

AN ORDINANCE AMENDING TITLE II, CHAPTER 5, SECTIONS 2-5-1 THROUGH 2-5-7, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960, BY PROVIDING FOR THE REGULATION AND LICENSING OF CHILD CARE FACILITIES WITHIN THE CITY OF LAS VEGAS; DECLARING THE POLICY OF THE CITY OF LAS VEGAS WITH RESPECT THERETO; PROVIDING FOR A CHILD WELFARE BOARD OF THE CITY OF LAS VEGAS; PROVIDING STANDARDS FOR CHILD CARE FACILITIES; PROVIDING FOR THE ISSUANCE, SUSPENSION, REVOCATION AND TERMINATION OF LICENSES FOR THE OPERATION OF CHILD CARE FACILITIES; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. Chapter 5 (Sections 2-5-1 through 2-5-7) of Title II of the Municipal Code of the City of Las Vegas is hereby amended to read as follows:

SECTION 2-5-1. DECLARATION OF POLICY. It is hereby found and declared that the public health, safety, morals and welfare of the inhabitants of the City of Las Vegas require the regulation and control of businesses engaged in the operation of child care facilities. All establishments where care for children is given, as hereinafter defined in this Chapter, shall be licensed and so operated and controlled as to protect the public health, safety, morals, good order and general welfare of the inhabitants of the City, and to safeguard the public. It is hereby further found and declared that the right to obtain such license is a privilege and that the operation of a child care facility, when authorized by such license, is a privileged business subject to regulation. In conformance with the policy of this Chapter, the following persons are declared to be not qualified to hold a license under the provisions of this Chapter.

(A) A person who does not possess or who does not have a reputation for possessing a good moral character.

(B) A person who is under the age of twenty-one (21) years.

(C) A person who has been convicted of a crime involving moral turpitude.

(D) A person who the Board of Commissioners shall determine is not a suitable person to receive or hold a license, after due consideration for the protection of the public health, safety, morals, good order and general welfare of the inhabitants of the City.

SECTION 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 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 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 day-time basis only, or both. Not more

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than four (4) children in a Family Care Home may be infants of the age of two (2) years or under, and in no event shall the number of pre-school children of the licensee exceed two (2). The term "Foster Home" is herein defined as synonymous with "Family Care Home."

- (b) An "INFANT NURSERY" is a facility which is equipped to provide care for one or more, but not more than twelve (12) children from infancy to the third birthdate, during the whole or any part of a twenty-four (24) hour period. Provided, however, that provision must be made to prevent co-mingling of infants with children of the age of two (2) years to the third birthdate.
- (c) 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 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.
- (d) 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. 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 "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 from infancy to the third birthdate, or for children of two (2) years of age or more, but not more than sixteen (16) years of age. Care from infancy to the third birthdate, or care of children from two (2) years to sixteen (16) years of age, shall not be co-mingled in the same church nursery. 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.
- (f) A "NURSERY SCHOOL" is a facility which is equipped to provide day care supervision and educational experience 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 school facilities as provided for herein, and such number shall be set forth on the license.
- (g) "Day" or "Daytime" shall mean from 6:00 A.M. to 8:00 P.M.

SECTION 2-5-3. There shall be a Board to be designated as the Child Welfare Board of the City of Las Vegas, which shall prepare rules, regulations and standards for the administration of child care facilities and recommend the same for adoption by the Board of City Commissioners in the manner prescribed for the adoption of ordinances.

The Child Welfare Board of the City of Las Vegas shall consist of seven (7) members, who shall be selected from the residents of the City, with special care given to the selection of persons from different types of organizations. Each member shall be appointed for a term of three (3) years by the Board of City Commissioners. The members of the existing Child Welfare Board shall continue in office for the unexpired term of their respective appointments. Four (4) members shall constitute a quorum of said Board at any meeting, and a majority of those present and voting at any such meeting may take official action on any matter presented to said Board.

The Board shall meet at least once a month for the purpose of approving

or disapproving applications for licenses for child care facilities, and for the purpose of considering all other matters relating to the administration and enforcement of this Chapter. The Board, or any member thereof, or the Child Welfare Supervisor, shall have the authority to enter upon the premises of any child care facility at any time for the purpose of inspection or investigation.

SECTION 2-5-4.

- (a) Except as otherwise provided in this Chapter, no firm, person, association, partnership, corporation, institution or agency shall provide care and supervision for one 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 care given as part of the program of a parochial educational institution, or the occasional care of a neighbor's, relative's or a friend's children, 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, firm, association, partnership, corporation, institution or agency required to be licensed under this Chapter shall make application to the Child Welfare Office of the City of Las Vegas. 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 of children for whom care will be provided.
- (c) Every person applying for a license under this Chapter shall pay an investigation fee of five (\$5.00) dollars to the City of Las Vegas 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 2-5-5. All original applications for a license must be acted upon by the Child Welfare Board within sixty (60) days and either be approved or disapproved, provided that said period may be extended for not to exceed an additional sixty (60) days if reports required from departments of the City have not been received by the Board. In the event said application is approved, the Secretary of the Board shall so certify thereon and shall notify the applicant of such approval. Such applicant may thereafter file the application with the Division of Licenses and Revenue, City of Las Vegas, and deposit the fees hereinafter provided. The Supervisor of License and Revenue shall thereafter submit said application to the Board of Commissioners of the City at its next regular meeting for its approval, and shall issue the appropriate license, if granted by said Board.

If said application is disapproved by the Child Welfare Board, the Secretary of the Board shall so certify thereon and shall notify the applicant, in writing, of such disapproval. The applicant may, not later than fifteen (15) days after the date of such notice, appeal the decision of the Child Welfare Board to the Board of Commissioners of the City of Las Vegas by a written request for review, whereupon the Commission shall either grant or deny such application.

All reports of any department of the City concerning original applications and any renewal applications shall be filed with the Child Welfare Supervisor of the City of Las Vegas, who shall cooperate with the Child Welfare Board, under the direction of the City Manager or such department head as he may designate.

SECTION 2-5-6.

- (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. 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.
- (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 2-5-7. The failure or refusal of any licensee to comply with any provision of this Chapter applicable to his license, or other applicable provisions of this Code or State Law, shall be sufficient cause for the suspension or revocation of such license by the Board of Commissioners of the City of Las Vegas, either upon its own motion or upon recommendation of the Child Welfare Board, and every licensee shall be deemed to have accepted his license subject to such right of suspension or revocation; provided, however, that such licensee shall first be given a written notice of a hearing to show cause, if any there be, why his license should not be suspended or revoked. Such notice shall set forth the reason or reasons for such hearing, and shall include a specification of violations of law or other acts or omissions alleged against the licensee, all of which shall be in ordinary, concise language. Said hearing shall be conducted in the manner and procedures for the revocation of business licenses in general.

SECTION 2-5-8.

- (a) Each license for a child care facility issued by the City of Las Vegas shall expire annually one (1) year after the date of its issuance. The Secretary of the Child Welfare Board shall give to each licensee holding a valid license written notice of the expiration date of said license. Said written notice shall be given at least sixty (60) days prior to the expiration date; provided, however, that actual receipt of said notice shall not be required in any event and provided that the licensee shall not in any case be relieved of the obligation to file a renewal

application as hereinafter provided. An application for the renewal of a license for the ensuing year must be filed with the Child Welfare Board not more than sixty (60) nor less than thirty (30) days prior to the expiration date of the license in each year. Renewal applications shall be approved or disapproved by said Board prior to the expiration of an existing license. The Child Welfare Board may waive any or all requirements of investigation and reports by City departments with respect to any renewal application. If such renewal application is approved, the Secretary of said Board shall certify its approval on any such application and the same may then be filed, together with necessary fees, with the Division of Licenses and Revenue of the City, which shall thereupon issue the appropriate license. In the event any renewal application is disapproved by said Board, notice thereof shall be given to the applicant, in writing, and such applicant shall thereupon have the same right of appeal to and review by the Board of Commissioners as is provided in Section 2-5-5 hereof concerning original applications.

- (b) Licenses for child care facilities shall not be transferrable to any other licensee or location. The removal of the child care facility to a location other than that for which the license is issued, or the substitution of another person for the original applicant or the person directly in charge of said child care facility, or the addition to, or major alteration of, the premises for which the license was issued, or substantial change in the facilities used in connection with such license, without the prior approval of the Child Welfare Board, whether or not Building Permits have been issued therefor, shall automatically void the license. Any and all such changes or additions or alterations may be considered by the Board with any renewal application, or at any other time when deemed necessary by the Board, and the number of children authorized by such license may be increased, or decreased, in the discretion of the Board, subject to the right of review by the Board of Commissioners of the City upon written request, in the manner provided for original or renewal applications.

SECTION 2-5-9.

- (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 (\$5.00) Dollars.
 2. The annual license fee for a Child Nursery shall be Twenty (\$20.00) Dollars.
 3. The annual license fee for an Infant Nursery shall be Twenty (\$20.00) Dollars.
 4. The annual license fee for a Commercial Nursery shall be One Hundred and Twenty (\$120.00) Dollars.
 5. The annual license fee for a Church Nursery shall be Five (\$5.00) Dollars.
 6. The annual license fee for a Nursery School with up to and including twelve (12) children enrolled shall be Sixty (\$60.00) Dollars, and for a Nursery School with more than twelve (12) children enrolled it shall be One Hundred and Twenty (\$120.00) Dollars.

- (b) In addition to the annual license fee, a Child Nursery, Infant 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 \$10,000.00 for each accident, occurrence or injury. A copy of said policy shall be deposited with the Division of Licenses and Revenue before issuance of the license or any renewal thereof.
- (c) Each current license issued by the City of Las Vegas shall be displayed in a prominent place in the child care facility.

SECTION 2-5-10. GENERAL STANDARDS AND REGULATIONS FOR 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:
 - (i) By complete immersion for at least two (2) minutes in clean hot water at a temperature of at least 170F.
 - (ii) By complete immersion in boiling water for one-half (1/2) minute.
 - (iii) 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 (Clorox, Purex, etc.).
- (d) PROTECTION OF UTENSILS, EQUIPMENT, ETC. 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, or play activity, shall have sufficient windows for adequate light and ventilation. The indoor play rooms must have sufficient floor area available to provide thirty-five (35) square feet, per occupant, exclusive of stair, bathroom, kitchen, halls and movable furnishings and equipment.

When beds are in place for napping, there shall be two and one-half ($2\frac{1}{2}$) feet 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 (35) square feet per occupant. No beds shall be placed in kitchens, bathrooms or isolation rooms for rest or play.

(i) BEDS AND BEDDING SUPPLIES. 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 the household should not be used by children for rest periods. If used, first a plastic sheet must be placed over the full length and width of the bed and clean linen over this. Each bed, or cot, shall have clean adequate bedding and for infants, 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.

(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:

- (i) 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.
- (ii) 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.
- (iii) 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 floor 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 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:

- (i) Up to and including twelve (12) children: A minimum of 1000 square feet of open usable play area.
- (ii) Thirteen (13) to, and including twenty (20) children: A minimum of 2000 square feet of open usable play area.
- (iii) For each child in addition to twenty (20) and up to thirty (30): 100 square feet per additional child.
- (iv) For each child over the number of thirty (30): 50 square feet per additional child.

- (n) FENCING. Outdoor play areas shall be fenced and screened from neighboring properties by substantial fence or by a block wall. Yard gates must have fasteners inaccessible to small children. All play equipment must be kept in good condition, free of sharp, loose or pointed 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:

- (i) 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.
- (ii) An application for a Commercial Nursery, Infant Nursery, Day 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, fish ponds, etc.
- (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:

- (i) In good general health.
- (ii) Without defects of illness which would endanger other children in the facility or which would make his participation in vigorous group activities inadvisable.
- (iii) 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.

- (i) Smallpox vaccination.
- (ii) Diphtheria.
- (iii) Pertussis.
- (iv) Tetanus.
- (v) 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 of the basis of religion.

- (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.

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, or unless the staff includes a license 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 said room, and during such period isolation of such child shall be maintained, and no other children or unauthorized person shall be allowed to enter said 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 (as herein-after authorized), removes such child from the facility; provided,

however, that a child who is receiving twenty-four (24) hour care in a facility authorized to provide such care, and who has become ill and been confined to such isolation room, need not be removed from such room or the facility if an attending physician certifies in writing that said 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 from the premises as soon as possible; provided, however, that removal need not be requested for a child receiving twenty-four (24) hour care if an attending physician has certified in writing that such child does not have a contagious or communicable disease.

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 _____, (), 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 _____, (), hours after notification of illness and request for removal of the child, the Child Welfare Board 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, said 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 said 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 said 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 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 said 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, etc.).
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.

SECTION 2-5-11. ADDITIONAL STANDARDS AND REGULATIONS APPLICABLE TO FAMILY CARE HOME.

- (a) The licensee of a Family Care Home shall be of suitable temperament to care for children, shall be fond of children, and have an understanding of their needs and development, shall be able to accept the extra responsibility of other children without jeopardizing her health or ordinary care of her children and family, and shall be able to handle an emergency situation promptly and intelligently.
- (b) DEPENDABLE INCOME. The income of the licensee of a Family Care Home, including her spouse and family, whether from employment, or other sources, must be reasonably regular and sufficient to maintain an adequate standard of living for the family as far as essential needs are concerned, exclusive of the income derived from caring for children. The licensee shall not be employed outside of the home.
- (c) WHOLESOME ATMOSPHERE IN HOME. The relationship of all members of a Family Care Home shall be such as to secure a wholesome atmosphere for children.
- (d) RELIGIOUS TRAINING. A Family Care Home licensee shall respect a child's religious belief and afford training as to church attendance, holidays, diet, personal hygiene and related matters. All religious training offered must have the approval of the child's parents, or person responsible for placement.
- (e) HEALTH OF FAMILY. All members of the family must be in good health, physically and mentally, and free of defects or disabilities which would adversely affect the care of children. The Licensee shall be certified for health in the same manner hereinafter provided in Section 2-5-12(e).

SECTION 2-5-12. ADDITIONAL STANDARDS AND REGULATIONS APPLICABLE TO ALL CHILD CARE FACILITIES, EXCEPT A FAMILY CARE HOME.

- (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) **DIRECTOR.** 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 children. The Director, or adult in charge, shall have a knowledge of child development and experience in the 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.
- (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 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 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. In Infant or Church Nurseries limited to the care of children under the age of three (3) years, there shall be a minimum of one (1) adult for each six (6) children, exclusive of cooks and housekeepers.
- (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 non-supervisory capacity. This provision does not apply in the case of Family Care Homes.
- (e) **COOKS, HOUSEKEEPERS, ETC.** 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 re-check 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.
- (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.

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.
- (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: Soda-acid or water type extinguishers shall be available for use.
 - (3) In kitchens: Carbon dioxide or dry powder extinguishers shall be available for use.
- (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 non-flammable 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.

SECTION 2-5-13. ADDITIONAL STANDARDS AND REGULATIONS APPLICABLE TO NURSERY SCHOOLS ONLY.

- (a) Every Nursery School shall have a minimum of one (1) staff member who has been duly trained and certified as a nursery-kindergarten primary teacher, or kindergarten primary teacher by the Board of Education of the State of Nevada.
- (b) Advertisements and statements of services available at a Nursery School shall be limited to such services and educational training as are specified in the license, and no advertising or statements or claims of specialized educational training or experience, or related services, shall be made unless authorized by the license.

SECTION 2-5-14. All ordinances or parts of ordinances in conflict herewith, are herewith repealed.

SECTION 2-5-15. Every person, firm, partnership, association, corporation, institution, or agency violating any of the provisions of this Chapter shall be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or imprisonment of not more than six (6) months in the City Jail, or by both such fine and imprisonment.

SECTION 2-5-16. The City Clerk shall cause this Ordinance to be published once a week for two (2) successive weeks in the _____, a daily newspaper published in the City of Las Vegas, and said Ordinance shall be in full force and effect from and after the date of its second publication.

APPROVED:

ATTEST:

ORAN K. GRAGSON, MAYOR

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, 1960 and referred to the following Committee composed of Commissioners _____ and _____ for recommendation; thereafter the said Committee reported favorably on said Ordinance on the _____ day of _____, 1960, which was a regular meeting of said Board. At said regular meeting the proposed Ordinance was read by title to the Board of Commissioners and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____ ABSENT: _____

APPROVED:

ATTEST:

ORAN K. GRAGSON, MAYOR

EDWINA M. COLE, CITY CLERK

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,) ss
COUNTY OF CLARK)

Louie Muratore, being first duly sworn deposes and says, That he is Foreman of the LAS VEGAS REVIEW JOURNAL, a Daily newspaper of general circulation, printed and published 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 August 15, 1960 to August 22, 1960

inclusive, being the issues of said newspaper for the following dates, to-wit: August 15, 22, 1960

That said newspaper was regularly issued and circulated on each of the dates above named.

SIGNED

Louie Muratore
Louie Muratore

Subscribed and sworn to
before me
this

22nd

day of

August

19 60

Jean Coline

NOTARY PUBLIC, IN AND FOR CLARK COUNTY,
NEVADA

My Commission Expires January 22, 1964

ORDINANCE NO. 860
AN ORDINANCE AMENDING TITLE II, CHAPTER 5, SECTIONS 2-5-1 THROUGH 2-5-7, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960, BY PROVIDING FOR THE REGULATION AND LICENSING OF CHILD CARE FACILITIES WITHIN THE CITY OF LAS VEGAS; DECLARING THE POLICY OF THE CITY OF LAS VEGAS WITH RESPECT THERETO; PROVIDING FOR A CHILD WELFARE BOARD OF THE CITY OF LAS VEGAS; PROVIDING STANDARDS FOR CHILD CARE FACILITIES; PROVIDING FOR THE ISSUANCE, SUSPENSION, REVOCATION AND TERMINATION OF LICENSES FOR THE OPERATION OF CHILD CARE FACILITIES; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.
THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 5 (Sections 2-5-1 through 2-5-7) of Title II of the Municipal Code of the City of Las Vegas is hereby amended to read as follows:

SECTION 2-5-1. DECLARATION OF POLICY. It is hereby found and declared

that the public health, safety, morals and welfare of the inhabitants of the City of Las Vegas require the regulation and control of businesses engaged in the operation of child care facilities. All establishments where care for children is given, as hereinafter defined in this Chapter, shall be licensed and so operated and controlled as to protect the public health, safety, morals, good order and general welfare of the inhabitants of the City, and to safeguard the public. It is hereby further found and declared that the right to obtain such license is a privilege and that the operation of a child care facility, when authorized by such license, is a privileged business subject to regulation. In conformance with the policy of this Chapter, the following persons are declared to be not qualified to hold a license under the provisions of this Chapter.

(A) A person who does not possess or who does not have a reputation for possessing a good moral character.

(B) A person who is under the age of twenty-one (21) years.

(C) A person who has been convicted of a crime involving moral turpitude.

(D) A person who the Board of Commissioners shall determine is not a suitable person to receive or hold a license, after due consideration for the protection of the public health, safety, morals, good order and general welfare of the inhabitants of the City.

SECTION 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 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 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 day time basis only, or both. Not more than four (4) children in a Family Care Home may be infants of the age of two (2) years or under. And in no event shall the number of preschool children of the licensee exceed two (2).

(b) An "INFANT NURSERY" is a facility which is equipped to provide care for one or more, but not more than twelve (12) children from infancy to the third birthdate, during the whole or any part of a twenty-four (24) hour period. Provided, however, that provision must be made to prevent co-mingling of infants with children of the age of two (2) years to the third birthdate.

(c) 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 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.

(d) 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. 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 "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 from infancy to the third birthdate, or for children of two (2) years of age or more, but not more than sixteen (16) years of age. Care from infancy to the third birthdate, or care of children from two (2) years to sixteen (16) years of age, shall not be co-mingled in the same church nursery. 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.

(f) A "NURSERY SCHOOL" is a facility which is equipped to provide day care supervision and educational experience 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 school facilities as provided for herein, and such number shall be set forth on the license.

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

SECTION 2-5-3. There shall be a Board to be designated as the Child Welfare Board of the City of Las Vegas, which shall prepare rules, regulations and standards for the administration of child care facilities and recommend the same for adoption by the Board of City Commissioners in the manner prescribed for the adoption of ordinances.

The Child Welfare Board of the City of Las Vegas shall consist of seven (7) members, who shall be selected from the residents of the City, with special care given to the selection of persons from different types of organizations. Each member shall be appointed for a term of three (3) years by the Board of City Commissioners. The members of the existing Child Welfare Board shall continue in office for the unexpired term of their respective appointments. Four (4) members shall constitute a quorum of said Board at any meeting, and a majority of those present and voting at any such meeting may take official action on any matter presented to said Board.

The Board shall meet at least once a month for the purpose of approving or disapproving applications for licenses for child care facilities, and for the purpose of considering all other matters relating to the administration and enforcement of this Chapter. The Board, or any member thereof, or the Child Welfare Supervisor, shall have the authority to enter upon the premises of any child care facility at any time for the purpose of inspection or investigation.

SECTION 2-5-4.

(a) Except as otherwise provided in this Chapter, no firm, person, association, partnership, corporation, institution or agency shall provide care and supervision for one 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 care given as part of the program of a parochial educational institution, or the occasional care of a neighbor's relative's or a friend's children, 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, firm, association, partnership, corporation, institution or agency required to be licensed under this Chapter shall make application to the Child Welfare Office of the City of Las Vegas. 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 of children for whom care will be provided.

(c) Every person applying for a license under this Chapter shall pay an investigation fee of five (\$5.00) dollars to the City of Las Vegas 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 2-5-5. All original applications for a license must be acted upon by the Child Welfare Board within sixty (60) days and either be approved or disapproved, provided that said period may be extended for not to exceed an additional sixty (60) days if reports re-

quired from departments of the City have not been received by the Board. In the event said application is approved, the Secretary of the Board shall so certify thereon and shall notify the applicant of such approval. Such applicant may thereafter file the application with the Division of Licenses and Revenue, City of Las Vegas, and deposit the fees hereinafter provided. The Supervisor of License and Revenue shall thereafter submit said application to the Board of Commissioners of the City at its next regular meeting for its approval, and shall issue the appropriate license, if granted by said Board.

If said application is disapproved by the Child Welfare Board, Secretary of the Board shall so certify thereon and shall notify the applicant, in writing, of such disapproval. The applicant may, not later than fifteen (15) days after the date of such notice, appeal the decision of the Child Welfare Board to the Board of Commissioners of the City of Las Vegas by a written request for review, whereupon the Commission shall either grant or deny such application. All reports of any department of the City concerning original applications and any renewal applications shall be filed with the Child Welfare Supervisor of the City of Las Vegas, who shall cooperate with the Child Welfare Board under the direction of the City Manager or such department head as he may designate.

SECTION 2-5-6.

(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. 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.

(b) The Health Officers, 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 2-5-7. The failure or refusal of any licensee to comply with any provisions of this Chapter applicable to his license, or other applicable provisions of this Code or State Law, shall be sufficient cause for the suspension or revocation of such license by the Board of Commissioners of the City of Las Vegas, either upon its own motion or upon recommendation of the Child Welfare Board, and every licensee shall be deemed to have accepted his license subject to such right of suspension or revocation; provided, however, that such licensee shall first be given a written notice of a hearing to show cause, if any there be, why his license should not be suspended or revoked. Such notice shall set forth the reason or reasons for such hearing, and shall include a specification of violations of law or other acts or omissions alleged against the licensee, all of which shall be in ordinary, concise language. Said hearing shall be conducted in the manner and procedures for the revocation of business licenses in general.

SECTION 2-5-8.

(a) Each license for a child care facility issued by the City of Las Vegas shall expire annually. The annual period referred to shall be from November 1st of each year to and including October 31st of the following year. The full annual license fee shall be paid regardless of the date of issue. An application for the renewal of a license for the ensuing year must be filed with the Child Welfare Board not more than sixty (60) nor less than thirty (30) days prior to the expiration date of the license in each year. Renewal applications shall be approved or disapproved, by said Board prior to the expiration of an existing license. The Child Welfare Board may waive any or all requirements of investigation and reports by City departments with respect to any renewal application. If such renewal application is approved, the Secretary of said Board shall certify its approval on any such application and the same may then be filed, together with necessary fees, with the Division of Licenses and Revenue of the City, which shall thereupon issue the appropriate license. In the event any renewal application is disapproved by said Board, notice thereof shall be given to the applicant, in writing, and such applicant shall thereupon have the same right of appeal to and review by the Board of Commissioners as is provided in Section 2-5-5 hereof concerning original applications.

(b) Licenses for child care facilities shall not be transferable to any other licensee or location. The removal of the child care facility to a location other than that for which the license is issued, or the substitution of another person for the original applicant or the person directly in charge of said child care facility, or the addition to, or major alteration of, the premises for which the license was issued, or substantial change in the facilities used in connection with such license, without the prior approval of the Child Welfare Board, whether or not Building Permits have been issued therefor, shall automatically void the license. Any and all such changes or additions or alterations may be considered by the Board with any renewal application, or at any other time when deemed necessary by the Board, and the number of children authorized by such license may be increased, or decreased, in the discretion of the Board, subject to the right of review by the Board of Commissioners of the City upon written request, in the manner provided for original or renewal applications.

SECTION 2-5-9.

(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 (\$5.00) Dollars.
2. The annual license fee for a Child Nursery shall be Twenty (\$20.00) Dollars.
3. The annual license fee for an Infant Nursery shall be Twenty (\$20.00) Dollars.
4. The annual license fee for a Commercial Nursery shall be One Hundred and Twenty (\$120.00) Dollars.
5. The annual license fee for a Church Nursery shall be Five (\$5.00) Dollars.
6. The annual license fee for a Nursery School with up to and including twelve (12) children enrolled shall be Sixty (\$60.00) Dollars, and for a Nursery School with more than twelve (12) children enrolled it shall be One Hundred and Twenty (\$120.00) Dollars.

(b) In addition to the annual license fee, a Child Nursery, Infant 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 \$10,000.00 for each accident, occurrence or injury. A copy of said policy shall be deposited with the Division of Licenses and Revenue before issuance of the license or any renewal thereof.

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

SECTION 2-5-10. GENERAL STANDARDS AND REGULATIONS FOR 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:

- (i) By complete immersion for at least two (2) minutes in clean hot water at a temperature of at least 170°F.
- (ii) By complete immersion in boiling water for one-half (1/2) minute.
- (iii) 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 (Clorox, Purex, etc.).

(d) PROTECTION OF UTENSILS, EQUIPMENT, ETC. After cleansing and bactericidal treatment, all utensils and equipment shall be kept stored above floor level, until re-use, 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 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, or play activity, shall have sufficient windows for adequate light and ventilation. The indoor play rooms must have sufficient floor area available to provide thirty-five (35) square feet, per occupant, exclusive of stair, bathroom, kitchen, halls and movable furnishings and equipment. When beds are in place for napping, there shall be two and one-half (2 1/2) feet 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 (35) square feet per occupant. No beds shall be placed in kitchens, bathrooms or isolation rooms for rest or play.

(i) BEDS AND BEDDING SUPPLIES.

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 the household should not be used by children for rest periods. If used, first a plastic sheet must be placed over the full length and width of the bed and clean linen over this. Each bed, or cot, shall have clean adequate bedding and for infants, 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.

(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:

- (i) 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.
- (ii) 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.
- (iii) That type of heater prescribed 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 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:

- (i) Up to and including twelve (12) children: A minimum of 1000 square feet of open usable play area.
- (ii) Thirteen (13) to, and including twenty (20) children: A minimum of 2000 square feet of open usable play area.
- (iii) For each child in addition to twenty (20) and up to thirty (30): 100 square feet per additional child.
- (iv) For each child over the number of thirty (30): 50 square feet per additional child.

(n) FENCING: Outdoor play areas shall be fenced and screened from neighboring properties by substantial fence or by a block wall. Yard gates must have fasteners inaccessible to small children. All play equipment must be kept in good condition, free of sharp, loose or pointed 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:

- (i) 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.
- (ii) An application for a Commercial Nursery, Infant Nursery, Day 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 parent 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 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 liquid and powders, slipping on rugs, unguarded stairs, fish ponds, etc.
- (r) **ADEQUATE ROOM.** The child care facility must have sufficient room to accommodate children in 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, spoons, 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:

- (i) In good general health.
 - (ii) Without defects of illness which would endanger other children in the facility or which would make his participation in vigorous group activities inadvisable.
 - (iii) 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.

- (i) Smallpox vaccination.
- (ii) Diphtheria.
- (iii) Pertussis.
- (iv) Tetanus.
- (v) 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.

(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.

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 (i) (3) hereof, and shall provide emergency medical care as directed, or as authorized by subsection (i) (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, or 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 said room, and during such period of isolation of such child shall be maintained, and no other children or unauthorized person shall be allowed to enter said 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 a facility authorized to provide such care, and who has become ill and been confined to such isolation room, need not be removed from such room or the facility if an attending physician certifies in writing that said 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 from the premises as soon as possible; provided, however, that removal need not be requested for a child receiving twenty-four (24) hour care if an attending physician has certified in writing that such child does not have a contagious or communicable disease.

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, said 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 person having any parental or custodial rights shall be deemed to have consented to such removal and treatment. All costs and expenses connected with said examinations, 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 said 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 guardians, or relative may be contacted.
3. Name, address and telephone numbers of two responsible persons designated by the parents or guardian or authorized custodian who may be called in case of illness, or 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 said 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, etc.).

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.

SECTION 2-5-11. ADDITIONAL STANDARDS AND REGULATIONS APPLICABLE TO FAMILY CARE HOME.

- (a) The licensee of a Family Care Home shall be of suitable temperament to care for children, shall be fond of children, and have an understanding of their needs and development, shall be able to accept the extra responsibility of other children without jeopardizing her health or ordinary care of her children and family, and shall be able to handle an emergency situation promptly and intelligently.
- (b) **DEPENDABLE INCOME.** The income of the licensee of a Family Care Home, including her spouse and family, whether from employment, or other sources, must be reasonably and sufficient to maintain an adequate standard of living for the family as far as essential needs are concerned, exclusive of the income derived from caring for children. The licensee shall not be employed outside of the home.
- (c) **WHOLESOME ATMOSPHERE IN HOME.** The relationship of all members of a Family Care Home

shall be such as to secure a wholesome atmosphere for children.

- (d) **RELIGIOUS TRAINING.** A Family Care Home licensee shall respect a child's religious belief and afford training as to church attendance, holidays, diet, personal hygiene and related matters. All religious training offered must have the approval of the child's parents, or person responsible for placement.
- (e) **HEALTH OF FAMILY.** All members of the family must be in good health, physically and mentally, and free of defects or disabilities which would adversely affect the care of children. The licensee shall be certified for health in the same manner herein after provided in Section 2-5-12 (e).

SECTION 2-5-12. ADDITIONAL STANDARDS AND REGULATIONS APPLICABLE TO ALL CHILD CARE FACILITIES, EXCEPT A FAMILY CARE HOME.

(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 health and emotional stability with no language barrier between child and staff employee caring directly for children.

- (b) **DIRECTOR.** 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 children. The Director, or adult in charge, shall have a knowledge of child development and experience in the 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.

- (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 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 minimum of two (2) adults, one 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. In Infant or Church Nurseries limited to the care of children under the age of three (3) years, there shall be a minimum of one (1) adult for each six (6) children, exclusive of cooks and housekeepers.

- (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 non-supervisory capacity. This provision does not apply in the case of Family Care Homes.

- (e) **COOKS, HOUSEKEEPERS, ETC.** There must be an adequate number of capable persons for housekeeping and maintenance to insure proper planning 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 re-check 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.

- (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. 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.

- (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, Soda-acid or water type extinguishers shall be available for use.
- (3) In kitchens, Carbon dioxide or dry powder extinguishers shall be available for use.

- (i) **COMBUSTIBLE DECORATIONS.** All drapes, hanging, curtains, drops and all similar decorations that tend to increase the fire and panic hazards shall be made from non-flammable 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.

SECTION 2-5-13. ADDITIONAL STANDARDS AND REGULATIONS APPLICABLE TO NURSERY SCHOOLS ONLY.

- (a) Every Nursery School shall have a minimum of one (1) staff member who has been duly trained and certified as a nursery-kindergarten primary teacher, or kindergarten primary teacher by the Board of Education of the State of Nevada.

- (b) Advertisements and statements of services available at a Nursery School shall be limited to such services and educational training as are specified in the license, and no advertising or statements or claims of specialized educational training or experience, or related services, shall be made unless authorized by the license.

SECTION 2-5-14. All ordinances or parts of ordinances in conflict herewith are herewith repealed.

SECTION 2-5-15. Every person, firm, partnership, association, corporation, institution or agency violating any of the provisions of this Chapter shall be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or imprisonment of not more than six (6) months in the City Jail, or by both such fine and imprisonment.

SECTION 2-5-16. The City Clerk shall cause this Ordinance to be published once a week for two (2) successive weeks in the Review-Journal, a daily newspaper published in the City of Las Vegas, and said Ordinance shall be in full force and effect from and after the date of its second publication.

APPROVED:

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 8th day of July, 1960 and referred to the following Committee composed of Commissioners Elwell and Sharp for recommendation; thereafter the said Committee reported favorably on said Ordinance on the 10th day of August, 1960, which was a special meeting of said board called for that purpose. At said special meeting the proposed Ordinance was read by title to the Board of Commissioners and adopted by the following vote:
VOTING "AYE": Commissioner Sharp, Dunham, Whipple and Mayor Gragson
VOTING "NAY": None

ABSENT: Commissioner Elwell
APPROVED:
Oran K. Gragson
ORAN K. GRAGSON, Mayor

ATTEST:
Edwina M. Cole
EDWINA M. COLE, City Clerk
Aug. 15, 1960