

CHAPTER 11

CHILD CARE FACILITIES

Article 1. Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance:

Sec. 11-101. Food Or Foodstuffs. The term "food or foodstuffs" shall include all articles used as food, drink, confectionery, or condiment, whether simple, mixed, or compound, and all substances or ingredients used in the preparation thereof.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-102. Child Care Facility. The term "child care facility" shall mean and include:

- (a) cooperative or community kindergartens, pre-schools or nursery schools and any and all places, institutions, or organizations of any kind or nature, and
- (b) where pre-school training of an educational character or child care is provided for six or more children of pre-school age, and
- (c) which children are not of common parentage, and
- (d) where such pre-school training is conducted separate and apart from the home of one or more of the children during part or all of the day, and not conducted with, in, by, or as a part of, the public or parochial school systems, and
- (e) which place or institution is not licensed by the State of Indiana as a child care institution, day nursery, or children's home.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96] [Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 11-103. Utensil. The term "utensil" shall include all containers or any equipment of any kind or nature with which food comes in contact after delivery to a child care facility during storage, preparation, service, or consumption thereof.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96] [Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Article 2. License And License Fee.

Sec. 11-201. License And License Fee.

- (a) It shall be unlawful for any person to operate a child care facility in Marion County, Indiana, without first obtaining a valid license for the operation of such establishment. The license shall be for a term of one year beginning September 1 and expiring August 31 of the following year and shall be renewed annually.
- (b) Such license shall be issued by the Health Officer upon receipt of a license fee of twenty-five dollars (\$25.00) annually.
- (c) A late charge of twenty-five percent (25%) shall be added to the fee for license renewals for existing kindergartens when such fees are received in the office of the Health Officer after November 1.

- (d) An inspection fee of thirty dollars (\$30.00) shall be assessed and collected by the Health Officer for every new license for a child care facility.
- (e) In the case of child care facilities to be used primarily for instructional purposes, plans and specifications must be prepared by or under the supervision of a professional engineer or architect legally registered in the State of Indiana, be certified by him and bear his official seal. Said plans shall be submitted to the Health Officer for approval.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Article 3. Minimum Standards For Buildings And Grounds.

Sec. 11-301. First Story.

Every child care facility shall be part of the first story above ground unless this requirement is waived by both the Health Officer and the State Fire Marshall.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-302. Space.

The minimum allowance of floor space for each child in a room shall be thirty (30) square feet.

Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-303. Windows And Ventilation.

- (a) Every room used for child care facility purposes shall be provided with natural light by means of exterior glazed openings with an area not less than one-tenth of the total floor area and natural ventilation by means of simultaneously openable exterior windows with an area of not less than one-twentieth of the total floor area, or shall be provided with adequate artificial light and a mechanically operated ventilating system.
- (b) The mechanically operated ventilating system shall supply a minimum of 5 cubic feet per minute of outside or filtered air with a total circulation of not less than 15 cubic feet per minute per occupant, and such system shall be kept continuously in operation during such time as the child care facility is in session.
- (c) Toilet rooms shall be provided with mechanical exhaust ventilating systems that are separate from other systems and discharge air outside the building at the rate of 15 cubic feet per minute per occupant.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-304. Lighting.

All parts of the building used by the children shall be adequately lighted. Minimum lighting shall be provided as follows:

- (a) Areas used for classroom work - 30 footcandles at work level
- (b) Play areas - 20 footcandles
- (c) Child care - 20 footcandles
- (d) Corridors and stairways - 10 footcandles
- (e) Toilet rooms - 10 footcandles at lavatories

(f) Except as otherwise noted, light intensity measurements shall be made at a height 30 inches above the floor.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-305. Heating.

All parts of the building used by the children shall be adequately heated. When the street temperature is less than 55 degrees F., a temperature of between 68 and 76 degrees F. shall be maintained in all rooms used by the children. An accurate thermometer shall be hung in each room.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-306. Walls, Ceilings And Floors.

All walls, ceilings and floors shall be finished so as to be easily washed or cleaned. Rooms shall not be swept or dusted while occupied by the children.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-307. Cleanliness.

All parts of the premises and all furnishings, equipment, and materials used shall be kept at all times in a sanitary condition, free from flies, rodents and other vermin.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-308. Coat Storage.

A lighted room, compartment or facilities shall be provided sufficiently large and so arranged that the children's outer garments may be hung separately.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-309. Isolation Area.

A properly ventilated space, acceptable to the Health Officer, shall be available for the temporary isolation of any child having symptoms of sickness, pending proper disposition of the case.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-310. Building Safety.

(a) The building in which such child care facility is conducted or held shall be a structure free of all health and safety hazards.

(b) Approval for a child care facility license shall not relieve the licensee of the responsibility of meeting the requirements of the Fire Marshal of the State of Indiana, or the Fire Department of the City of Indianapolis, or any other fire department within the jurisdiction of The Corporation. The Fire Marshal or Fire Department shall be notified of the location of all existing child care facilities and further shall be notified of the receipt of application of a new child care facility license. Disapproval of a building by the State Fire Marshal and/or local fire department may be considered grounds for denial or revocation of a child care facility license.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-311. Outdoor Play Space.

Where an outdoor play space is provided, it shall be made and kept as a safe and sanitary place. Outdoor play shall be under the supervision of an adult attendant. Fencing may be required where the playground is in close proximity to a street or other hazard.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-312. Loading.

Loading and unloading areas for vehicles transporting children shall, if possible, be situated off highways or streets and shall be separate from playgrounds. Where such off-street loading and unloading areas cannot be provided, pupils shall be loaded and unloaded on the child care facility side of a street and must be escorted to and from the child care facility by a responsible adult. Motor vehicle traffic on the child care facility grounds shall be handled so as to avoid backing into areas where children move on foot.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Article 4. Minimum Standards For Equipment And Furnishings.

Sec. 11-401. General Requirements.

Equipment and furnishings of child care facilities shall be kept clean, safe and sanitary. Such equipment shall be free from sharp, loose, or pointed parts and all paints used thereon shall be lead-free.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-402. Restroom Facilities.

- (a) There shall be provided within the building, convenient to classroom, playroom, or child care room an adequate number of stationary wash basins with hot, not to exceed 120 degrees F., and cold running water, waste connections, and flush toilets, each of such height and size as to be easily used by children. Where existing adult-sized toilet facilities or drinking fountains are in use, step stools or platforms shall be sturdy, difficult to tip and have an impervious, easily cleaned finish.
- (b) When new equipment is being installed or replacements made, toilets and lavatories of low height and small size should be considered. Such facilities should be easily and safely used without necessitating steps or platforms.
- (c) The minimum allowance of toilet facilities shall be one flush toilet and one stationary wash basin for every 25 children. All toilet seats shall have open fronts and be of smooth construction. In child care facilities established after May 1985, separate toilet rooms shall be provided for teachers or a locked compartment in both boys' and girls' toilet rooms maintained for the teachers. The toilet room entrance shall be screened to make the inside of the toilet room invisible from the outside when leaving or entering. The doors of all toilet rooms shall be self-closing.
- (d) In proposed new child care facilities and where new equipment is being installed or replacements made, mixing faucets shall be provided. An adequate supply of hot and cold running water shall be provided and the plumbing shall be of a safe, sanitary

type. An approved anti-scald device shall be provided on the supply line to lavatories.

- (e) An adequate supply of toilet paper at each toilet, and soap and disposable towels at each lavatory, shall be provided.
- (f) Diaper changing shall be done on an impervious, easily cleaned surface located in a restroom or in a room next to a toilet and handwashing sink. Such surface shall be disinfected between each diaper change. Caretakers shall wash their hands with hot, running water and soap after each diaper change.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-404. Drinking Water.

Drinking water supplied by sanitary means shall be easily accessible to class or play rooms. If fountains are provided, they must be equipped with a sanitary type guarded angle stream jet head and adjustable volume regulator. The jet opening or orifice shall not be below the flood rim of the fixture. If drinking fountains are used, there shall be not less than one fountain for each 30 children. Adequate water pressure shall be maintained so as to avoid lip contact with a fountain. Where drinking cups are used, they must be individual, disposable cups. Water spigots for such use must be at a convenient location. Drinking water facilities shall be outside the toilet rooms. If the water supply is other than the public water supply, it must be approved by the Health Officer.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-405. First Aid.

An approved Red Cross first aid kit, readily available at all times, shall be provided and kept completely stocked for emergency treatment. At least one staff member of those in charge of the children shall be qualified to administer first aid.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-406. All toxic or hazardous cleaners, sprays and chemicals shall be stored in a locked cabinet in a place inaccessible to children.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-407. Non-disposable linens (sheets, towels, washcloths), where used, shall be identified and stored separately for one specific child only, for one day. These items shall be laundered each day. Cloths used for hands or faces shall not be used for diapering cleanups.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-408 There shall be provided a minimum of one service sink or similar facility on each floor of the building and an adequate storage space for cleaning equipment. Both hot and cold water shall be available at each service sink.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Article 5. Care Of Foodstuffs And Utensils.

Sec. 11-501. Storage, Preparation, And Service.

All foodstuffs shall be stored, prepared, and served in compliance with all provisions of The Code governing food establishments.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-502. Cleansing Of Utensils.

Multi-use eating and drinking equipment and utensils shall be subject to washing and bactericidal treatment between uses, and such washing and bactericidal treatment shall be by approved means.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-503. Source Of Foodstuffs. All food and beverages shall be from an approved source. Home prepared foods shall not be served.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-504. Refuse.

All refuse, including garbage, shall be stored in water-tight non-corrodible containers equipped with tight fitting lids or in another approved manner. *[Gen.Ord. 6-1996(A)*

Passed 5/15/96 Effective Date 5/15/96]

Article 6. Admissions

The requirements contained in the most recent revision of the Indiana School Buildings and School Sites: Health and Safety Requirements (410 IAC 6-5.1) are hereby incorporated in The Code.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96] [Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 11-601. Maximum Admissions And Exclusions.

(a) The number of children specified in the license is the maximum number permitted in such child care facility at any one time.

(b) The following shall not be admitted:

(1) Children with any untreated communicable disease;

(2) Children who have not had a complete medical examination or do not have a written record of such examination;

(3) Children who do not have acceptable documentation of immunization, as required by the Health Officer.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-602. Acceptable Documents Of Immunization.

Any validated certificate of immunization or compatible document from a physician, health department, or personal immunization record with signature or rubber-stamp validation, including the date each immunization was received, is required.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Article 7. Health And Medical Care.

Sec. 11-701. Examination Of Children.

Each child shall be given a complete medical examination by a physician before admission to a child care facility. A written record of such examination shall be filed with such child care facility and shall include a tuberculin test or chest x-ray and recommendations for necessary medical treatment and special regimen as to diet and rest.
[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-702. Examinations Of Operators And Employees Of The Child Care Facility.

- (a) All operators and/or employees of child care facilities, and any person aiding in the training or supervision of the children in such child care facility, shall be required to submit to such physical examination as the Health Officer may require for the purpose of determining freedom from infection and immunity to certain diseases, as specified by the Health Officer.
- (b) Each operator and/or employee, and each person aiding in the training or supervision of the children therein, shall present evidence that he or she has within the past year had a negative tuberculin skin test. If he/she had a significant reaction (10 mm or greater) to 0.1cc intermediate strength PPD given by the Mantoux method then he/she must present evidence of a current chest x-ray that does not show active tuberculosis and a statement concerning whether or not he/she has received preventive chemotherapy (Isoniazid). Employees who have completed an adequate course of treatment or preventive treatment will be exempt from further screening following the initial examination unless they are symptomatic. Employees who have symptoms such as a prolonged cough, nightsweats, and unexplained weight loss will be required to have an examination including chest x-ray and sputums to prove that they do not have active tuberculosis.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-703. Daily Inspection Period.

An inspection shall be made of the children each day by a person who is familiar with each child and who is competent to recognize symptoms of communicable disease and ill health.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-704. Communicable Disease.

- (a) Child care facilities are required to report communicable diseases to the Health Officer as specified in Chapter 7 of The Code.
- (b) Children with symptoms or diagnosis of any communicable disease listed in The Code, Chapter 7, or in 410 IAC 1-2.1 shall be excluded from the child care facility until authorized to return by the Health Officer.
- (c) Children or staff with diagnosis of a communicable diarrheal illness such as, but not limited to, salmonellosis or shigellosis, must obtain permission from the Health Officer to return to the child care facility.
- (d) If any child in the child care facility develops symptoms of illness, he or she shall be isolated from the other children until such child can be seen by a physician or be

safely removed from the child care facility. If symptoms point to a communicable disease as listed in 410 IAC 1-2.1, the Communicable Disease Regulations of the State of Indiana, notice shall be given to the Health Officer by telephone, and the parent or guardian of such child shall be notified immediately.

- (e) Attendance at child care facilities by staff and students is not permitted in cases of certain communicable diseases as listed in 410 IAC 1-2.1 or The Code. Restrictions of patients and household contacts are imposed according to the suspected or diagnosed disease.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-705. Accidents And Serious Illness.

When cases of accident or serious illness call for immediate medical care, the child care facility shall be responsible for securing that care and notifying the parent or guardian of the child.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-706. Diet.

If food is provided, it shall be nourishing and shall follow a standard diet acceptable to the Health Officer and adapted to the different age groups of children attending the child care facility.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Sec. 11-707. Hygienic Practice.

Children shall be encouraged to practice good hygiene. Handwashing with soap and water prior to eating and after use of toilet should be ensured.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Article 8. Exceptions.

Sec. 11-801. Exceptions.

Children shall be exempted from compliance with Section 11-601 and 11-701 if the person applying for the child's admission presents

- (a) an affidavit signed by the parent or guardian of the child stating that the vaccination or immunization is in conflict with the parent's reliance on spiritual means or prayer for healing, or
- (b) a physician's statement indicating that a medical contraindication exists.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Article 9. Records.

Sec. 11-901.

- (a) A permanent register shall be kept of the name, home address, and birth date of each child admitted; the names and home addresses of the parents or guardians, the place at which said parent or guardian can be reached in case of emergency during the hours when the child is in the care of the child care facility; and the date of

admission, the date of discharge, and the reason therefor. A daily record of attendance shall be kept.

- (b) All child care facilities are required to keep an individual immunization record for each child admitted, and the record shall be open for inspection by the Health Officer at all reasonable times. In the event of exclusion by virtue of religious or medical reasons, as set forth in Article 8 hereof, a notation to that effect shall be retained in the child's immunization record.

[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]

Article 10. Reports Of Immunization And Testing.

Sec. 11-1001. If a child is determined to be inadequately immunized according to guidelines set forth by the Health Officer, he or she shall be excluded from the child care facility until such time the recommended immunization, or a physician's statement indicating there exists a medical contraindication to such immunization, is obtained. *[Gen.Ord. 6-1996(A) Passed 5/15/96 Effective Date 5/15/96]*