

## Chapter 5-33

### CHILD CARE FACILITIES

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#### **Section 5-33-01 PURPOSE**

The purpose of Boise City's child care licensing program is to promote a child care environment where children receive safe, healthy, and developmental appropriate care;  
(5924, Added, 07/13/1999)

#### **Section 5-33-02 DEFINITIONS**

For the purposes of this Chapter, the following terms, phrases, words, and derivations thereof, shall have the meaning given herein. When consistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

#### **APPLICANT:**

A person making application for a license or the renewal of a license to operate a child care facility or act as a child care worker.

#### **CHIEF AGENT:**

A person who has the authority to act or represent the owner of a child care facility.

#### **CHILD:**

A person who is under thirteen (13) years of age who is being provided care and supervision in a child care facility.

#### **CHILD CARE FACILITY:**

Any home or place where non-medical care, protection, and supervision is regularly or periodically provided to children under thirteen (13) years of age, for periods less than twenty-four (24) hours per day, while the parents or guardians are not on the premises. There are three (3) types of child care facilities:

Family Child Care Home - A child care facility that provides care for six (6) or fewer children in a residential building.

Group Child Care Home - A child care facility that provides care for seven (7) to twelve (12) children in a residential building.

Commercial Child Care Center - A child care facility which provides care for more than twelve (12) children or uses a non-residential building.

**CHILD CARE WORKER:**

A person utilized by a child care facility that has direct and regular contact with the children in such facility.

**CITY CLERK:**

Clerk of the City of Boise City, Idaho, or his/her designee.

**DIRECTOR:**

A person on or off-premises who is responsible for the management, supervision and operation of a child care facility and is over the age of eighteen (18) years of age.

**DIRECT CONTACT:**

A person who owes a duty of care to a child in a child care facility and/or has immediate care of a child.

**ENROLLED:**

Any child that has been placed within a child care facility by agreement, contract, or arrangement between the parents or guardians of the child and the facility owner, operator, or manager.

**FLAME SOURCE UTILITY:**

Any device that uses open flame combustion as a means of heating a space, surface or fluid. Common examples (non-inclusive) are: wood, gas, coal, or kerosene heaters, propane space heaters, gas water heaters or stoves, gas or kerosene furnaces, and wood or gas fireplaces.

**JUVENILE CHILD CARE WORKER:**

A person employed by a child care facility who has direct contact with the children and is under the age of eighteen (18) years of age but is thirteen (13) years of age or older.

**LICENSEE:**

A person having a City license in full force and effect, issued hereunder for operation of a child care facility or employment as a child care worker.

**OFFICER:**

A person who holds a position of authority or trust in an organization or corporation that owns, possesses, or operates any child care facility.

**OWNER:**

A person who has, owns, possesses or operates a child care facility. The person who is ultimately the responsible party for the operation and care of the facility.

**PERSON:**

Any individual, partnership, association, corporation, or organization of any kind, and any governmental entity, including the State of Idaho and every political subdivision thereof.

**RESIDENT:**

Any individual thirteen (13) years of age or older who resides in a licensed child care facility.

**SANITARY:**

A clean, healthy condition which promotes health and healthful conditions by eliminating dirt and agents of infection or disease.

**VISITOR:**

An individual who is a guest at a child care facility on a random or infrequent basis to provide a prearranged event, or to visit a child and who is continually under the supervision of a licensee and does not count in the child/worker ratio.

**VOLUNTEER:**

A person who intermittently provides a service to a child care facility without pay or remuneration of any kind and who is continually under the supervision of a licensee.

**WORKER/CHILD RATIO:**

The maximum number of children that each child care worker or director can provide care for, whether it be calculated by the mixed age or single age group formula.

(6265, Amended, 09/09/2003; 5924, Amended, 07/13/1999)

**Section 5-33-03                    LICENSES REQUIRED AND EXEMPTIONS**

- A. No person shall operate a child care facility within the City without obtaining or maintaining a valid license as provided in this Chapter.
- B. No person shall act as a child care worker within the City without obtaining or maintaining a valid license as provided in this Chapter.
- C. No person operating a child care facility shall utilize a person as a child care worker unless such individual is licensed as required by this Chapter.
- D. No person operating a child care facility shall leave a juvenile child care worker, who is not supervised by a licensed child care worker, in charge of one or more children.
- E. No juvenile child care worker shall have direct contact of one or more children in the child care facility without the direct supervision of at least one (1) licensed child care worker.
- F. No person operating a child care facility shall use the services of a volunteer unless such volunteer meets the standards as set forth in 5-33-07I.1
- G. No person operating a child care facility shall use the services of a volunteer who is not continually under the supervision of a licensed child care worker.
- H. The licensing requirements of this Chapter do not apply to any of the following:
  - 1. Any child care facility volunteer other than as set forth in 5-33-03.A-G
  - 2. Any health facility. As used in this Chapter, health facility means any facility that is operated for the diagnosis, care, prevention, and treatment of human illness.
  - 3. Any clinic. Clinic means an outpatient health facility.
  - 4. Any facility that:

- (a) is an elementary school meeting the standards established by the State Board of Education and;
  - (b) operates during the period of normally established school hours and;
  - (c) does not charge fees for programs conducted outside normally established school hours.
5. Any arrangement for the care of the niece, nephew, first or second generation cousin, grandchild, brother or sister, son or daughter, related either by blood or marriage to the care provider unless such care is at the same time being provided to unrelated children. When determining the worker/child ratio within a licensed facility, all related and unrelated children under the age of thirteen shall be counted.
  6. Any arrangement whereby children receive care in their parents' or guardians' home.
  7. Any recreation programs conducted for children by the Girl Scouts, Boy Scouts, Boys Club, Girls Club, or Camp Fire, or similar organizations.
  8. Any public recreation program. "Public recreation program" means a recreation program operated by the state, city, county, special district, school district, community college district, chartered city, or chartered city and county and meets for less than four hours per day.
  9. Any individual that is enrolled in a program that meets the standards established by the State Board of Education and has a curriculum requirement of interaction/observation at a child care facility. This individual shall not be used to meet the worker/child ratio.
  10. Any person otherwise exempt from this section may apply for a child care worker license provided all of the standards and qualifications of the Chapter are met by applicant. Said application fees shall be paid by applicant in accordance with this Section.

(5924, Amended, 07/13/1999)

**Section 5-33-04 PROVISIONAL LICENSE**

- A. Upon the receipt of an application for a child care facility license, the City Clerk may issue a provisional license to an applicant if the City Clerk determines that such person is in substantial compliance with the provisions of this Chapter. In determining whether substantial compliance with the provisions of this Chapter exists, the City Clerk shall require compliance as outlined in 5-33-07F and 5-2-4B. A provisional license may expire one hundred twenty (120) days from the date of issuance or at such earlier time as the City Clerk may designate.
- B. Upon the receipt of an application for a child care worker license, the City Clerk may issue a provisional license to an applicant for the duration of the City Clerk's investigation conducted pursuant to Section 5-33-06. A child care worker with a provisional license must be continually under the supervision of a licensed child care facility director or a licensed child care worker. A provisional license may expire one hundred twenty (120) days from the date of issuance or at such earlier time as the City Clerk may designate. Not more than one (1) provisional license may be issued to the same applicant within any twelve- (12) month period.

(5924, Amended, 07/13/1999; 5542, Added, 05/10/1994)

**Section 5-33-05 APPLICATION FOR LICENSE**

Application for a license in this Chapter shall be made to the City Clerk in the form and manner prescribed by the City Clerk.

(5924, Amended, 07/13/1999; 5542, Amended, 05/10/1994)

**Section 5-33-06 INVESTIGATION AND INSPECTION**

- A. Upon the receipt of an application for a license, the City Clerk, or a person designated by the City Clerk shall conduct an investigation to determine whether the standards established by Section 5-33-07 is met.
- B. The City Clerk or a person designated by the City Clerk shall conduct an investigation on any resident in a child care facility over the age of thirteen (13).
- C. Any individual having an ownership interest in a Child Care Facility or a child care worker shall be required to submit to be fingerprinted. The City Clerk is authorized to perform or request criminal history checks of any applicant including a national background check by the Federal Bureau of Investigation. Pursuant to Idaho Code Section 67-3008 the City Clerk may forward an applicant's fingerprints through the Idaho Department of Law Enforcement to the Federal Bureau of Investigation Identification Division for a national background check. Unless otherwise provided for by law, criminal history records shall not be disseminated to a private entity.
- D. Any individual over the age of thirteen (13) who has contact with children other than their own in a child care facility shall be required to have a background check unless specifically exempted under the provisions of 5-33-03 or defined as a visitor in 5-33-02. The City Clerk is authorized to perform or request criminal history checks of any applicant including a national background check by the Federal Bureau of Investigation. Pursuant to Idaho Code Section 67-3008 the City Clerk may forward an applicant's fingerprints through the Idaho Department of Law Enforcement to the Federal Bureau of Investigation Identification Division for a national background check. Unless otherwise provided for by law, criminal history records shall not be disseminated to a private entity.
- E. Any applicant under the age of eighteen (18) years of age shall submit a signed approval form from a parent/guardian that gives permission to the City Clerk or representative to conduct a complete background investigation.
- F. Prior to granting a license to a person to operate a child care facility, the City Clerk or a person designated by the City Clerk shall conduct an inspection of the premises at which the person applying for the license will operate the child care facility, to ensure that the premises are in compliance with the requirements of Section 5-33-07F.

(6148, Amended, 04/30/2002; 5924, Amended, 07/13/1999; 5542, Amended, 05/10/1994)

**Section 5-33-07 STANDARDS FOR ISSUANCE OF LICENSES**

The City clerk shall issue licenses to applicants upon a finding that the following standards have been met:

- A. Child Care Facility Staffing Requirements.
  - 1. The director is over the age of eighteen (18) years and any juvenile child care worker that is under the age of eighteen (18) years of age must be under the supervision of a licensed worker. No juvenile child care worker shall be left in charge of children without supervision by a licensed child care worker.
  - 2. Workers that are primarily engaged in caring for children must be within sight or hearing of the children that are inside the facility at all times including nap time, and must be able to immediately assist a child in an emergency. Workers that are primarily engaged in caring for children must be within sight and hearing of the children that are outside of

the facility building and must be able to immediately assist a child in an emergency.

3. Only staff who are primarily engaged in caring for the children are to be counted in the worker/child ratio. A sufficient number of child care workers, volunteers and juvenile child care workers must be in direct supervision of their pre-assigned children to meet worker/child ratios as listed in section 5-33-7A.4 and 5-33-7A.5.
4. Worker/Child Ratio for mixed age group will use the following formula:
  - A child under the age of two=two (2) points
  - A child age two and three=one (1) point
  - A child age four and above=one-half (1/2) points
 The maximum number of points or children per worker is ten (10).This number is determined by actual count or by using the worker/child ration formula for mixed age group whichever method results in the lower number of children.
5. Worker/Child Ratio for single age groups will use the following formula:

<b>NUMBER OF CHILDREN ALLOWED</b>			
<u>Number of Staff Required</u>	<u>0-24 Months</u>	<u>2-3 Years</u>	<u>4 Years or Older</u>
1	1-6	1-10	1-12
2	7-12	11-20	13-24
3	13-18	21-30	25-36

6. Exemption for Accredited Montessori Schools.
  - a. Any Montessori school fully accredited by one (1) or more of the accrediting organizations named herein shall not be required to comply with the licensed child care worker-to-child ratio and/or points system set forth in this chapter.
  - b. The authorized accrediting organizations include:
    - i. Association Montessori Internationale (A.M.I.);
    - ii. American Montessori Society (A.M.S.);
    - iii. International Montessori Council; and
    - iv. Montessori School Accreditation Commission (M.S.A.C.).
  - c. To qualify for and receive this exemption from the licensed child care worker-to-child ratio requirement, a Montessori school shall provide a copy of the certificate of recognition or accreditation issued by the accrediting organization to the City Clerk.
  - d. Provisional recognition or accreditation of a Montessori school by the above-named organizations shall qualify a school for this exemption, but a school's status as "associate member" or "affiliate member" is insufficient to qualify a school for this exemption.
  - e. An accredited Montessori school's exemption from the licensed child care worker-to-child ratio requirement does not exempt that Montessori school from any of the other requirements of this chapter.

(6833, Amended, 01/24/2012)

**B. Child Care Facility Record Keeping Requirements.**

The child care director must maintain on the premises a record containing the following information:

1. The child's full name, month, day and year of birth.
  2. The full name, telephone number, and address of parents, guardian, emergency contact person, or agency (which placed the child).
  3. A medical treatment consent form signed by the parent or guardian, which will authorize emergency treatment by a physician if the parents cannot be reached.
  4. Name, address, and telephone number of a physician designated by the parents, including the parents' hospital preference if emergency treatment is required.
  5. Information regarding medication and other health related needs.
  6. Training records for each director and child care worker. These records shall contain number of hours of workshop attendance, name of training session, subject content and name of instructor registered at the City clerk's Office.
  7. A current immunization record for each enrolled child unless the child's parent or guardian has submitted to the child care facility director a certificate signed by a physician licensed by the State Board of Medicine stating that the physical condition of the child is such that all or any of the required immunizations would endanger the life or health of the child or the child's parent or guardian has submitted a signed statement to the child care facility director objecting to immunizations upon religious grounds. Immunization records must be indexed, filed together in a readily available location. Immunization files shall be purged from the provider's records when a child has been withdrawn from the provider's care.
  8. The following documentation is required to be posted in a conspicuous place within the pick up and drop-off area of the child care facility:
    - a. The child care facility owner of director's current CPR and first aid certifications;
    - b. The child care facility's current city license and all the current city licenses of any child care worker or volunteer being utilized by that facility;
    - c. The child care facility's current illness and discipline policy;
    - d. The child care facility's current fire escape plan and;
    - e. The child care facility's policy on enrolling children without current immunizations.
  9. Every child care facility must verify and identify any person, who has been approved by a child's parent or guardian to pick up their child from the facility. Only those approved in advance by the child's parent or guardian may pick-up a child from a facility.
- C. The applicant's staff having direct contact with children at the facility are licensed child care workers or supervised volunteers.
- D. Volunteers meet the standards of Section 5-33-07I.1.
- E. The residents at the applicant's child care facility meet the requirements of Subsection 5-33-07I.1.
- F. The child care facility complies with all building, fire, health and zoning requirements provided for by statute or ordinance.
- G. A child care facility's discipline policy shall outline all methods of discipline employed at the facility.
- H. Transportation Safety: Any child care facility which transports children by resources owned, operated, or arranged by the facility shall assure that:

1. Each child being transported has a "Permission to Provide Transportation" form signed by the parent/guardian and on record at the facility at the time the transportation is provided;
2. All drivers must possess a valid state issued Drivers License appropriate for the vehicle being driven;
3. All drivers shall possess a valid Boise City Child Care Workers license;
4. All vehicles are registered and insured according to Idaho State Law;
5. Children shall not be left in a vehicle unattended or unsupervised at any time;
6. No child under the age of thirteen (13) years shall be transported in the front passenger-side of any vehicle with an enable passenger side air bag.
7. There shall be a restraint system for each child in the vehicle. Children under the age of four (4) years or weighing less than forty (40) pounds shall be seated in approved child care safety seats with proper restraints. Buses that are specifically designed for transporting children and have other protective devices, such as padding are excepted from this rule.

I. Child Care Facility, Child Care Worker, and Volunteer Standards:

1. Criminal History
  - a. The applicant and the applicant's officers, chief agents, and any facility resident, if any, have not had a child care facility license, child care worker license, or other similar permit or license denied, revoked, or suspended by the City or any other state or local agency within the five (5) years preceding the date of application.
  - b. The applicant or if the applicant is not an individual, the applicant's officers, chief agents, and any facility resident have no outstanding warrants, have not received a withheld judgment, or have not been convicted within the five (5) years preceding the date of application of any felony or crime which under the laws of this state would be a felony.
  - c. The applicant or if the applicant is not an individual, the applicant's officers, chief agents, and any other facility resident have never been convicted or had a withheld judgment for any crime committed against children, child pornography or any offense involving sexual misconduct, pandering, or prostitution.
  - d. The applicant or if the applicant is not an individual, the applicant's officers, chief agents, and any facility resident who are registered or have failed to register as sex offenders in the State of Idaho as provided by law.
  - e. The applicant or if the applicant is not an individual, the applicant's officers, chief agents, and any facility resident have never been diagnosed by a licensed counselor, psychologist, psychiatrist or court appointed examiner as a pedophile.
  - f. The applicant or if the applicant is not an individual, the applicant's officers, chief agents, and any facility resident have never been convicted or had a withheld judgment within one year preceding the date of application of any crime involving the use of alcohol, or the sale, possession, or use of drugs, to include the use or possession of drug paraphernalia.
  - g. The applicant or if the applicant is not an individual, the applicant's officers, chief agents, and any facility resident must immediately report any crime committed after a license application has been submitted or a license granted that results in a conviction or withheld judgment.
2. Health and Sanitation
  - a. All child care facilities are required to be inspected by the Central District Health Department for compliance with Idaho Code 39-1110 and

the practice of acceptable public health practices to prevent the spread of communicable diseases and shall be maintained in a sanitary condition.

- (1) Food use in child care facilities shall be prepared and served in a sanitary manner with sanitized utensils and on surfaces that have been cleaned, rinsed and sanitized prior to use to prevent contamination;
  - (2) All food that is to be served in child care facilities shall be stored in such a manner that it is protected from potential contamination;
  - (3) The water supply, where the source is other than a public water system, must be approved by the district board of health;
  - (4) Medicines, cleaning supplies and other hazardous substances must be stored out of reach of children;
  - (5) A telephone or some type of emergency communication system is required.
- b. At the time of the Central District Health Department, City Clerk or designee inspection, the Family Child Care Home, Group Child Care Home or Child Care Center must conform to the following sanitation conditions shall include but is not limited to:
- (1) Children that are ill are to be excluded from the general population.
  - (2) Diaper changing is to be conducted in such a manner so as to prevent spread of communicable diseases.
  - (3) Sleeping and play areas and fixtures are to be maintained in a sanitary condition.
  - (4) Children and workers are to be provided with individual or disposable towels for hand washing. The hand washing area is to be provided with soap and hot and cold running water. Directors, workers, and volunteers are required to wash their hands after changing diapers, using the restroom, and prior to preparing or serving food or drink at the child care facility.
  - (5) The restroom is to be maintained in a sanitary condition.
  - (6) The kitchen is to be maintained in a sanitary condition.
- c. All child care facilities shall require all children to be age-appropriately immunized within fourteen (14) days of initial attendance. These immunizations will be updated for the child's age as recommended by the Public Health Service Advisory Committee on Immunization Practices (ACIP) and the Idaho Department of Health and Welfare, Bureau of Preventive Medicine Immunization Program.
- d. The director of a child care facility shall assure that there shall be at least one adult in attendance at all times who has current proof of training in Pediatric First Aid and CPR, including rescue breathing and first aid for management of choking to the State's accepted training for First Aid and CPR.
- e. CPR, First Aid Courses and qualified instructors shall meet the State's requirements.
- f. CPR training must be renewed annually and remain current throughout the licensing period.
- g. Pediatric First Aid training must be renewed every two years and remain current throughout the licensing period.
- h. Every licensed child care facility having a flame source utility on their premise shall be required to have a carbon monoxide detector operating

at all times within the area where the children are present. Child Care facilities that operate on several levels within the same premise having a flame source utility shall have a carbon monoxide detector operating on each level where the children are present.

i. All licensed child care workers and directors must be constantly aware of the names, number, and special needs of all children under their supervision. All child care workers and directors must be consistently able to recognize and respond to potentially hazardous and emergency situations. All licensed child care workers and directors must be able to move quickly to assist and/or supervise young children, lift children, equipment and supplies, and maintain the ability to lift and quickly move young children out of harms way.

3. Training:

- a. Child care facility directors and workers shall have their vocational and academic experience levels reviewed and be designated as a Level One (Assistant Teacher, Level Two (Teacher), or Level Three (Senior Teacher) for the purpose of establishing the number of training hours required for licensing. The appropriate level designation shall appear on each workers license. The following criteria will be used to establish child care experience levels:
- b. Level One (Assistant Teacher): is a child care worker or director who has less than five (5) years full time experience in the child care profession and; does not possess any formal academic degrees in early childhood education, development, or psychology and; does not possess any of the professional child care certifications identified within the level two definition.
- c. Level Two (Teacher): is a child care worker or director who has at least five (5) years but less than ten (10) years full time experience in the child care profession or; possesses an Associates Degree from an accredited university in early childhood education, development, or psychology or; possesses a professionally recognized credential or certification in early childhood education, child development, child psychology, or child care recognized and approved by the City Clerk.
- d. Level Three (Senior Teacher): is a child care worker or director who has more than ten (10) years of full time experience in the child care profession or; possesses a Bachelor's Degree or higher from an accredited university in early childhood education, development, or psychology or; has possessed an Elementary or Secondary Teaching Credential from the Board of Education of any State within the United States.
- e. Director. The director shall be required to attend fourteen hours (14) for a Level One, eight (8) hours for a Level Two, and four (4) hours for a Level Three of training per facility licensing period in the areas of childhood development, childhood education, childhood psychology, business management, safety or health (excluding CPR and First Aid training). Such training sessions are to be approved by the City Clerk.
- f. Child Care Worker. Workers shall be required to attend ten hours (10) for a Level One, six (6) hours for a Level Two, and four (4) hours for a Level Three of training per licensing period in the areas of childhood

development, childhood education, childhood psychology, business management, safety or health (excluding CPR & First Aid training). At the time of renewal, copies of training certificates for the required training shall be included with the renewal application. Such training sessions are to be approved by the City Clerk.

4. All new applicants for a Child Care Facility and Child Care Worker license shall complete an approved basic child care provider course prior to receiving their license. Such training courses will be approved by the City Clerk.
5. It shall be unlawful for any person to operate any facility without maintaining the aforementioned standards and/or to violate any of the provisions of this Section.

(6265, Amended, 09/09/2003; 5924, Amended, 07/13/1999)

### **Section 5-33-08            LICENSES**

- A. Each child care facility license shall expire upon the earlier of:
  1. One (1) year from the date of Application;
  2. The licensee sells or otherwise transfers the facility, except when change of ownership applies to the transfer of stock when the facility is owned by a corporation and such transfer does not constitute a majority of the issued shares of such corporation;
  3. The licensee surrenders the license to the City Clerk; or
  4. The licensee moves the facility from one location to another.
- B. Each child care worker license shall expire at the end of two (2) years from the date of issuance. However, upon certification, on a form provided by the City Clerk, that a child care worker has been continuously employed at one (1) or more child care facilities for the preceding two (2) year period, a license will be renewed without charge, provided that the license has not been revoked. Such certification must be made by the licensed directors of the child care facilities at which the child care worker has been or is employed. Licenses shall not be transferable to another person.

When a child care worker license is renewed, copies of training certificates for the number of hours required for renewal as outlined in 5-33-07I.3 shall be submitted with the application.

- C.
  1. The City Clerk shall collect at the time of application an non-refundable license fee in an amount established by the Boise City Council and listed on the most current City Clerk License Fee Schedule for Family Child Care Homes, Group Child Care Homes, Child Care Centers and Child Care Workers.
  2. An individual licensed as the owner of a child care facility shall not be charged an additional fee for a child care worker license.
  3. A license fee shall not be imposed upon the State of Idaho or any of its agencies, departments or political subdivisions.
- D. A license issued as provided herein may be renewed upon the submission of an application and the payment of the required fee is submitted not later than thirty (30) days prior to the expiration date of the current license. Upon the submission of an application for renewal in the proper time, manner, and form, the current license, unless forfeited, shall remain in force until the City Clerk has acted on the application for renewal and has given notice of the action taken.

(6419, Amended, 09/20/2005; 5924, Amended, 07/13/1999; 5542, Amended, 05/10/1994)

### **Section 5-33-09            RIGHT TO INSPECT**

The City Clerk, any duly authorized employee, agent of the City Clerk or health inspector may,

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upon presentation of proper identification, enter immediately and inspect any child care facility at any time during the business hours of such facility, with or without advance notice. This inspection may include all portions of the premises or facility whether or not used regularly for child care purposes or is child accessible. The City Clerk shall have the absolute right to enter the premises of any child care facility as often as is necessary to secure compliance with or to prevent a violation of this Chapter.  
(5924, Amended, 07/13/1999; 5542, Amended, 05/10/1994)

**Section 5-33-10 VISITATION**

Any parent or legal guardian shall have the absolute right to enter the premises of any facility during the period of care for the parents or guardian's child or children. Any failure or refusal to allow entry to a parent or guardian may be grounds for revocation of the license pursuant to BCC 5-02-08 Grounds for Revocation. If a parent or guardian has been granted limited or has been denied visitation rights by a court of competent jurisdiction, this section shall not confer a right to visitation.  
(5924, Amended, 07/13/1999; 5542, Amended, 05/10/1994)

**Section 5-33-11 PROVISIONS SEVERABLE**

The provisions of this Chapter are severable. If any provision of this Chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the validity of other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application.  
(5924, Amended, 07/13/1999; 5542, Amended, 05/10/1994)

**Section 5-33-12 ENFORCEMENT**

The Clerk and designees are authorized to carry out the policies and procedures herein described and may enforce the provisions of the Title and Chapter by initiating either administrative or criminal action, or both.  
(5924, Amended, 07/13/1999; 5542, Added, 05/10/1994)