

SUMMARY: Amends Washoe County Code by requiring a business license for family home child care businesses.

BILL NO. 802

ORDINANCE NO. 629

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING PROVISIONS REQUIRING FAMILY HOME CARE BUSINESSES TO OBTAIN A BUSINESS LICENSE.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Chapter 25 of the Washoe County Code is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this Ordinance.

SECTION 2.

25.0840 Definitions. As used in sections 25.0840 to 25.0847, inclusive, unless the context otherwise requires:

1. "Board" means the county license board.
2. "Department" means the Washoe County department of social services.
3. "Family home child care business" means the providing of care for compensation to 2 to 4 children, inclusive, for a sum of more than 15 hours per week. The total number of hours of care provided each day shall be added to determine whether the sum exceeds 15 hours per week.

SECTION 3.

25.0841 Family home child care business license required. No person may engage in or carry on a family home child care business unless he has a current, valid child care business license issued by the county pursuant to this chapter, for each separate place of business operated by such person within the county.

SECTION 4.

25.0842 Application for family home child care business license. A person desiring a child care business license shall file a written application with the department on a form to be provided by the department. The applicant must submit the completed application, along with a business license fee of \$20.00 to the department. As part of the application, the applicant shall furnish the following:

1. The type of ownership of the business, (i.e., whether individual, partnership, corporate or other);
2. The name, style and designation under which the business is to be conducted;

3. The business address and all telephone numbers where the business is to be conducted;

4. The following personal information concerning the applicant:

(a) Name, complete residence address and residence telephone numbers;

(b) The two previous addresses immediately prior to the present address of the applicant;

(c) Proof of age;

(d) Height, weight, sex, color of hair and eyes;

(e) A statement from a physician or registered nurse, licensed in the State of Nevada, attesting to the applicant's good mental and physical health;

(f) The business history and experience of the applicant, including, but not limited to, whether such person has ever previously operated a business in this or another city or county or state under a license or permit, whether such person has ever had such a license or permit denied, revoked or suspended and the reason therefor, and all business activities or occupations subsequent to such denial, suspension or revocation; and

(g) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted, the offense for which convicted and the circumstances thereof.

5. A list of all adults living in the home or persons who have access to the children in care by virtue of regular physical presence upon the premises in which the business is conducted, as well as a complete list of those persons to be employed by the business in any capacity, including alternate or substitute care providers. The licensee shall inform the department of proposed new employees prior to a new employee commencing employment.

6. Such other information, identification and examination of the person as deemed necessary by the sheriff in order to discover the truth of the statements required to be set forth in the application.

7. Authorization for the county, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

8. A written declaration by the applicant, under penalty of perjury, that the information contained in the application is true and correct. The declaration must be dated and signed in the county.

SECTION 6.

25.0843 Investigation and approval by sheriff and department.

1. Upon receipt of an application for a child care business license, the sheriff and the department shall conduct an investigation into the applicant's moral

character, personal and criminal history. The sheriff or the department may require a personal interview of the applicant and such additional information, identification and examination of the person as the sheriff or department deems pertinent to the investigation.

2. Prior to the issuance of a license, all health, insurance, safety and security requirements adopted by regulation by the sheriff or the department shall be complied with for the purposes of assuring that such premises comply with all county requirements relating to public health, safety and welfare.

3. Before any such business license issues, the department shall review its own investigatory material and that of the sheriff with respect to the applicant and shall make recommendations to the sheriff. Both the sheriff and the department, or their designated agents, are required to approve the application before a license may issue.

SECTION 7.

25.0844 Issuance or denial of child care business license.

1. The sheriff will issue a temporary child care business license within 45 days after receipt of an application unless he finds that:

(a) The correct permit fee has not been tendered to the county or a check or bank draft has been dishonored for payment upon presentation;

(b) The business, as proposed by the applicant, if permitted, would not comply with all applicable laws, including but not limited to the county's building, zoning and health ordinances and regulations;

(c) The applicant or any partner, employee, manager or other person routinely present or in charge of the business operation has been convicted of a crime involving dishonesty, fraud or deceit within the 10 years before the date of the application;

(d) The applicant, manager or other person in charge of the business operation is under the age of 18 years;

(e) The applicant has knowingly made a false, misleading or fraudulent statement of fact in the application for the license or in any document required by the county in conjunction therewith;

(f) The applicant has had any previously issued child care business license or other license related to child care denied or revoked for cause by any state or local licensing or regulatory agency within the 10 years before the date of the application;

(g) The department has refused to approve the applicant and has provided notice of each refusal in writing to the sheriff, stating the reasons for the refusal.

2. The board shall approve or deny the issuance of a permanent family home child care business license after receiving the recommendations of the sheriff and the

department. If the sheriff or the department recommends denial, the board shall notify the applicant by mail of the reasons for the proposed action, which notice shall be sent to the applicant at the address shown on the application.

3. The licensee shall, within 10 days after the date of such mailing, unless an extension of time is granted by the board, file with the county clerk a written response to the recommendation. The board shall fix a day and time for a hearing at which the licensee will be given an opportunity to be heard. If the applicant fails to file a written response within the time required or if the applicant fails to appear at the place and time designated for the hearing, the board shall uphold the recommendation of the sheriff or department.

4. The board shall, within 10 days after the date of any hearing, enter its order. There shall be no reopening, appeal or review of the proceedings before the board unless it appears to the satisfaction of the board that the applicant's failure to respond or appear was due to matters beyond his control and not through the applicant's negligence.

SECTION 8.

25.0845 Revocation of child care business license.

1. Upon recommendation of the sheriff, the department, the complaint of any person, or upon its own motion, the board may institute proceedings to revoke a license by mailing a complaint stating the alleged reasons for the proceedings to the licensee at the last address of such licensee as shown on the application. The licensee shall within 10 days after the date of such mailing, unless an extension of time is granted by the board, file with the county clerk a written answer to the complaint under oath.

2. The board shall fix a day and time for a hearing at which the licensee will be given an opportunity to be heard. If the licensee fails to file a written answer within the time required or if the licensee fails to appear at the place and time designated for the hearing, the board shall order the license revoked.

3. The board shall, within 10 days after the date of such hearing, enter its order revoking or refusing to revoke the license. There shall be no reopening or appeal or review of the proceedings whatever before the board except when it subsequently appears to the satisfaction of the board that the licensee's failure to answer or appear was due to matters beyond his control and not through negligence on the part of the licensee.

SECTION 9.

25.0846 Renewal of child care business license. An applicant seeking renewal of a child care business license shall submit to the department a renewal application,

together with payment of the prescribed renewal fee, no later than 60 days prior to the date of expiration specified on the license.

SECTION 10.

25.0847 Penalties. Any person violating any of the provisions of sections 25.0840 to 25.0847, inclusive, shall be fined not less than \$50 nor more than \$1,000 for each offense. A separate offense is committed on each day during or on which a violation occurs or continues.

SECTION 11. Section 25.015 of the Washoe County Code is hereby amended to read as follows:

25.015 License required for engaging in business. It is unlawful for any person to engage in any business, trade, calling, industry, occupation or profession in the county, outside of the limits of incorporated cities and towns in the county, without first procuring a license therefor from the county.

SECTION 12. Section 25.025 of the Washoe County Code is hereby amended to read as follows:

25.025 Fees.

1. In the absence of any provision to the contrary all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the sheriff.

2. The following are specific fees, for annual licenses or permits unless otherwise designated, which must accompany the application for a license or permit:

(a) For any business, trade, calling, industry, occupation, profession, or event not specifically mentioned, the fee shall be \$48.

(b) Adult bookstores; adult motion picture theaters: \$121.

(c) Auctions and auctioneers: \$12 for a daily license, \$48 for an annual license.

(d) Charitable solicitations: No fee.

(e) Distress merchandise sales: No fee.

(f) Family home child care businesses: \$20.

(g) Farmer's markets: \$48.

(h) Flea markets: \$30 plus \$2 per day for each space rented.

(i) Gaming: As set forth in Washoe County Code 30.390.

(j) Hotel, motel, auto court, guest ranch, guest house, apartment, mobile home park: \$18.20 for the first five units or fraction thereof and \$3.64 for each additional unit over five.

(k) Intoxicating liquors: Per quarter or fraction thereof:

- L-1: Tavern license - \$121
- L-2: Package liquor - \$72
- L-3: Cabaret license - \$182
- L-4: Retail beer and wine - \$60
- L-5: Retail beer - \$18
- L-6: Wholesale liquor - \$121
- L-7: Service bar - \$60

(l) Junk dealers: \$48 plus an additional annual fee of \$5 for each vehicle used in the conduct of any such business; but a junk dealer not maintaining a store or yard in the county shall pay \$10 annually per vehicle used.

- (m) Massage business: \$48.
- (n) Outdoor festivals: \$364 per day.
- (o) Photographers: \$48.
- (p) Private police and security officers: \$48.
- (q) Secondhand stores: \$48.
- (r) Sidewalk sales: \$30 per each 7 day permit.
- (s) Tear gas weapons, bombs and shells; sales at retail: \$121.
- (t) Tent shows, circuses and carnivals: \$300 per day.
- (u) Trampoline centers: \$48.
- (v) Traveling merchants: \$121 per month.
- (w) Vending machines: \$12 per machine.

Proposed on the 6 day of November, 1984.
Proposed by Commissioners Williams, King, Lillard, McDowell & Ritter
Passed on the 27th day of November, 1984.

Vote:

Ayes: Commissioners: Williams, King, Lillard, McDowell & Ritter

Nays: Commissioners: None

Absent: Commissioners: None


Chairman of the Board

ATTEST:


County Clerk

This ordinance shall be in force and effect from and after the 1st day of March, 1985.