

1 **BILL NO. 2008-60**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ESTABLISH A FRAMEWORK FOR TRANSITIONING THE LICENSING
4 AND REGULATION OF CHILD CARE FACILITIES WITHIN THE CITY TO THE NEVADA
5 BUREAU OF SERVICES FOR CHILD CARE; TO CONFORM CERTAIN DEFINITIONS TO
THOSE USED BY THE BUREAU; TO PROVIDE A PROSPECTIVE REPEALER OF THE CITY'S
CHILD CARE REGULATIONS; AND TO PROVIDE FOR OTHER RELATED MATTERS.

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7 Sponsored by: Councilman Steven D. Ross

Summary: Establishes a framework for
transitioning the licensing and regulation of
child care facilities within the City to the Nevada
Bureau of Services for Child Care, and provides
for a prospective repealer of the City's child care
regulations.

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10 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
11 AS FOLLOWS:

12 SECTION 1: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
13 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 5,
14 reading as follows:

15 **6.24.005:** (A) NRS Chapter 432A and associated regulations establish the Nevada Bureau of
16 Services for Child Care (the "Bureau") as the agency responsible for the licensing and regulation of
17 child care facilities within the State of Nevada. However, those provisions also afford certain local
18 governments the option of licensing and regulating child care facilities within their respective
19 jurisdictions, and the City has exercised this option over a period of many years. The City Council
20 now intends to transition the licensing and regulation of child care facilities within the City to the
21 Bureau. Of necessity that transition will take place in phases over a period of time. It is the intent of
22 the City Council and the Bureau as follows:

23 (1) Beginning on or about January 1, 2009, new license applications will
24 be sent to and processed by the Bureau and, as to applications approved, all subsequent licensing and
25 regulatory activity regarding those licensees will be addressed by the Bureau.

26 (2) Beginning May 8, 2009, all licensing and regulatory activities otherwise
27 occurring under this Chapter will proceed under the jurisdiction, authority and regulations of the
28 Bureau.

1 (B) In the event an issue comes up during the transition period that is not adequately
2 addressed by State law and regulations, or by the provisions of this Section, the Department shall have
3 the authority to apply the provisions of this Chapter as deemed necessary or appropriate.

4 SECTION 2: Title 6, Chapter 24, Section 10, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.24.010:** As used in this Chapter, unless the context otherwise indicates, the following terms
7 shall have the meanings that are ascribed to them as follows:

8 “Accommodation Facility” means a commercial business establishment, not directly related
9 to child care, that provides limited facilities for the custody of customers’ children, with or without
10 compensation, for not more than three and one-half hours in any twenty-four-hour period.

11 “Board” means the Child Care Licensing Board of the City of Las Vegas.

12 “Board of Health” means the Clark County District Board of Health.

13 “Child Care Center” means any facility which provides day or night care, or both day and night
14 care, for compensation, for more than twelve children.

15 “Child Care Facility” or “facility” means an establishment operated and maintained for the
16 purpose of furnishing care on a temporary or permanent basis, during the day or overnight, for
17 compensation, to [one] five or more children less than eighteen years of age. For the purpose of this
18 definition, “furnishing care” does not include:

19 (1) The occasional care of a neighbor’s or a friend’s child for a period not to exceed
20 four weeks.

21 (2) Care provided in the home of a natural parent or guardian, foster home as
22 defined in Chapter 424 of NRS or maternity home.

23 (3) Care provided in a family dwelling in which the only children received, cared
24 for and maintained are related within the third degree of consanguinity or affinity by blood, adoption
25 or marriage to the person providing the care.

26 The term includes without limitation an accommodation facility, outdoor youth program, and summer
27 camp program.

28 “Child Care Institution” means a facility in which the licensee provides care during the day and

1 night and provides developmental guidance to sixteen or more children who do not routinely return
2 to the homes of their parents or guardians.

3 “Child with Special Needs” means a child who does not function according to expectations
4 appropriate to his or her age and who regularly requires special assistance or accommodations.

5 “Department” means the Department of Finance and Business Services.

6 “Director” means either the licensee of a child care facility or a person appointed by the
7 licensee who is responsible for managing the operation of a child care facility.

8 “Family Child Care Home” means a facility within a family dwelling in which care is provided
9 for compensation, without the presence of parents, for at least [one,] five, but not more than six
10 children.

11 “Group Home for Child Care” means a facility within a family dwelling in which care is
12 provided for compensation without the presence of parents, for at least seven, but not more than
13 twelve children.

14 “On-site Child Care Facility” means a facility that:

15 (1) Is located on the premises of a business for the purpose of providing child care
16 services to the employees of the business;

17 (2) Provides care on a temporary or permanent basis, during the day or night, for
18 compensation, to one or more children under the age of eighteen years old who are not related within
19 the third degree of consanguinity or affinity to an owner or manager of the business; and

20 (3) Is owned, operated, subsidized, managed, contracted for or staffed by the
21 business.

22 “Outdoor Youth Program” means a program for the provision of services, while living
23 outdoors, to persons under eighteen years of age who have behavioral problems with mental health
24 or problems with abuse of alcohol or drugs. “Outdoor Youth Program” does not include any facility,
25 activity or program operated by or on behalf of a governmental entity, or licensed by the State.

26 “Preschool” means a facility in which the licensee has established specific goals to enhance
27 each child’s cognitive, social, emotional, physical and creative development. A preschool may be part
28 of another type of child care facility. A preschool may allow the number of children stated on its

1 license to attend one or more class sessions per day provided that each session does not exceed four
2 hours, including recesses, and there is a recess between sessions.

3 “Regulations” means the City of Las Vegas Regulations and Standards For Child Care
4 Facilities adopted by the City Council in addition to the provisions of this Chapter.

5 “Special Needs Facility” means a child care facility with forty percent or more of its authorized
6 enrollment consisting of children with special need.

7 “Summer Camp Program” means a program offered during the summer for the care of children
8 under eighteen years of age. “Summer camp program” does not include recreational programs
9 affiliated with or conducted by the City, another governmental entity or a year-round recreational
10 program offered and conducted by a non-profit organization.

11 SECTION 3: Effective May 8, 2009, Title 6, Chapter 24, of the Municipal Code of
12 the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

13 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
14 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
15 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
16 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
17 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
18 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
19 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
20 invalid or ineffective.

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1 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this ____ day of _____, 2009.

5 APPROVED:

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7 By _____
 OSCAR B. GOODMAN, Mayor

8 ATTEST:

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10 _____
 BEVERLY K. BRIDGES, CMC
 City Clerk

11 APPROVED AS TO FORM:

12 Val Steeb 12-3-08
 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2008, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2009, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk