

Affidavit of Publication

STATE OF NEVADA,
County of Washoe—SS.

Mary Hefling

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. 603, Ordinance No. 433

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

September 19, 1979

and was published in each of the following issues
thereafter:

the date of the last publication being in the issue
of September 26, 1979

Mary Hefling


Subscribed and sworn to before me this, the

26th day of September, 1979

Loretta Dickerson
Douglas,
Notary Public in and for the County of ~~Washoe~~

State of Nevada.

My Commission expires: October 25, 1980

 LORETTA DICKERSON
Notary Public -- State of Nevada
Douglas County
My Commission Expires Oct. 25, 1980

NOTICE OF COUNTY ORDINANCE
NOTICE IS HEREBY GIVEN that Bill No. 403, Ordinance No. 433, amending Ordinance No. 312 entitled "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" by placing a maximum on the number of children who can be care for; eliminating caregivers' children of school age in determining licensing capacity; increasing the number of members on the child care advisory board; decreasing the number of required meetings of that board; requiring an application fee of fifty cents per child whether care is given without compensation; decreasing the number of inspections required for renewal of a child care license; eliminating inspections of child care facilities by public health nurses; eliminating quarterly inspections of child care facilities by Welfare Department; eliminating yearly inspections by Building and Health Departments; providing that caregivers' children under the age of seven years must be counted as part of the children receiving care in a child care facility; eliminating annual inspections of facilities by all agencies except Fire and Welfare Department; requiring Directors of child care facilities to comply with immunization requirements contained in Chapter 49 of NRS; and providing other matters properly relating thereto, was adopted by Commissioners Farr, Stoess, Brown, Ferrari, and Underwood on September 11, 1979.
Typewritten copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk.
JUDI BAILEY
County Clerk
Publish: 9-19, 26, 1979.

79-1408

BILL NO. 603
 ORDINANCE NO. 433

SUMMARY: Makes various amendments to provisions of Ordinance No. 312.

EXPLANATION -- Matter underscored is new; matter in brackets is material to be omitted.

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" BY PLACING A MAXIMUM ON THE NUMBER OF CHILDREN WHO CAN BE CARED FOR; ELIMINATING CAREGIVERS' CHILDREN OF SCHOOL AGE IN DETERMINING LICENSING CAPACITY; INCREASING THE NUMBER OF MEMBERS ON THE CHILD CARE ADVISORY BOARD; DECREASING THE NUMBER OF REQUIRED MEETINGS OF THAT BOARD; REQUIRING AN APPLICATION FEE OF FIFTY CENTS PER CHILD WHETHER CARE IS GIVEN WITHOUT COMPENSATION; DECREASING THE NUMBER OF INSPECTIONS REQUIRED FOR RENEWAL OF A CHILD CARE LICENSE; ELIMINATING INSPECTIONS OF CHILD CARE FACILITIES BY PUBLIC HEALTH NURSES; ELIMINATING QUARTERLY INSPECTIONS OF CHILD CARE FACILITIES BY WELFARE DEPARTMENT; ELIMINATING YEARLY INSPECTIONS BY BUILDING AND HEALTH DEPARTMENTS; PROVIDING THAT CAREGIVERS' CHILDREN UNDER THE AGE OF SEVEN YEARS MUST BE COUNTED AS PART OF THE CHILDREN RECEIVING CARE IN A CHILD CARE FACILITY; ELIMINATING ANNUAL INSPECTIONS OF FACILITIES BY ALL AGENCIES EXCEPT FIRE AND WELFARE DEPARTMENT; REQUIRING DIRECTORS OF CHILD CARE FACILITIES TO COMPLY WITH IMMUNIZATION REQUIREMENTS CONTAINED IN CHAPTER 449 OF NRS; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

80-1408

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

SECTION 1. Paragraphs I and J of section 2 of Washoe County Ordinance No. 312 are hereby amended to read as follows:

- I. Family Child Care Home: the term "family child care home" [shall mean] includes any child care facility in an occupied private residence wherein at least two but not more than six children, [inclusive of children] including any child under the age of [12] 7 in the immediate family, are received, cared for and maintained.
- J. Group Child Care Home: the term "group child care home" [shall mean a] includes any child care facility, usually within an occupied private residence, wherein at least seven but not more than twelve children, [inclusive of children] including any child under the age of [12] 7 in the immediate family, are received, cared for and maintained.

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] the 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] Members of the 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] A representative from the Welfare Department, [provided that the] but that representative [of said Department] shall be a [non-voting] nonvoting member of the [Washoe County Child Care Advisory Board.] board;
- B. A representative from the Washoe County District Health Department[.];
- C. A representative from the Washoe County Building and Safety Division[.];
- D. A specialist in child development and education[.];
- E. [Providers] Two providers of child care services[.];
- F. [Recipients] A recipient of child care services[.];
- G. [Nevada] A representative from the State Welfare Division (Reno office)[.];
- H. [Child Care Services Officer of the Nevada] A child care services officer from the State Welfare Division[.];
- I. A representative from the City of Reno Building Department[.];
- J. A representative from the City of Sparks Building Department[.];
- K. A representative [representing the fire departments of the Cities of Reno and Sparks and the Truckee

Meadows Fire Protection District.] from the City of Reno Fire Department;

- L. A representative from the City of Sparks Fire Department; and
- M. A representative from the Truckee Meadows Fire Protection District.

Five of the initial appointees to [said] the board shall [be designated to] serve for a term of one year, and [six] nine of the initial appointees [to said board shall be designated to] shall serve for a term of two years. [The members of said board] Members of the board are eligible for reappointment. At the expiration of the initial term of members of [said] the 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.] a chairman. The board shall meet at the call of the chairman or when requested to do so in writing by not less than two of its members, but in no event less than three 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] A person shall not 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] A person

having the care, custody, control or guardianship of any child under the age of 16 years shall not place [such] the 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] person required to be licensed [under] pursuant to this ordinance shall make application to the [Washoe County] Welfare Department upon forms furnished for that purpose by the Department. [Such applications] The application 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] payable to the [Washoe County] Welfare Department. The application fee [shall not be returned to the applicant whether or not a license is issued.] is nonrefundable.

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] An initial application for a license [must] shall be either approved or disapproved by the Department within [sixty (60)] 60 days of receipt

of the application, [provided that said] but that period may be extended not to exceed an additional [thirty (30)] 30 days if reports required from other departments or agencies have not been received by the Department. [Annual investigations] An investigation shall be conducted by 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[,] as well as by 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.] The Welfare Department may request that further inspections or investigations be conducted by any such department during the period for which a license is issued if it deems such inspections or investigations necessary.

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] and shall remain in effect for a period of one year from issuance.

If the results of the investigation [satisfy] indicate to the Department that all of the applicable rules and regulations cannot be met immediately, but can and will be met within [sixty (60)] 60 days or less after completion of licensure survey, and the deviations do not

[threaten] pose a threat to the health, safety, or welfare of [the] children, then a [non-renewable] nonrenewable provisional license may be issued for a period not to exceed [sixty (60)] 60 days [from the date of issue.]. [Such] No provisional [licenses] license 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] A license [shall be] is valid only for the premises therein described and is not transferrable to any other licensee or location.

[All licenses will] Each license shall specify the period [for] during which [they are] it is 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] is 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] A facility shall not 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] Each licensee shall apply for [a] renewal of [a]

his license not more than [sixty (60)] 60 days
[nore] nor less than [thirty (30)] 30 days prior
to [the] its expiration [of the license.]

[Such] The 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] investigation
will be scheduled after the application and fee
are received. [Renewal applications] The appli-
cation for renewal shall be approved or disapproved
by the Department prior to the expiration of the
license. If, after investigation[,] and inspections
by the Department and fire officials, the Department
determines that the facility is still in compliance
with [the regulations,] the provisions of this
ordinance, 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)] 10 calendar days after
receipt of the notice of denial, file a notice of
appeal with the Washoe County Manager. Within
[twenty (20)] 20 calendar days after receipt of
the notice of appeal by the County Manager, the
[Board] board shall hold a hearing. Notice of the
hearing shall be given [no less than five (5)]
at least 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] meet the standards established by [adoption of] this ordinance;
4. Refuse to submit any required report to the Department [any reports] or refuse to make available to the Department any records required by it in [making investigation of] investigating 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; or
6. Fail to provide, maintain, equip, and keep in safe and sanitary condition the premises

established or used for child care [prusuant]
pursuant to prescribed minimum standards
 applicable to such facility.

[Provided, however, that such] A licensee shall
 first be given prompt written notice of the pro-
 posed revocation[,] of his license, stating the
 specific acts or conditions which constitute lack
 of conformity to the conditions of the license
 [and/or] or the regulations for child care facilities,
 the dates or time span involved, a date for
 termination of operation[,] and his 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.] after hearing and
on such conditions as the board deems necessary.

Notwithstanding any of the notice and appeal pro-
 visions specified 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] he shall order the
 immediate revocation of the license. The licensee
 shall be given written notice of the order by
 personal service, and [said] the 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] his right of
 appeal [as previously set forth.]_ [Every] Each

licensee [shall be] is 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] or these regulations for child care facilities, [the Welfare Department] it shall make an investigation to determine the facts. The [Welfare] Department [shall have the authority to] may enter and inspect the premises where the violation is alleged to occur and [to] may conduct such other investigations as [may be indicated.] it deems necessary.

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

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

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

SECTION 4. Section 11 of Washoe County Ordinance No. 312 is hereby amended to read as follows:

SECTION 11. [Staff/Child] Staff-to-Child Ratio Requirements.

A child care facility must have sufficient staff to provide for each child's physical care and to offer individual attention to children as may be needed.

Determinations of proper [staff/child ratio are] staff-to-child ratios shall be made on the basis of the age of the children, the type of child care facility and fire, health, safety and program requirements.

Only those staff members working directly with the children shall be counted in the [staff/ratio.] staff-to-child ratio. The director may be counted in [staff/child] the ratio when present at the facility.

Except in family child care and group child care homes, provisions shall be made for additional staff for cooking and maintenance.

Family child care homes, group child care homes, and day care centers shall adhere to the following minimum standards for staff-to-child ratio:

- A. Family child care homes: One caregiver shall be on duty with provisions for an alternate on call in case of an emergency. Maximum number of children is six with no more than two children under the age of two. Caregiver's children under the age of [12] 7 years must be counted as part of the children under care.
- B. Group child care homes: Two caregivers shall be on duty at all times. Maximum number of children is 12 with no more than three under the age of

two. Caregiver's children under the age of [12] 7 years must be counted as part of the children under care.

- C. Child care centers: Two caregivers shall be on duty for the first [twenty (20)] 20 children or less and one [to fifteen (15)] for each 15 children thereafter, with the exception that only one caregiver is required if night care is offered and there are six or less children present. Children of the director or staff members, who attend the center or are on the premises for supervision and care, shall be counted in the number of children in the appropriate age groups and specified on the license. If children under the age of two are cared for in a day care center, there must be a clearly designated infant and toddler nursery as a distinct part of the center which is staffed as hereinafter required.

[Staff/child] Staff-to-child ratios for specialized child care facilities shall be determined by the Department in accordance with [Health and Safety] health and safety requirements.

With the permission of the Department, a child care facility may provide before and after school care for up to three additional elementary school children or ten percent [10%] in excess of licensed capacity, whichever is greater. The child care facility must provide one additional caregiver of age 16 years or older. The care shall not exceed three consecutive hours, shall not be provided during [the summer vacation

months] school vacation periods or as substitute care for children missing school due to illness.

SECTION 5. Section 13 of Washoe County Ordinance No. 312 is hereby amended to read as follows:

SECTION 13. Personal Health of Children - Medication. [Prior to] Before accepting a child for care, [every] a child care facility shall determine upon evidence presented by the child's parent, that the child is in good health, [without any] has no known special [conditions] condition that [are] is not under treatment, and that the child is physically and emotionally ready for the particular program of the facility.

[Within fourteen (14) days] Except as otherwise provided in this paragraph, within 14 days after admission, the parent, guardian, or person having custody shall provide a written statement from a physician, health agency[,] or other service with experience in general child health evaluation, attesting that the child is in good health, that any known special [conditions are] condition is under treatment[,] and that child care does not present problems to the child which the child care programs of the facility would be unable to deal with. [Said] The written statement shall be on file at the facility and must be renewed at least annually. [Exception: adherents of any church or religious denomination who depend solely upon spiritual means through prayer for healing in the practice of religion.)] No written statement is required of any adherent of any church or religious denomination who depends solely upon spiritual means through prayer for healing in

the practice of his religion. The director [shall obtain evidence that immunizations appropriate to the child's age as prescribed by health regulations have been given and shall not accept any child who has not had such necessary immunizations; provided, however, that a child may be exempted from this requirement as to one, several or all such immunizations when his physician recommends against immunizations on medical grounds, or his parents sign a request for exemption on the basis of religion.] of the facility shall comply with the provisions of chapter 449 of NRS relating to immunization of children before admitting any child to the facility. A record shall be kept on each child which includes pertinent information about his health status and any special needs he may have.

Each child shall be given a daily inspection at the child care facility before he has mingled with the other children. If there are indications of illness, the child shall not be accepted for care until medical care and clearance have been obtained.

A facility which provides for infants and toddlers shall discuss health policies with parents at the time of enrollment. Health policies shall include the following aspects: type of feeding, provision for adequate change of clothing, care of diapers, provision of a clean area for diaper changing, provision for bathing, the type of bed and bed linens, care and sanitizing of training chairs, safety precautions[,] and any other aspect deemed necessary by the provider, the Department and the health consultation source.

When children with special needs are admitted to the facility, there shall be appropriate provisions for those needs. At the time of admission, the caregiver shall receive documented instructions from a professional source and the [parent(s)] parent or parents relating to the nature of the disability, the child's potential for growth and development[,] and his relationship to the facility programs. Where the nature of the special needs or the number of children with special needs necessitate added care, sufficient staff, which may include licensed medical personnel and equipment, shall be supplied to cover these needs.

All facilities shall [have provisions] provide for health consultation from an appropriate community resource to assist in developing health policies, in keeping them current[,] and in providing other services as indicated. A readily understandable chart describing first aid and emergency medical treatment techniques must be conspicuously posted in each facility.

In-service training for the child care staff shall include discussions of illness and symptom observation, evaluation[,] and first aid methods.

Infant nurseries shall have a currently licensed Nevada nurse (RN or LPN) with experience in infant care available to supervise the general care of children. [She] The nurse shall also instruct the staff in proper techniques required for the children's health and general welfare. The nurse shall be on the premises a minimum of once a month[,] during [the] hours of operation[, remaining] and shall remain there as long

as may be required to observe and assure that proper care of the children is maintained. It is suggested that the public health nurses be used to satisfy this requirement.

There shall be a planned source of readily available emergency medical care [-] such as a hospital emergency room, clinic[,] or other constantly staffed facility, or a physician or other [health] such professional [-] person known to caregivers and acceptable to parents with written parental agreement. When a child becomes ill or injured, the child shall be immediately isolated from other children and, when a sick child is being cared for in [the] a room, [and] no unauthorized person shall be allowed to enter that room. His [parents(s) and/or] parent, parents or physician shall be notified immediately and the child shall be removed from the facility as quickly as possible. Such children shall be under constant supervision.

When it is necessary for a staff member to accompany a child to the source of emergency care, the staff member shall remain with the child until the parent or his designee assumes the responsibility for the child's care. Arrangements shall have been made for substitute or alternate staff so that the supervision of the other children in the program is not compromised.

For children whose parents adhere to a religious faith practicing healing by prayer[,] or by other spiritual means, the facility shall obtain a signed statement that no medical care is to be provided. [and any] Any accidents, injuries or illnesses affecting such children

[which are] and of an emergency nature shall be reported immediately to the parents.

Each child care facility shall maintain a first aid kit and keep the kit immediately available. First aid supplies shall include those items the person in charge is qualified to use. Except for emergency first aid, no treatment or medication shall be administered to a child without written permission of his parent or guardian. All medication in the facility[, for any adult or child,] shall be kept in a locked cabinet.

All medications shall be plainly labeled with the name of the child to whom it is to be given and shall be given by one [assigned] person only to avoid duplication. A record of each medication given shall be recorded and initialed in the child's file. Potential poisons and medications for external use only shall be kept in a separate locked cupboard or cabinet. Medications stored in a refrigerator must be kept in a locked metal box. All prescribed medications[, both internal and external] shall be returned to the [parent(s)] parent or guardian or be promptly destroyed upon discontinuance of use.

SECTION 6. Paragraph B of section 22.5 of Washoe County Ordinance No. 321 is hereby amended to read as follows:

B. [Standards applicable to all baby sitters placed in the County by baby-sitting agencies:] Each baby-sitting agency shall comply with the following requirements when placing baby sitters in its employ:

1. Each baby sitter [placed by a baby-sitting agency in Washoe County] must be 18 years of age or older[.];
2. Each baby sitter [placed by a babysitting agency in Washoe County] must [have on his/her person] possess and carry a valid "police work card" issued by the Washoe County Sheriff's Department[.] ; and
3. No baby sitter may provide care to more than six children at any one time and not more than two of the six children may be less than two years of age.

SECTION 7. Section 16 of Washoe County Ordinance No. 312 is hereby amended by deletion of the following paragraph:

[At the time of original application the child care facility shall be inspected and approved by the fire department and the building and safety department having jurisdiction. Thereafter and at least annually, the designated department will inspect the child care facility to insure that applicable fire and safety standards are being met and maintained. The Department may request a fire inspection at any time it deems appropriate.]

Proposed on the 28 day of August, 1979.
 Proposed by Commissioners Farr, Stoess, Brown, Ferrari & Underwood
 Passed on the 11 day of September, 1979.

Vote:

Ayes: Commissioners: Farr, Stoess, Brown, Ferrari & Underwood
 Nays: Commissioners: None
 Absent: Commissioners: None



 Chairman of the Board

ATTEST:

Judi Bailey
County Clerk

This ordinance shall be in force and effect from and after
the 26 day of September, 1979.