

ORDINANCE NO. 92

AN ORDINANCE AMENDING TITLE 6, CHAPTER 6.10 DAY CARE FACILITIES OF THE BETHEL CODE OF ORDINANCES, AND REPEALING ORDINANCE NO. 81.

6.10.010 Definitions

1. "City Manager" The City Manager of the City of Bethel or his authorized representative.
2. "Child Care Center" Any establishment excluding public or licensed private schools, where more than six (6) children who are not dependents of the caregiver are being cared for by persons other than the parent or guardian of said children on a regular basis.
3. "Day Care Home" Any occupied resident where more than four (4) children who are unrelated to the caregiver are being cared for on a regular basis.
4. "Day Care" The care of children by a person other than parents or legal guardians on a regular basis for periods of less than twenty-four (24) hours per day.

6.10.020 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 Chapter shall be entitled to receive and retain such a permit. The permit shall expire on September 30th of each year.

6.10.030 Voluntary Permit

A facility, such as a residence, where care is given to four (4) or fewer children unrelated to the caregiver, only to children related to the caregiver, or a licensed private school, for which a license is not required by AS 47.34.020, is entitled to a day care license upon application and satisfactory findings.

6.10.040 Special Provision Regarding Licensure

(1) A facility which has made application to the Department of Education for a pre-elementary school certificate that has been denied is subject to the license provisions of

of this Chapter:

- (a.) 15 days following notification of denial.
- (b.) Upon a final finding on appeal affirming the denial of the application.

(2) Persons caring for children at the time that an application for license is made may, on approval of the City Manager, continue care of the children while the application is being studied and evaluated.

(3) Although a license remains in effect for a period of one year, unless revoked for cause, the City Manager will at his discretion, issue a provisional license for a period not to exceed six months to allow time for a child care center or day care home to comply with applicable requirements. An exception to the six-month limitation for provisional license may be approved where considerations such as weather or shipping would prevent compliance within six months.

6.010.050 Application

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

- (1.) The name and address of 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 systems, 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 cared for.
- (7.) Type of service to be provided - day care only, pre-school, etc.
- (8.) Evidence of compliance or intent to comply with applicable fire, building, and sanitation codes.
- (9.) A ten dollar (\$10.00) application fee.

6.10.060 Investigation and Inspection

(1) 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 Chapter 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 may 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 Chapter 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.

(2) Authority to Enter. For the purposes of this Chapter, the City Manager shall have the authority to enter upon at a reasonable hour, any and all parts of the premises of such facilities to examine and investigate its sanitary conditions and to determine whether the provisions of this Chapter are being violated.

6.10.070 Permit Displayed

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

6.10.080 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, provided the center or day care home meets the provisions of this Chapter or the regulations issued under it.

6.10.090 Revocation or Suspension of Permits

Any permit granted by the City Manager as provided in this Chapter 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 Chapter or the regulations issued under it.

6.10.100 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.

6.10.110 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 chapter have been violated, he shall notify the permit holder or operator of the violations by means of an inspection report form or other written notice.

In the notification the City Manager shall:

- (1) Set forth the specific violations.
- (2) Establish a specific and reasonable period of time for the correction of the violation.
- (3) State that failure to comply with any

Notice issued in accordance with the provisions of this Chapter may result in immediate suspension of the permit.

6.10.120 Service of Notices

Notice provided for under this section shall be properly served when the original of the inspection report or other notice has been delivered personally to the permit holder or to the person in charge, or such a 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.

6.10.130 Annual Renewal of Permit

The operator of the day care center or home shall update the application for a permit which is on file at the City Office thirty (30) days prior to the expiration of the permit, the City Manager shall conduct the annual inspection of the establishment within (30) days prior to the expiration of the permit.

6.10.140 Alterations of the Premises

Changes that may substantially alter the extent or quality of services offered, including but not limited to, expansion or reduction of services or remodeling of the building, and change in location must be reported to the City Manager prior to the alteration.

6.10.150 Modifications and Waivers

Each establishment shall meet required local and state fire safety, health, sanitation, and municipal licensing requirements. However, the City Manager may modify or waive a pro-

vision^s of any section contained in this Chapter when an acceptable alternative method for meeting the intent of that provision(s) has been met. Modifications or waivers of fire safety, health, or sanitation requirements must be reviewed and approved by the appropriate State or municipal authority. Modifications and waivers of any section contained herein which pertain to the Minimum Standards of Day Nurseries in Alaska, dated February, 1977, will be reported to the Alaska State Department of Health and Social Services.

6.10.160 Non-Discrimination of Services

Operators of day care centers and homes shall comply with AS 18.80.230 to ensure that enrollment policies, access to services and activities of the establishment are nondiscriminatory with regard to the religion, sex, color, race, and national origin of children in care and their parents.

6.10.170 Confidentiality of Records

Day care operators shall ensure confidentiality of records and information pertaining to an individual child or his parents unless a release of information form is signed by the parents.

6.10.180 Reporting Child Abuse

Every caregiver or operator who, in the performance of his or her duties, has cause to believe that a child has suffered harm as a result of abuse or neglect shall immediately report such harm to the nearest office of the State Department of Health and Social Services, or if that is not possible, to a peace officer.

6.10.190 Records to be Maintained

The operator of a day care facility or family day care home shall maintain:

- (1) A register on each child including but not limited to:
 - (a) Name and age of child.
 - (b) Name, address and phone number of parent or guardian.
 - (c) Name of doctor and emergency phone number.
 - (d) Information which is pertinent to the care of child (e.g. allergies, other medical information, etc.)
- (2) Caregiver and child attendance records apply only to those homes receiving reimbursement from the State or City.
- (3) Caregiver health and employment records.

6.10.200 Liability Insurance

Day care center operators shall procure bodily injury liability insurance of not less than \$50,000 on person, \$500,000 one accident, with companies authorized to do business in the State of Alaska. If the day care center operates any vehicles, it shall procure insurance liability of not less than \$25,000 on account of property damage in any one accident. Such policies shall be endorsed as follows:

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

6.10.210 Personnel Qualifications

- (1) Each regularly employed caregiver in a day care center and each caregiver and adult member of a day care home shall have an annual tuberculin test in accordance with the Alaska Tuberculosis Control Program.
- (2) In day care centers each regularly employed caregiver shall furnish three (3) references who are unrelated to the caregiver and to the operator of the center.
- (3) In the day care homes, the caregiver shall supply three (3) unrelated references to the City Manager.

(4) The City Manager shall run a police clearance on caregivers unknown to the community.

(5) Each caregiver in day care centers and homes shall provide children with healthy physical and emotional care and a safe and healthy environment, stimulating social and intellectual activities appropriate to the age of the children, and work with the children without recourse to physical or psychological abuse.

(6) Each caregiver of a day care center or home shall be nineteen (19) years of age or older.

6.10.220 Emergency Provisions

(1) Each day care facility shall have a plan for evacuation of children in case of fire or other disaster. The plan must be written and posted. Caregivers must be aware of the plan and hold evacuation drills at least once every two (2) months.

(2) Provisions for emergency lighting shall be made in all facilities using standby electrical power or battery power (e.g. flashlights, etc.).

(3) Day care facilities shall have a telephone or a Citizens Band radio. Emergency numbers are to be posted by all telephones located in such facilities.

(4) In all day care facilities, first aid supplies appropriate to the size of the facility shall be maintained and readily available at all times.

6.10.230 Floor Space

Each day care center shall have at least thirty-five (35) square feet of usable floor space per child.

6.10.240 Outdoor Play Area

(1) Day care centers shall provide a minimum of seventy-five (75) square feet per child of outdoor play space which is readily available for use.

(2) Day care homes shall provide a safe and suitable outdoor play area for children subject to the approval of the City Manager.

6.10.250 Physical Examinations

Before a child may be admitted to a day care center or home on a regularly scheduled basis, he shall be given a physical examination by a licensed physician or Alaska Public Health Nurse.

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 a physical examination.

6.10.260 Illness

Caregivers and parents in centers and homes shall determine whether children with minor illnesses should be cared for, however any child who appears to be moderately ill or who has a communicable disease, with the exception of a cold, shall not be allowed to expose other children to the disease and must be isolated in a separate room until other arrangements can be made. Parents of any children exposed to a communicable disease shall be notified. Upon becoming aware of any serious communicable disease

affecting any child in the child care center or day care home it shall be the duty of the operator to notify the City Manager and upon request provide a list of names of any child exposed to the disease.

6.10.270 Medication

Medicine or drugs shall not be administered to any child in a day care center or home without parental permission. Any medicines or drugs in day care facilities shall be properly labelled with the child's name, doctor, dosage, and other related information, if necessary.

6.10.280 Nutrition

(1) Children in day care centers and homes shall receive:

(a) At least one nutritious meal for each child in care for five (5) hours or more.

(b) A wholesome snack between breakfast and lunch and dinner.

(c) An additional snack or meal if the child is in care over ten (10) hours.

(d) Recommended dietary allowances with respect to all snacks and meals offered as established by the National Academy of Science

(2) In day care centers such meals and snacks will be provided by the center.

(3) In day care homes, it is the responsibility of the caregiver to ensure that fresh meals and snacks are provided either by the operator or the parent.

(4) Infants must be fed according to their own schedules. Bottles of formula must be kept clean and individually labeled with the child's name. Infants who do not hold their own bottles, should be held while being fed by a caregiver when possible.

6.10.290 Rest and Bedding

(1) In day care centers and homes, children under six who are in care for periods of longer than four hours shall have a time and place to lie down and sleep or rest quietly.

(2) Clean and adequate bedding shall be provided in all child care centers or homes; this includes cribs for infants or other safe and suitable bedding.

(3) Children under two shall have a safe and suitable place to sleep in addition to a crawl and play area.

6.10.300 Special Care for Infants

Day care centers and homes shall follow all provisions of this Chapter in caring for infants and in addition:

(1) Such children may not be routinely left in a crib without direct adult contact for long periods of time and in no instance more than one hour while awake.

(2) Bottles may be propped only when an adult caregiver is present and able to see the infant.

6.10.310 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. Hazardous objects includes toys and furniture which have pointed or sharp surfaces, toxic substances, or any other conditions which may render them harmful to children.

6.10.320 Adult Attendants

(1) In day care centers and homes, each facility shall have sufficient personnel to ensure that the children are never left without supervision and that children will be cared for in a safe and healthy manner both physically and emotionally.

(2) For day care homes the recommended ratios may be as follows:

(a) If there are children under the age of two, there may not be more than two children under the age of two with a total number of children not to exceed eight children including those children related to the caregiver.

(b) In homes where there are no children under two the total number of children may not exceed ten including the children related to the caregiver.

(c) If any day care home exceeds these recommended ratios, the City Manager will determine whether the provisions of this Chapter are fulfilled before issuing a permanent Permit.

(3) The following ratios of staff to children shall apply to day care centers:

(a) Children under the age of six weeks old will not receive care in the center.

(b) There shall be one caregiver for every five children between the ages of 6 weeks and 24 months.

(c) There shall be one caregiver for every 10 children between their second and sixth birthdays

(d) There shall be one caregiver for every 15 children between the ages of 6 and 10 years old.

(e) There shall be one caregiver for every 20 children between the ages of 10 and 14 years old.

(f) In a day care center, only caregivers who spend 75% of their working time providing direct care for children shall be counted in meeting staff-to-child ratios.

6.10.330 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 the age of two, including infants, will be provided with a program which includes activities, which enhance their physical, perceptual and social development.

Children under care shall not be subjected to physical or psychological abuse.

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.

6.10.340 Sanitation and Environmental Protection.

(1) Day Care facilities shall meet applicable standards for sanitation and environmental protection set out in 7AAC 14.010 - 7AAC 14.420, 7AAC 22.010 - 7AAC 22.080, 7AAC 25.003 - 7AAC 25.100, and 18AAC 72.010 - 18AAC 72.050.

(2) When the City Manager receives an application for a license from a day care center and when new center construction or remodeling is completed, an environmental health inspection of the premises shall be made by the proper authority.

6.10.350 Fire Safety

(1) The building housing a day care center shall meet the standards for building and life safety contained in 13AAC 50.010 - 13 AAC 50.030 and 13AAC 55.010 - 13 AAC 55.150.

(2) When the City receives an application from a day care center and when new construction or remodeling is completed a fire inspection of the premises shall be made by the fire marshal or his local designee to determine conformity with existing safety standards. Subsequent annual fire inspections may be required.

(3) Family day care homes must be free of fire hazards. They shall have:

(a) At least one five-pound ABC dry chemical fire extinguisher or an AC primary power or monitored battery power smoke detection device.

(b) Two exits remote from each other that are usable year round one of which may be a window which can be opened.

(c) At least one usable exist directly to the outside at street level where a basement is utilized.

(d) A restriction limiting occupancy to the main floor, daylight basement, or second floor of the building, when more than two children under age five are in care.

(e) At least one exit leading directly to the outside in any room used for sleeping purposes from midnight to 6:00 am.

(f) A safe and effective heating system.

(g) Adequate screening of radiators, hot water pipes, open fires, oil or wood-burning stoves, and similar hazards to prevent burns.

(h) Storage of flammable or liquid combustible materials safely away from heat sources and children.

(i) No more than one electrical extension cord on the same outlet and no combination of extension cords.

6.10.360 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.

6.10.370 Authority to Abate

Whenever, in the opinion of the City Manager, any center or home exists in violation of the terms of this Chapter 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 violation within five (5) days of notification.

6.10.380 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.

6.10.390 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 Chapter as the Council deems necessary to carry out the intent of this Chapter . Such rules and regulations shall become a part of and subject to the provisions of this Chapter

6.10.400 Penalty

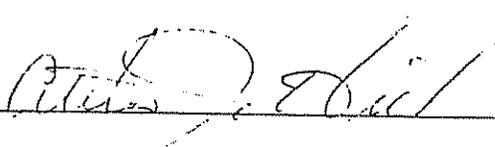
Any person who shall violate any of the provisions of this Chapter : shall be guilty of a misdemeanor and upon conviction is required to pay a minimum fine of \$100.000 and such fine shall not be suspended nor may the punishment provided in this section be reduced in A.S. 11.05.150.

Passed and approved this 11 day of April, 1977.

APPROVED:


MAYOR

ATTEST:


CITY CLERK

AMENDMENT #1
to
ORDINANCE NO. 92

AN AMENDMENT OF CITY OF BETHEL ORDINANCE 92, DAY CARE FACILITIES.

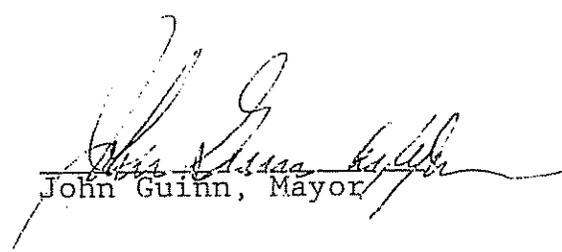
BE IT ORDAINED BY THE CITY COUNCIL OF BETHEL, ALASKA THAT ORDINANCE 92, CHAPTER 6.10 OF THE BETHEL CODE OF ORDINANCES, IS AMENDED AS FOLLOWS:

6.10.340 SANITATION AND ENVIRONMENTAL PROTECTION

Section 6.10.340 is amended as follows:

paragraph one (1) shall read: Day care facilities shall meet applicable standards for sanitation and environmental protection as set out in 18 ACC 30.800 - 18 ACC 30.890, 18 ACC 31.005 - 18 ACC 31.990, and 18 ACC 72.015, .021, .025 - .029, .040, .060 - .080.

PASSED AND APPROVED THIS DAY OF , 1984.


John Guinn, Mayor

ATTEST:


Wayne J. Maiers, City Clerk