

Affidavit of Publication

STATE OF NEVADA,
County of Washoe—SS.

... Loretta Dickerson

being duly sworn, deposes and says that he is the
Record Clerk

of The SPARKS TRIBUNE, a weekly newspaper,
published in Sparks, Washoe County, Nevada; that
he has charge of and knows the advertising ap-
pearing in said newspaper, and the

Notice of County Ordinance

Bill No. 486, Ordinance No. 319

of which a copy is hereunto attached, was first
published in said newspaper in its issue dated

July 14, 1976

and was published in each of the following issues
thereafter:

the date of the last publication being in the issue

of July 21, 1976

Loretta Dickerson

Subscribed and sworn to before me this, the

21st day of July, 1976

Lucille Lee

Notary Public in and for the County of Washoe,
State of Nevada.

My Commission expires: Jan 16 1978

LUCILLE LEE
Notary Public—State of Nevada
Washoe County
My Commission Expires Jan. 16, 1978

NOTICE OF COUNTY ORDINANCE

Notice is hereby given that Bill No. 486, Ordinance No. 319 amending Washoe County Ordinance No. 312 entitled "An ordinance amending an ordinance concerning the establishment, operation, maintenance, advertisement and regulation of child care facilities; providing for the issuance of licenses and permits for the operation of child care facilities; requiring the building inspector to visit and inspect premises which are to be used for child care facilities; requiring health department inspections and fire inspections of child care facilities; prescribing penalties for the violation thereof; repealing Washoe County Ordinance No. 73; and other matters properly relating thereto," was adopted on July 6, 1976 by Commissioners Scott, Grow, Rusk, Nelson and Gaunt all voting aye.

Typewritten copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk.

Published Jul. 14, 21, '76
Sparks Tribune 276225

Alex Coon
ALEX COON, County Clerk

SUMMARY: Amends Washoe County Ordinance No. 312 to provide penalties for persons having the care, custody, control or guardianship of any child under the age of 16 years placing such child in a child care facility which is unlicensed and by amending certain numerical provisions in said ordinance.

BILL NO. 486

ORDINANCE NO. 319

AN ORDINANCE AMENDING AN ORDINANCE CONCERNING THE ESTABLISHMENT, OPERATION, MAINTENANCE, ADVERTISEMENT AND REGULATION OF CHILD CARE FACILITIES; PROVIDING FOR THE ISSUANCE OF LICENSES AND PERMITS FOR THE OPERATION OF CHILD CARE FACILITIES; REQUIRING THE BUILDING INSPECTOR TO VISIT AND INSPECT PREMISES WHICH ARE TO BE USED FOR CHILD CARE FACILITIES; REQUIRING HEALTH DEPARTMENT INSPECTIONS AND FIRE INSPECTIONS OF CHILD CARE FACILITIES; PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF; REPEALING WASHOE COUNTY ORDINANCE NO. 73; AND OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1.

Section 2 of Washoe County Ordinance No. 312 is hereby amended to read as follows:

SECTION 2. Definitions.

For the purpose of this ordinance the terms defined in this section shall have the meaning set forth in this section wherever used or referred to.

- A. Board: The term "Board" shall mean the Board of County Commissioners of Washoe County.
- B. Caregiver: The term "caregiver" shall mean any person whose duties include direct care, supervision and guidance of children in a child care facility.
- C. Child Care Center: The term "child care center" shall mean any child care facility, by whatever name known, other than an occupied private residence, wherein two or more children, aged two to sixteen are received, cared for and maintained.
- D. Child Care Facility: The term "child care facility" shall mean any establishment operated and maintained for the purpose of providing care, supervision, guidance and/or recreation, on a temporary or permanent basis, for any period during the day or overnight, with or without compensation to two or more unrelated children under 16 years of age, who are unaccompanied by parents, guardians or custodians. This ordinance shall not be construed to apply to:
 - 1. Care in the home of natural parents or guardians or relatives in which the children being cared for are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility;
 - 2. A foster home as defined in Chapter 424 of Nevada Revised Statutes;

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3. Care given in any institution of the State of Nevada or its political subdivisions whose standards for child care are established by other statutory authority or criteria;
 4. Free care given in connection with a regularly recognized program of church instruction, which in duration does not exceed the religious services or functions to which it is related;
 5. Occasional care of a neighbor, relative, or friend's child(ren) without compensation when such person does not regularly engage in such activity.
 6. Day camp or camp-type operations primarily involving outdoor activities.
- E. Day Care: The term "day care" shall mean the care, supervision and guidance of children, unaccompanied by parents, guardians or custodians, on a regular basis for periods of no more than 14 hours per day in a child care facility as herein defined.
- F. Director: The term "director" shall mean either the licensee or a person appointed by the licensee who shall have the responsibility for the management of the facility.
- G. Family Child Care Home: The term "family child care home" shall mean any child care facility in an occupied private residence wherein at least two but not more than six children inclusive of children under the age of 12 in the immediate family are received, cared for and maintained.
- H. Group Child Care Home: The term "group child care home" shall mean a child care facility, usually within an occupied private residence wherein at least seven but not more than twelve children, inclusive of children under the age of 12 in the immediate family, are received, cared for and maintained.
- I. Group Recreational Facility: The term "group recreational facility" shall mean a facility that provides recreational activities on a temporary basis for no more than five hours within any 24 hour period for children six years of age and older and no more than three hours within any 24 hour period for children two to five.
- J. Infant and Toddler Nursery: The term "infant and toddler nursery" shall mean any child care facility which is equipped to care for three or more children under the age of two and may provide care up to the third birthdate. An infant and toddler nursery may be a distinct part of a child care center provided that the operations of the infant and toddler nursery shall be kept separate from the child care center.
- K. Licensee: The term "licensee" shall mean the individual corporation, partnership, voluntary association, or other public or private organization

ultimately responsible for the development and enforcement of policies, programs and procedures of a child care facility, and adherence to these regulations in the facility.

- L. Person: The term "person" shall mean the singular and the plural and shall include individual persons, partnerships, firms, corporations or associations.
- M. Pre-school: The term "pre-school" shall mean a facility that provides a program of specific educational goals designed to maximize the individual child's learning environment and readiness for school. Any group of children may participate in the program for four hours or less per day. A pre-school may be a distinct or an integral part of another type of child care facility provided that each part meets the requirements stated herein.
- N. Private Kindergarten: The term "private kindergarten" shall mean a facility licensed by the State Department of Education. If a kindergarten is a part of a child care facility, then the kindergarten physical area must also be licensed by the Welfare Department.
- O. Specialized Child Care Facility: The term "specialized child care facility" shall mean a facility that provides child care primarily for children with developmental disabilities.
- P. Welfare Department: The term "Welfare Department" shall mean the Washoe County Welfare Department.
- Q. Welfare Director: The term "Welfare Director" shall mean the Director of the Washoe County Welfare Department.

SECTION 2.

Section 3 of Washoe County Ordinance No. 312 is hereby amended to read as follows:

SECTION 3. Washoe County Child Care Advisory Board. The Washoe County Child Care Advisory Board is hereby created. The purpose of said board is to serve as an advisory body to the Washoe County Welfare Department with respect to matters pertaining to, and included in, this ordinance. The membership of said board shall be appointed by the Board of County Commissioners of Washoe County and shall include representatives from each of the following entities and areas:

- A. Washoe County Welfare Department.
- B. Washoe County District Health Department.
- C. Washoe County Building & Safety Division.
- D. A specialist in child development and education.
- E. Providers of child care services.
- F. Recipients of child care services.
- G. Nevada State Welfare (Reno office).

- H. Director of the Nevada State Child Care Services Division.
- I. City of Reno Building Department.
- J. City of Sparks Building Department.
- K. One representative representing the fire departments of the Cities of Reno and Sparks and the Truckee Meadows Fire Protection District.

Five of the initial appointees to said board shall be designated to serve for a term of one year, and six of the initial appointees to said board shall be designated to serve for a term of two years. The members of said board are eligible for reappointment. At the expiration of the initial term of members of said board appointed, all subsequent appointments shall be for a term of two years. The board shall elect its own chairperson, and shall meet at the call of the chairperson, but in no event less than six times annually.

SECTION 3.

Section 4 of Washoe County Ordinance No. 312 is hereby amended to read as follows:

SECTION 4. Licensing Procedures.

No person shall operate a child care facility without having a valid unrevoked license issued by the Washoe County Welfare Department pursuant to the provisions of this ordinance. No person having the care, custody, control or guardianship of any child under the age of 16 years shall place such child in a child care facility operated or maintained by any person who does not have a valid unrevoked license issued by the Washoe County Welfare Department.

Every individual, corporation, partnership, voluntary association or other public or private organization required to be licensed under this ordinance shall make application to the Washoe County Welfare Department upon forms furnished for that purpose by the Department. Such applications shall be fully completed and signed by the applicant. Each application where care is given for compensation shall be accompanied by an application fee of \$.50 per child, such fee to be paid to the Washoe County Welfare Department. The application fee shall not be returned to the applicant whether or not a license is issued.

Upon receipt of a properly completed application for a child care license and the application fee, the Welfare Department shall initiate an investigation of the applicant, the proposed facility and the proposed plan of care for and supervision of the children and the management plan of the facility. The facility must comply with all applicable life safety, environmental health, building and zoning codes, as certified to by the appropriate agency having jurisdiction. All original applications for a license must be either approved or disapproved by the Department within sixty (60) days of receipt of the application, provided that said period may be extended not to exceed an additional thirty (30) days if reports required from other departments or agencies have not been received by the Department. An annual investigation shall be conducted by a team

consisting of a child care licensing specialist from the Washoe County Welfare Department, a public health nurse from the Washoe County District Health Department, and a community health sanitarian from the Washoe County District Health Department, together with representatives from other departments when those departments have a requirement to conduct an inspection or investigation of a child care facility. Subsequent to initial licensing the Welfare Department shall cause an inspection of a licensed child care facility to be conducted at least once each quarter of the year.

If the results of the investigation satisfy the Department that all of the applicable rules and regulations as herein set out are satisfied, a license shall be issued which shall be in effect for a period of one year from issuance.

If the results of the investigation satisfy the Department that all of the applicable rules and regulations cannot be met immediately, but can and will be met within sixty (60) days or less after completion of licensure survey, and the deviations do not threaten the health, safety, or welfare of the children, then a non-renewable provisional license may be issued for a period not to exceed sixty (60) days from the date of issue. Such provisional licenses may in no instance be issued to a child care facility whose prior application for a license has been denied or whose license has been revoked.

Each license shall be displayed in a prominent place within the child care facility. The license shall be valid only for the premises therein described and is not transferrable to any other licensee or location.

All licenses will specify the period for which they are in force and effect, the type of facility as determined in accordance with the definitions herein, the name and address of the facility, the authorized hours of operation; and the maximum number and ages of children for which the facility is authorized to provide care, maintenance and supervision.

The number of children for which a facility will be licensed shall be determined by the type of facility provided and by the staffing and space requirements and capability of the physical plant as set forth in this ordinance. No facility shall accept for care at any given time more children than the number specified on the license.

- A. Renewal. The licensee of a child care facility shall apply for a renewal of the license not more than sixty (60) days nor less than thirty (30) days prior to the expiration of the license. Application shall be upon forms furnished by the Department. Such application shall be fully completed and signed by the applicant and shall be accompanied by an application fee of \$.50 per child. A renewal survey will not be scheduled until the application and fee are received. Renewal applications shall be approved or disapproved by the Department prior to the expiration of the license. If, after investigation, the Department

determines that the facility is still in compliance with the regulations, the license will be renewed for a period of one year.

B. Denial or Revocation and Notice. Any applicant whose application has been disapproved by the Department shall be given prompt written notice thereof by certified or registered mail to the address shown on the application. The notice shall contain a statement of the reasons for the denial, and shall inform the applicant that he may, within ten (10) calendar days after receipt of the notice of denial, file a notice of appeal with the Washoe County Manager. Within twenty (20) calendar days after receipt of the notice of appeal by the County Manager, the Board shall hold a hearing. Notice of the hearing shall be given no less than five (5) calendar days prior to the date set for the hearing. Failure to appeal as aforesaid shall automatically make the denial final. The Department may revoke the license of any facility regulated and licensed under this ordinance should the licensee:

1. Be convicted of any offense involving moral turpitude, the record of conviction being conclusive evidence thereof;
2. Be legally adjudicated insane or mentally incompetent, the record of such adjudication being conclusive evidence thereof;
3. Consistently fail to maintain standards established by adoption of this ordinance;
4. Refuse to submit to the Department any reports or refuse to make available to the Department any records required by it in making investigation of the facility for licensing purposes;
5. Fail or refuse to submit to any investigation or inspection by the Department or to admit authorized representatives of the Department at any reasonable time for the purpose of investigation or inspection;
6. Fail to provide, maintain, equip, and keep in safe and sanitary condition premises established or used for child care pursuant to prescribed minimum standards applicable to such facility.

Provided, however, that such licensee shall first be given prompt written notice of the proposed revocation, stating the specific acts or conditions which constitute lack of conformity to the conditions of the license and/or the regulations for child care facilities, the dates or time span involved, a date for termination of operation, and right of appeal as previously set forth.

A probational license may be granted to a licensed facility by the decision of the Board following a hearing, said probational license to be subject to conditions set by the Board.

Notwithstanding any of the notice and appeal provisions above set forth, if the Welfare Director finds that the health or safety of the children so requires, it shall be the duty of the Welfare Director to order immediate revocation of the license. The licensee shall be given written notice of the order by personal service, and said order shall be deemed effective upon service. The notice shall contain a statement of facts constituting the alleged emergency necessitating revocation and shall inform the licensee of the right of appeal as previously set forth. Every licensee shall be deemed to have accepted his license subject to such right of revocation.

Whenever the Welfare Department has reason to believe that a facility is operating without a license, or a licensed facility is not conforming to the conditions of the license and/or the regulations for child care facilities, the Welfare Department shall make an investigation to determine the facts. The Welfare Department shall have the authority to enter and inspect the premises where the violation is alleged to occur and to conduct such other investigations as may be indicated.

Any person who operates a child care facility without a valid license issued by the Welfare Department shall be guilty of a misdemeanor.

On a report of an unlicensed child care facility, the licensing entity shall investigate, attempt to license, force discontinuance, or prosecute.

Injunctive Proceedings. In cases of repetitious or continuous violation of this ordinance, the Welfare Director may refer such violations to the District Attorney for appropriate injunctive relief pursuant to Nevada statute.

SECTION 4.

Section 19 of Washoe County Ordinance No. 312 is hereby amended to read as follows:

SECTION 19. Infant and Toddler Nurseries.

Any child care facility which offers care to three or more children under the age of two years is considered to be an infant and toddler nursery and, in addition to meeting the requirements of this section, shall meet the general standards for all child care facilities as set forth in preceding sections.

The director, in addition to the general director requirements, shall have had additional experience in the direct care or supervision of infants in an ongoing structured setting such as a hospital or infant nursery.

When an infant and toddler nursery is a distinct part of a child care facility, there must be one caregiver with infants and toddlers at all times who meets the qualifications of a director for the infant and toddler group or the director must spend at least one-half of his/her time in the infant nursery section of the facility. Any infant nursery must have two caregivers on duty at all times. Minimum staff/child ratios are

as follows:

- Six weeks to nine months.....one/four
- Nine months to 18 months.....one/six
- Eighteen months to three years...one/eight

Each caregiver shall be assigned to a specific group of infants on a continuing basis and each child shall be provided at least an accumulated total of one-half hour morning and one-half hour afternoon of undivided attention with the same caregiver. This can include feeding and bathing.

Infants under six months of age must have additional activity periods to equal approximately two hours daily exercise out of the crib, in playpen or other suitable area. Toddlers need longer periods of activity according to their age.

Children shall be taken outdoors or to other areas within the facility for part of each day to provide some change of physical surroundings and social interaction opportunities.

Naps shall be arranged in accordance with the infants' and toddlers' needs with a staff member on duty in the room while the children nap.

Wet or soiled clothing shall be changed promptly. A sufficient supply of clean, dry diapers shall be available and diapers shall be changed as frequently as needed.

The infant nursery staff shall record observations of the child's physical, emotional and developmental status.

SECTION 5.

Section 9 of Washoe County Ordinance No. 312 is hereby amended to read as follows:

SECTION 9. General Personnel Qualifications.

All licensees and child caring personnel shall be persons of good moral character and of suitable temperament to care for children. They shall be fond of children and have an understanding of the needs of children and be interested in their welfare and development. All such personnel shall be persons of good mental and physical health and emotional stability.

All licensees shall be at least 18 years of age.

All child caring personnel shall be at least 16 years of age and able to read and write. All staff under the age of 18 must be enrolled in or have successfully completed one credited course dealing with child care development if available locally. The facility shall obtain written verification that these teenagers are enrolled in certified programs and such verification shall be open for inspection by the Department at all times. In no case shall caregivers under 18 years of age be employed in a supervisory (staff) capacity. At no time shall the majority of staff members on duty be less than 18 years of age.

Every facility shall maintain a current record for each

employee including part-time and substitute staff which shall include a completed application for employment, listing name, birthday, address, social security number, telephone number, education, training, work experience, three personal references, and persons to notify in case of emergency; a photostatic copy of employees' birth certificate, baptismal certificate, health card, or other recognized proof of identity which includes a photograph of the employee; and a report of medical examination verifying that the employee is free from physical and/or mental health problems which would have a harmful effect on the children or would interfere with the effective functioning of the program. Each staff member shall have a medical examination prior to employment or shall be examined within thirty (30) days after date of employment. Such examination shall include a skin test or chest x-ray for tuberculosis. A certificate of a three year health record from a physician together with a skin test or chest x-ray for tuberculosis may be substituted for such medical examination. Thereafter, an annual skin test or chest x-ray for tuberculosis is required. If a positive skin test is found then a chest x-ray is required. Medical examination reports shall be dated and signed by a physician.

In the event of question regarding the physical or mental health of any child care personnel, they may be required at any time to undergo further examination at the request of the Department and/or the licensee. If, as a result of further examination, there is indication of a physical, emotional, or mental condition which could be hazardous to a child, other staff, or self, and which would prevent satisfactory performance of duties, the employee shall not be assigned or returned to a position until the condition is cleared to the satisfaction of the examining physician.

Persons over 18 years of age residing in a family care or group child care home should be related within the first degree of consanguinity to the licensee or the children receiving care. Information concurrent with that required for employees shall be required of any other relative or person residing in the facility.

Each facility shall have appropriate written personnel policies which shall be relevant to the type of operation. New personnel shall be provided orientation and training in the policies, procedures, and programs of the facility at the time of their employment and each facility shall provide an ongoing in-service training program in the facility.

A daily staffing record shall be maintained and shall be available to the Department representative upon request.

SECTION 6.

This ordinance shall be in full force and effect from and after its passage, approval and publication as prescribed by NRS 244.100.

Proposed on the 25th day of June, 1976.
 Proposed by Commissioners Scott, Grow, Nelson and Gaunt.
 Passed on the 6th day of July, 1976.

Vote:

Ayes: Commissioners: Scott, Grow, Rusk, Nelson and Gaunt.
 Nays: Commissioners: None.
 Absent: Commissioners: None.

Alvin Scott
 Chairman of the Board

ATTEST:

ALEX COON, CLERK

By *Alex Coon* CHIEF DEPUTY

Clerk

This Ordinance shall be in force and effect from and after the 21st day of July, 1976.