

TO SUBMIT AGENDA ITEMS FOR COUNCIL AND/OR COMMITTEE CONSIDERATION

Deliver this form to the City Clerk by noon, Wednesday for the following meeting date.

Deliver backup material by noon Thursday for the following meeting date.

POWERPOINT PRESENTATIONS MUST BE SAVED ON THE M DRIVE IN THE CLERK/PUBLIC/PRESENTATION FOLDER IN THE FOLDER FOR THE APPROPRIATE DATE NO LATER THAN 5 P.M. ON THE FRIDAY BEFORE THE MEETING.

COUNCIL/COMMITTEE STAFF REPORT

AGENDA ITEM: (Check all that apply) PowerPoint Presentation Overhead
 Admin PW/Finance Council Regular Agenda Item Council Consent Agenda

Meeting Date: May 19, 2008 Name of Responsible Staff: Stephanie Kalasz/Keli Jones

AGENDA ITEM TITLE : SMALL STEPS DAYCARE APPEAL

DESCRIPTION: Recently, Kelley Parsons, in behalf of Small Steps Daycare, filed an application for a daycare to be located at 504 S. Main Street (the former Goodwill location). Upon review of the daycare application, it was determined by City staff that Small Steps Daycare cannot meet the requirements of Resolution No. 96-11 which states in part: "Daycare facilities shall provide the required open space for outdoor play areas which is derived by the maximum number of children times the minimum of 100 square feet per child. The total area shall be contiguous to the structure used and shall be so arranged as to provide a safe play area that can be easily maintained and accessible to the children." Because there was no contiguous outdoor play area shown as part of the daycare application, the license was denied.

Pursuant to M.C.C. 9-10-15, Small Steps Daycare appealed. City Council is empowered to direct the City Clerk to issue a license that has been denied upon a finding of "good cause" for the issuance of the license.

STAFF RECOMMENDATION: Consider merits of appeal and uphold the denial of the license or find "good cause for the issuance of the license" and direct the City Clerk to issue a daycare facilities license to Small Steps Daycare, or take other action as deemed appropriate.

ACTION TO BE TAKEN: Consider merits of appeal and uphold the denial of the license or find "good cause for the issuance of the license" and direct the City Clerk to issue a daycare facilities license to Small Steps Daycare, or take other action as deemed appropriate.

SUPPORTING MEMO/DOCUMENTATION: Moscow Daycare Ordinance; Resolution No. 96-11; Small Steps Daycare facilities license application; City correspondence denying daycare (04-17-2008); Small Steps Daycare appeal and supporting documentation.

NECESSARY RESOURCES/IMPACTS:

- A: Fiscal** none
- B: Personnel** none
- C: Other** none

Resources Used in Staff Conclusion:
Reviewed By:

- Administrative
- Parks and Recreation
- Engineering
- Police
- Community Development
- Water/Sewer
- Fire
- Street
- Legal
- Finance
- Human Resources
- Other

(All checked Departments have attached written comments or are

required to attend meeting to answer questions.)

- Backup material attached**
- Backup material will be sent separately**
- No backup material necessary**

- Other Resources:
- Transportation Comm.
 - Health & Environment Comm.
 - Bicycle Advisory Committee
 - Planning & Zoning Commission
 - Zoning Bd of Adj
 - Parks & Rec Comm.

- Historic Preservation Comm.
 - Tree Committee
 - Arts Commission
 - Fair Housing Commission
- Other: ____

Other Non-City Resources:

- Latah County
- Id Transportation Depart.
- Div. of Environmental Quality
- University of Idaho

Other: ____

Kelley Parsons
Small Steps Daycare
1smallstep@verizon.net
208-882-8176

May 2, 2008

Keli Jones
Deputy City Clerk
City of Moscow

Keli,

I would like to appeal the decision from the City Clerks office to deny a daycare license for Small Steps Daycare to be located at 504 S. Main St. I am requesting a variance for good cause (as stated in City Code 9-10-15 C.) to issue a license for the period of two years since this is a temporary location while we are building a new Church. There is a finding of good cause because Small Steps Daycare is of benefit to the community and we are asking "please do not enforce the resolution of no flexibility for outdoor play only."

We have other ways to provide alternative play for large motor skills for our preschoolers. We have 1500 square feet of open indoor space for large motor play. We have two playschool indoor climbing/slide structures, 6 car/bikes and we play many games for large motor like; simon says, red light green light, we roll large dice and whatever activity comes up (jumping, running in place, claping, singing, touch toes, touch nose, and many more) that's what we do. We also transport the children to nearby parks and we take them to the Aqua Center on a regular basis in the summer. The weather in Moscow is such that we have found that a large indoor play area is more of a necessity than an outdoor play area. We can only play outside about 35% of the year.

Another good cause is that we have found in the two years we have been in business that we are one of the few daycares in the area that take infants. We get many desperate mom's and dad's hoping we will take babies and after they come and visit and see how clean, knowledgeable, and caring we are they are relieved beyond measure. One thing that we are noticing in Moscow is there are a large number of mothers that are very young and far from home with no parent to guide them through caring for their infant.

We have on many occasions helped and counseled new mommies on the care and safety for their babies.

Murf Raquet wrote in the Daily News on April 26th that "A downtown daycare should be a good fit with neighboring businesses. Some who work at those businesses may choose to send their children to the day care. The convenience of having your child nearby is a plus for many families."

(Editorial attached)

We are asking that you consider us a good cause and please overrule the denial and issue a license to Small Steps Daycare so we can continue to care for the community's children.

Thank you for your consideration,

Kelley Parsons

Owner, Director Small Steps Daycare

Moscow-Pullman Daily News - DNews.com

April 26, 2008

The Moscow Board of Adjustment made the right decision in issuing a conditional use permit for a day care.

The board Tuesday OK'd the presence of Small Steps Daycare in a downtown building that formerly housed the Goodwill store.

The day care will share the space with the Impact Church.

It's a good business arrangement - day care on weekdays and church on Sundays.

The decision was an easy one, despite the protestations of a few in attendance.

The issue for some was a perceived strain on the parking situation caused by increased traffic from parents dropping off and picking up their children.

That would make sense if there were dozens of children coming and going. Small Steps, however, has only 11 children enrolled and the permit allows for up to 20. It's not a huge operation with a steady stream of traffic. Plus, the permits will be reviewed in two years.

Goodwill customers used more parking than the day care ever will.

One person who works downtown was so indignant at the board's decision she slammed her hand on a table and stated, "Churches should not be downtown."

Emotion aside, a church is an allowable use downtown. It was not the role of the Board of Adjustment to make that determination at that time.

A downtown day care should be a good fit with neighboring businesses. Some who work at those businesses may choose to send their children to the day care. The convenience of having your child nearby is a plus for many families.

Filling an empty space with children who are touted to be "our future" is a good use and should be welcomed by those who bemoan the reality of several so-called dark stores currently in downtown.

Parking always is going to be a concern if people refuse to park anywhere else but in front of a business they wish to patronize. There is plenty of parking if you are willing to walk a bit.

We can appreciate the exercise of free speech, but it is equally important to pick your battles.

Save the righteous indignation for a time when it will do the most good.

- *Murf Raquet, for the editorial board*

ORDINANCE NO. 2008- 06

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 9, CHAPTER 10 TO INCLUDE MODEST CHANGES IN THE APPLICATION PROCEDURE; THE INCLUSION OF ADDITIONAL CRIMES WHICH PROHIBIT DAY CARE LICENSURE; AND REQUIREMENT OF CHILD CPR; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City wishes to amend the current Day Care Ordinance so that it better reflects the desires of the Council and community as it relates to provision of day care within the City; and

WHEREAS, the Council wishes to shorten the time for receipt of additional information with the application from sixty (60) days to thirty (30) days; and

WHEREAS, the Council desires to add various crimes, the commission of which would eliminate the applicant from providing licensed day care within the City; and

WHEREAS, the City wishes to change the requirements of two (2) sets of fingerprints per application to those fingerprints necessary to conduct a background check; and

WHEREAS, the Council believes that it is in the best interest of the City to add a late fee for those applicants who do not file their renewal at least thirty (30) days prior to the day of their license expiration; and

WHEREAS, the City requires of all applicants sufficient child and/or infant cardiopulmonary resuscitation (CPR) certification prior to licensure; and

WHEREAS, City believes that these changes improve the Day Care license and add to the safety and welfare of children within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MOSCOW, IDAHO, AS FOLLOWS:

SECTION 1: That Moscow City Code Title 9, Chapter 10 be amended as follows:

...

Sec. 10-3. Definitions.

For the purposes of this Chapter, the following terms, phrases, words and derivations shall have the meaning given herein. When consistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. *Applicant.* A Person who submits to the City an application for a license or the renewal of a license individually or in behalf of a corporation, partnership or association to conduct, operate, maintain, or be employed at a Day Care Facility under this Chapter.
- B. *Child.* An individual who is under the age of eighteen (18) years, including an individual who is related by blood, adoption or who is otherwise the charge of any individual providing Day Care. The age of a child shall be determined by their date of birth.
- C. *Day Care.* Direct care and supervision of children provided for compensation during part of a twenty-four (24) hour day.
- D. *Day Care Facility.* Any business, place of business or establishment which provides Day Care. This definition includes any Premises, location, play area, playground, organization, institution, partnership, school, home, residence, dwelling, group home, foster home, place or facility whether such business or concern calls itself a mini school, kindergarten, nursery, pre-school, club, cooperative, mother's-day-out, learning center or any other business whose activity is the same or substantially similar to a Day Care operation or concern. The definition of Day Care Facility shall not include:
 - 1. Any institution, school or facility operated by or under the direction of the State of Idaho by any agency or political subdivision of the State of Idaho or by any other public body or public entity.
 - 2. Any elementary, junior high, or high school licensed and designated as such by the State of Idaho.
 - 3. Any medical or hospital facility operated pursuant to license issued by the State of Idaho.
- E. There shall be four classifications of Day Care Facility:
 - 1. *Family Day Care Facility.* A Day Care Facility providing Day Care for six (6) or fewer children;
 - 2. *Group Day Care Facility.* A Day Care Facility providing Day Care for seven (7) to twelve (12) children;
 - 3. *Small Day Care Facility:* A Day Care Facility providing Day Care for thirteen (13) to twenty (20) children; and
 - 4. *Large Day Care Facility.* A Day Care Facility providing Day Care for twenty-one (21) or more children.
- F. *Day Care Poster.* An informational sign provided by the City for prominent display in every licensed Day Care Facility.
- G. *Director.* An adult who has primary responsibility for the day-to-day operations and/or management of a Day Care Facility.
- H. *Licensee.* A Person who holds a current and valid license issued by the City for operation of a Day Care Facility.
- I. *Owner.* Any Person with a financial or proprietary interest of any kind in a Day Care Facility.
- J. *Premises.* A structure, facility, yard, play area, or any part of a structure, facility, yard, or play area where any Day Care is provided.
- K. *Volunteer.* Every individual who provides service in a licensed Day Care Facility no more than four (4) hours on any one (1) day per one (1) week period or no more than ten (10) hours during any one (1) week period, and without any express or implied promise of compensation.
- L. *Staff.* Every individual who provides Day Care at a Day Care Facility, including every Volunteer and employee who has unsupervised direct contact with children who attend a Day Care Facility.

Sec. 10-4. License Required.

- A. No Person shall maintain, operate, or permit to be operated within the City, any Group Day Care Facility, Small Day Care Facility or Large Day Care Facility, as herein defined unless a current and valid Day Care Facility license has been issued by the City as provided herein. A Family Day Care Facility is not required to be licensed but shall be granted a Day Care Facility license upon compliance with the provisions herein.
- B. No Person shall maintain, operate, or permit to be maintained or operated, a Day Care Facility on Premises under such Person's control unless all necessary licenses for such operation shall have been so obtained and remain in effect.
- C. Every Person who provides Day Care at a licensed Day Care Facility, other than a Volunteer as defined in this Chapter, shall apply for a license within five (5) business days of the first day of employment at such licensed Day Care Facility.
- D. Every owner, director, office staff member, or other Day Care Facility employee who provides unsupervised Day Care shall be licensed. No unlicensed Day Care provider, including a volunteer or temporarily licensed Day Care provider or employee, shall provide unsupervised Day Care on any occasion, including indoors, outdoors, rest periods, field trips, and the like.

Sec. 10-5. Application Required.

- A. 1. Applicant: Every Applicant for a license under this Chapter shall complete a form provided by the City, which shall include all information, releases and authorizations necessary to provide a complete criminal history check as set forth herein. Information for a Day Care Facility license shall include, but may not be limited to, a current list of all Owners, Director, Staff, and all individuals twelve (12) years of age or older residing at the Premises. In addition, an Applicant for a Day Care Facility license must designate one Person as Director. Failure to provide the necessary information, releases or authorizations shall be grounds to deny a license or application.
- 2. Corporation. When the Applicant for such a license is a corporation, such corporation must be authorized to do business in the State of Idaho. The application shall be made by the Director of the Premises and such application shall contain all information required of an individual Applicant as provided herein. Such license to a corporation shall be revoked upon a change of Director. A new application and license shall be required before a Director other than the Director designated in the original application shall provide services at such Premises. After investigation as required herein and upon change of Director, the City may issue a license for an interim period of not to exceed sixty (60) days during which time the corporation shall make the new application for license, naming therein the new Director of the Premises.
- 3. Partnership: When the Applicant for such a license is a partnership, each active partner in the partnership shall join in the application for such license and shall furnish all of the information and recommendations required of an individual Applicant as provided herein, and shall be subject to the same provisions for revocation and reapplication upon a change of Director as provided in the case of corporation Applicants above.
- 4. Association: When the Applicant for such a license is an unincorporated association, the application shall be made by the officers of the association and Director of the Premises and shall contain all information required of an individual Applicant as provided herein, and shall be subject to the same provisions for revocation and reapplication upon a change of Director as provided in the case of corporation Applicants above.
- B. Additional Information May Be Required.

Upon application submission, if additional information is required by the City in order to complete the application or to clarify or explain an ambiguity, the applicant shall submit such information within ~~sixty (60)~~thirty (30) days of original application date. Failure to comply shall require applicant to submit a new application and fee.

Sec. 10-6. Temporary Licenses.

1. In order to facilitate the provision of Day Care during the Day Care license application process, a temporary license may be granted to an applicant by the City. Such temporary license may be granted for not more than sixty (60) days from the first date of application. Issuance of such temporary license shall be at the City's sole discretion.
2. A permanent Day Care license shall only be granted following training, CPR/First Aid Certification, successful background check and compliance with all other provisions of this Chapter.
3. At least one (1) person who is licensed shall remain on the licensed Premises with any temporarily licensed Day Care Provider.

Sec. 10-7. Investigation.

Before any license shall be issued under this Chapter, the City shall complete an investigation of every Applicant, Licensee, Owner, Director, Staff, individual eighteen (18) years of age or older residing at the Premises, and an inspection of the Premises. The purpose of the investigation is to determine whether the Applicant or Licensee and the Premises fully comply with all pertinent ordinances and regulations of the City and to insure that the Day Care Facility does not create a nuisance or danger to the public.

The City shall ~~obtain a criminal history check utilizing fingerprints submitted by~~perform a background check on every Applicant, Licensee, Owner, Director, Staff, and individual eighteen (18) years of age or older residing at the Premises. ~~The criminal history check may utilize any of the following resources:~~

- ~~1. State Department of Law Enforcement Criminal Identification Bureau;~~
- ~~2. Federal Bureau of Investigation (FBI) Criminal History and outstanding warrant files;~~
- ~~3. National crime information center;~~

Such background checks shall utilize the fingerprints submitted by every Applicant, Licensee, Owner, Director, Staff, and individual eighteen (18) years of age or older residing at the Premises and, in addition, may utilize the

- ~~4. Sstatewide child abuse and sex offender register; regional record check; and/or~~
- ~~5. Oother investigation inquiries~~ as deemed necessary to carry out the intent of this Chapter.

Where possible and required herein, ~~the criminal history a~~ background check on an individual under eighteen (18) years of age ~~shall~~ may include a check of the juvenile justice records of adjudication of the magistrate division of the district court, county probation services, and department of health and welfare records in all jurisdictions in which such individual has lived since the age of twelve (12), as authorized by the minor and his or her parent or guardian. ~~Criminal history records~~ Background checks and crime information requests made to the Federal Bureau of Investigation shall be conducted pursuant to applicable law, including, but not limited to, Idaho Code Section 67-3008, as amended.

Sec. 10-8. Denial of License.

No Day Care Facility license shall be issued:

- A. Where Applicant, Licensee, Owner, Director, Staff, individual eighteen (18) years of age or older residing at the Premises, managing agent of a corporation, or active partner of a partnership has:
1. Been found guilty of, plead guilty to, or admitted to the elements of any of the following enumerated crimes, or any substantially similar provision of foreign criminal violation, notwithstanding the form of judgment(s):
 - a. Any felony as defined by Idaho Code, Sections 18-111 and 18-111A, within five (5) years immediately preceding the date of application for license or renewal;
 - b. Any violation of the Uniform Controlled Substances Act, Chapter 27, Title 37, Idaho Code, similar provisions in any other jurisdiction, within the past five (5) years immediately preceding the date of application;
 - c. Any crime of physical violence against persons, including but not limited to battery and domestic battery;
 - d. Any offense involving neglect or any physical injury to, or other abuse of, a Child, ~~including and/or~~ any sex crime as defined in Chapter 66, Title 18, Idaho Code;
 - e. Rape as defined in Chapter 61, Title 18, Idaho Code;
 - f. Injury to a Child as defined in Idaho Code, Section 18-1501;
 - g. Selling or bartering a Child as defined in Idaho Code, Section 18-1510;
 - h. Sexually abusing or exploiting a Child as defined in Idaho Code, Sections 18-1506 through 18-1508;
 - i. Disseminating obscene material to minors as defined in Idaho Code, Sections 18-1513 through 18-1515; or similar provisions in another jurisdiction;
 - j. Murder as defined in Idaho Code, Sections 18-4001 and 18-4003;
 - k. Voluntary manslaughter as defined in Idaho Code, Section 18-4006;
 - l. Kidnapping as defined in Idaho Code, Sections 18-4501 through 18-4503;
 - m. Arson as defined in Idaho Code, Sections 18-801 through 18-803;
 - n. Poisoning as defined in Idaho Code, Section 18-4014 and 18-5001;
 - o. Mayhem as defined in Idaho Code, Section 18-5001; or
 - p. Robbery as defined in Idaho Code Section 18-6501;
 - q. Stalking in the first degree as defined in Idaho Code Section 18-7905; or
 - pr. Any felony punishable by death or imprisonment for life.
 2. Has been classified as a voluntary patient or involuntary patient pursuant to Chapter 3, Title 66, Idaho Code, or similar provision in another jurisdiction, unless:
 - a. Such Person has been released from, and is no longer under, any form of treatment in relation to such classification, and
 - b. Such Person has been examined by at least two (2) professionals licensed to evaluate mental health, at least one (1) of whom shall be a psychiatrist, and both professionals certify that the Person is no longer mentally ill and presents no threat or danger to any Child. Such examination shall not be at City expense.
 3. Had his or her parental rights restricted or terminated by a Child protection action under Idaho Code, Section 16-1601 et seq., or Child custody termination action under Idaho Code, Section 16-2001 et seq.
 4. Supplied false or misleading information, failed or refused to disclose any information required on the application form, refused to authorize the police investigation required herein.
 5. Received a withheld judgment entered for any of the above offenses.
 6. Violated any of the provisions of this Chapter during licensure.

- B. For any Premise, unless all applicable codes, and other pertinent provisions of all City ordinances, including health requirements herein, as far as can be determined, are being complied with.
- C. Where there is evidence demonstrating to the City that health or safety problems exist or are probable.

Sec. 10-9. Issuance of License.

- A. Upon receipt of an application presented in due form to the Clerk which shows that such Applicant possesses all of the qualifications and none of the disqualifications herein and meets all of the requirements of this Code, the City shall issue such license to the Applicant. A Day Care Facility license shall be issued for an initial term to expire March 1 of the following year unless otherwise provided in this subsection. If the initial Day Care Facility license is issued for a portion of the license year, the fee may be prorated.
- B. All licenses shall be in such form as the City may prescribe and shall contain the name, address, place of business, and date of expiration of such license and shall be authenticated by the signature of the Clerk. The Day Care Facility license shall be posted in a conspicuous place at the Day Care Facility. A Day Care Poster shall also be posted in a conspicuous place within all licensed Day Care Facilities. The names of all Staff and all individuals eighteen (18) years of age or older residing at the Premises shall be provided to the office of the Clerk within five (5) days of their initial hire date and/or establishment of residence. ~~Two (2) sets of fingerprints~~ shall be provided to the Moscow Police Department for each such staff member or resident.

Sec. 10-10. Fee.

Fee to be paid upon issuance or renewal of any license issued pursuant to this Chapter shall be set from time to time by resolution duly passed and adopted by the Council.

Sec. 10-11. Day Care Facility License Renewal.

Any Day Care Facility license issued by the City may be renewed for an additional one (1) year upon the same terms and subject to the same application and requirements as provided herein. In order to be eligible for renewal, the applicant for a Day Care Facility license shall present a completed application accompanied by the renewal fee at least thirty (30) days prior to license expiration. Whenever the Licensee desires to effect a change of Premises or to renew the license, the Licensee shall notify the Clerk and make application for a license in the same manner as in the first application, except that investigation provided for in the "Investigation" Section of this Chapter may be waived by the City where the Licensee provides an affidavit not less than thirty (30) days prior to the change in Premises or expiration of the license asserting compliance to all requirements herein with the application for renewal. Inspection of a new Premise shall not be waived. No license issued by the City shall be assignable or transferable. The fee to be paid for license renewal shall be set from time to time by Resolution of the Council.

Sec. 10-12. Day Care Provider License Renewal.

A Day Care Provider license issued under this Chapter shall be valid for one (1) year from the date of issuance. In order to be eligible for renewal, the applicant for a Day Care Provider license shall present a completed application accompanied by the renewal fee at least thirty (30) days prior to license expiration. The fee to be paid for license renewal and a fee for tardy applications shall be set from time to time by Resolution of the Council.

Sec. 10-13. License Revocation and Duty to Notify of Ineligibility.

- A. A Day Care Facility license shall be revoked immediately whenever it is determined that the License would be denied under the "Denial of License" Section of this Chapter.
- B. Every licensed Day Care Provider shall notify the City of any change in circumstance which renders the information on the application for Day Care license incorrect within five (5) business days of such change or such Day Care license shall be revoked immediately and such license shall be automatically null and void.

Sec. 10-14. Notice.

- A. Prior to the revocation or denial of renewal of a license as required herein, the Clerk shall provide written notice of such revocation or denial of renewal to the Licensee or Applicant, as the case may be. Such written notice shall be sent by certified mail to the address provided in the application filed by such Licensee or Applicant. Such written notice shall state the reason(s) for such revocation or denial, and shall state that such Licensee or Applicant may request an appeal hearing as provided herein. Notice of revocation or denial of renewal is effective on the date such notice is placed in a mailbox controlled by the United States Postal Service.
- B. When the City certifies that there is an immediate danger to life or health of a Child, the Day Care Facility license or application may be immediately and summarily revoked or denied. Under such conditions, notice of such revocation or denial will be given as soon as practicable thereafter.
- C. Failure by the City to give notice as provided herein shall not establish a right to a license under this Chapter.

Sec. 10-15. Appeals.

- A. If a license is revoked, or a license renewal or an application is denied for a reason other than disqualification under Subsection (A) of the "Denial of License" Section of this Chapter, the Licensee or Applicant may give notice of appeal of such revocation or denial to the City within ten (10) calendar days from the date the notice of revocation or denial was given. If a license application is revoked or denied because of disqualification of the Applicant or Licensee under Subsection (A) of the "Denial of License" Section of this Chapter, such disqualification may not be waived.
- B. Notice of appeal shall be in writing and delivered to the Clerk. The Council shall then set a time and place for such hearing and the Clerk shall inform the Licensee or Applicant of the hearing date in writing, by certified mail, at least ten (10) calendar days prior to such hearing.
- C. The Council may direct the Clerk to issue a license which has been revoked or denied upon a finding of good cause for the issuance of such license.
- D. Failure by applicant, person appealing, or their representative, to appear before the Council at the time scheduled to hear such appeal shall result in the automatic denial of such appeal.

Sec. 10-16. Insurance and Liability; Prepayment.

Each Licensee shall maintain general liability insurance in the amount of three hundred thousand dollars per ~~occurrence~~ occurrence/six hundred thousand dollars aggregate (\$300,000/\$600,000) with the City listed as an additional insured for each licensed Day Care Facility and Premises. All policies of insurance shall require thirty (30) days notice to the City by

registered mail of any cancellation or change affecting an interest or coverage. A current certificate of insurance shall be kept on file with the Clerk at all times. The Licensee shall be responsible for all activities associated with the Day Care Facility and premises, including the actions and inactions of every Person, Owner, Licensee, Director, Staff, Volunteer, Child, employee and individual, and shall hold the City harmless for same and shall indemnify and defend any claim filed against the City relating to all activities associated with the Day Care Facility and Premises and the provision of Day Care. The issuance of a Day Care Facility license shall not constitute a representation or affirmation to any Person that the Day Care Facility to which a license is issued is free from risk with regard to the standards herein. The City shall not be liable for nor shall a cause of action exist for any loss or damage based upon the failure of any Person to meet the standards contained in this Ordinance.

If the City receives notice of cancellation of a Licensee's liability insurance more than two (2) times during any one (1) year of licensure, such Licensee shall prepay the insurance policy for a minimum of twelve (12) months and shall provide proof of such prepayment to the Clerk by the end of the next business day following the City's receipt of such notification. Failure to provide such proof of prepayment shall cause the license to be immediately revoked and the license shall be automatically null and void.

Sec. 10-17. Health Requirements.

- A. All Staff on the Premises of a Day Care Facility shall certify that each is in good health and that each has received required immunization against communicable disease. Any Director, Staff member of a Day Care Facility, Volunteer, or employee diagnosed with a communicable disease must not be present at a Day Care Facility until such disease is no longer communicable as declared by a physician licensed by the State of Idaho.
- B.
 1. Within fifteen (15) days of a child's initial attendance at any Licensed Day Care Facility, the parent or guardian shall provide a statement to the Director of the Day Care Facility regarding the child's immunity to certain childhood diseases. This statement shall provide a certificate signed by a physician or a representative of a health district, that the child has received, or is in the process of receiving immunizations as specified by the state board of health and welfare, or can effectively demonstrate immunity gained through prior contraction of the disease. Immunizations required and the manner and frequency of their administration shall conform to recognized standard medical practices in the State.
 2. Any minor child whose parent or guardian has submitted to the Director of a licensed Day Care Facility 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 shall be exempt from the provisions of this Section.

Sec. 10-18. Inspection.

Every Licensee shall keep and maintain such records as are required by the City, including employee and Staff records. Every Licensee shall, at all times during business hours, open the Day Care Facility records and each and every portion of the licensed Premises for inspection by the Moscow Police Department and other City departments for the purpose of inspection and enforcement of any provision herein. The Clerk shall have the absolute right to enter the premises of any Licensed Day Care Facility during business hours as often as is necessary to secure

compliance with or to prevent a violation of this Chapter. The Clerk may initiate administrative and/or criminal action to enforce this Chapter.

Sec. 10-19. Standards.

- A. Every licensed Day Care Facility, Licensee, Director and Staff shall comply with all fire safety standards as set forth in Idaho Code Title 39, Chapter ~~40~~11, and such other requirements as the Council may enact by resolution.
- B. Every licensed Small Day Care Facility and Large Day Care Facility shall comply with all health standards as set forth in Idaho Code Title 39, Chapter ~~40~~11, and such other requirements as the Council may create by resolution.
- C. Every licensed Day Care Facility, Licensee, Director and Staff shall conform to the requirements herein and all other applicable Sections of this Code.
- D. Every licensed Day Care Facility, Licensee, Director and Staff shall conform to all life safety standards found in all applicable uniform standard codes which are adopted by the City as of the date of application for license, except for the Child-Staff ratios as modified in the Section of this Chapter entitled "Child Staff Ratios".
- E. Every licensed Day Care Facility having a flame source utility on its premise shall have a carbon monoxide detector properly operating at all times within any enclosed area on every level or floor where children are present.
- F. Every Day Care Facility Licensee, Director and Staff shall be required to obtain Red Cross, American Heart Association, or equivalent first aid certification and child/infant Cardiopulmonary resuscitation (CPR) certification prior to licensure and shall keep such certifications current.
- G. The minimum age of any Director shall be twenty-one (21) years of age, except in a Family Day Care Facility where the Director is the only adult individual present on a regular basis. In this latter case, the Director must be at least eighteen (18) years of age. Family Day Care Facility Applicants and Licensees shall be precluded from hiring employees under sixteen (16) years of age.
- H. Every Day Care Facility Licensee, Director and Staff member shall be required to acquire four (4) hours or more of training in early childhood development and/or children's health and safety within thirty (30) days of employment in such Facility and shall thereafter obtain four (4) hours or more of such training on an annual basis. Such training within twelve (12) months prior to employment shall satisfy this requirement for the first year of employment. Proof of training shall be submitted to and approved by the City. The annual training required under this Subsection shall be in addition to the first aid and CPR requirement listed elsewhere in this Section.
- I. No Owner, Licensee, Director, or Staff member shall directly or indirectly;
 - 1. Use or permit the consumption or use of any alcoholic beverage on the Premises while the children being cared for are present; or
 - 2. Possess, use or permit the possession or use of any unlawful drug or narcotic, including marijuana, on the Premises.
 - 3. Use or permit a Volunteer or employee with a temporary license to provide Day Care to a Child without the physical presence and direct supervision of a Licensee, Owner, Director or licensed Staff member.

Sec. 10-20. Child-Staff Ratios.

- A. 1. A minimum Child-Staff ratio of one (1) Director and/or Staff for every ten (10) points or any fraction in excess thereof shall be maintained by a Day Care Facility at all times on the Premises, indoors, outdoors, on field trips and during rest periods, except as provided in Subsection B of this Section. Any points or fraction of points greater than ten point zero (10.0) requires the presence of one (1) additional Director and/or Staff for every ten (10) points or any fraction in excess thereof as determined from the following chart:

<u>Age of Child</u>	<u>Points Per Child*</u>
0 to less than 2 years	3
2 to less than 3 years	2
3 to less than 5 years	1
5 to less than 7 years	0.83
7 years and over	0.66

*Example: A Day Care Facility with three (3) one-year-olds (9 points) and one (1) four-year-old (1 point) must maintain a Director and/or Staff of one. The enrollment of an eight-year-old Child (.66) to the Day Care Facility requires the addition of another Staff member.

2. Additional children in each category as permitted in Subsection B of this Section shall not be considered in establishing a Child-Staff ratio.
 3. Each Director and each Staff member on the Premises shall be considered for purposes of computing a Child-Staff ratio.
 4. No Volunteer shall be considered for purposes of computing a Child-Staff ratio.
 5. It shall be a violation of this Chapter to operate a licensed Day Care Facility with a Child-Staff ratio not in compliance with this Section.
- B. 1. On days where the school district in which a child resides declares teacher work days, snow days, vacation days or otherwise cancels classes, the number of children may be increased with the addition of school-aged children (first grade and up) without affecting the classification of Day Care Facility or the Child-Staff ratios, as set out herein. On days where the school district in which a child resides holds classes, the number of children may be increased with the addition of school aged children (first grade and up) from 3:00 p.m. until 6:00 p.m. without affecting the classification of Day Care Facility or the Child-Staff ratios, as set out herein.
- a. Family Day Care Facility - up to four (4) additional children.
 - b. Group Day Care Facility - up to five (5) additional children.
 - c. Small Day Care Facility - up to six (6) additional children.
 - d. Large Day Care Facility - up to seven (7) additional children.
2. Children, for purposes of this Subsection, includes every school-aged child of the Owners, Licensee, Director, and Staff present at such Day Care Facility.

Sec. 10-21. Penalties and Additional Fees.

- A. Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof in a court of competent jurisdiction, shall be punished pursuant to this Code and the Idaho Code. Each day of the violation shall be considered a separate offense.
- B. Any Applicant, Owner, Director, Staff or Person convicted of a violation of this Chapter shall be denied a license and any current license shall be revoked.
- C. The Clerk may charge a Day Care Facility Licensee an administrative fee for every contact or inspection required to ensure compliance with this Chapter where such contact or inspection is

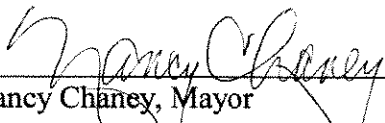
in excess of those necessary to process the license initially. Such administrative fee shall be established from time to time by resolution duly adopted by the Council, and shall be in addition to any other fee(s) and/or fine(s). Failure to pay such administrative fee shall result in revocation of the license for which such contact or inspection is required.

SECTION 2: SEVERABILITY. Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions. The remaining Sections of Title 9 shall be in full force and effect.

SECTION 3: EFFECT ON OTHER ORDINANCES. Where the definitions contained in this Ordinance are in conflict with relevant portions of the City of Moscow, Idaho, Municipal Code, the definitions contained within those portions of the Moscow Municipal Code will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.


SECTION 4: EFFECTIVE DATE. This Ordinance shall be effective upon its passage, approval, and publication according to law.

PASSED by the City Council and APPROVED by the Mayor this 5th day of May, 2008.

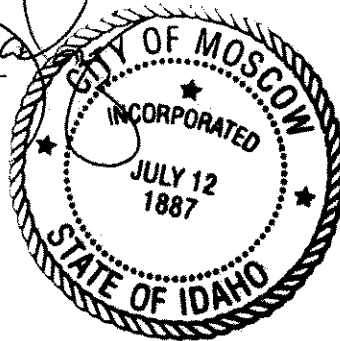


Nancy Chaney, Mayor

ATTEST:



Stephanie Kafasz, City Clerk





Heart of the Arts

◆ ◆ ◆ ◆

Nancy J. Chaney
Mayor

Bill Lambert
Council President

John Weber
Council Vice-President

Dan Carscallen
Council Member

Wayne Krauss
Council Member

Tom Lamar
Council Member

Walter M. Steed
Council Member

◆ ◆ ◆ ◆

Gary J. Riedner
City Supervisor

◆ ◆ ◆ ◆

P.O. Box 9203
Moscow, ID 83843-1703
Website: www.ci.moscow.id.us

City Hall
206 East 3rd Street
Phone (208) 883-7000
Fax (208) 883-7018

Paul Mann Building
221 East 2nd Street
Phone (208) 883-7022
Fax (208) 883-7033

Hearing Impaired (208) 883-7019

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

April 17, 2008

Kelley Parsons
Small Steps Daycare
504 S. Main St.
Moscow, ID 83843

Dear Mrs. Parsons:

This letter is to inform you that your daycare facility application has been **Denied**.

City of Moscow Resolution No. 96-11 states:

“Daycare facilities shall provide the required open space for outdoor play areas which is derived by the maximum number of children times the minimum of 100 square feet per child. The total area shall be contiguous to the structure used and shall be so arranged as to provide a safe play area that can be easily maintained and accessible to the children.”

In your application it does not appear that you have the open space required by the Resolution. There is no provision in the regulations for a facility to provide the open space in an area not contiguous to the daycare facility. Because you cannot meet the requirements established by the City Council, your application is denied.

Please be advised you have the right under the Moscow City Code 9-10-15 to appeal this decision to the Moscow City Council. The City Council is empowered to direct the City Clerk to issue a license which has been denied upon a finding of good cause for the issuance of the license. Any appeal should be made in writing to this office within ten (10) days from the date of this letter. Once your appeal is received, a time and place for your hearing before the City Council will be set. You will be informed of the hearing date in writing, by certified mail, at least ten (10) calendar days prior to such hearing.

If you have questions, clarifications, or additional information you believe would show this decision to be in error, please contact me (883-7001) or City Attorney Randy Fife (883-7005).

Sincerely,

Keli Jones
Deputy City Clerk

cc: Gary J. Riedner, City Supervisor
Randy Fife, Moscow City Attorney

**APPLICATION FOR
DAYCARE FACILITY LICENSE RENEWAL
MARCH 1, 2008 - FEBRUARY 28, 2009**

**RECEIVED
FEB 08 2008**

FEE: \$76.00 (make check payable to City of Moscow)

BUSINESS NAME: Small Steps Daycare

NAME OF OPERATOR: Kelley Parsons

NAME OF DIRECTOR IF DIFFERENT FROM ABOVE: _____

BUSINESS ADDRESS: 715 Travois Way

FACILITY TELEPHONE NO. 882-8176

TYPE OF DAY CARE FACILITY: _____ Family (6 or less) _____ Group (7 to 12 children)
 Small (13 to 20 children) _____ Large (21 or more children)

CHILD-STAFF RATIOS: (Minimum of 1 director and/or staff for every 10 points or any fraction in excess)

FULL TIME CHILDREN:

<u>2</u> # <2 year-olds	x 3 points per child = <u>6</u>	
<u>2</u> # 2 - <3 year-olds	x 2 points per child = <u>4</u>	
<u>4</u> # 3 - <5 year olds	x 1 point per child = <u>4</u>	
<u>1</u> # 5 - <7 year olds	x .83 points per child = <u>.83</u>	
<u>9</u> # 7 year-olds & up	x .66 points per child = <u>14.83</u>	
<u>9</u> TOTAL CHILDREN	TOTAL POINTS: _____	TOTAL STAFF <u>4</u>

Maximum number of children at any one time: 13

PART-TIME CHILDREN:

<u>2</u> # <2 year-olds	x 3 points per child = <u>6</u>	
<u>3</u> # 2 - <3 year-olds	x 2 points per child = _____	
<u>3</u> # 3 - <5 year olds	x 1 point per child = <u>3</u>	
<u>1</u> # 5 - <7 year olds	x .83 points per child = _____	
<u>1</u> # 7 year-olds & up	x .66 points per child = <u>1</u>	
<u>6</u> TOTAL CHILDREN	TOTAL POINTS: <u>10</u>	MAKE SURE YOU HAVE AMPLE STAFF TO COVER THESE ADDITIONAL CHILDREN

AFTER SCHOOL CHILDREN: The number of children may be increased with the addition of school-aged children (first grade and up) from 3:00 p.m. until 6:00 p.m. weekdays and on teacher work days and on snow days (as declared by the school district in which such children reside), WITHOUT AFFECTING the classification of the facility or the child-staff ratios as follows:

- (a) Family Day Care Facility – up to 4 additional children
- (b) Group Day Care Facility – up to 5 additional children
- (c) Small Day Care Facility – up to 6 additional children

Insurance Company: Satter **Expiration Date:** 8-2008
 (Certificate of Insurance must be on file with City Clerk before license will be renewed. City of Moscow must be listed as an additional insured.)

YOU MUST ATTACH a complete list of all owners, directors, staff and individuals twelve years of age or older residing at the premises (Make additional copies if needed.)

For office use only:
 Date fees paid: _____ Current Certificate of Insurance on file []
 Inspection approval: Fire Marshall [] Building [] Health []

The following list represents all owners, directors, and staff, and all individuals twelve years of age or older residing at the premises:

TRAINING MUST HAVE BEEN TAKEN ON OR AFTER MARCH 1, 2007
TO BE CONSIDERED CURRENT.

OWNER/DIRECTOR: Kelley Parsons
CURRENT HOME ADDRESS (required): 1113 Public Ave
First Aid Certification Expires: 3-9-2009 CPR Expires: 3-7-2008

Employee: Teresa Green
CURRENT HOME ADDRESS (required): _____
First Aid Certification Expires: _____ CPR Expires: _____

Employee: Hollie Austin
CURRENT HOME ADDRESS (required): _____
First Aid Certification Expires: _____ CPR Expires: _____

Employee: Mae Ward
CURRENT HOME ADDRESS (required): _____
First Aid Certification Expires: _____ CPR Expires: _____

Employee: _____
CURRENT HOME ADDRESS (required): _____
First Aid Certification Expires: _____ CPR Expires: _____

Employee: _____
CURRENT HOME ADDRESS (required): _____
First Aid Certification Expires: _____ CPR Expires: _____

Employee: _____
CURRENT HOME ADDRESS (required): _____
First Aid Certification Expires: _____ CPR Expires: _____

Employee: _____
CURRENT HOME ADDRESS (required): _____
First Aid Certification Expires: _____ CPR Expires: _____

RESOLUTION NO. 96-11
**MINIMUM STANDARDS FOR LICENSED FAMILY DAY CARE FACILITIES,
GROUP DAY CARE FACILITIES, AND SMALL DAY CARE FACILITIES**

I. OBJECTIVE: To provide for minimum standards for licensed family day care facilities, group day care facilities, and small day care facilities located within the City of Moscow, in order to provide safe, sanitary, and structurally sound day care facilities. The requirements contained herein shall be considered the minimum acceptable standards necessary to operate such facilities in Moscow. These requirements shall apply only to licensed family day care facilities, group day care facilities, and to small day care facilities and do not apply to the operation of unlicensed Family Day Care Facilities as defined at City of Moscow, Idaho Municipal Code 9-12-3(F)(1). This Resolution has no effect upon standards, statutes, ordinances or law applicable to the public at large. Where a minimum standard herein is in conflict with or requires something less than required by a provision of Moscow City Code Title 9, Chapter 12, the Ordinance controls.

II. DEFINITIONS:

- A. NONCONFORMING USES:** A day care facility which is in operation prior to the effective date of this Resolution and which otherwise may or may not comply with the zoning ordinance of Moscow.
- B. INSPECTION REPORT:** The inspection report form shall include the official inspection report forms approved by the City Council and used by inspection staff of the various city departments.
- C. SITE APPROVAL:** Site approval shall include the necessary approval given to an applicant on completion of the application form for which specific zoning approval has been given to operate said facility in accordance with the Moscow Zoning Code.
- D. CODES ADOPTED:** Applicable uniform codes shall include, but not be limited to, the following codes which are adopted by the City of Moscow as of the date of the application and are used with these standards. These standards, and other adopted codes, may be reviewed from time to time as determined by the Administrative Authority to evaluate same, and maintain the codes to current available standards.
1. Life Safety Code (LSC). NFPA 101. (LSC) except as modified in specific provisions contained in City of Moscow, Idaho Municipal Code Title 9, Chapter 12.

2. Uniform Building Code (UBC) as published by the International Conference of Building Officials.
 3. Uniform Fire Code (UFC) as published by the International Conference of Building Officials, and the Western Fire Chiefs' Association. (Uniform Fire Code)
 4. National Electrical Code (NEC) as published by the International Conference of Building Officials and National Fire Protection Association. (NFPA)
 5. Uniform Plumbing Code (UPC) as published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials.
 6. Uniform Mechanical Code as published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials.
- E. **STANDARDS:** Standards for licensed family day care facilities, group day care facilities and small day care facilities shall include the modified sections as contained herein which have been taken from various codes as defined herein and which have been adopted by the City Council of Moscow as minimum requirements for operation of these facilities as defined herein. These standards are recommended for unlicensed family day care facilities.
- F. **SEVERABILITY:**
1. It is the legislative intent that all provisions and sections of this Resolution be liberally construed and should any provision or section of this Resolution be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, it being the intent that this Resolution shall stand notwithstanding the invalidity of any provisions or section;
 2. The provisions of subsection 1 of this section shall apply to the amendment of any section of this Resolution whether or not such a provision is reenacted in the amendatory Resolution.
- G. **HEADINGS:** No provision of this Resolution shall be held invalid by reason of deficiency in any chapter or section heading.
- H. **INTERPRETATION:** In interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

It is not intended by this Resolution to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance, or any rules, regulations or permits previously adopted or issued pursuant to law, relating to the uses of buildings or premises; nor is it intended by this Resolution to interfere with, abrogate or annul any easements, covenants or other agreements between parties. However, where this Resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger yards, courts or other open space than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, the provisions of this Resolution shall control.

- I. **APPEALS BOARD:** Appeals Boards, as used in this Resolution, shall be the various boards which have been appointed by the Mayor to which all appeals and interpretation and conditional use permit requests may be taken by a Director or Owner who so chooses to challenge administrative authority on decisions made.
- J. **ADMINISTRATIVE AUTHORITY:** The employee, employees, or agents of the City designated to carry out specific functions on behalf of the City of Moscow, Idaho.

III. SITE APPROVAL

- A. Day care facilities shall comply with the Moscow Zoning Code as adopted and which may be amended by the City Council from time to time. Specific site approval is required after receipt of an application to operate a day care facility within the City of Moscow and for which specific approval shall be granted prior to actual issuance of a license to operate said day care facility.
- B. **SITE STANDARDS:** The lot size shall provide the required open space for outdoor play areas which is derived by the maximum number of children times the minimum of 100 square feet per child. This total area shall be contiguous to the structure used and shall be so arranged as to provide a safe play area that can be easily maintained and accessible to the children. These play areas shall be free of any of the following physical features that may be known by the Owner or Director, or may be found at a later inspection date such as the following:
 - 1. Wells, pits, cisterns and/or other depressions or holes that are in excess of 12 inches deep in which water may pond or accumulate to such depth, must be protected by fencing.
 - 2. Swimming pools, spas and hot tubs above or below grade shall not be located on said property unless properly fenced from the day care facility by a non-climbable fence of not less than 4 feet in height and properly

equipped with a self-closing, self-latching gate, or other approved security device, as approved by the administrative authority.

3. The play area shall be fenced and enclosed by either wall construction or fences which shall be of the non-climbable type equipped with self-closing and latching gates approved by the administrative authority. A non-climbable fence shall be any fence that is constructed of materials and provided with open space so that a ladder effect is not provided by the fence construction which may discourage children from attempting to climb such fence. This fence shall be a minimum of 4 feet in height, measured from adjacent grade, and shall comply with Moscow Zoning Code. All door and window openings which permit entry into the play area shall be equipped with self-closing, self-latching devices that may enter into an area of said property or structure that is not approved for the day care facility and which may present a possible hazard to children.
4. All porches, steps, and balconies that are included in the facility shall be equipped with guard rails and hand rails that comply with the current UBC.
5. All electrical and mechanical equipment located within or on said property when used in conjunction with the care facility and which may be located in or adjacent to the play area shall comply with Section V of these regulations.

IV. BUILDING REQUIREMENTS:

- A. All licensed family day care facilities, group day care facilities, and small day care facilities shall not exceed one story as defined by the UBC and may include basement areas. Exception: Where an existing facility is in existence at the time of adoption of this Resolution is located in a structure not more than 2 stories and provides space for children above the first floor, said space shall comply with the following requirements in addition to others contained herein:
 1. All sleeping areas shall be provided with exterior windows that comply with the Uniform Building Code.
 2. A minimum of two approved exits shall be provided for such space with at least one exit leading directly to the exterior and shall be enclosed as required for one-hour exit enclosures.
 3. The maximum number of children permitted above a first floor level shall be determined by the administrative authority based on existing day care staffing and actual conditions and circumstances present at each site and shall not exceed the minimum space area of 35 square feet per child.

B. BASEMENT AREA: All basement areas used in conjunction with the day care facility shall meet the following requirements in addition to other requirements contained herein:

1. All required windows shall be located entirely above adjacent grade and shall be readily accessible to the Fire Department for emergency exit and rescue. All windows shall meet the requirements of the Uniform Building Code.
2. All basement areas shall comply with the required ceiling height and natural ventilation as provided for by the Uniform Building Code.
3. All areas used for day care purposes shall be separated from hazardous areas as required by the Life Safety Code and UBC.
4.
 - a. All required exits from the basement shall be in accordance with the Uniform Building Code and the Life Safety Code.
 - b. Basement areas provided for day care occupancy shall have at least one of the required exits lead directly to the outside and shall be remotely separated from each other.
 - c. Interior finish of walls, floors and ceilings shall have a minimum finish rating of Class C for licensed family day care facilities.
 - d. All gas-fired appliances, building heating equipment used in conjunction with the day care facility must be properly maintained and be approved for use with an approved outside gas shut off and shall be properly separated as required by the Administrative Authority.
5. All space heaters used in a day care facility such as wood stoves or other solid fuel type of space heaters, electrical wall heaters, shall be provided with proper isolation guards to prevent accidental contact by children, including additional hazards in the building interior that may be present other than those contained herein.
6. All glazing in hazardous locations shall be approved safety glass.
7. The heating system shall be adequate to provide a minimum of 70 degrees F. at a point three feet above the floor in all habitable rooms.

V. ELECTRICAL

A. Grounding of Circuits and Panel Board.

1. Alternating current circuits of less than 50 volts shall be grounded under the following conditions:
 - a. Where supplied by transformer, if the transformer's supply system exceeds 50 volts to ground.
 - b. Where supplied by transformer, if the transformer's supply system is ungrounded.
 - c. Where installed as overhead conductors outside of buildings.
2. GFCI in bathroom and exterior, and other areas used for day care purposes.
All 125 volt single phase 15 and 20 ampere receptacles installed in bathrooms and on the exterior of the building shall have a ground fault circuit interrupter protection.
3. Open Wiring.
All exposed wiring shall be protected from physical damage or contact in a manner acceptable to the Administrative Authority based on National Electrical Code Requirements.
4. Smoke Detectors.
All required smoke detectors shall be hard wired and installed in a location that has been predetermined and approved by the Administrative Authority and shall be of the approved type.
5. Fusing of Circuits.
 - a. Lighting and appliance branch circuit panel boards shall be individually protected on the supply side by not more than two main circuit breakers or two sets of fuses having a combined rating not greater than that of the panel board.
 - b. Snap switches shall be rated at 30 amperes or less. Panel boards with snap switches rated at 30 amperes or less shall have over current protection not in excess of 200 amperes.
 - c. Continuous Load. The total on any over current device on a panel board shall not exceed 80 percent of its rating where in normal operation, or where the load will continue for three hours or more.
 - d. Supplied to a Transformer. Where a panel board is supplied through a transformer the over current protection required in "a"

and "b" above shall be located on the secondary side of the transformer.

- e. **Delta Breakers.** A three phase disconnect or over current device shall not be connected to the buss of any panel board that has less than three fuses.

- 6. **Lighting Fixtures.**
Boxes at light fixture outlets used as lighting fixture outlets shall be designed and installed so that a lighting fixture may be properly attached.

- 7. **Flexible Cords.**
Flexible cords and cables shall conform to the description in Table 4-100-4 of the National Electrical Code. Type of flexible cords and cables other than those listed shall be approved by the Building Official.

- 8. **Receptacle Outlets. (Replacements)**
Grounding type receptacles shall be used as replacements for existing nongrounding types and shall be connected to a grounding conductor.

- 9. **Electrical Heating Equipment. (Following with spacing from combustible materials.)**
Fixed electric space heating equipment shall be installed to provide the required spacing between equipment and adjacent combustible material unless it has been found to be acceptable where installed in direct contact with a combustible material.

- 10. **Outside wiring and proper clearance and insulation. (Wet locations.)**
 - a. **Insulated conductors used in wet locations shall be of the following approved types of conductors:**
 - (1) Lead covered,
 - (2) Types RHW, RUW, TW, THW, THWN, XHW, or
 - (3) Of a type listed for use in wet locations.

 - b. **Cables (cables of one or more conductors used in wet locations shall be of the type listed for use in wet locations and when used for direct burial application shall be of a type listed for such use.)**

- 11. **Voltage to Ground. (Connection to Grounded System)**
Premises wiring shall not be electrically connected to a supply system unless the system contains, for any ground conductor interior system, a corresponding conductor which has been properly conducted.

VI. PLUMBING

1. **Air Gap.**
An air gap shall be provided between the lowest opening from a pipe or faucet conveying water or waste to a tank. Plumbing receptor or device may flood level rim of the receptor, such as sinks, wash basins, laundry tubs. Said air gaps shall be as required by the Uniform Plumbing Code.
2. **Backflow Connection.**
All hot water heating systems that use hot water to heat the building directly connected to city water supply system shall have a backflow preventer device installed between the main and the device or appliance located in the structure. Sub-backflow preventer shall be installed in accordance with provisions provided for under the Uniform Plumbing Code.
3. **Boiler Blow-Off.**
Relief valves located inside a building shall be provided with a full size drain of galvanized steel or hard drawn copper pipings and fittings and shall extend from the valve to the outside of the building with the end of the pipe not more than two feet nor less than six inches above the ground and pointing downward. Said drain may terminate at other approved locations, no part of such drain pipe shall be trapped and the terminal end of the drain pipe shall not be threaded.
4. **Circuit Vents.**
A circuit vent is a branch vent that serves two or more traps and extends from in front of the last fixture connection of a horizontal branch to the vent stack. Said circuit vent shall be provided for on such fixtures and accepted and approved by an administrative authority.
5. **Cross Connection.**
Water closet and urinal tanks shall be equipped with an approved ball cock, which shall be installed with a critical level at least one inch above the full opening of the overflow pipe. Where the ball cock has no flush tube, the bottom of the water supply in that should be installed one inch above the full opening of the overflow pipe. Water closets having any portion of the tank below the flood level rim of the closet bowl shall have the ball cock installed in a separate and isolated compartment of the tank, for other approved protection acceptable by the building official.
6. **Approved Drainage System.**
An approved drainage system (drainage piping) includes all piping within public or private premises which conveys sewage or other liquid waste to a legal point of disposal, but does not include the mains of a public sewer

system. All day care facilities shall be provided with an approved drainage system.

7. **Trap Vents.**

All fixture traps shall be provided with a vent installed to vent the system above the fixture served or terminated to the open air.

8. **Health and Safety.**

Whenever compliance with all the provisions of this code fails to eliminate or elevate a nuisance, or any other dangerous or unsanitary condition which may involve health or safety hazards, the owner or their agent shall install such additional plumbing and drain facilities or shall make repairs or alterations as may be ordered by the administrative authority.

9. **Plumbing Fixtures.**

Continuation of plumbing fixtures shall be of an approved type properly installed, including all devices for the safeguards and/or appliances and properly supplied with water and will properly discharge waste into the drainage system that may be directly or indirectly connected.

10. **Trap Seals.**

All traps shall be designed and constructed so as to provide, when properly vented, a liquid seal which will prevent the back passage of air without materially affecting the flow of sewage or waste water through it.

11. **Floor Drains.**

Floor drains shall connect into a trap so constructed that it can be readily cleaned and of a size to serve efficiently the purpose for which it was intended. The drain in that shall be so located that it is, at all times, in full view. When subject to backflow or back pressure, such drains shall be equipped with an approved backwater valve.

VII. FIRE DEPARTMENT REQUIREMENTS

A. GENERAL:

1. Housekeeping practices (all facilities shall be provided with minimum requirements as listed below):

- a. There shall be no accumulation of rubbish, combustible materials, etc., on premise or building.
- b. The attic, basement or space under exit stairways should be free of storage, rubbish, oily rags.

- c. All day care facilities shall be provided with adequate housekeeping in accordance with sections 1 and 2 above and in a manner acceptable to the Moscow Fire Department.

2. Occupant Load:

There shall be at least a minimum of 35 square feet per occupant of net floor area used by the children which shall include staff and children.

3. Exits:

All day care facilities shall be provided with the following exit facilities and maintained in accordance with the requirements of the Moscow Fire Department:

- a. All stairways, corridors and exits should be cleared and unobstructed.
- b. Window screens where installed can be removed easily.
- c. Windows must open easily if used for required exit.
- d. All exits must be maintained free of snow and ice.
- e. All new day care facilities shall not be located above the first story. Existing day care facilities that are in existence at the time of the adoption of this Resolution may be excepted under conditions as specified under Part IV, Subsection A, Building Requirements.
- f. Each floor occupied by the children must have not less than two or more exits which discharge directly to the outside.
- g. If the story below the floor of exits discharge is used, the exits must be adequate for the number of children in the facility.
- h. The maximum travel distance to the exits must be in accordance with the following requirements:
 - (1) Between any room door intended as an exit access and an exit shall not exceed 100 feet.
 - (2) Between any point in a room an exit shall not exceed 150 feet.
 - (3) Between any point in a sleeping room or suite an exit access door of that room or suite shall not exceed 50 feet.

- i. If children occupy a basement, there must be at least one exit directly to the outside.
- j. It must be possible to open all closet door latches from the inside.
- k. It must be possible for all bathroom doors to be readily opened from the outside.
- l. All stairways must be properly installed, protected and maintained.
- m. All stairways used as a means of egress must have handrails installed in accordance with the current edition of the Uniform Building Code.

B. EMERGENCY LIGHTING:

- 1. All family day care facilities shall be provided with emergency lighting if portions of the building is windowless or if the facility provides nighttime use.
- 2. All day care facilities must be provided with a minimum of one flashlight.

C. FIRE ALARM AND OTHER FIRE PROTECTION FACILITIES:

All facilities shall be provided with the following requirements as listed under the following sections:

- 1. Smoke detectors shall be installed throughout the building as required by the Moscow Fire Department.
- 2. All such smoke detectors must be of an approved type hardwired into the electrical system of the building.
- 3. A telephone must be readily available in all facilities with the Fire Department's emergency number conspicuously posted. Emergency Fire Department number must be left with the operator.
- 4. Fire prevention inspections must be conducted on a regular basis as predetermined by the Moscow Fire Department with all employees and staff members being aware of said emergency procedures. Fire drills shall be conducted as directed by the Moscow Fire Department with all drills being properly reported and recorded by the day care facility.

D. ELECTRICAL MAINTENANCE:

1. All electrical wiring in new facilities shall be installed in accordance with the National Electrical Code.
2. All existing facilities shall have all electrical equipment and wiring maintained in accordance with Part 5 of this code entitled Electrical.
3. The use of extension cords is not permitted except as may be provided for under special provisions of the National Electrical Code and approved by the Administrative Authority.
4. All facilities shall be provided with protective receptacle covers in areas used by the children.
5. All day care facilities that may provide nighttime care shall have all sleeping areas compartmentalized adequately in accordance with the Administrative Authority.
6. All vertical openings shall be protected in accordance with the Uniform Building Code requirements, Chapters 17 and 25.
7. Hazardous areas must be separated by construction with a minimum of one hour fire resistant rating.

E. INTERIOR FINISH:

1. Interior finish for walls, ceilings shall be in accordance with the Uniform Building Code and Life Safety Code.
2. All decorative materials attached to walls or ceilings shall not exceed 20% of the surface area.
3. Window curtains must be flame resistant.
4. Flammable furnishings or decorations must be flame retardant when required by the Life Safety Code.
5. All flammable and combustible liquids must be stored in areas accessible only to the designated individuals.
6. Waste baskets and waste containers must be made of noncombustible materials.

F. BUILDING EQUIPMENT:

All facilities shall be provided with the following specified equipment:

1. Fuel supply lines must be equipped with shutoff valves outside the building.
2. Storage and use of flammable liquids, gases or other volatile substances must be in accordance with the Life Safety Code.
3. Kitchen stove, stacks and other heating equipment must be located at a safe distance from wall, ceiling, roof or other combustible materials and installed in accordance with the Uniform Mechanical Code.
4. Hoods, stacks and ventilating equipment must be maintained free from dirt, grease, and dust.
5. All air conditioning equipment, ventilating equipment, heating, cooking and other service equipment must be installed in accordance with the Uniform Mechanical Code.

VIII. HEALTH, SAFETY AND SANITATION REQUIREMENTS.

1. All day care facilities are required to be inspected by the North Central Health Department for compliance with Idaho Code 39-1110 and other acceptable public health practices to prevent the spread of communicable disease.
2. Record of immunization of all children who have attended the day care facility fourteen or more days, in accordance with the Ordinance, shall be kept.
3. All facilities shall be kept in a clean and sanitary manner.
4. Children who are ill with a communicable disease must be isolated to prevent the spread of such disease.
5. Diaper changing shall not be done in the food preparation or serving area. Employees shall wash their hands after each diaper change and shall clean and sanitize the diaper changing area.
6. Restrooms shall be kept in a clean and sanitary manner. Soap and single-user towels shall be provided for hand washing. The use of a common towel is prohibited.

7. Domestic style dishwashers shall not be used for sanitizing multiple use utensils, unless proper sanitizing temperatures can be obtained.
8. Proper hygiene practices will be followed during the preparation and serving of any meal or snack as per Section 02.19400.01 of the Rules Governing Food Sanitation Standards.
9. Staff, Volunteers and employees who have a communicable disease which can be transmitted by food or direct person-to-person contact shall not work in the child care facility. No Staff, Volunteer or employee who is a carrier of an organism that can cause such a disease or is afflicted with a boil, infected wound or acute respiratory illness shall work in a child care facility.
10. It shall be the duty of the operator to inform the Health Department if there is reason to suspect an employee may have such a disease or if there is reason to suspect an outbreak of any communicable disease.
11. Poisonous and toxic materials, including cleaning supplies, shall be stored in a cabinet out of the reach of children.
12. All toxic plants should be kept out of the reach of children.
13. Garbage cans and garbage can storage areas shall be kept in a clean and sanitary manner and shall be disposed of often enough to prevent development of odors and an attraction for insects and rodents.
14. Proper protection shall be taken to prevent plumbing backflow and back siphonage.
15. Pets shall be excluded from the food preparation area.
16. Toys maintained for the children shall be of a type easily cleanable and shall be kept clean and sanitized.
17. Each Facility shall have a first aid kit which contains Ipecac syrup.
18. All knives shall be kept in a secure drawer or placed up and out of the reach of children.
19. All firearms shall be locked up and kept away from children.
20. All dogs and cats shall have current immunizations and the area where children play shall be free of animal waste.

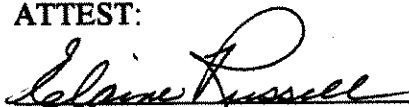
21. Providers caring for infants and toddlers shall have approved safety gates on stairways.
22. Cribs, gates, car seats, walkers, and other such devices designed for infants and toddlers shall be up to current safety standards.
23. Providers shall be required to have completed medical release forms and emergency phone numbers for each child on hand.
24. Licensed day care providers shall comply with state requirements for annual staff and employee training.

PASSED by the City Council and APPROVED by the Mayor this 2nd day of December, 19 96.



Paul C. Agidius, Mayor

ATTEST:



Elaine Russell, City Clerk



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