

ORDINANCE NO. 1251

AN ORDINANCE TO AMEND TITLE II, CHAPTER 5, SECTIONS 2(A), (B), (C), (D), (G), 4(A), 6(A), 9(A-4), 9(B), 10(I), 10(O-2), 10 (CC), 12 (C), 12 (F) and 12 (G) OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, PROVIDING FOR RULES AND REGULATIONS GOVERNING THE WELFARE AND CARE OF MINORS IN CHILD CARE FACILITIES; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS DOES ORDAIN AS FOLLOWS:

SECTION 1. Title II, Chapter 5, Section 2 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

2-5-2: DEFINITIONS: The terms defined in this Section, wherever used or referred to in this Chapter shall have the meaning set forth in this Section, unless a different meaning is clearly indicated by the context.

(A) A "Family Care Home" is any family home in which one (1) or more, but not more than six (6) children under sixteen (16) years of age not related by blood, adoption or marriage to the persons maintaining the home are received, cared for and maintained for compensation, or otherwise, for any period of time. The number of children which may be received and cared for at one (1) time shall not exceed the number specified in the license. A "family care home license" may authorize child care on a twenty-four (24) hour basis, or on a daytime basis only, or both. Not more than two (2) children in a "family care home" may be infants of the age of two (2) years or under.

(B) A "Child Nursery" is a facility which is equipped to provide care for seven (7) or more, but not more than twelve (12) children, of two (2) years of age or more, but not more than sixteen (16) years of age, during the whole or any part of a twenty-four (24) hour period.

The maximum number of children cared for in a Child Nursery shall be limited by the nursery facilities as provided for herein, and such number shall be set forth on the license as to the number of day and the number of night children.

- (C) A "Commercial Nursery" is a facility which is equipped to provide care for thirteen (13) or more children of two (2) years of age or more, but not more than sixteen (16) years of age, during the whole or any part of a twenty-four (24) hour period; provided, however, that during any twelve (12) hour period between 7:00 P.M. and 7:00 A.M. a Commercial Nursery may care for tourists' children under the age of two (2) years, and provided further that the number of children under the age of two (2) years so cared for shall not exceed six (6) at any one (1) time during the aforementioned twelve (12) hour period. There shall be a minimum of one (1) adult for each fifteen (15) children engaged in the exclusive care of the children and such adult shall be awake at all times. The maximum number of children cared for in a Commercial Nursery shall be limited by the nursery facilities as provided for herein, and such number shall be set forth on the license as to the number of day and the number of night children.
- (D) A "Church Nursery" is a facility which is equipped to provide day care only for children, and which is operated by an organized church denomination, either on church property or elsewhere. Children attending a church nursery need not be a member of such church denomination. A church nursery may provide care for children of two (2) years of age or more, but not more than sixteen (16) years of age. The maximum number of children shall be limited by the nursery facilities as provided for herein, and such number shall be set forth on the license.
- (E) A "Nursery School" is a facility which is equipped to provide educational experience exclusively for children from two (2) to six (6) years of age in the daytime only and not at night. The maximum number of children shall be limited by the nursery facilities.
- (F) "Day" or "Daytime" shall mean from 6:00 A.M. to 8:00 P.M.

- (G) No child shall be cared for in a child care facility wherein the care is the same as that normally provided in a "Foster Home" licensed by the Welfare Division of the Nevada State Department of Health and Welfare.

SECTION 2. Title II, Chapter 5, Section 4 of said Municipal Code is hereby amended to read as follows:

2-5-4: APPLICATION FOR A LICENSE:

- (A) Except as otherwise provided in this Chapter, no person, institution or agency shall provide care and supervision for one (1) or more children under sixteen (16) years of age in lieu of care and supervision ordinarily provided by parents in their own homes, for the whole or any part of a day or night, with or without charge, without having a valid unrevoked license, issued pursuant to the provisions of this Chapter. This Chapter shall not be construed to apply to care given to children in their own homes, or to legal guardians or relatives, care or supervision given in any institution of the State of Nevada, or its political subdivisions or the occasional care of a neighbor's, relative's or a friend's children, for a period not to exceed four (4) weeks, with or without compensation, when such person does not regularly engage in such activity, or where parents on a mutually cooperative basis exchange care of one another's children.
- (B) Every person, institution or agency required to be licensed under this Chapter shall make application to the Child Welfare Office of the City. The application must be made in person and all necessary forms completely filled out. The application shall be filed at least thirty (30) days prior to the next regularly scheduled meeting of the Child Welfare Board, in order for the various departments of the City to make a complete investigation and report to the Child Welfare Board. Proper application forms will be furnished by the City. Each application shall specify the type of facility, hours of operation, and the ages and number to children for whom care will be provided.

- (C) Every person applying for a license under this Chapter shall pay an investigation fee of five dollars (\$5.00) to the City at the time of application. The investigation fee shall not be returned to the applicant, whether or not a license is issued.
- (D) No license shall be issued for child care at any premises which permits adult roomers; provided, however, that this limitation shall not apply if the adult roomers are related to the child, or children, as parent and child and if the care provided for the children is a convenience for the adult roomers; and provided, further, that not more than two (2) adult roomers may be cared for in such a licensed child care facility.

SECTION 3. Title II, Chapter 5, Section 6 of said Municipal Code is hereby amended to read as follows:

2-5-6: INVESTIGATION:

- (A) No application for a license required by this Chapter shall be approved by the Child Welfare Board unless the location and equipment of such child care facility has been approved by the Planning Department, Building Department, Fire Department and Health Department, and unless the applicant and all employees or adult supervisors have been investigated and approved by the Health Department, Police Department and the Child Welfare Board. No person shall be employed in any child care facility without first obtaining a work permit from the Police Department. Each of said Departments shall make such investigations and submit such reports to the Child Welfare Board as may be necessary to enable said Board to act upon any application, or any renewal application, required by this Chapter.

All adults over eighteen (18) years of age in a "Family Care Home" shall be approved by the Police Department if having been convicted of a crime, misdemeanor, or violation of any Municipal Ordinance, excluding minor traffic violations.

- (B) The Health Officer, or his duly authorized agent, shall issue a health permit for all licensees approved by the Health Department. Said health permit may be revoked or cancelled by the Health Officer whenever the same violation of any requirement of this Chapter is listed on any two (2) or more consecutive inspections by the Health Department, and it shall be unlawful for any licensee to operate a child care facility without possessing an unrevoked permit from the Health Department.

SECTION 4. Title II, Chapter 5, Section 9 of said Municipal Code is hereby amended to read as follows:

2-5-9: LICENSE FEE:

- (A) Upon receipt of an original, or renewal, application approved by the Child Welfare Board, or authorized by the Board of Commissioners as hereinbefore provided, the Division of Licenses and Revenue shall issue the appropriate license upon payment of the following applicable fee:

1. The annual license fee for a Family Care Home shall be five dollars (\$5.00).
2. The annual license fee for a Child Nursery shall be twenty dollars (\$20.00).
3. The annual license fee for a Commercial Nursery shall be one hundred and twenty dollars (\$120.00).
4. The annual license fee for a Church Nursery shall be one hundred and twenty dollars (\$120.00).

A Church Nursery may, upon applying for renewal of license, present evidence to the Child Welfare Board, which may warrant a reduction in the license fee, and the Board shall recommend to the Board of City Commissioners the amount of said renewal fee.

5. The annual license fee for a Nursery School with up to and including twelve (12) children enrolled shall be sixty dollars (\$60.00), and for a Nursery School

with more than twelve (12) children enrolled

it shall be one hundred and twenty dollars (\$120.00).

- (B) In addition to the annual license fee, a Child Nursery, Commercial Nursery, Nursery School, and a Church Nursery shall be required to have and maintain in full force and effect at all times during each license period, a policy of liability insurance covering personal injuries with limits of ten thousand dollars (\$10,000.00) for each accident, occurrence or injury. A copy of said policy shall be deposited with the Division of License and Revenue before issuance of the license or any renewal thereof.
- (C) Each current license issued by the City shall be displayed in a prominent place in the child care facility.

SECTION 5. Title II, Chapter 5, Section 10 of said Municipal Code is hereby amended to read as follows:

2-5-10: GENERAL STANDARDS AND REGULATIONS; ALL CHILD CARE FACILITIES:

- (A) Health Officer: The Health Officer, or his duly authorized agent, shall have authority to enter, for purposes of inspection or investigation, all child care establishments within the City and to inspect all food products, water supplies, sewerage disposal facilities, utensils, equipment and all portions of buildings located upon the premises.
- (B) Water Supply: An ample supply of safe quality water from a sanitary source shall be provided. Drinking water shall be readily available, both in the facility and when over six (6) children are authorized, a drinking fountain shall be on the playground, so that children are free to drink as they wish. An adequate supply of hot water, under pressure, shall be provided in all child care facilities.
- (C) Cleansing and Bactericidal Treatment of Utensils and Equipment: The child care facility shall be provided with adequate dish-washing facilities. Where chemical treatment is used in cleansing utensils and equipment, a three (3) compartment sink shall be required. All glasses, cups, dishes, silverware

and other eating and drinking utensils intended for repeated use shall be thoroughly washed to remove grease and other soil particles; rinsed in hot water, then sanitized by one of the following methods:

1. By complete immersion for at least two (2) minutes in clean hot water at a temperature of at least 170°F.
2. By complete immersion in boiling water for one-half (1/2) minute.
3. By complete immersion for at least two (2) minutes in clean warm water containing not less than one hundred (100) parts per million available chlorine (Chlorox, Purex).

(D) Protection of Utensils, Equipment: After cleansing and bactericidal treatment, all utensils and equipment shall be kept stored above floor level, until reuse, in such a manner as to prevent contamination by dust, dirt, contaminating liquids and powders, flies, rodents, vermin or promiscuous handling. All single service eating and drinking utensils shall be likewise protected. At the discretion of the Health Officer, paper service may be recommended.

(E) Construction and Condition of Utensils and Equipment: All dishes, cups, glasses, silverware, cooking utensils and other implements shall be of durable material, smooth-surfaced, free of cracks and chips, and have readily cleanable seams and joints.

All tables, counters, shelves, cabinets and similar equipment shall be constructed and finished with smooth, easily cleanable surfaces and shall be kept in a clean and sanitary condition.

(F) Protection of Food: All food served in a child care facility shall be wholesome and free from spoilage, dirt, vermin, insects, deleterious or poisonous substances and shall be handled carefully so as to be kept free from contamination. All perishable food products shall be kept, until used, at a temperature of 50°F., or below, and in a manner to prevent contamination, and stored in proper containers above floor level.

- (G) Garbage and Sewage Disposal: All waste and garbage shall be drained of water, collected and kept in suitable, tightly covered watertight metal containers until removed from the premises for disposal in a sanitary manner.

Garbage containers shall be cleansed after each emptying.

Sewer connections shall be provided for the disposal of liquid wastes. Such sewer connections shall be kept in good repair, comply with local plumbing codes and, where connection to the municipal sewerage system is not available, and other means of disposal are approved, sewage and liquid wastes must be disposed of in an appropriate underground sewerage system.

- (H) Space and Ventilation: Rooms used for rest, play or activity, shall have sufficient windows for adequate light and ventilation. The indoor playrooms must have sufficient floor area available to provide thirty-five square feet (35 sq. ft.) per occupant, exclusive of stairs, bathroom, kitchen, halls, and movable furnishings and equipment. Nursery schoolrooms shall provide sufficient floor area to provide twenty square feet (20 sq. ft.) per occupant exclusive of stairs, bathroom, kitchen and halls. Such rooms shall be equipped with suitable furniture and desk or table facilities for the occupants. Such rooms shall be used for no purpose other than supervised educational instruction.

When beds are in place for napping there shall be two and one-half feet (2 1/2') of space on all sides of each bed, except that side in contact with the wall. When beds are in place for sleeping, there shall be thirty-five square feet (35 sq. ft.) per occupant. No beds shall be placed in kitchens, bathrooms or isolation rooms for rest or play.

- (I) Children must have individual cots, or beds for rest periods, and beds must be used for night sleepers. They must be under close supervision and within call of an adult. Beds used by

members of a household should not be used by children for rest periods. If used, first a plastic sheet must be placed for the full length and width of the bed and clean linen over this. Each bed, or cot, shall have clean adequate bedding, or wherever necessary, rubber sheets or a satisfactory substitute must be provided. No bunk beds with more than two tiers shall be used under any circumstances and children under six (6) years of age may occupy only a lower level bunk. The upper tier shall have safety guard rails.

Children under the age of two (2) years shall be bedded in cribs or other facilities equipped with guard rails and clean adequate bedding.

- (J) Heating, Lighting and Cooling: Heating, lighting and cooling facilities shall be adequate for the health and well-being of the children. The temperature of the rooms shall avoid extremes. Fireplaces and open-faced heaters shall be protected by adequate screens and not project out at a 90° angle. The type, placement, installation, maintenance and operation of all heating appliances shall be as follows:

1. Every heating appliance that presents a hazard because of exposed flame or heating element shall be equipped with guards in such a manner that small children cannot poke or place articles inside of heaters or on the heater or heating element.
2. Existing heating appliances may have their use continued if their condition, placement and operation does not present a fire or explosion hazard and are not of the portable type.
3. That type of heater described as "portable" shall not be used.

- (K) Basement Rooms: No child shall sleep in a basement room.
- (L) Toilet and Lavatory Facilities: Adequate toilet and lavatory facilities shall be provided. One (1) toilet and lavatory is required for the first six (6) children. An additional toilet and lavatory shall be added for every additional fifteen (15) children, or fractional part thereof.

Toilet rooms shall be provided with adequate illumination and ventilation. Walls and floors shall have a smooth, hard surface. Toilets shall not open directly into any room used for the preparation or storage of food. If a toilet opens directly into a room where food is served, toilet door shall be locked one (1) hour before food is served in all child care facilities except Family Care Homes. Lavatories shall be connected to both warm and cold water. Mechanical soap dispensers and clean towels or individual hand drying facilities shall be provided. There shall be a tub of some kind available for bathing children, as needed, if the nursery operates on a twenty-four (24) hour schedule. All facilities shall be kept free from odor and in good repair.

- (M) Outdoor Play Area: There must be outdoor play space adequate for the children in attendance, in accordance with the following standards:

1. Up to and including twelve (12) children: A minimum of one thousand square feet (1,000 sq. ft.) of open usable play area.
2. Thirteen (13) to and including twenty (20) children: A minimum of two thousand square feet (2,000 sq. ft.) of open usable play area.
3. For each child in addition to twenty (20) and up to thirty (30): One hundred square feet (100 sq. ft.) per additional child.
4. For each child over the number of thirty (30): Fifty square feet (50 sq. ft.) per additional child.

(N) Fencing: Outdoor play areas shall be fenced and screened from neighboring properties by a substantial fence or by a block wall.

All commercial nurseries shall have noncombustible fences approved by the Fire Prevention Bureau. Yard gates must have fasteners inaccessible to small children. All play equipment must be kept in good condition, free of sharp or loose parts. The play area must be free of debris, trash or hazards of any kind. All fish ponds, wading pools, swimming pools and similar bodies of water shall be made inaccessible when not in use by fencing or covering. This requirement may be waived at the discretion of the Child Welfare Board in the case of family care homes only, when such a waiver shall not endanger the safety of any child or children.

(O) Building Regulations:

1. Whenever applying for a building permit for additions to, or alterations or remodeling, of, the licensed premises, plans must also be submitted to the Child Welfare Board for approval.
2. An application for a Child Nursery, Commercial Nursery, Church Nursery, or Nursery School must be accompanied by a room floor plan, showing play, sleep and other areas used for child care facilities.

(P) Food: Food shall be nutritious, adequate and adapted to the ages of the children, and shall be attractively served. Only pasteurized milk shall be used. An establishment providing day care shall discuss with the child's family the food served in his home in order that this may be supplemented at the noon meal. Menus shall be posted in all facilities where food is served, except Family Care Homes, in order that the parents may know what food is served in the facility. Food shall never be used as a method of discipline and children shall not be forced to eat by withholding desserts, or by any other means.

Formulae for infants must be furnished by the parents or by a physician, and such formulae must be followed carefully.

- (Q) Accident Prevention: Care must be taken to protect children from accidents which might result from improper use or placement of disinfectants, poisonous liquids and powders, slipping on rugs, unguarded stairs and fish ponds.
- (R) Adequate Room: The child care facility must have sufficient room to accommodate children in a comfortable and sanitary way.
- (S) Furnishings: Rooms must be comfortably furnished and provisions must be made for the proper care of clothing and personal belongings.
- (T) Cleanliness: The facility shall be clean and reasonably orderly.
- (U) Schedule of Activities: A schedule of daily activities shall be planned for eating, sleeping, toileting, washing and restful and active play, both indoors and outdoors.
- (V) Clothing: Sufficient clothing for the child shall be provided by the parents for necessary changes and for indoor and outdoor activities.
- (W) Toilet Articles: Clean, fresh towels and washcloths and other necessary toilet articles shall be provided for each child and training in the proper use thereof, as well as training in personal hygiene and cleanliness, shall be given.
- (X) Day Care Rest: Day care children must have individual cots, or beds, for naps or rest periods and must be under close supervision and within call of an adult. The room shall be darkened and adequate shades, blinds or drapes shall be provided to shut out sunlight.
- (Y) Night Care: Children in the facility or brought to the facility before 10:00 P.M. shall be in bed no later than 10:00 P.M. Children brought to the facility after 10:00 P.M. shall be placed in bed for sleep as soon as possible. Children in the facility for partial night care only shall be placed in separate rooms from those children staying for the full night.

Twenty-four (24) hour care children shall sleep in bedrooms.

All children, whether receiving partial or full night care, must be under close supervision and within call of an adult, and shall be in bed by 10:00 P.M.

No child shall sleep in a detached building or in an unfinished attic, stair, hall or room commonly used for other than bedroom purposes. Children of the opposite sex, over five (5) years of age, shall not share a bedroom. Children shall not sleep in the same room with an adult without authorization from the Board.

Children shall have individual beds. A double bed may be occupied on a temporary basis only, by two (2) brothers or two (2) sisters of suitable age when no health, behaviour or other reason exists to make this undesirable, but only when permission has been given by the Child Welfare Board.

- (Z) Corporal Punishment: All facilities shall use constructive methods of maintaining group control and handling individual behavior; provided, however, that corporal punishment, or punishment associated with food, rest, isolation for illness, or toilet training, or any other technique which is humiliating or frightening to the children, whether or not permission has been given by the parent or guardian, shall not be used or allowed by any child care facility at any time. The use of corporal punishment for any reason whatsoever shall be considered adequate cause for revocation of a license.

The director, or person in charge, shall consult with the parent, or the Child Welfare Board, or a social agency for advice on problems of behavior in children.

- (AA) Consultation Service: Consultations with parents to obtain an understanding of the needs of the children shall be encouraged, and the services of the Child Welfare Board or of other community agencies shall be utilized when necessary.

(BB) Adult Supervision: No child receiving care shall be left without competent adult supervision. Supervision of children shall be as natural and free from tension as possible.

An assortment of play materials and equipment shall be provided to offer a wide variety of play experience. Emphasis shall be placed on material which will stimulate activity on the part of the child rather than mechanical toys which suggest only routine use. Sandboxes, or swings, or wheelbarrows, or kiddie cars, or similar equipment, together with an assortment of boxes, boards and blocks which children can use for building purposes, shall be provided for playground use. Crayons, spools, blunt scissors, clay, scratch paper, scrap books, building blocks, small cars and trucks, pull toys, and similar equipment should be provided for indoor play. Play equipment must be of safe construction, adapted to the age of the children. Play materials shall be within easy reach of the children during play periods and be located near the play areas where they are to be used. Play periods shall be planned in the day's program. The daily program shall include time for out-of-door play in suitable weather.

(CC) Pre-admission Evaluation: Every child care facility shall determine, prior to accepting a child for care, that the child is:

1. In good general health.
2. Without defects or illness which would endanger other children in the facility or which would make his participation in vigorous group activities inadvisable.
3. Physically and emotionally ready for the particular program of the facility.

Such determination shall be based upon a pre-admission interview with the parent, guardian or person having the custody of such child, and shall include a health history and information

on immunizations. All children must have the following immunizations or be in the process of having them, or their booster injections, before admission to any child care facility:

1. Smallpox vaccination.
2. Diphtheria.
3. Pertussis.
4. Tetanus.
5. Polio.

The person in charge of the child care facility shall obtain information as to whether such immunizations 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, or several, or all, such immunizations when his physician recommends against immunization on medical grounds, or his parents sign a request for exemption on the basis of religion.

Every child shall have a health examination by a licensed physician before admittance or as soon as possible after admittance to the facility.

This Section shall not apply to abandoned, dependent or neglected children who are placed in the facility by the Nevada State Welfare Department.

- (DD) Daily Inspection: Each child shall be given a daily inspection at the child care facility before he has mingled with other children. The person making the inspection, if not a graduate nurse, should receive instructions from a physician, or a nurse, as to how inspection should be made.
- (EE) Health Records: Every child care facility shall maintain health records for each child, on forms provided by the Child Welfare Department, which shall be in addition to the records required

by Subsection (II) hereof, and shall include the pre-admission physician's recommendation against immunization (if any), the pre-admission health history, information on illnesses while enrolled in the facility, details on accidents or injuries to the child in the facility, and details on any first aid or emergency medical attention given; provided, however, that this Section shall not apply to abandoned, dependent or neglected children who are placed in the facility by the Nevada State Welfare Department.

In all cases of accidents or injuries, or illnesses requiring emergency medical attention, the person in charge of the facility shall promptly notify the parents, or persons placing the child in such facility, or persons designated in Subsection (II) 3 hereof and shall provide emergency medical care as directed, or as authorized by Subsection (II) 4 hereof. In cases of accidents, injuries or illnesses requiring emergency medical attention, the facility shall notify the Child Welfare Supervisor within twenty-four (24) hours.

Exception: For children whose parents adhere to a religious faith practicing healing by prayer, or other spiritual means, the facility shall obtain a signed statement that no medical care is to be provided, and any accidents, injuries or illnesses affecting such children which are of an emergency nature shall be reported immediately to the Child Welfare Supervisor, or any member of the Child Welfare Board.

- (FF) First Aid: The child care facility shall maintain first aid supplies for the care of minor cuts and scratches. The first aid supplies shall include those items the person in charge is qualified to use and shall be kept in a room or cabinet, which is inaccessible to the children. No medicine shall be administered to a child unless prescribed by the child's

physician. A clinical thermometer must be available at all times.

(GG) No child care facility shall claim to provide professional health protection unless the person in charge is a licensed nurse or physician, unless the staff includes a licensed nurse or physician.

(HH) Isolation and Removal of Children: Every child care facility shall have and maintain an isolation room in which a child who becomes ill may be cared for until he can be removed. Such room shall not be used by other children while a sick child is being cared for in the room, and during such period isolation of such child shall be maintained, and no other children or unauthorized person shall be allowed to enter the room. A child who is ill may be kept in the facility in such room only until his parents or guardian, or a person designated pursuant to Subsection (II) 3 hereof, or the operator of the child care facility, or the Child Welfare Supervisor (as hereinafter authorized), removes such child from the facility; provided, however, that a child who is receiving twenty-four (24) hour care in:

1. A Family Care Home or a Child Nursery, and who has become ill and has been confined to such isolation need not be removed from such room or the facilities; provided, further, that until such time as an attending physician certifies in writing that the child is free from any contagious or communicable disease, such child shall be confined in such isolation room and no additional children shall be admitted to such facility; or
2. A Commercial Nursery, and who has become ill and has been confined to such isolation room, need not be removed from such room or the facility if an attending physician certifies in writing that the child

is free from any contagious or communicable disease. In such event isolation shall not be required.

It shall be the duty of the licensee, or other person in charge, of every child care facility to immediately notify the parents, or persons placing the child in such facility, or persons designated pursuant to Subsection (II) 3 hereof, of any symptoms of illness of a child, and to request that such child be removed as soon as possible.

In the event the parents, or persons placing a child in the facility, or persons designated pursuant to Subsection (II) 3 hereof, cannot be immediately contacted, or if they refuse, after notification of illness and request for removal, to remove a child who has become ill, the licensee or other person in charge of the facility shall immediately notify the Child Welfare Supervisor, or any member of the Child Welfare Board, stating the nature of the illness and the diagnosis of the attending physician, if any.

If the diagnosis of an attending physician, or the nature of the illness, indicates a communicable or contagious disease, any child so affected must in all events be removed from the isolation room and the premises of the child care facility within not more than twelve (12) hours after the licensee, or other person in charge of the facility, has acquired knowledge of such illness and given the required notification. In the event the parents, or persons placing such child in such facility, or persons designated pursuant to Subsection (II) 3 hereof, cannot be contacted immediately for notification, or shall fail or refuse to remove a child affected with a communicable or contagious disease within twelve (12) hours after notification of illness and request for removal of the child, the Child Welfare Supervisor shall be authorized to remove such child from the isolation room and the

premises of the child care facility, without the permission of the parents, or persons placing such child in the facility, or persons designated in Subsection (II) 3; provided, however, that such removal can be made only if the attending physician approves of such removal. In such event, the child shall be placed in the Southern Nevada Memorial Hospital, or such other location as may be approved by the attending physician for treatment, and all persons having any parental or custodial rights shall be deemed to have consented to such removal and treatment. All costs and expenses connected with the examination, diagnosis, removal and treatment shall be paid by the parents, or guardian, or other persons placing such child in the child care facility. The admission forms of the child care facility shall contain appropriate language, notifying all persons of such consent to removal and liability for failure or refusal to remove a child affected with a contagious or communicable disease. If the attending physician refuses to give approval for the removal of a child for reasons of health, such removal shall be made as soon thereafter as approval is given, and during the period, isolation of the child shall be maintained.

- (II) Records: Current records concerning the administration of the facility and the children cared for shall be maintained in the nursery, and shall be readily available. Such records shall be kept for one (1) year, and must be furnished for inspection, upon request, to an authorized employee of the City, or to a member or members, of the Child Welfare Board, whether the licensee is present or not.

Said records shall include the following information:

1. Child's full name, birthdate and current address.
2. Full name of both parents, home address, work address and telephone numbers where parents, or guardian, or relative may be contacted.

3. Name, address and telephone numbers of two (2) responsible persons designated by the parents or guardian or authorized custodian who may be called in case of illness, or an emergency, when parents cannot be reached.
4. Authorization to call a physician, or hospital, specified by the parents, or guardian, or authorized custodian, should the need arise. In those cases where no particular physician or hospital is specified, the person in charge shall be authorized to obtain the services of any physician, and the parents, or other persons placing the child in a child care facility shall be responsible for these services and shall agree to pay for all emergency medical care.
5. History of immunization and past communicable diseases, and history of any health problem which may affect the child's care (allergies, physical defect).
6. Accurate account of attendance of each child, including reason for absence, if known.
7. Date when child enters nursery and date when child leaves.

A daily report, either verbal or written, shall be available for parents on food eaten, rest given, bowel movement and any accident or injury, or any unusual behavior.

Records shall be kept on all persons employed at, or residing at, the licensed premises, including their names, ages, relationship to the licensee (if any), medical certification when required, experience, references (if any), and how long known to the licensee.

(JJ) All child care facilities must have a telephone on the premises.

SECTION 6. Title II, Chapter 5, Section 12 of said Municipal Code is hereby amended to read as follows:

2-5-12: ADDITIONAL STANDARDS AND REGULATIONS APPLICABLE TO ALL CHILD CARE FACILITIES:

- (A) Personnel Qualifications: All child caring personnel must 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 development. All such personnel shall be persons of good mental and physical health and emotional stability with no language barrier between child and staff employee caring directly for children.
- (B) There shall be a Director, or similarly designated adult in charge, who shall have the responsibility for the administration of the child care facility. The Director or adult in charge should be a professionally trained person with educational background and training in one of the professional fields relating to child care and parent education, or similar experience in care and training of groups of children. The Director of a Commercial Nursery shall have completed a high school education and have had either one (1) year's study as a nursery school teacher or two (2) years' training in nursery field work.

The Child Welfare Board shall in its discretion make the determination as to whether the minimum standards of the foregoing subsection have been met. The Child Welfare Supervisor shall have authority to grant tentative approval as to the qualifications of applicants for the position of "Director," such approval, however, must be affirmed or denied by the Child Welfare Board at the subsequent meeting.

- (C) Number of Staff: There must be capable adults of a sufficient number to assure constant and adequate supervision of the children. In facilities caring for less than ten (10) children,

there shall be at least one (1) adult in charge at all times that such facility is being operated. In facilities caring for ten (10) to fifteen (15) children there shall be a minimum of two (2) adults, one (1) of whom shall be in charge, and both of whom shall be engaged in supervision at all times that such facility is being operated. In facilities caring for sixteen (16) or more children there shall be a minimum of one (1) adult for each fifteen (15) children engaged in a supervisory capacity, exclusive of cooks and housekeepers.

Every nursery operator shall notify the Child Welfare Supervisor in writing within twenty-four (24) hours of any change in personnel of the nursery.

- (D) Age: No person who has not attained his or her eighteenth (18) birthday shall be employed or permitted to work in any child care establishment except in a nonsupervisory capacity. This provision does not apply in the case of family care homes.
- (E) Cooks and Housekeepers: There must be an adequate number of capable persons for housekeeping and maintenance to insure proper planning of menus and proper preparation and serving of food, and to maintain the facility in a safe and sanitary manner.
- (F) Health of Staff: Each person caring for children, preparing food, or otherwise coming in contact with the children, must be of sound physical and mental health as evidenced by certification of a licensed physician according to standards of the Department of Health. Such certificate shall be obtained from a local physician not more than five (5) days prior to assumption of duties. A health recheck must be had every six (6) months and certificate therefor must be kept on file in the facility for inspection by an authorized representative of the City, and the parents of children cared for in the facility. Every such health examination shall include a Tuberculin Test. If any

person who cares for or comes in contact with the children in a child care facility shows evidence of any illness of a communicable type, such person shall remain away from the facility during the period of illness and until certified by a physician as free from a communicable or contagious disease.

Physical examination of adults in a "family care home" may be required to show evidence to be of sound physical and mental health, and to be free from any communicable or contagious disease as evidenced by certification of a licensed physician, according to standards of the Department of Health.

- (G) Fire Protection: Every room shall have access to at least two (2) approved means of exit from the building without passing through intervening rooms, other than corridors or lobbies. This shall not apply to a family care home with ten (10) or less total occupants.

No exit door from a child-occupied room to a hallway, or to the outside, shall be equipped with a lock, latch, bolt, or other fastening device which will allow for locking such door against opening free within, or which will require a second motion to open for exit purposes.

Fire drills shall be conducted not less than once each month under the direct supervision of the Fire Prevention Bureau in each commercial nursery and/or nursery school. An adequate and/or suitable warning system or device approved by the Fire Prevention Bureau shall be installed for use in fire drill purposes in each of the aforementioned child care facilities. In addition to monthly fire drills supervised by the Fire Prevention Bureau, the owner and/or operators of each commercial nursery or nursery school shall conduct weekly fire drills, maintaining a record of such fire drills subject to the inspection of the Fire Prevention Bureau.

Owners and/or operators of family care homes, child nurseries, and church nurseries having a total occupant load of ten (10) or less need not conduct the weekly fire drills, but shall prepare and maintain a fire evacuation plan of the premises; such fire and evacuation plan shall be subject to the approval of the Fire Prevention Bureau.

- (H) Fire Extinguishers: Approved type fire extinguishers shall be provided throughout the structure as specified by the Fire Prevention Bureau of the City, based upon the following scale:
1. "Approved" means that the extinguisher shall have an underwriter's label and/or number.
 2. In wards, halls, corridors, sleeping rooms, basements, or storage areas; pressurized water or watertype extinguishers.
 3. In kitchens: Carbon dioxide or dry powder extinguishers or equivalent.
- (I) Combustible Decorations: All drapes, hangings, curtains, drops and all similar decorations that tend to increase the fire and panic hazards shall be made from a nonflammable material, or shall be treated and maintained in a flame retardant condition by means of a flame retardant solution or process approved by the Fire Prevention Bureau of the City.
- (J) Animals: No animal shall be maintained or permitted to remain on the premises of any child care facility. This provision does not apply to family care homes.
- (K) It shall be unlawful to advertise child care services without having a child care facility license, as provided for by Section 4 (A) of this Chapter.

SECTION 7. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 and/or imprisonment in the City Jail for not more than six (6) months, or any

combination of such fine and imprisonment. Every day of such violation shall constitute a separate offense.

SECTION 8. All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED this 6th day of July, 1966.

Oran K. Gragson
ORAN K. GRAGSON Mayor

ATTEST:

Edwina M. Cole
EDWINA M. COLE City Clerk

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 18th day of May, 1966, and referred to the following committee composed of Commissioners Fountain and Whipple for recommendation; thereafter the said committee reported favorably on said ordinance on the 6th day of July, 1966, which was a Regular meeting of said Board; that at said Regular meeting the proposed ordinance was read by title to the Board of Commissioners, as first introduced, and adopted by the following vote:

VOTING "AYE": Commissioners Stewart, Mirabelli, Fountain, Whipple & Mayor Gragson

VOTING "NAY": None ABSENT: None

APPROVED:

Oran K. Gragson
ORAN K. GRAGSON Mayor

ATTEST:

Edwina M. Cole
EDWINA M. COLE City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,)
COUNTY OF CLARK,) SS

LOUIE MURATORE, being first duly sworn,
deposes and says that he is foreman for the Las Vegas
Review-Journal, a daily newspaper at Las Vegas, in
the County of Clark, State of Nevada, and that the
attached was continuously published in said newspaper
for a period of TWO (2) insertions from
JULY 9, 1966 to JULY 16, 1966
inclusive, being the issue of said newspaper for the
following dates, to wit:

JULY 9, 16, 1966

That said newspaper was regularly issued and circu-
lated on each of the dates above named.

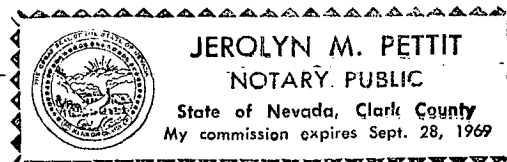
SIGNED

L. Muratore
LOUIE MURATORE

Subscribed and sworn to before me this 16th day
of JULY, 19 66.

Jerolyn M. Pettit
NOTARY PUBLIC, IN AND FOR
CLARK COUNTY, NEVADA

My commission expires
September 28, 1969.



ORDINANCE NO. 1251
AN ORDINANCE TO AMEND TITLE II, CHAPTER 5, SECTIONS 2 (A), (B), (C), (D), (G), 4(A), 6(A), 9(A-4), 9(B), 10(1), 10 (O-2), 10(CC), 12(C), 12(F) and 12 (G) OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, PROVIDING FOR RULES AND REGULATIONS GOVERNING THE WELFARE AND CARE OF MINORS IN CHILD CARE FACILITIES; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS DOES ORDAIN AS FOLLOWS:

SECTION 1. Title II, Chapter 5, Section 2 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:
2-5-2:

DEFINITIONS: The terms defined in this Section, wherever used or referred to in this Chapter shall have the meaning set forth in this Section, unless a different meaning is clearly indicated by the context.

(A) A "Family Care Home" is any family home in which one (1) or more, but not more than six (6) children under sixteen (16) years of age not related by blood, adoption or marriage to the persons maintaining the home are received, cared for and maintained for compensation, or otherwise, for any period of time. The number of children which may be received and cared for at one (1) time shall not exceed the number specified in the license. A "family care home license" may authorize child care on a twenty-four (24) hour basis, or on a daytime basis only, or both. Not more than two (2) children in a "family care home" may be infants of the age of two (2) years or under.

(B) A "Child Nursery" is a facility which is equipped to provide care for (7) or more, but not more than twelve (12) children, of two (2) years of age or more, but not more than sixteen (16) years of age, during the whole or any part of a twenty-four (24) hour period.

The maximum number of children cared for in a Child Nursery shall be limited by the nursery facilities as provided for herein, and such number shall be set forth on the license as to the number of day and the number of night children.

(C) A "Commercial Nursery" is a facility which is equipped to provide care for thirteen (13) or more children of two (2) years of age or more, but not more than sixteen (16) years of age, during the whole or any part of a twenty-four (24) hour period; provided, however, that during any twelve (12) hour period between 7:00 P.M. and 7:00 A.M. a Commercial Nursery may care for tourists' children under the age of two (2) years, and provided further that the number of children under the age of (2) years so cared for shall not exceed six (6); at any one (1) time during the aforementioned twelve (12) hour period. There shall be a minimum of one (1) adult for each fifteen (15) children engaged in the exclusive care of the children and such adult shall be awake at all times. The maximum number of children cared for in a Commercial Nursery shall be limited by the nursery facilities as provided for herein, and such number shall be set forth on the license as to the number of day and the number of night children.

(D) A "Church Nursery" is a facility which is equipped to provide day care only for children, and which is operated by an organized church denomination, either on church property or elsewhere. Children attending a church nursery need not be a member of such church denomination. A church nursery may provide care for children of two (2) years of age or more, but not more than sixteen (16) years of age. The maximum number of children shall be limited by the nursery facilities as provided for herein, and such number shall be set forth on the license.

(E) A "Nursery School" is a facility which is equipped to provide educational experience exclusively for children from two (2) to six (6) years of age in the daytime only and not at night. The maximum number of children shall be limited by the nursery facilities.

(F) "Day" or "Daytime" shall mean from 6:00 A.M. to 8:00 P.M.

(G) No child shall be cared for in a child care facility wherein the care is the same as that normally provided in a "Foster Home" licensed by the Welfare Division of the Nevada State Department of Health and Welfare.

SECTION 2. Title II, Chapter 5, Section 4 of said Municipal Code is hereby amended to read as follows:

2-5-4: APPLICATION FOR A LICENSE:

(A) Except as otherwise provided in this Chapter, no person, institution or agency shall provide care for supervision for one (1) or more children under sixteen (16) years of age in lieu of care and supervision ordinarily provided by parents in their own homes, for the whole or any part of a day or night, with or without charge, without having a valid unrevoked license, issued pursuant to the provisions of this Chapter. This Chapter shall not be construed to apply to care given to children in their own homes, or to legal guardians or relatives, care or supervision given in any institution of the State of Nevada, or its political subdivisions or the occasional care of a neighbor's relative's or a friend's children, for a period not to exceed four (4) weeks, with or without compensation, when such person does not regularly engage in such activity, or where parents on a mutually cooperative basis exchange care of one another's children.

(B) Every person, institution or agency required to be licensed under this Chapter shall make application to the Child Welfare Office of the City. The application must be made in person and all necessary forms completely filled out. The application shall be filed at least thirty (30) days prior to the next regularly scheduled meeting of the Child Welfare Board, in order for the various departments of the City to make a complete investigation and report to the Child Welfare Board. Proper application forms will be furnished by the City. Each application shall specify the type of facility, hours of operation, and the ages and number to children for whom care will be provided.

(C) Every person applying for a license under this Chapter shall pay an investigation fee of five dollars (\$5.00) to the City at the time of application. The investigation fee shall not be returned to the applicant, whether or not a license is issued.

(D) No license shall be issued for child care at any premises which permits adult roomers; provided, however, that this limitation shall not apply if the adult roomers are related to the child, or children, as parent and child and if the care provided for the children is a convenience for the adult roomers; and provided, further, that not more than two (2) adult roomers may be cared for in such a licensed child care facility.

SECTION 3. Title II, Chapter 5, Section 6 of said Municipal Code is hereby amended to read as follows:

2-5-6: INVESTIGATION:

(A) No application for a license required by this Chapter shall be approved by the Child Welfare Board unless the location and equipment of such child care facility has been approved by the Planning Department, Building Department, Fire Department, and Health Department, and unless the applicant and all employees or adult supervisors have been investigated and approved by the Health Department, Police Department and the Child Welfare Board. No person shall be employed in any child care facility without first obtaining a work permit from the Police Department. Each of said Departments shall make such investigations and submit such reports to the Child Welfare Board as may be necessary to enable said Board to act upon any application, or any renewal application, required by this Chapter.

All adults over eighteen (18) years of age in a "Family Care Home" shall be approved by the Police Department if having been convicted of a crime, misdemeanor, or violation of any Municipal Ordinance, excluding minor traffic violations.

(B) The Health Officer, or his duly authorized agent, shall issue a health permit for all licensees approved by the Health Department. Said health permit may be revoked or cancelled by the Health Officer whenever the same violation of any requirement of this Chapter is listed on any two (2) or more consecutive inspections by the Health Department, and it shall be unlawful for any licensee to operate a child care facility without possessing an unrevoked permit from the Health Department.

SECTION 4. Title II, Chapter 5, Section 9 of said Municipal Code is hereby amended to read as follows:

2-5-9: LICENSE FEE:

(A) Upon receipt of an original, or renewal, application approved by the Child Welfare Board, or authorized by the Board of Commissioners as hereinbefore provided, the Division of Licenses and Revenue shall issue the appropriate license upon payment of the following applicable fee:

1. The annual license fee for a Family Care Home shall be five dollars (\$5.00).
 2. The annual license fee for a Child Nursery shall be twenty dollars (\$20.00).
 3. The annual license for a Commercial Nursery shall be one hundred and twenty dollars (\$120.00).
 4. The annual license fee for a Church Nursery shall be one hundred and twenty dollars (\$120.00).
- A Church Nursery may, upon applying for renewal of license, present evidence to the Child Welfare Board, which may warrant a reduction in the license fee, and the Board shall recommend to the Board of City Commissioners the amount of said renewal fee.

5. The annual license fee for a Nursery School with up to and including twelve (12) children enrolled shall be sixty dollars (\$60.00), and for a Nursery School with more than twelve (12) children enrolled it shall be one hundred and twenty dollars (\$120.00).

(B) In addition to the annual license fee, a Child Nursery, Commercial Nursery, Nursery School, and a Church Nursery shall be required to have and maintain in full force and effect at all times during each license period, a policy of liability insurance covering personal injuries with limits of ten thousand dollars (\$10,000.00) for each accident, occurrence or injury. A copy of said policy shall be deposited with the Division of License and Revenue before issuance of the license or any renewal thereof.

(C) Each current license issued by the City shall be displayed in a prominent place in the child care facility.

SECTION 5. Title II, Chapter 5, Section 10 of said Municipal Code is hereby amended to read as follows:

2-5-10: GENERAL STANDARDS AND REGULATIONS; ALL CHILD CARE FACILITIES:

(A) Health Officer: The Health Officer, or his duly authorized agent, shall have authority to enter, for purposes of inspection or investigation, all child care establishments within the City and to inspect all food products, water supplies, sewerage disposal facilities, utensils, equipment and all portions of buildings located upon the premises.

(B) Water Supply: An ample supply of safe quality water from a sanitary source shall be provided. Drinking water shall be readily available, both in the facility and when over six (6) children are authorized, a drinking fountain shall be on the playground, so that children are free to drink as they wish. An adequate supply of hot water, under pressure, shall be provided in all child care facilities.

(C) Cleansing and Bactericidal Treatment of Utensils and Equipment: The child care facility shall be provided with adequate dishwashing facilities. Where chemical treatment is used in cleansing utensils and equipment, a three (3) compartment sink shall be required. All glasses, cups, dishes, silverware and other eating and drinking utensils intended for repeated use shall be thoroughly washed to remove grease and other soil particles; rinsed in hot water, then sanitized by one of the following methods:

1. By complete immersion for at least two (2) minutes in clean hot water at a temperature of at least 170 degrees F.
2. By complete immersion in boiling water for one-half (1/2) minute.
3. By complete immersion for at least two (2) minutes in clean warm water containing not less than one hundred (100) parts per million available chlorine (Chlorox, Purex).

(D) Protection of Utensils, Equipment: After cleansing and bactericidal treatment, all utensils and equipment shall be kept stored above floor level, until reuse, in such a manner as to prevent contamination by dust, dirt, contaminating liquids and powders, flies, rodents, vermin or promiscuous handlings. All single service eating and drinking utensils shall be likewise protected. At the discretion of the Health Officer, paper service may be recommended.

(E) Construction and Condition of Utensils and Equipment: All dishes, cups, glasses, silverware, cooking utensils and other implements shall be of durable material, smooth-surfaced, free of cracks and chips, and have readily cleanable seams and joints. All tables, counters, shelves, cabinets and similar equipment shall be constructed and finished with smooth, easily cleanable surfaces and shall be kept in a clean and sanitary condition.

(F) Protection of Food: All food served in a child care facility shall be wholesome and free from spoilage, dirt, vermin, insects, deleterious or poisonous substances and shall be handled carefully so as to be kept free from contamination. All perishable food products shall be kept, until used, at a temperature of 50 degrees F., or below, and in a manner to prevent contamination, and stored in proper containers above floor level.

(G) Garbage and Sewage Disposal: All waste and garbage shall be drained of water, collected and kept in suitable, tightly covered watertight metal containers until removed from the premises for disposal in a sanitary manner.

Garbage containers shall be cleaned after each emptying. Sewer connections shall be provided for the disposal of liquid wastes. Such sewer connections shall be kept in good repair, comply with local plumbing codes and, where connection to the municipal sewerage system is not available, and other means of disposal are approved, sewage and liquid wastes must be disposed of in an appropriate underground sewerage system.

(H) Space and Ventilation: Rooms used for rest, play or activity, shall have sufficient windows for adequate light and ventilation. The indoor playrooms must have sufficient floor area available to provide thirty-five square feet (35 sq. ft.) per occupant, exclusive of stairs, bathroom, kitchen, halls, and movable furnishings and equipment. Nursery schoolrooms shall provide sufficient floor area to provide twenty square feet (20 sq. ft.) per occupant exclusive of stairs, bathroom, kitchen and halls. Such rooms shall be equipped with suitable furniture and desk or table facilities for the occupants. Such rooms shall be used for no purpose other than supervised educational instruction. When beds are in place for napping there shall be two and one-half feet (2 1/2') of space on all sides of each bed, except that side in contact with the wall. When beds are in place for sleeping, there shall be thirty-five square feet (35 sq. ft.) per occupant. No beds shall be placed in kitchens, bathrooms or isolation rooms for rest or play.

(I) Children must have individual cots, or beds for rest periods, and beds must be used for night sleepers. They must be under close supervision and within call of an adult. Beds used by members of a household should not be used by children for rest periods. If used, first a plastic sheet must be placed for the full length and width of the bed and clean linen over this. Each bed, or cot, shall have clean adequate bedding, or whenever necessary, rubber sheets or a satisfactory substitute must be provided. No bunk beds with more than two tiers shall be used under any circumstances and children under six (6) years of age may occupy only a lower level bunk. The upper tier shall have safely guard rails. Children under the age of two (2) years shall be bedded in cribs or other facilities equipped with guard rails and clean adequate bedding.

(J) Heating, Lighting and Cooling: Heating, lighting and cooling facilities shall be adequate for the health and well-being of the children. The temperature of the rooms shall avoid extremes. Fireplaces and open-faced heaters shall be protected by adequate screens and not project out at a 90 degree angle. The type, placement, installation, maintenance and operation of all heating appliances shall be as follows:

1. Every heating appliance that presents a hazard because of exposed flame or heating element shall be equipped with guards in such a manner that small children cannot poke or place articles inside of heaters or on the heater or heating element.
2. Existing heating appliances may have their use continued if their condition, placement and operation does not present a fire or explosion hazard and are not of the portable type.
3. That type of heater described as "portable" shall not be used.

(K) Basement Rooms: No child shall sleep in a basement room.

(L) Toilet and Lavatory Facilities: Adequate toilet and lavatory facilities shall be provided. One (1) toilet and lavatory is required for the first six (6) children. An additional toilet and lavatory shall be added for every additional fifteen (15) children, or fractional part thereof.

Toilet rooms shall be provided with adequate illumination and ventilation. Walls and floors shall have a smooth, hard surface. Toilets shall not open directly into any room used for the preparation or storage of food. If a toilet opens directly into a room where food is served, toilet door shall be locked one (1) hour before food is served in all child care facilities except Family Care Homes. Lavatories shall be connected to both warm and cold water. Mechanical soap dispensers and clean towels or individual hand drying facilities shall be provided. There shall be a tub of some kind available for bathing children, as needed, if the nursery operates on a twenty-four (24) hour schedule. All facilities shall be kept free from odor and in good repair.

(M) Outdoor Play Area: There must be outdoor play space adequate for the children in attendance, in accordance with the following standards:

1. Up to and including twelve (12) children: A minimum of one thousand square feet (1,000 sq. ft.) of open usable play area.
2. Thirteen (13) to and including twenty (20) children: A minimum of two thousand square feet (2,000 sq. ft.) of open usable play area.
3. For each child in addition to twenty (20) and up to thirty (30): One hundred square feet (100 sq. ft.) per additional child.
4. For each child over the number of thirty (30): Fifty square feet (50 sq. ft.) per additional child.

(N) Fencing: Outdoor play areas shall be fenced and screened from neighboring properties by a substantial fence or a block wall. All commercial nurseries shall have noncombustible fences approved by the Fire Prevention Bureau. Yard gates must have fasteners inaccessible to small children. All play equipment must be kept in good condition, free of sharp or loose parts. The play area must be free of debris, trash or hazards of any kind. All fish ponds, wading pools, swimming pools and similar bodies of water shall be made inaccessible when not in use by fencing or covering. This requirement may be waived at the discretion of the Child Welfare Board in the case of family care homes only, when such a waiver shall not endanger the safety of any child or children.

(O) Building Regulations:

1. Whenever applying for a building permit for additions to, or alterations or remodeling of, the licensed premises, plans must also be submitted to the Child Welfare Board for approval.
2. An application for a Child Nursery, Commercial Nursery, Church Nursery, or Nursery School must be accompanied by a room floor plan, showing play, sleep and other areas used for child care facilities.

(P) Food: Food shall be nutritious, adequate and adapted to the ages of the children, and shall be attractively served. Only pasteurized milk shall be used. An establishment providing day care shall discuss with the child's family the food served in his home in order that this may be supplemented at the noon meal. Menus shall be posted in all facilities where food is served, except Family Care Homes, in order that the parents may know what food is served in the facility. Food shall never be used as a method of discipline and children shall not be forced to eat by withholding desserts, or by any other means.

Formulae for infants must be furnished by the parents or by a physician, and such formulae must be followed carefully.

(Q) Accident Prevention: Care must be taken to protect children from accidents which might result from improper use or placement of disinfectants, poisonous liquids and powders, slipping on rugs, unguarded stairs and fish ponds.

(R) Adequate Room: The child care facility must have sufficient room to accommodate children in a comfortable and sanitary way.

(S) Furnishings: Rooms must be comfortably furnished and provisions must be made for the proper care of clothing and personal belongings.

(T) Cleanliness: The facility shall be clean and reasonably orderly.

(U) Schedule of Activities: A schedule of daily activities shall be planned for eating, sleeping, toileting, washing and restful and active play, both indoors and outdoors.

(V) Clothing: Sufficient clothing for the child shall be provided by the parents for necessary changes and for indoor and outdoor activities.

(W) Toilet Articles: Clean, fresh towels and washcloths and other necessary toilet articles shall be provided for each child and training in the proper use thereof, as well as training in personal hygiene and cleanliness, shall be given.

(X) Day Care Rest: Day care children must have individual cots, or beds, for naps or rest periods and must be under close supervision and within call of an adult. The room shall be darkened and adequate shades, blinds or drapes shall be provided to shut out sunlight.

(Y) Night Care: Children in the facility or brought to the facility before 10:00 P.M. shall be in bed no later than 10:00 P.M. Children brought to the facility after 10:00 P.M. shall be placed in bed for sleep as soon as possible. Children in the facility for partial night care only shall be placed in separate rooms from those children staying for the full night.

Twenty-four (24) hour care children shall sleep in bedrooms. All children, whether receiving partial or full night care, must be under close supervision and within call of an adult, and shall be in bed by 10:00 P.M. No child shall sleep in a detached building or in an unfinished attic, stair, hall or room commonly used for other than bedroom purposes. Children of the opposite sex, over five (5) years of age, shall not share a bedroom. Children shall not sleep in the same room with an adult without authorization from the Board. Children shall have individual beds. A double bed may be occupied on a temporary basis only, by two (2) brothers or two (2) sisters of suitable age when no health, behavior or other reason exists to make this undesirable, but only when permission has been given by the Child Welfare Board.

(Z) Corporal Punishment: All facilities shall use constructive methods of maintaining group control and handling individual behavior; provided, however, that corporal punishment, or punishment associated with food, rest, isolation for illness, or toilet training, or any other technique which is humiliating or frightening to the children, whether or not permission has been given by the parent or guardian, shall not be used or allowed by any child care facility at any time. The use of corporal punishment for any reason whatsoever shall be considered adequate cause for revocation of a license.

The director, or person in charge, shall consult with the parent, or the Child Welfare Board, or a social agency for advice on problems of behavior in children.

(AA) Consultation Service: Consultations with parents to obtain an understanding of the needs of the children shall be encouraged, and the services of the Child Welfare Board or of other community agencies shall be utilized when necessary.

(BB) Adult Supervision: No child receiving care shall be left without competent adult supervision. Supervision of children shall be as natural and free from tension as possible. An assortment of play materials and equipment shall be provided to offer a wide variety of play experience. Emphasis shall be placed on material which will stimulate activity on the part of the child rather than mechanical toys which suggest only routine use. Sandboxes, or swings, or wheelbarrows, or kiddie cars, or similar equipment, together with an assortment of boxes, boards and blocks which children can use for building purposes, shall be provided for playground use. Crayons, spools, blunt scissors, clay, scratch paper, scrap books, building blocks, small cars and trucks, pull toys, and similar equipment should be provided for indoor play. Play equipment must be of safe construction, adapted to the age of the children. Play materials shall be within easy reach of the children during play periods and be located near the play areas where they are to be used. Play periods shall be planned in the day's program. The daily program shall include time for out-of-door play in suitable weather.

(CC) Pre-admission Evaluation: Every child care facility shall determine, prior to accepting a child for care, that the child is:

1. In good general health.
2. Without defects or illness which would endanger other children in the facility or which would make his participation in vigorous group activities inadvisable.

3. Physically and emotionally ready for the particular program of the facility.

Such determination shall be based upon a pre-admission interview with the parent, guardian or person having

the custody of such child, and shall include a health history and information on immunizations. All children must have the following immunizations or be in the process of having them, or their booster injections, before admission to any child care facility:

1. Smallpox vaccination.
2. Diphtheria.
3. Pertussis.
4. Tetanus.
5. Polio.

The person in charge of the child care facility shall obtain information as to whether such immunizations 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, or several, or all, such immunizations when his physician recommends against immunization on medical grounds, or his parents sign a request for exemption on the basis of religion.

Every child shall have a health examination by a licensed physician before admittance or as soon as possible after admittance to the facility. This Section shall not apply to abandoned, dependent or neglected children who are placed in the facility by the Nevada State Welfare Department.

(DD) Daily Inspection: Each child shall be given a daily inspection at the child care facility before he has mingled with other children. The person making the inspection, if not a graduate nurse, should receive instructions from a physician, or a nurse, as to how inspection should be made.

(EE) Health Records: Every child care facility shall maintain health records for each child, on forms provided by the Child Welfare Department, which shall be in addition to the records required by Subsection (II) 3 hereof, and shall include the pre-admission physician's recommendation against immunization (if any); the pre-admission health history, information on illnesses while enrolled in the facility, details on accidents or injuries to the child in the facility, and details on any first aid or emergency medical attention given; provided, however, that this Section shall not apply to abandoned, dependent or neglected children who are placed in the facility by the Nevada State Welfare Department.

In all cases of accidents or injuries, or illnesses requiring emergency medical attention, the person in charge of the facility shall promptly notify the parents, or persons placing the child in such facility, or persons designated in Subsection (II) 3 hereof and shall provide emergency medical care as directed, or as authorized by Subsection (II) 4 hereof. In cases of accidents, injuries or illnesses requiring emergency medical attention, the facility shall notify the Child Welfare Supervisor within twenty-four (24) hours.

Exception: For children whose parents adhere to a religious faith practicing healing by prayer, or other spiritual means, the facility shall obtain a signed statement that no medical care is to be provided, and any accidents, injuries or illnesses affecting such children which are of an emergency nature shall be reported immediately to the Child Welfare Supervisor, or any member of the Child Welfare Board.

(FF) First Aid: The child care facility shall maintain first aid supplies for the care of minor cuts and scratches. The first aid supplies shall include those items the person in charge is qualified to use and shall be kept in a room or cabinet, which is inaccessible to the children. No medicine shall be administered to a child unless prescribed by the child's physician. A clinical thermometer must be available at all times.

(GG) No child care facility shall claim to provide professional health protection unless the person in charge is a licensed nurse or physician, unless the staff includes a licensed nurse or physician.

(HH) Isolation and Removal of Children: Every child care facility shall have and maintain an isolation room in which a child who becomes ill may be cared for until he can be removed. Such room shall not be used by other children while a sick child is being cared for in the room, and during such period isolation of such child shall be maintained, and no other children or unauthorized person shall be allowed to enter the room. A child who is ill may be kept in the facility in such room only until his parents or guardian, or a person designated pursuant to Subsection (II) 3 hereof, or the operator of the child care facility, or the Child Welfare Supervisor (as hereinafter authorized), removes such child from the facility; provided, however, that a child who is receiving twenty-four (24) hour care in:

1. A Family Care Home or a Child Nursery, and who has become ill and has been confined to such isolation need not be removed from such room or the facilities; provided further, that until such time as an attending physician certifies in writing that the child is free from any contagious or communicable disease, such child shall be confined in such isolation room and no additional children shall be admitted to such facility; or
2. A Commercial Nursery, and who has become ill and has been confined to such isolation room, need not be removed from such room or the facility if an attending physician certifies in writing that the child is free from any contagious or communicable disease. In such event isolation shall not be required.

It shall be the duty of the licensee, or other person in charge, of every child care facility to immediately notify the parents, or persons placing the child in such facility, or persons designated pursuant to Subsection (II) 3 hereof, of any symptoms of illness of a child, and to request that such child be removed as soon as possible.

In the event the parents, or persons placing a child in the facility, or persons designated pursuant to Subsection (II) 3 hereof, cannot be immediately contacted, or if they refuse, after notification of illness and request for removal, to remove a child who has become ill, the licensee or other person in charge of the facility shall immediately notify the Child Welfare Supervisor, or any member of the Child Welfare Board, stating the nature of the illness and the diagnosis of the attending physician, if any.

if the diagnosis of an attending physician, or the nature of the illness, indicates a communicable or contagious disease, any child so affected must in all events be removed from the isolation room and the premises of the child care facility within not more than twelve (12) hours after the licensee, or other person in charge of the facility, has acquired knowledge of such illness and given the required notification. In the event the parents, or persons placing such child in such facility, or persons designated pursuant to Subsection (II) 3 hereof, cannot be contacted immediately for notification, or shall fail or refuse to remove a child affected with a communicable or contagious disease within twelve (12) hours after notification of illness and request for removal of the child, the Child Welfare Supervisor shall be authorized to remove such child from the isolation room and the premises of the child care facility, without the permission of the parents, or persons placing such child in the facility, or persons designated in Subsection (II) 3; provided, however, that such removal can be made only if the attending physician approves of such removal. In such event, the child shall be placed in the Southern Nevada Memorial Hospital, or such other location as may be approved by the attending physician for treatment, and all persons having any parental or custodial rights shall be deemed to have consented to such removal and treatment. All costs and expenses connected with the examination, diagnosis, removal and treatment shall be paid by the parents, or guardian, or other persons placing such child in the child care facility. The admission forms of the child care facility shall contain appropriate language, notifying all persons of such consent to removal and liability for failure or refusal to remove a child affected with a contagious or communicable disease. If the attending physician refuses to give approval for the removal of a child for reasons of health, such removal shall be made as soon thereafter as approval is given, and during the period, isolation of the child shall be maintained.

(II) Records: Current records concerning the administration of the facility and the children cared for shall be maintained in the nursery, and shall be readily available. Such records shall be kept for one (1) year, and must be furnished for inspection, upon request, to an authorized employee of the City, or to a member or members, of the Child Welfare Board, whether the licensee is present or not. Said records shall include the following information:

1. Child's full name, birthdate and current address.
2. Full name of both parents, home address, work address and telephone numbers where parents, or guardian, or relative may be contacted.
3. Name, address and telephone numbers of two (2) responsible persons designated by the parents or guardian or authorized custodian who may be called in case of illness, or an emergency, when parents cannot be reached.
4. Authorization to call a physician, or hospital, specified by the parents, or guardian, or authorized custodian, should the need arise. In those cases where no particular physician or hospital is specified, the person in charge shall be authorized to obtain the services of any physician, and the parents, or other persons placing the child in a child care facility shall be responsible for these services and shall agree to pay for all emergency medical care.
5. History of immunization and past communicable diseases, and history of any health problem which may affect the child's care (allergies, physical defect).
6. Accurate account of attendance of each child, including reason for absence, if known.

7. Date when child enters nursery and date when child leaves.

A daily report, either verbal or written, shall be available for parents on food eaten, rest given, bowel movement and any accident or injury, or any unusual behavior.

Records shall be kept on all persons employed at, or residing at, the licensed premises, including their names, ages, relationship to the licensee, (if any), medical certification when required, experience, references (if any), and how long know to the licensee.

(JJ) All child care facilities must have a telephone on the premises.

SECTION 6, Title II, Chapter 5, Section 12 of said Municipal Code is hereby amended to read as follows:

2-5-12: ADDITIONAL STANDARDS AND REGULATIONS APPLICABLE TO ALL CHILD CARE FACILITIES.

(A) Personnel Qualifications: All child caring personnel must 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 development. All such personnel shall be persons of good mental and physical health and emotional stability with no language barrier between child and staff employee caring directly for children.

(B) There shall be a Director, or similarly designated adult in charge, who shall have the responsibility for the administration of the child care facility. The Director or adult in charge should be a professionally trained person with educational background and training in one of the professional fields relating to child care and parent, education, or similar experience in care and training of groups of children. The Director of a Commercial Nursery shall have completed a high school education and have had either one (1) year's study as a nursery school teacher or two (2) years' training in nursery field work.

The Child Welfare Board shall in its discretion make the determination as to whether the minimum standards of the foregoing subsection have been met. The Child Welfare Supervisor shall have authority to grant tentative approval as to the qualifications of applicants for the position of "Director," such approval, however, must be affirmed or denied by the Child Welfare Board at the subsequent meeting.

(C) Number of Staff: There must be capable adults of a sufficient number to assure constant and adequate supervision of the children. In facilities caring for less than ten (10) children, there shall be at least one (1) adult in charge at all times that such facility is being operated. In facilities caring for ten (10) to fifteen (15) children there shall be a minimum of two (2) adults, one (1) of whom shall be in charge, and both of whom shall be engaged in supervision at all times that such facility is being operated. In facilities caring for sixteen (16) or more children there shall be a minimum of one (1) adult for each fifteen (15) children engaged in a supervisory capacity, exclusive of cooks and housekeepers.

Every nursery operator shall notify the Child Welfare Supervisor in writing within twenty-four (24) hours of any change in personnel of the nursery.

(D) Age: No person who has not attained his or her eighteen (18) birthday shall be employed or permitted to work in any child care establishment except in a nonsupervisory capacity. This provision does not apply in the case of family care homes.

(E) Cooks and Housekeepers: There must be an adequate number of capable persons for housekeeping and maintenance to insure proper planning of menus and proper preparation and serving of food, and to maintain the facility in a safe and sanitary manner.

(F) Health of Staff: Each person caring for children, preparing food, or otherwise coming in contact with the children, must be of sound physical and mental health as evidenced by certification of a licensed physician according to standards of the Department of Health. Such certificate shall be obtained from a local physician not more than five (5) days prior to assumption of duties. A health recheck must be had every six (6) months and certificate therefor must be kept on file in the facility for inspection by an authorized representative of the City, and the parents of children cared for in the facility. Every such health examination shall include a Tuberculin Test. If any person who cares for or comes in contact with the children in a child facility shows evidence of any illness of a communicable type, such person shall remain away from the facility during the period of illness and until certified by a physician as free from a communicable or contagious disease.

Physical examination of adults in a "family care home" may be required to show evidence to be of sound physical and mental health, and to be free from any communicable or contagious disease as evidenced by certification of a licensed physician, according to standards of the Department of Health.

(G) Fire Protection: Every room shall have access to at least two (2) approved means of exit from the building without passing through intervening rooms, other than corridors or lobbies. This shall not apply to a family care home with ten (10) or less total occupants.

No exit door from a child-occupied room to a hallway, or to the outside, shall be equipped with a lock, latch, bolt, or other fastening device which will allow for locking such door against opening free within, or which will require a second motion to open for exit purposes.

Fire drills shall be conducted not less than once each month under the direct supervision of the Fire Prevention Bureau in each commercial nursery and/or nursery school. An adequate and/or suitable warning system or device approved by the Fire Prevention Bureau shall be installed for use in fire drill purposes in each of the aforementioned child care facilities, in addition to monthly fire drills supervised by the Fire Prevention Bureau, the owner and/or operators of each commercial nursery or nursery school shall conduct weekly fire drills, maintaining a record of such fire drills subject to the inspection of the Fire Prevention Bureau.

Owners and/or operators of family care homes, child nurseries, and church nurseries having a total occupant load of ten (10) or less need not conduct the weekly fire drills, but shall prepare and maintain a fire evacuation plan of the premises; such fire and evacuation plan shall be subject to the approval of the Fire Prevention Bureau.

(H) Fire Extinguishers: Approved type fire extinguishers shall be provided throughout the structure as specified by the Fire Prevention Bureau of the City, based upon the following scale:

1. "Approved" means that the extinguisher shall have an underwriter's label and/or number.
2. In wards, halls, corridors, sleeping rooms, basements, or storage areas: pressurized water or watertype extinguishers.
3. In kitchens: Carbon dioxide or dry powder extinguishers or equivalent.

(I) Combustible Decorations: All drapes, hangings, curtains, drops and all similar decorations that tend to increase the fire and panic hazards shall be made from a nonflammable material, or shall be treated and maintained in a flame retardant condition by means of a flame retardant solution or process approved by the Fire Prevention Bureau of the City.

(J) Animals: No animal shall be maintained or permitted to remain on the premises of any child care facility. This provision does not apply to family care homes.

(K) It shall be unlawful to advertise child care services without having a child care facility license, as provided for by Section 4 (A) of this Chapter.

SECTION 7. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction

thereof, be punished by a fine of not more than \$500.00 and/or imprisonment in the City Jail for not more than six (6) months, or any combination of such fine and imprisonment. Every day of such violation shall constitute a separate offense.

SECTION 8. All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED this 6th day of July, 1966.

-s- ORAN K. GRAGSON
Mayor

ATTEST:

-s- Aletha E. Watson.
Asst. City Clerk

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 18th day of May, 1966, and referred to the following committee composed of Commissioners Fountain and Whipple for recommendation; thereafter the said committee reported favorably on said ordinance on the 6th day of July, 1966, which was a Regular meeting of said Board; that at said Regular meeting the proposed ordinance was read by title to the Board of Commissioners, as first introduced, and adopted by the following vote:

VOTING "AYE": Commissioners Stewart, Mirabelli, Fountain, Whipple & Mayor Gragson

VOTING "NAY": None ABSENT: None

APPROVED:

-s- ORAN K. GRAGSON
Mayor

ATTEST:

-s- Aletha E. Watson
Asst. City Clerk

July 9, 1966.