

SUMMARY: Amends Washoe County Ordinance No. 312 by designating the representative of the Washoe County Welfare Department as a non-voting member of the Washoe County Child Care Advisory Board, by substituting the Child Care Services Officer of the Nevada State Welfare Division in place of the Director of the Child Care Services Division as a member of the Washoe County Child Care Advisory Board, and by adding a section regulating baby-sitting agencies.

BILL NO. 537

ORDINANCE NO. 383

AN ORDINANCE AMENDING "AN ORDINANCE CONCERNING THE ESTABLISHMENT, OPERATION, MAINTENANCE, ADVERTISEMENT AND REGULATION OF CHILD CARE FACILITIES; PROVIDING FOR THE ISSUANCE OF LICENSES AND PERMITS FOR THE OPERATION OF CHILD CARE FACILITIES; REQUIRING THE BUILDING INSPECTOR TO VISIT AND INSPECT PREMISES WHICH ARE TO BE USED FOR CHILD CARE FACILITIES; REQUIRING HEALTH DEPARTMENT INSPECTIONS AND FIRE INSPECTIONS OF CHILD CARE FACILITIES; PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF; REPEALING WASHOE COUNTY ORDINANCE NO. 73; AND OTHER MATTERS PROPERLY RELATING THERETO" BY DESIGNATING THE REPRESENTATIVE OF THE WASHOE COUNTY WELFARE DEPARTMENT AS A NON-VOTING MEMBER OF THE WASHOE COUNTY CHILD CARE ADVISORY BOARD, BY SUBSTITUTING THE CHILD CARE SERVICES OFFICER OF THE NEVADA STATE WELFARE DIVISION IN PLACE OF THE DIRECTOR OF THE CHILD CARE SERVICES DIVISION AS A MEMBER OF THE WASHOE COUNTY CHILD CARE ADVISORY BOARD, AND BY ADDING A SECTION REGULATING BABY-SITTING AGENCIES.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DO ORDAIN:

SECTION 1.

Section 2 of Washoe County Ordinance No. 312 is hereby amended to read as follows:

SECTION 2. Definitions.

For the purpose of this ordinance the terms defined in this section shall have the meaning set forth in this section wherever used or referred to.

- A. Baby Sitter: the term "baby sitter" shall mean any person who cares for any minor child under the age of sixteen (16) years during a short absence of the parent, parents, or guardian for a fee or otherwise in any place of residence, including, without limitation, any home, any motel, or any hotel, and who is employed by or is placed in any such residence by a baby-sitting agency.
- B. Baby-Sitting Agency: the term "baby-sitting agency" shall mean any person, partnership, firm, corporation, association, or other legal entity which places a baby sitter or baby sitters in any place of residence including, without limitation, any home, motel or hotel for the care of any minor child under the age of sixteen (16) years for a fee or other compensation or pursuant to any arrangement not involving compensation.
- C. Board: the term "Board" shall mean the Board of County Commissioners of Washoe County.

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- D. Caregiver: the term "caregiver" shall mean any person whose duties include direct care, supervision and guidance of children in a child care facility.
- E. Child Care Center: the term "child care center" shall mean any child care facility, by whatever name known, other than an occupied private residence, wherein two or more children, aged two to sixteen are received, cared for and maintained.
- F. Child Care Facility: the term "child care facility" shall mean any establishment operated and maintained for the purpose of providing care, supervision, guidance and/or recreation, on a temporary or permanent basis, for any period during the day or overnight, with or without compensation to two or more unrelated children under 16 years of age, who are unaccompanied by parents, guardians or custodians. This ordinance shall not be construed to apply to:
1. Care in the home of natural parents or guardians or relatives in which the children being cared for are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility;
 2. A foster home as defined in Chapter 424 of Nevada Revised Statutes;
 3. Care given in any institution of the State of Nevada or its political subdivision whose standards for child care are established by other statutory authority or criteria;
 4. Free care given in connection with a regularly recognized program of church instruction, which in duration does not exceed the religious services or functions to which it is related;
 5. Occasional care of a neighbor, relative, or friend's child(ren) without compensation when such person does not regularly engage in such activity.
 6. Day camp or camp-type operations primarily involving outdoor activities.
- G. Day Care: the term "day care" shall mean the care, supervision and guidance of children, unaccompanied by parents, guardians or custodians, on a regular basis for periods of no more than 14 hours per day in a child care facility as herein defined.
- H. Director: the term "director" shall mean either the licensee or a person appointed by the licensee who shall have the responsibility for the management of the facility.
- I. Family Child Care Home: the term "family child care home" shall mean any child care facility in

an occupied private residence wherein at least two but not more than six children inclusive of children under the age of 12 in the immediate family are received, cared for and maintained.

- J. Group Child Care Home: the term "group child care home" shall mean a child care facility, usually within an occupied private residence wherein at least seven but not more than twelve children, inclusive of children under the age of 12 in the immediate family, are received, cared for and maintained.
- K. Group Recreational Facility: the term "group recreational facility" shall mean a facility that provides recreational activities on a temporary basis for no more than five hours within any 24 hour period for children six years of age and older and no more than three hours within any 24 hour period for children two to five.
- L. Infant and Toddler Nursery: the term "infant and toddler nursery" shall mean any child care facility which is equipped to care for three or more children under the age of two and may provide care up to the third birthdate. An infant and toddler nursery may be a distinct part of a child care center provided that the operations of the infant and toddler nursery shall be kept separate from the child care center.
- M. Licensee: the term "licensee" shall mean the individual corporation, partnership, voluntary association, or other public or private organization ultimately responsible for the development and enforcement of policies, programs and procedures of a child care facility, and adherence to these regulations in the facility.
- N. Person: the term "person" shall mean the singular and the plural and shall include individual persons, partnerships, firms, corporations or associations.
- O. Pre-school: the term "pre-school" shall mean a facility that provides a program of specific educational goals designed to maximize the individual child's learning environment and readiness for school. Any group of children may participate in the program for four hours or less per day. A pre-school may be a distinct or an integral part of another type of child care facility provided that each part meets the requirements stated herein.
- P. Private Kindergarten: the term "private kindergarten" shall mean a facility licensed by the State Department of Education. If a kindergarten is a part of a child care facility, then the kindergarten physical area must also be licensed by the Welfare Department.
- Q. Specialized Child Care Facility: the term "specialized child care facility" shall mean a facility that provides child care primarily for children with developmental disabilities.

- R. Welfare Department: the term "Welfare Department" shall mean the Washoe County Welfare Department.
- S. Welfare Director: the term "Welfare Director" shall mean the Director of the Washoe County Welfare Department.

SECTION 2.

Section 3 of Washoe County Ordinance No. 312 is hereby amended to read as follows:

SECTION 3. Washoe County Child Care Advisory Board. The Washoe County Child Care Advisory Board is hereby created. The purpose of said board is to serve as an advisory body to the Washoe County Welfare Department with respect to matters pertaining to, and included in, this ordinance. The membership of said board shall be appointed by the Board of County Commissioners of Washoe County and shall include representatives from each of the following entities and areas:

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

Five of the initial appointees to said board shall be designated to serve for a term of one year, and six of the initial appointees to said board shall be designated to serve for a term of two years. The members of said board are eligible for reappointment. At the expiration of the initial term of members of said board appointed, all subsequent appointments shall be for a term of two years. The board shall elect its own chairperson, and shall meet at the call of the chairperson, but in no event less than six times annually.

SECTION 3.

There is hereby added to Washoe County Ordinance No. 312 a new section, which shall be known as Section 22.5 and shall read as follows:

SECTION 22.5. Baby-Sitting Agencies.

- A. Licensing and bonding. Each baby-sitting agency which places any baby sitter in the unincorporated area of Washoe County for the purpose of caring for any minor child under the age of 16 years shall be licensed and bonded by the State of Nevada in accordance with the provisions of Chapter 611 of Nevada Revised Statutes and any regulations promulgated thereunder and shall possess a valid business license issued by Washoe County. A copy of the State bond required of each such baby-sitting agency shall be deposited with the Washoe County Sheriff's Department before issuance of a County business license.
- B. Standards applicable to all baby sitters placed in the County by baby-sitting agencies:
1. Each baby sitter placed by a baby-sitting agency in Washoe County must be 18 years of age or older.
 2. Each baby sitter placed by a babysitting agency in Washoe County must have on his/her person a valid "police work card" issued by the Washoe County Sheriff's Department.
- C. Activities and conduct prohibited in the course of babysitting:
1. Corporal punishment shall not be used on any child under the care of a baby sitter, whether or not permission has been given by the parent or guardian of such child.
 2. Except for medical emergencies, no child under the care of a baby sitter shall be transported by a baby sitter without written permission of the child's parent or guardian.
 3. No person other than a baby sitter shall be on the premises where any minor child under the age of 16 years is being cared for by a baby sitter without permission of the parent or guardian of said minor child, except in a medical emergency. Any person on the premises who is not a baby sitter within the meaning of this ordinance shall comply with the standards of conduct and provisions specified herein for baby sitters and baby-sitting agencies.
 4. No person shall perform the services of a baby sitter while suffering from a communicable disease.
 5. No person performing the services of a baby sitter within the meaning of this ordinance shall smoke on the premises where any minor child under the age of 16 years is being cared for by a baby sitter without permission of the parent or guardian of said minor child.

- D. Records and inspection. Each baby-sitting agency shall keep in its place of business a record of each person employed by said agency or placed by said agency for the care of children, which business record shall contain the following information:
1. The "police work card" number and expiration date.
 2. A completed application for employment, listing the name, address, birth date, social security number, telephone number, education, training, work experience, and the names and addresses of three personal references for each person placed by the baby-sitting agency as a baby sitter.
 3. The name of each person who shall be notified in the case of an emergency.
 4. A photostatic copy of each baby sitter's birth certificate.
 5. A copy of each baptismal certificate or other recognized proof of identity of each baby sitter, which includes a photograph of the baby sitter.
 6. A report of a medical examination of each baby sitter completed no longer than six months prior to employment and signed by a physician verifying that said baby sitter is free from physical and/or mental health problems which would have a harmful effect on any minor child under 16 years of age placed in the care of said baby sitter or which would interfere with the effective functioning of said baby sitter. A certification by a physician of a good health record for the three years prior to employment may be substituted for a medical examination.
- E. Each baby-sitting agency subject to the provisions of this ordinance shall send to the Washoe County Welfare Department by the 10th of each month a list of any new employee hired in the preceding month, including the name, birth date, social security number, and birth place of said new employee, and a list of any employee who was terminated or was no longer employed by said baby-sitting agency in the preceding month. Notwithstanding this requirement, any employee, agent, or representative of said Welfare Department shall have the authority to inspect the employee records of any baby-sitting agency at any reasonable time.
- F. Persons unqualified to be placed as a baby sitter or to operate a baby-sitting agency.

The following persons are not qualified to apply for a business license as a baby-sitting agency within the meaning of this ordinance or to operate a baby-sitting agency or to be placed as a baby sitter within the meaning of this ordinance:

1. A person who has been convicted of child abuse, neglect or sexual abuse.
 2. A person who has been convicted within the preceding five years of a business license application or placement as a baby sitter of any of the following:
 - a. A felony or of any crime which under the laws of this State would be a felony;
 - b. Any crime of which fraud or intent to defraud was an element, whether in this State or elsewhere;
 - c. Larceny in any degree;
 - d. Buying or receiving stolen property;
 - e. Unlawful entry of a building;
 - f. Unlawful possession or distribution of narcotic drugs;
 - g. Unlawful use, carrying or possession of a pistol or other dangerous weapon;
 - h. Prostitution.
 3. A person who does not possess a good moral character.
 4. A person who, as determined by standards established within the Welfare Department, is not a suitable person to receive a business license to operate a baby-sitting agency, or to be placed as a baby sitter, giving due consideration for the proper protection of the public health, safety, morals and good order, and the general welfare of the inhabitants of the County.
- G. The violation of any of the provisions of this ordinance by any baby-sitting agency or any baby sitter placed by such agency shall be grounds for revocation of the County business license issued to such baby-sitting agency. Revocation of any County business license issued to any baby-sitting agency subject to the provisions of this ordinance may be instituted by the filing of a complaint by any agent, employee, or representative of the Washoe County Welfare Department with the Board of County Commissioners in accordance with the procedure for suspension, cancellation, or revocation of a business license set forth in the ordinance requiring such license (Washoe County Ordinance No. 306).

SECTION 4.

This ordinance shall take effect after its proposal, passage and publication as prescribed by NRS 244.100.

Proposed on the 2nd day of May, 1978.
 Proposed by Commissioner Rusk, Nelson, Farris, Stoeser & Brown
 Passed on the 9th day of May, 1978.

Vote:

Ayes: Commissioners: *Rusk, Nelson, Farr, Stone and Brown*

Nays: Commissioners: *None*

Absent: Commissioners: *None*

[Signature]
Chairman

ATTEST:

ALEX COON, Clerk
ALEX COON CLERK

By *[Signature]* CHIEF DEPUTY
Deputy

This ordinance shall be in force and effect from and after
the 24th day of May, 1978.