Extinguisher Inspections: Extinguisher inspections shall be conducted at least monthly by the daycare provider or a daycare employee designated by the daycare provider and shall consist of a check of the following items:

1. Properly mounted in designated place;
2. No obstruction to access or visibility;
3. Operating instructions on nameplate legible and facing outward;
4. Seals and tamper indicators not broken or missing;
5. Determine fullness by weighing or "hefting";
6. Examine for obvious physical damage, corrosion, leakage, or clogged nozzle;
7. Pressure gauge reading or indicator in the operable range or position.

Records of such inspections noting the conditions found that require corrective actions, date of the inspection and initials of the person performing the inspection are to be kept on the premises. (Ord. 310 §4, 1988)

6.08.045: TELEPHONE:

A landline telephone shall be required at the facility. To ensure accurate 911 service and reverse 911 ability, and to allow communications between the facility and parents using the facility, during business hours, the facility shall minimize personal use by daycare employees. (Ord. 573 §1, 2003)

6.08.050: EXITS:

A minimum of two (2) separate "exits" (defined as an unobstructed means of egress to a public way) is required on every floor or story in a daycare facility where the number of occupants exceeds six (6). Only one exit shall be required for six (6) occupants or less unless the building official or fire marshal determines more are required for occupant safety in the particular circumstance. The word "occupants" includes attendants as well as the children being cared for. At least one of the exits must lead directly to the outside. Ramp requirements, as described in the international building code, may be omitted in daycare centers which are conditionally permitted in R-3 occupancies as defined by the international building code and the international residential code. (Ord. 717, 2012)

6.08.060: FIRE DRILLS:

A. Fire drills shall be held at least once a month in daycare facilities. During severe weather, fire drills may be postponed. A record of all fire drills shall be kept and persons in charge of such occupancies shall file written reports at least quarterly with the fire chief or the chief's designee giving the time and date of each drill held.

B. Fire drills shall include complete evacuation of all persons from the building. (Ord. 310 §6, 1988)

6.08.070: MONTHLY SELF-INSPECTION:

Fire prevention inspections shall be conducted monthly by a trained senior member of the staff. A copy of the latest inspection form shall be posted in a conspicuous place in the daycare facility. (Ord. 310 §7, 1988)

6.08.080: STAIRWAYS AND STORAGE:

Space used for storage under interior exit stairways of group R occupancies shall be protected on the side of the usable space with at least five-eighths inch ($\frac{5}{8}$ "), type X gypsum board or an approved equivalent. (Ord. 490 §11, 1998)

6.08.090: BEDROOMS:

Bedrooms in facilities operating in which children cared for will be sleeping must be provided with at least one emergency egress window having at least a minimum single net clear opening of five and seven-tenths ($5\frac{7}{10}$) square feet, minimum height of twenty four inches (24"), a minimum width of twenty inches (20"), and a maximum finished sill height not over forty four inches (44"). (Ord. 310 §9, 1988)

6.08.100: INSPECTION LIMITS POLICY FOR R OCCUPANCIES HOUSED IN DWELLINGS:

In group R, division 2 occupancies which are housed in dwellings in which the operator resides, the following areas will be inspected by the fire department inspector:

- A. All areas used at any time for the care of children;
- B. All areas on the same floor level used for the care of children;
- C. All attached structures of different occupancies;

D. All solid fuel appliances. (Ord. 310 §10, 1988)

6.08.110: ADDITIONAL STANDARDS FOR NONRESIDENTIAL OCCUPANCIES AND RESIDENTIAL OCCUPANCIES WITH MORE THAN FORTY NINE OCCUPANTS:

Daycare facilities located in zoning or occupancies other than residential or with an occupancy in excess of forty nine (49) people may have to meet additional standards of the international building code. A meeting with the city building official or other certified inspector will be necessary to determine any additional requirements. (Ord. 717, 2012)