

AN ORDINANCE PROVIDING FOR THE LICENSING OF DAY CARE FACILITIES WITHIN THE CITY OF BETHEL'S JURISDICTIONAL BOUNDARIES AND PROVIDING RULES AND REGULATIONS FOR THE OPERATION OF SUCH DAY CARE FACILITIES.

Section 1. Definitions.

CITY MANAGER. The City Manager of the City of Bethel or his authorized representative.

CHILD CARE CENTER. Any establishment, excluding public schools, where five (5) or more children are being cared for by persons other than the parent or guardian of said children by the day, or any part thereof, week, month or year.

DAY CARE HOME. Any establishment required to be licensed in order to be qualified for reimbursement from the State of Alaska or the City of Bethel, excluding public schools, where four (4) or less children are being cared for by persons other than the parent or guardian of said children by the day, or any part thereof, week, month, or year.

PRIVATE SCHOOL. Any child care center that provides only educational services through formal instruction to children.

ADULT. Persons nineteen (19) years of age or older.

Section 2. Permit Required.

It shall be unlawful for any person to construct, operate, or to continue to operate any child care center or day care home within the City of Bethel without first acquiring a permit from the City Manager. Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a permit. The permit shall expire on September 30th of each year.

Section 3. Application.

Application for the permit must be made to the City Office. It shall contain the following information:

1. The name and address of the applicant.
2. The location of the proposed child care center or day care home.
3. A plot plan showing the location of the water and sewer system, i.e. sewer or water lines, sewage or water holding tanks, seepage pit, etc.
4. A floor plan showing the portions of the building to be used as a child care center or day care home and the dimensions of each room.

5. Whether or not food will be served.
6. Maximum number of children to be accepted.
7. Type of service to be provided - day only, night, kindergarten, etc.
8. Application for a permit to construct or operate a child care center or day care home within the City of Bethel must include evidence of compliance or intent to comply with applicable fire, building and sanitation codes.
9. A ten dollar (\$10.00) annual application fee must be included with a child care center or day care home application made to the City Office.

Section 4. Investigation and Inspection.

(A.) Inspection upon Application. Upon receipt of the application, the City Manager shall cause an investigation to be made of the facilities; and if the City Manager determines that the center or home is in compliance with this Ordinance and is or may reasonably be expected to be conducted continuously in a clean and sanitary manner and will not constitute a menace to public health, the City Manager shall grant the permit under such restrictions as he deems necessary. If the City Manager determines as a fact that the facility is not in compliance with this Ordinance or is or may reasonably be expected to become unclean, unsanitary, or a menace to the public health, the City Manager shall deny the permit.

(B.) Authority to Enter. For the purposes of this Ordinance, the City Manager shall have the authority to enter upon any and all parts of the premises of such facilities to examine and investigate its sanitary condition and to determine whether the provisions of this Ordinance are being violated.

Section 5. Permit Displayed.

The permit issued by the City Manager shall be prominently displayed in the center or home for which it was issued.

Section 6. Permits Not Transferable.

No permit shall be transferable. Every person holding a permit shall give notice in writing to the City Manager within fifteen (15) days after having sold, transferred, given away or otherwise disposed of an interest in or control of a child care center or day care home. If the holder of the permit dies, the personal representative of the estate should, within thirty (30) days of qualifying as such personal representative, notify the City Manager of the name and address of the person succeeding to the ownership of such child care center or day care home. The new owner of the center is entitled to be issued free of charge a permit within five (5) days after notification is given to the City Manager for the balance of the unexpired term of the permit held by the previous owner.

Section 7. Revocation or Suspension of Permits.

Any permit granted by the City Manager as provided in this Ordinance shall be revocable or subject to suspension at any time by action of the City Manager, if the City Manager determines that the center or home is being operated in a manner which is unsanitary, unclean, dangerous to public health, when the health or well-being of the child(ren) is in jeopardy, or the center or home is in violation of this Ordinance or the regulations issued under it.

Section 8. Right to Appeal.

Any revocation, suspension, or denial of a permit may be appealed by filing with the City Clerk a written notice of appeal to the City Council, and stating the grounds for such appeal. The appeal notice must be filed within ten (10) days after the effective date of the revocation, suspension, or denial from which the appeal is taken.

Section 9. Issuance of Notices.

Whenever the City Manager makes an inspection of a child care center or day care home, and discovers that any of the requirements of this Ordinance have been violated, he shall notify the permit holder or operator of the violations by means of an inspections report form or other written notice. In the notifications the City Manager shall:

1. Set forth the specific violations.
2. Establish a specific and reasonable period of time for the correction of the violations.
3. State that failure to comply with any notice issued in accordance with the provisions of this Ordinance may result in immediate suspension of the permit.

Section 10. Service of Notices.

Notice provided for under this section shall be properly served when the original of the inspections report or other notice has been delivered personally to the permit holder or to the person in charge, or such notice has been sent by registered mail, return receipt requested, to the last known address of the permit holder. A copy of such notice shall be filed with the City Office.

Section 11. Register.

All child care centers or day care homes shall keep a register containing the following information concerning each child:

1. Name of child.
2. Age of child.
3. Name, address and telephone number of parent or guardian.

4. Date of admission and discharge of child.
5. Name of doctor and emergency phone number.
6. Daily register or hourly attendance.
7. Allergies or other pertinent medical information.

Section 12. Physical Examination.

(A.) Persons for Hire. Any person for hire or otherwise working in a child care center or day care home shall have a yearly physical examination, including a tuberculine test or chest x-ray. A record of each examination shall be kept on file at the child care center or day care home.

(B.) Children. Before a child may be admitted to a child care center or day care home on a regularly scheduled basis, he shall be given a physical examination by a licensed physician or Alaska Public Health Nurse. Only children found to be in good health may be admitted. A copy of the physical examination shall be on file at the child care center or day care home or at the location where the physical examination was performed. Children may be accepted on a non-scheduled basis without first obtaining the physical examination.

Section 13. Communicable Diseases and Isolation Facilities.

(A.) Notification to the City Manager. Upon being notified or becoming aware of any communicable disease affecting any child in a

child care center or day care home it shall be the duty of the child care center or day care home operator to notify the City Manager of the illness. Upon request, a list of the names and addresses of all children cared for on any certain day shall be furnished to the City Manager.

(B.) Acceptance with Fever or Illness. No child shall be accepted for care in a child care center or day care home who shows any evidence of fever or illness.

(C.) Isolation Facilities Available. Isolation facilities shall be available at all times in any child care center or day care home for any child showing symptoms of illness.

Section 14. Children Under One Year of Age.

When the center or home is caring for children under the age of one year, a separate sleeping room must be maintained for them. This room shall be the most readily accessible to fire exits and must contain at least thirty (30) square feet of floor space for each of the children.

Section 15. Floor Space.

It shall be the duty of all child care center or day care home operators to maintain at least thirty (30) square feet of usable floor space per child, provided that all private schools shall provide at least twenty (20) square feet per child.

Section 16. Bedding.

Clean and adequate bedding shall be provided in all child care centers or day care homes.

Section 17. Adult Attendants.

Adult supervision shall be provided at all child care centers or day care homes, excluding private schools, at the ratio of:

(A.) Where children from 0-15 months are being cared for in a day care home, the staff ratio shall be at least 1-5.

(B.) Where children above 15 months are being cared for in a day care home or institution as residents of such home or institution, the staff ratio shall be 1-6 during the day and 1-11 at night.

(C.) For all other children in centers, the following staff ratios shall apply:

1-5 children ages 0-3 years.

1-10 children ages 3-10 years.

1-20 children ages 10-16 years.

There shall be at least one supervisor twenty-one (21) years of age or older on the premises during all operation hours. This person shall be in charge of the facility.

Section 18. Exits.

(A.) Number of Exit Doors Per Building or Floor. Every building or floor thereof used as a child care center or day care home shall have at least two (2) exit doors. Exit doors shall open in the direction of the exit travel. Exit doors shall not be provided with a latch or lock unless it is panic hardware and/or security locks.

(B.) Number of Exit Doors Per Room. Every room used for child care, except toilet rooms, shall have access to at least two (2) approved means of egress from the building without traveling

through intervening rooms other than corridors or lobbies.

(C.) Lighting of Exits. All exits in child care centers or day care homes shall be adequately lighted and signed in a child care center to show the direction of egress.

Section 19. Lighting and Ventilation.

All child care centers shall be adequately lighted and ventilated.

Section 20. Water Supply.

All child care centers or day care homes shall be provided with adequate volumes of safe water from an approved source. The water supply and distribution system shall be in compliance with codes and ordinances of the State of Alaska and the City of Bethel.

Section 21. Toilet Facilities and Waste Disposal and Plumbing.

(A.) Number of Toilet Facilities. Adequate toilet facilities shall be provided in all child care centers and day care homes. Such facilities shall consist of at least one flush or honey bucket system and one hand washing sink for each ten (10) children or fraction thereof.

(B.) Installation of Plumbing. All plumbing shall be installed in accordance with the most recent revision of the Uniform Plumbing Code.

(C.) Disposal of Sewage Wastes. All sewage wastes shall be conveyed and disposed of in accordance with applicable codes and ordinances of the State of Alaska and the City of Bethel.

(D.) Storage and Removal of Solid Wastes. All child care centers and day care homes shall provide adequate storage and removal facilities for solid wastes.

Section 22. Food Service.

All child care center and day care home food service programs shall be maintained and operated in accordance with state and local codes and ordinances governing food, drugs, dairy products, and food service.

Section 23. Hazardous Objects.

All hazardous objects, substances, and poisonous materials, including but not limited to paints, oils, inflammable material, poisons, drugs, medicines, guns, and knives, shall be stored in such a manner as to be inaccessible to all children.

Section 24. Fire and Building Safety.

All child care centers and day care homes shall be constructed, maintained and operated in accordance with the 1965 Edition of the American Insurance Association Fire Prevention Code and the 1967 Edition of the Uniform Building Code.

Section 25. General Sanitation.

(A.) Maintenance of Center. All premises or portions thereof used for child care center or day care home purposes shall be maintained in a clean, sanitary condition free of filth, rodents, and insects.

(B.) Where applicable, all child care centers and day care homes shall provide adequate facilities for handling soiled diapers, bedding, and clothing. Such facilities shall be segregated from

all other portions of the child care center or day care home.

Section 26. Evaluation of the Adequacy of the Facility and Services.

The following publications in their most recent editions shall be used to determine the adequacy of the facilities and services: The Uniform Building Code, the Fire Prevention Code of the American Insurance Association, the National Fire Protection Association Standards, the Uniform Plumbing Code, the National Plumbing Code, the Minimum Standards of Day Nurseries in Alaska, and the Life Safety Code of the State of Alaska.

Section 27. Liability Insurance.

Each child care center or day care home shall procure bodily injury insurance in an amount of not less than \$10,000 one person, \$50,000 one accident with companies authorized to do business in the State of Alaska. Such policy shall be endorsed as follows:

"In the event of cancellation of this policy, the company hereby agrees to give thirty (30) days notice to the City Manager, City Office, City of Bethel."

Section 28. Financial Status.

Each child care center or day care home shall give evidence that it has adequate financial resources to assure continuing operation in accordance with these regulations.

Section 29. General Program.

The child care center or day care home shall provide a program of varied planned activities which are wholesome and healthy for the child and which allow for both group activities and individual interests.

Children under care shall not be subjected to cruel, unusual or unnecessary punishment.

Routine activities, such as eating, sleeping and washing, shall be performed with reasonable regularity. Toileting shall be arranged according to individual needs. Play periods shall come at approximately the same time each day.

Section 30. Nutrition.

A mid-morning and mid-afternoon snack in accordance with the minimum food requirements for a child shall be furnished for each child present.

For children who remain more than four hours in the child care center or day care home, a complete and well-balanced meal shall be provided. At least one-third of the child's minimum requirements shall be provided. Menus shall be planned in advance, so that parents will know in advance what is being served each day. (It is recommended that the menus be posted daily.) The child care center or day care home staff shall obtain from the parents information concerning any food allergies the child has and shall plan his meals accordingly.

The following foods will provide minimum food requirements for a child:

½ pint of milk (as a drink) - the use of raw milk for drinking is prohibited.

2 ounces of protein.

¼ or ½ cup vegetables or fruits.

1 slice whole-grain or enriched bread.

1 teaspoon butter or margarine.

Simple dessert.

For children who remain in a day care home for more than eight hours, three (3) complete and well-balanced meals shall be provided in accordance with minimum food requirements for a child.

Section 31. Installation as a Public Nuisance.

Any child care center or day care home constructed, operated or maintained contrary to these provisions is hereby declared a public nuisance and dangerous to health.

Section 32. Authority to Abate.

Whenever, in the opinion of the City Manager, any center or home exists in violation of the terms of this Ordinance, or exists in a manner as to create a nuisance or health hazard, he may give notice to the owner or operator of the center or home to correct the violations within five (5) days of notification.

Section 33. Cost of Correction.

Should the owner or operator fail to comply with the request of the City Manager within the time specified, the City Manager may cause the work to be done and the expense of such work shall be levied upon the premises in the same manner as the City tax is assessed and levied. Such special assessment shall be made in pursuance of a resolution of the City Council specifying the amount thereof and the lot or premises upon which the cost shall be assessed.

Section 34. Authority to Enforce.

The City Council shall enforce the provisions of this Ordinance through either civil or criminal action and has the authority to promulgate and enforce rules and regulations not inconsistent with the specific provisions of this Ordinance as the Council deems necessary to carry out the intent of this Ordinance. Such rules and regulations shall become a part of and subject to the provisions of this Ordinance.

Section 35. Penalty.

Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction is required to pay a fine of \$25.00 and such fine shall not be suspended nor may the punishment provided in this section be reduced in A.S. 11.05.150.

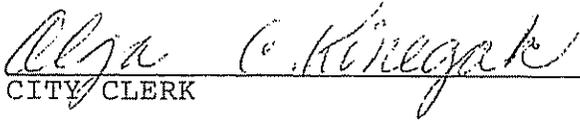
Passed and approved this 25th day of October, 1976.

APPROVED:



MAYOR

ATTEST:



CITY CLERK