

CITY OF MOSCOW
INSTRUCTIONS FOR DAY CARE FACILITY LICENSE



- A. This packet includes:
1. Application for Day Care Facility License
 2. Application for Day Care Provider License (signed before notary)
 3. Waiver and Authorization To Release Information (signed before notary)
 4. Moscow Day Care Facility Ordinance (MCC § 9-10)
 5. Moscow City Code § 4-12-2 (Day Care Facility Zoning Standards)
 6. Sample Site Plan
 7. Idaho Code § 16-1605 (Child Abuse)
 8. Idaho Code § 39-1110 (Health Standards)
 9. Idaho Code § 49-672 (Passenger Safety for Children)
 10. Idaho Stars Flyer
- B. For each employee (including yourself) you will need:
1. Completed Day Care Provider License Application;
 2. Signed and notarized Waiver and Authorization form;
 3. Fingerprints obtained at the Moscow Police Department
 4. Proof of Current First Aid Certification (within 30 days of your application date).
 5. Proof of Current CPR Certification (within 30 days of your application date)
 6. Proof of four (4) hours of training in Early Childhood Development and/or children's health and safety (within 30 days of your application date). Do not include First Aid or CPR as part of this requirement.

It takes approximately two (2) to four (4) weeks to fully process your Application. Upon receipt of your Facility Application, notification will be made to Code Enforcement – building, electrical, plumbing, fire inspector, and health inspector. Code enforcement will contact you to set up an appointment for inspection of your premises. You will be given a copy of the inspection report. If Code violations are found, you will be required to obtain the appropriate permits (building, electrical and/or plumbing) to correct the violation(s). Upon correction, the facility will be re-inspected for compliance with the relevant Codes.

Reports will be submitted to the City Clerk from building, fire, and health with their respective department's recommendations to approve or deny the license. Recommendations for denials will contain reasons therefore. The City Clerk will notify the Applicant of the nature of the inspections and background investigation once complete. If all reviews are satisfactory, the Clerk shall issue the license. If the review results in a denial, the applicant may request a hearing before the City Council. Said request must be received by the City Clerk within ten (10) days of receipt of denial notice. If you have any questions, please contact the City Clerk's office at (208) 883-7001.

Keli Jones, Deputy City Clerk
kjones@ci.moscow.id.us

CITY OF MOSCOW
DAYCARE FACILITY LICENSE – NEW APPLICATION



License Expires Annually on March 1st

THE CITY OF MOSCOW REQUIRES:

1. A processing fee with this application (See fees below).
2. A site plan of the facility and grounds.
3. List of all owners, directors, staff and individuals thirteen (13) years or age or older residing at the premises.
4. Proof of Current Certificate of Insurance with the City of Moscow as an additional insured.

Business Name: _____

Name of Operator/Director: _____
LAST FIRST MIDDLE

Business Address: _____
STREET CITY STATE ZIP

Facility Phone #: _____ Operator/Director Cell #: _____

Email: _____

Are you the legal property owner? [] YES [] NO

If you answered "NO" above, please list the legal property owner and contact information:

TYPE OF FACILITY:

- | | |
|---|-----------------|
| [] Family Day Care (5 or fewer children) | \$75.00 |
| [] Group Day Care (6 to 12 children) | \$100.00 |
| [] Small Day Care (13 to 20 children) | \$125.00 |
| [] Large Day Care (21 or more children) | \$150.00 |

CHILD-STAFF RATIOS:

A minimum of 1 director and/or staff for every 10 points or any fraction in excess thereof shall be maintained at all times on the premises: indoors, outdoors, on field trips and during rest periods.

<u>Age of Child</u>	<u>Points Per Child</u>
0 to less than 2 years	3
2 to less than 3 years	2
3 to less than 5 years	1
5 to less than 7 years	0.83
7 to less than 13 years	0.66
13 years and over	0 (zero)

_____ TOTAL NUMBER OF CHILDREN ENROLLED AT FACILITY

_____ MAXIMUM NUMBER OF CHILDREN IN ATTENDANCE AT ANY ONE TIME

_____ TOTAL LICENSED STAFF

(Continue to next page)

FACILITY SPECIFICATIONS

Zoning classification of property: _____

Height of building (# of stories): _____

Size of structure (Sq. Footage): _____

Sq. Footage of open space for outdoor play area: _____

Off-street parking spaces: _____

Will basement be used in operation: YES NO N/A

Will any area above first floor be used: YES NO N/A

Is structure's principal use residential? YES NO

READ CAREFULLY: I hereby certify that I possess the qualifications and paid the appropriate sum in conformity with the laws of the City of Moscow and State of Idaho and declare that each and every statement made is true, correct, and complete.

Operator / Director Signature

Date

THIS SPACE FOR OFFICE USE ONLY:

Date fees paid: _____

Current Certificate of Insurance on file YES NO

Inspection approval: Fire Marshal Building Health

Building Inspector: _____

Electrical Inspector: _____

Fire Marshal: _____

Zoning: _____

Updated 8/23/2016

*See the following pages to assist with your list of Employees and other positions.
You may attach your own list if that is more convenient.*

OWNER / DIRECTOR / STAFF LIST:

You **MUST** provide a complete list of all owners, directors, staff and individuals thirteen years of age or older residing at the premises (make additional copies of this page if needed).

OWNER / DIRECTOR:

Name: _____ Phone # _____

EMPLOYEE:

Name: _____ Phone # _____

EMPLOYEE:

Name: _____ Phone # _____

EMPLOYEE:

Name: _____ Phone # _____

EMPLOYEE:

Name: _____ Phone # _____

EMPLOYEE:

Name: _____ Phone # _____

EMPLOYEE:

Name: _____ Phone # _____

EMPLOYEE:

Name: _____ Phone # _____

EMPLOYEE:

Name: _____ Phone # _____

EMPLOYEE:

Name: _____ Phone # _____

EMPLOYEE:

Name: _____ Phone # _____

EMPLOYEE:

Name: _____ Phone # _____

EMPLOYEE:

Name: _____ Phone # _____

(Continue to next page)

OTHERS RESIDING/WORKING AT RESIDENCE:

You MUST provide a list of those not licensed: volunteers, cooks, janitors, etc. **If no other positions, check here:** []

OTHER POSITION:

Name: _____ Position: _____

Is this person a minor? [] YES [] NO If so, please provide age: _____

OTHER POSITION:

Name: _____ Position: _____

Is this person a minor? [] YES [] NO If so, please provide age: _____

OTHER POSITION:

Name: _____ Position: _____

Is this person a minor? [] YES [] NO If so, please provide age: _____

OTHER POSITION:

Name: _____ Position: _____

Is this person a minor? [] YES [] NO If so, please provide age: _____

OTHER POSITION:

Name: _____ Position: _____

Is this person a minor? [] YES [] NO If so, please provide age: _____

OTHER POSITION:

Name: _____ Position: _____

Is this person a minor? [] YES [] NO If so, please provide age: _____

OTHER POSITION:

Name: _____ Position: _____

Is this person a minor? [] YES [] NO If so, please provide age: _____

OTHER POSITION:

Name: _____ Position: _____

Is this person a minor? [] YES [] NO If so, please provide age: _____

**CITY OF MOSCOW
DAYCARE PROVIDER LICENSE – NEW APPLICATION**



New employees are required to complete an application for a Moscow Day Care License within FIVE (5) DAYS of employment. Please do not jeopardize your license or that of your employer. Incomplete applications or applications without the necessary attachments will be returned and a denial of license may be recommended.

THE CITY OF MOSCOW REQUIRES:

1. A processing fee seventy two dollars (\$72) with this application which includes the background check and fingerprinting charges. Fee is nonrefundable.
2. Signed and notarized *Waiver and Authorization to Release Information* form.
3. Proof of Current First Aid Certification (within 30 days of your application date).
4. Proof of Current CPR Certification (within 30 days of your application date).
5. Proof of four (4) hours of training in Early Childhood Development and/or children’s health and safety (within 30 days of your application date). Do not include first aid or CPR as part of this requirement.

Fingerprints must be completed at the Moscow Police Department (118 East 4th St). Call 883-7054 for hours of fingerprinting.

Name: _____
LAST FIRST MIDDLE (MAIDEN)

Permanent Address: _____
STREET CITY STATE ZIP

Local Address: _____
STREET CITY STATE ZIP

Date of Birth: _____ Place of Birth (*City & State*): _____

Cell or Local Phone #: _____ Social Security #: _____

Email: _____

EMPLOYMENT INFORMATION:

Daycare Facility Name: _____

Date my employment begins with the above daycare facility: _____

Are you immunized against communicable diseases? YES NO

Have you ever previously worked at a daycare facility in Moscow? YES NO

If you answered “YES” above, please list the daycare facility name and dates of employment:

(Continue to next page)

PAST HISTORY

Have you ever, anywhere or at any time, been convicted of, or had involvement with/in any crime or circumstance listed in Moscow City Code Section 9-10-8? [] YES [] NO

If you answered "YES", regardless of subsequent court action resulting in dismissal or expungement, please explain each event fully (you may submit additional paper if necessary):

DATE OF EVENT	PLACE OF EVENT	OFFENSE	RESULT
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

READ CAREFULLY: I have read all of the above (including Moscow City Code Section 9-10-8) and declare under penalty of perjury that each and every statement made is true, correct, and complete. I understand that an investigation will be made on all information contained in this application and authorize the City to conduct such investigation.

Applicant's Signature

Date

STATE OF IDAHO)
) ss:
County of Latah)

Subscribed and sworn to before me this _____ day of _____, _____.

<SEAL>

Residing at _____
My Commission Expires: _____

Updated 1/20/2017 lmh

WAIVER AND AUTHORIZATION TO RELEASE INFORMATION

TO: State of Idaho Department of Health and Welfare

I authorize you to furnish the CITY OF MOSCOW, IDAHO and its Police Department (hereinafter "CITY") with any and all information you have concerning me, including information of a confidential or privileged nature. Specifically, I authorize you to release any and all information contained in the Idaho State Adult Protection Registry, Idaho State Child Abuse Registry or in files concerning my involvement in a child protection referral. Your reply will be used to assist CITY in determining my fitness to be licensed as a day care provider.

I understand my rights under the Privacy Act of 1974, United States Code, Title 5, Section 552A and any other privacy rights granted me by law and specifically waive those rights, with the understanding that information furnished will be used by CITY to determine my fitness to be licensed as a day care provider.

I hereby release you, your organization, CITY, its employees, agents, and representatives, and all others from any liability or damage which may result from furnishing the information requested.

A photocopy reproduction of this Waiver and Authorization shall be as valid as the original. You may retain this Waiver and Authorization in your files.

Applicant's Name (printed) : _____

Date of Birth: _____ Social Security Number: _____

Applicant's Signature

Date

Subscribed and sworn to before me this _____ day of _____, 201____.

NOTARY PUBLIC in and for the State of Idaho

Residing at _____

My Commission Expires: _____

No record found on Statewide **Child Abuse** Register

Other: _____

State of Idaho
Authorized Signature _____

Date: _____

No record found on Statewide **Adult Protection** Register

Other: _____

State of Idaho
Authorized Signature _____

Date: _____

Chapter 10

MOSCOW DAY CARE ORDINANCE

- Sec. 10-1: Short Title
- Sec. 10-2: Purpose
- Sec. 10-3: Definitions
- Sec. 10-4: License or Registration Required
- Sec. 10-5: Application Required
- Sec. 10-6: Temporary Licenses
- Sec. 10-7: Investigation
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- Sec. 10-19: Standards
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- Sec. 10-22: Penalties and Additional Fees

Sec. 10-1. Short Title.

This Chapter shall be known as the Moscow Day Care Ordinance.
(Ord. 2010-05, 03/01/2010)

Sec. 10-2. Purpose.

It is hereby declared to be the purpose of this Ordinance to establish a minimum City-wide system for the protection of children receiving Day Care services. This system is intended to establish minimum standards while still leaving primary responsibility for evaluation and selection of Day Care services with parents. Every person and/or facility providing Day Care, as defined by this Chapter, is encouraged to

become licensed. An additional purpose of this Ordinance is to exercise the authority granted to the City to adopt an ordinance for regulation and/or licensing of Day Care services at least as stringent as the requirements of the basic Day Care license in Idaho Code Title 39, Chapter 11. The City hereby exercises the authority granted by the State to the City to require a limited criminal history background check at least as extensive as that required by Idaho Code Title 39, Chapter 11. Nothing in this Chapter shall be construed to limit or restrict the teaching of religious doctrines, values, or tenets in a Facility licensed under the provisions of this Chapter.

(Ord. 2009-25, 12/21/2009; 2010-13, 07/06/2010; 2011-06, 06/20/2011)

Sec. 10-3. Definitions.

For the purposes of this Chapter, the following terms, phrases, words and derivations 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.

- A. *Applicant.* A Person who submits to the City an application for a license or the renewal of a license individually or in behalf of a corporation, partnership or association to provide, conduct, operate, maintain, or be employed at a Day Care Facility under this Chapter.
- B. *Child.* An individual who is under the age of eighteen (18) years, including an individual who is related by blood, adoption or who is otherwise the charge of any individual providing Day Care. The age of a child shall be determined by their date of birth.
- C. *Day Care.* Direct care and supervision of children provided for compensation during part of a twenty-four (24) hour day. For purposes of this Chapter, Day Care shall not include any arrangement for the care of Related children;

however, a Day Care License shall be required pursuant to this Chapter where the total number of children who are not Related and who are provided direct care and supervision in a home or Facility exceeds five (5) children.

- D. *Day Care Facility.* Any business, place of business, home, residence, or establishment which provides Day Care. This definition includes any Premises, location, play area, playground, organization, institution, partnership, public school, private school, home, residence, dwelling, group home, foster home, place or facility whether such business or concern calls itself a mini school, kindergarten, nursery, preschool, club, cooperative, mother's-day-out, after school program, all-day kindergarten program, a kindergarten plus program, learning center or any other business whose activity is the same or substantially similar to a Day Care operation or concern. The definition of Day Care Facility shall not include:
1. Any institution, school or facility operated by or under the direction of the State of Idaho by any agency or political subdivision of the State of Idaho or by any other public body or public entity, except for an after school program or the like.
 2. Any preschool, elementary, junior high, or high school licensed and designated as such by the State of Idaho, except for an after school program or the like.
 3. Any medical or hospital facility operated pursuant to license issued by the State of Idaho.
 4. Any day camp, summer camp, sports camp, or similar program designed primarily for children to attend, as long as such camp or program does not exceed a total of twelve (12) weeks during a calendar year, or not more often than once a week.
 5. The occasional care of a neighbor's, relative's, or friend's child or children by a person not ordinarily in the business of providing Day Care.
 6. The operation of a private school or religious school for educational purposes for children over four (4) years of age or a religious kindergarten.
 7. The provision of Day Care exclusively for children of parents who are simultaneously in the same building as such children.
- E. There shall be four classifications of Day Care Facility:
1. *Family Day Care Facility.* A Day Care Facility providing Day Care for five (5) or fewer children;
 2. *Group Day Care Facility.* A Day Care Facility providing Day Care for six (6) to twelve (12) children;
 3. *Small Day Care Facility:* A Day Care Facility providing Day Care for thirteen (13) to twenty (20) children; and
 4. *Large Day Care Facility.* A Day Care Facility providing Day Care for twenty-one (21) or more children.
- F. *Day Care Poster.* An informational sign provided by the City for prominent display in every licensed Day Care Facility.
- G. *Director.* An adult who has primary responsibility for the day-to-day operations and/or management of a Day Care Facility.
- H. *Licensee.* A Person who holds a current and valid license issued by the City for operation of a Day Care Facility.
- I. *Owner.* Any Person with a financial or proprietary interest of any kind in a Day Care Facility.
- J. *Person.* Any individual, group of individuals, association, firm, partnership or corporation.
- K. *Premises.* A structure, facility, yard, play area, or any part of a structure, facility, yard, or play area where any Day Care is provided.

- L. *Preschool.* A place of structured instruction and where such place is not operated by or under the direction of the State of Idaho by any agency or political subdivision of the State of Idaho or by any other public body or public entity where learning and knowledge is imparted to children in preparation for public and/or private education (whether or not meals are served and/or a sleeping area is provided).
- M. *Related.* A niece, nephew, first generation cousin, grandchild, brother, sister, half-brother, half-sister, step-brother, step-sister, son, daughter, step-son, step-daughter, who is related either by blood, adoption, or marriage to the Day Care provider or pursuant to a legal guardianship.
- N. *Registered Day Care Provider.* A Family Day Care Facility providing Day Care to four (4) or five (5) children that complies with all requirements to operate a “family day care home”, as defined in Title 39, Chapter 11 of the Idaho Code, or any person working in such Facility.
- O. *Staff.* Every individual who provides Day Care at a Day Care Facility; every employee or other individual who has unsupervised direct contact with children who attend a Day Care Facility; and every individual providing Day Care for more than twelve (12) hours in any one (1) month period (whether or not such individual is directly supervised or receives compensation).
- P. *Volunteer.* Every individual who provides service in a Day Care Facility (whether or not directly supervised) no more than twelve (12) hours in any one (1) month period and without any express or implied promise of compensation.

(Ord. 2005-06, 02/07/2005; 2009-25, 12/21/2009; 2010-13, 07/06/2010; 2011-06, 06/20/2011; 2012-20, 09/17/2012)

Sec. 10-4. License or Registration Required.

- A. No Person shall maintain, operate, or permit to be operated within the City, any Day Care Facility, as herein defined unless a current and valid Day Care Facility license or certificate of registration has been issued by the City as provided herein.
- B. No Person shall maintain, operate, or permit to be maintained or operated, a Day Care Facility on Premises under such Person’s control unless all necessary licenses and/or registration for such operation shall have been so obtained and remain in effect.
- C. Every Person who provides Day Care at a licensed Day Care Facility, other than a directly supervised Volunteer as defined in this Chapter, shall apply for a license within five (5) business days of the first day of employment at such licensed Day Care Facility. A Volunteer who intends to provide unsupervised Day Care shall be licensed. Any individual who provides Day Care for more than twelve (12) hours in any one (1) month period with or without any express or implied promise of compensation shall be licensed.
- D. Every owner, director, office staff member, or other Day Care Facility employee who provides unsupervised Day Care shall be licensed or registered. No unlicensed Day Care provider, including a Volunteer or temporarily licensed Day Care provider or employee, shall provide unsupervised Day Care on any occasion, including indoors, outdoors, rest periods, field trips, and the like.
- E. A Registered Day Care Provider shall not be required to be licensed by the City but shall be required to demonstrate qualification as a Registered Day Care provider to the City by annual completion of a registration form approved by the City

Clerk. No Registered Day Care provider who fails to demonstrate compliance with the requirements of a “family day care home”, as defined in Title 39, Chapter 11 of the Idaho Code, shall provide Day Care within the City. No Registered Day Care provider shall provide Day Care where such Facility or person would be disqualified from being licensed.

(Ord. 2005-06, 02/07/2005; 2009-25, 12/21/2009; 2010-13, 07/06/2010; 2012-20, 09/17/2012)

Sec. 10-5. Application Required.

A. 1. Applicant: Every Applicant for a license under this Chapter shall complete a form provided by the City, which shall include all information, releases and authorizations necessary to provide a complete criminal history background check as set forth herein. Information for a Day Care Facility license shall include, but may not be limited to, a current list of all Owners, Director, Staff, and all individuals thirteen (13) years of age or older residing at the Premises. In addition, an Applicant for a Day Care Facility license must designate one Person as Director, if applicable. Failure to provide the necessary information, releases or authorizations shall be grounds to deny a license or application. An Applicant may provide Day Care at more than one (1) Licensed Day Care Facility as long as all locations where Day Care services are to be provided by such Applicant are identified.

2. Corporation. When the Applicant for such a license is a corporation, such corporation must be authorized to do business in the State of Idaho. The application shall be made by the Director of the Premises and such application shall contain all information required of an individual Applicant as provided herein. Such

license to a corporation shall be revoked upon a change of Director. A new application and license shall be required before a Director other than the Director designated in the original application shall provide services at such Premises. After investigation as required herein and upon change of Director, the City may issue a license for an interim period of not to exceed sixty (60) days during which time the corporation shall make the new application for license, naming therein the new Director of the Premises.

3. Partnership: When the Applicant for such a license is a partnership, each active partner in the partnership shall join in the application for such license and shall furnish all of the information and recommendations required of an individual Applicant as provided herein, and shall be subject to the same provisions for revocation and reapplication upon a change of Director as provided in the case of corporation Applicants above.

4. Association: When the Applicant for such a license is an unincorporated association, the application shall be made by the officers of the association and Director of the Premises and shall contain all information required of an individual Applicant as provided herein, and shall be subject to the same provisions for revocation and reapplication upon a change of Director as provided in the case of corporation Applicants above.

B. Additional Information May Be Required.

Upon application submission, if additional information is required by the City in order to complete the application or to clarify or explain an ambiguity, the applicant shall submit such information within thirty (30) days of original application date or change in circumstances. Failure to

comply shall require applicant to submit a new application and fee.

(Ord. 2005-06, 02/07/2005; 2008-06, 05/05/2008; 2009-25, 12/21/2009; 2010-13, 07/06/2010)

Sec. 10-6. Temporary Licenses.

- A. In order to facilitate the provision of Day Care during the Day Care license application process, a temporary license may be granted to an applicant by the City. Such temporary license may be granted for not more than sixty (60) days from the first date of application. Issuance of such temporary license shall be at the City's sole discretion.
- B. A permanent Day Care license shall only be granted following training, CPR/First Aid Certification, successful background check and compliance with all other provisions of this Chapter.
- C. At least one (1) person who is licensed shall remain on the licensed Premises with any temporarily licensed Day Care Provider.

(Ord. 2005-06, 02/07/2005)

Sec. 10-7. Investigation.

Before any license shall be issued under this Chapter, the City shall complete an investigation of every Applicant, Licensee, Owner, Director, Staff, individual thirteen (13) years of age or older residing at the Premises, and an inspection of the Premises, except as otherwise provided. The purpose of the investigation is to determine whether the Applicant or Licensee and the Premises fully comply with all pertinent ordinances and regulations of the City; to insure that the Day Care Facility does not create a nuisance or danger to the public; and to require a criminal history background check for first time applicants and license renewal applicants at least as stringent as that required by Idaho Code Title 39, Chapter 11.

The City shall perform a background check on every Applicant, Licensee,

Owner, Director, Staff, and individual thirteen (13) years of age or older residing at the Premises; however, where Day Care is provided in the home of a child or a child's legal guardian, a background check for such child's parent(s), legal guardian(s) or Related children, shall not be required.

Such background checks shall utilize the fingerprints submitted and, in addition, may utilize the statewide child abuse and sex offender register regional record check; and/or other inquiries as deemed necessary to carry out the intent of this Chapter and relevant portions of Idaho Code Title 39, Chapter 11.

Where possible and required herein, a background check on an individual under eighteen (18) years of age shall include a check of the juvenile justice records of adjudication of the magistrate division of the district court, county probation services, and department of health and welfare records in all jurisdictions in which such individual has lived since the age of twelve (12), as authorized by the minor and his or her parent or guardian. Background checks and crime information requests made to the Federal Bureau of Investigation shall be conducted pursuant to applicable law, including but not limited to, Idaho Code Section 56-1004A, as amended. The limited criminal history check shall include, but shall not be limited to, the statewide criminal identification bureau; the Federal Bureau of Investigation (FBI) criminal history; the National Crime Information Center (NCIC); and the statewide child abuse registry for first time applicants and shall include, but shall not be limited to, the statewide criminal identification bureau; and the statewide child abuse registry for license renewal applicants.

(Ord. 2001-18; 09/17/2001; 2005-06, 02/07/2005; 2008-06, 05/05/2008; 2009-25, 12/21/2009; 2010-13, 07/06/2010; 2011-06, 06/20/2011)

Sec. 10-8. Denial of License.

No Day Care license shall be issued:

- A. Where Applicant, Licensee, Owner,

Director, Staff, individual thirteen (13) years of age or older residing at the Premises, managing agent of a corporation, or active partner of a partnership has:

1. Been found guilty of, plead guilty to, received a withheld judgment, or admitted to the elements of any of the following enumerated crimes, or any substantially similar provision of foreign criminal violation, notwithstanding the form of judgment(s):

a. Felony injury of a child, section 18-1501, Idaho Code.

b. The sexual abuse of a child under sixteen years of age, section 18-1506, Idaho Code.

c. The ritualized abuse of a child under eighteen years of age, section 18-1506A, Idaho Code.

d. The sexual exploitation of a child, section 18-1507 or 18-1507A, Idaho Code.

e. Sexual abuse of a child under the age of sixteen years, section 18-1506, Idaho Code.

f. Lewd conduct with a child under the age of sixteen years, section 18-1508, Idaho Code.

g. The sale or barter of a child for adoption or other purposes, section 18-1511, Idaho Code.

h. Murder in any degree, section 18-4001 or 18-4003, Idaho Code.

i. Assault with intent to murder, section 18-4015, Idaho Code.

j. Voluntary manslaughter, section 18-4006, Idaho Code.

k. Rape, section 18-6101 or 18-6108, Idaho Code.

l. Incest, section 18-6602, Idaho Code.

m. Forcible sexual penetration by use of foreign object, section 18-6608, Idaho Code.

n. Abuse, neglect or exploitation of a vulnerable adult, section 18-1505, Idaho Code.

o. Aggravated, first degree,

second degree and third degree arson, sections 18-801 through 18-805, Idaho Code.

p. Crimes against nature, section 18-6605, Idaho Code.

q. Kidnapping, sections 18-4501 through 18-4503, Idaho Code.

r. Mayhem, section 18-5001, Idaho Code.

s. Poisoning, section 18-4014 or 18-5501, Idaho Code.

t. Possession of sexually exploitative material, section 18-1507A, Idaho Code.

u. Robbery, section 18-6501, Idaho Code.

v. Stalking in the first degree, section 18-7905, Idaho Code.

w. Video voyeurism, section 18-6609, Idaho Code.

x. Enticing of children, section 18-1509 or 18-1509A, Idaho Code.

y. Inducing individuals under eighteen years of age into prostitution, section 18-5609, Idaho Code.

z. Inducing Person under eighteen years of age to patronize a prostitute, section 18-5611, Idaho Code.

aa. Any felony punishable by death or life imprisonment.

bb. Attempt, section 18-306, Idaho Code, conspiracy, section 18-1701, Idaho Code, or accessory after the fact, section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.

2. Been classified as a voluntary patient or involuntary patient pursuant to Chapter 3, Title 66, Idaho Code, or similar provision in another jurisdiction, unless:

a. Such Person has been released from, and is no longer under, any form of treatment in relation to such classification, and

b. Such Person has been examined by at least one (1) professional licensed to evaluate mental health and such professional certifies that the Person is no longer

mentally ill and presents no threat or danger to any Child. Such examination shall not be at City expense.

3. Had his or her parental rights restricted or terminated by a Child protection action under Idaho Code, Section 16-1601 et seq., or Child custody termination action under Idaho Code, Section 16-2001 et seq.

4. Where a registered sex offender resides on the Premises where Day Care services are provided.

B. Where Applicant, Licensee, Owner, Director, Staff, individual thirteen (13) years of age or older residing at the Premises, managing agent of a corporation, or active partner of a partnership has:

Been found guilty of, plead guilty to, or received a withheld judgment, or admitted to the elements of any of the following enumerated crimes, or any substantially similar provision of foreign criminal violation, notwithstanding the form of judgment(s) for any offense involving neglect or any physical injury to, or other abuse of a child, or any of the following offenses or a similar provision in another jurisdiction, for a period of five (5) years immediately preceding the date of application for license or renewal:

1. Aggravated assault, section 18-905, Idaho Code.
2. Aggravated battery, section 18-907(1), Idaho Code.
3. Burglary, section 18-1401, Idaho Code.
4. Felony theft, sections 18-2403 and 18-2407(1), Idaho Code.
5. Forgery of a financial transaction card, section 18-3123, Idaho Code.
6. Fraudulent use of a financial transaction card or number, section 18-3124, Idaho Code.
7. Forgery or counterfeiting, Chapter 36, Title 18, Idaho Code.

8. Misappropriation of personal identifying information, section 18-3126, Idaho Code.

9. Insurance fraud, section 41-293, Idaho Code.

10. Damage to or destruction of insured property, section 41-294, Idaho Code.

11. Public assistance fraud, section 56-227, Idaho Code.

12. Provider fraud, section 56-227A, Idaho Code.

13. Attempted strangulation, section 18-923, Idaho Code.

14. Misdemeanor injury to a child, section 18-1501(2), Idaho Code.

15. Felony domestic violence, section 18-918, Idaho Code.

16. Any violation (felony or misdemeanor) of the Uniform Controlled Substances Act, Chapter 27, Title 37, Idaho Code.

17. Grand theft, section 18-2407(1), Idaho Code.

18. The provision of Day Care exclusively for a child or children related to the person providing care, except as subject to the requirements of the Idaho Child Care Program for persons receiving benefits thereunder.

19. Disseminating obscene material to minors, as defined in sections 18-1513 through 18-1515, Idaho Code.

20. Arson, as defined in sections 18-801 through 18-803, Idaho Code.

21. Transporting a minor in a motor vehicle while under the influence, section 18-1501(3), Idaho Code.

22. Driving under the influence of alcohol, drugs, or other intoxicating substances, section 18-8004, Idaho Code.

23. Excessive alcohol concentration, section 18-8004C, Idaho Code.

24. Aggravated driving while under the influence of alcohol, drugs, or any other intoxicating substances, section 18-8006, Idaho Code.

25. Reckless driving, section 49-1401(1), Idaho Code.

26. Persons under the age of twenty one (21) not allowed to purchase, attempt to purchase, or otherwise consume or possess any alcoholic beverage, section 23-604, Idaho Code.

27. Persons under the age of twenty one (21) not allowed to purchase, attempt to purchase, possess, serve, dispense, or consume beer, wine or other alcoholic liquor, section 23-949, Idaho Code.

28. Violation of City open container law. Moscow City Code Title 10, Chapter 1, Section 12.

29. Any felony as defined by Idaho Code, Section 18-111 and 18-111A, other than those listed in Subsection A.1. hereinabove.

39. Any crime of physical violence against persons, other than those listed in Section A.1. hereinabove.

31. Attempt, section 18-306, Idaho Code, conspiracy, section 18-1701, Idaho Code, or accessory after the fact, section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.

C. For any Premise, unless all applicable codes, and other pertinent provisions of all City ordinances, including health requirements herein, as far as can be determined, are being complied with.

D. For any Applicant, Licensee, Owner, Director, Staff, or individual thirteen (13) years of age or older presiding at the Premises, where there is evidence demonstrating to the City that health or safety problems exist or are probable. No Applicant, Licensee, Owner, Director, Staff, or individual presiding at the Premises shall be qualified to receive a license under this Chapter for a period of no less than one (1) year from the date of the health and/or safety problems which resulted in denial or revocation of a license under this Chapter.

E. For any Applicant, Licensee, Owner, Director, Staff, or individual presiding at the Premises, who has supplied false or misleading information, failed or refused to disclose any information required on the application form, or refused to authorize the police investigation required herein. No Applicant, Licensee, Owner, Director, Staff, or individual presiding at the Premises shall be able to apply to receive a license under this Chapter for a period of less than six (6) months from the date of the denial, suspension, or revocation of the license under this Subsection.

F. For any Applicant, Licensee, Owner, Director, Staff, or individual presiding at the Premises, who has violated any of the provisions of this Chapter during licensure other than Subsection A of the “Denial of License” Section of this Chapter. No Applicant, Licensee, Owner, Director, Staff, or individual presiding at the Premises shall be qualified to receive a license under this Chapter for a period of less than six (6) months from the date of the denial or revocation of the license under this Subsection.

(Ord. 2005-06, 02/07/2005; 2008-06, 05/05/2008; 2009-25, 12/21/2009; 2010-05, 03/01/2010; 2010-13, 07/06/2010; 2011-06, 06/20/2011)

Sec. 10-9. Issuance of License.

A. Upon receipt of an application presented in due form to the Clerk which shows that such Applicant possesses all of the qualifications and none of the disqualifications herein and meets all of the requirements of this Code, the City shall issue such license to the Applicant. A Day Care Facility license shall be issued for an initial term to expire March 1 of the following year.

B. All licenses shall be in such form as the City may prescribe and shall contain the name, address, place of business,

and date of expiration of such license and shall be authenticated by the signature of the Clerk. The Day Care Facility license shall be posted in a conspicuous place at the Day Care Facility. A Day Care Poster shall also be posted in a conspicuous place within all licensed Day Care Facilities. The names of all Staff and all individuals thirteen (13) years of age or older residing at the Premises shall be provided to the office of the Clerk within five (5) days of their initial hire date and/or establishment of residence. Fingerprints shall be provided to the Moscow Police Department for each such staff member or resident.

(Ord. 2005-06, 02/07/2005; 2008-06, 05/05/2008; 2009-25, 12/21/2009)

Sec. 10-10. Fee.

Fee to be paid upon issuance or renewal of any license issued pursuant to this Chapter shall be set from time to time by resolution duly passed and adopted by the Council.

(Ord. 2005-06, 02/07/2005)

Sec. 10-11. Day Care Facility License Renewal.

Any Day Care Facility license issued by the City may be renewed for an additional one (1) year upon the same terms and subject to the same application and requirements as provided herein. In order to be eligible for renewal, the applicant for a Day Care Facility license shall present a completed application accompanied by the renewal fee at least thirty (30) days prior to license expiration. Whenever the Licensee desires to effect a change or addition of Premises or to renew the license, the Licensee shall notify the Clerk and make application for a license in the same manner as in the first application, except that investigation provided for in the "Investigation" Section of this Chapter may be waived by the City where the Licensee provides an affidavit not less than thirty (30) days prior to the change or addition of

Premises or expiration of the license asserting compliance to all requirements herein with the application for renewal. Inspection of a new Premise shall not be waived. No license issued by the City shall be assignable or transferable. The fee to be paid for license renewal and a fee for tardy applications shall be set from time to time by Resolution of the Council.

(Ord. 2005-06, 02/07/2005; 2009-25, 12/21/2009; 2010-13, 07/06/2010)

Sec. 10-12. Day Care Provider License Renewal.

A Day Care Provider License issued under this Chapter shall be valid for one (1) year from the date of issuance. In order to be eligible for renewal, the applicant for a Day Care Provider license shall present a completed application accompanied by the renewal fee at least thirty (30) days prior to license expiration. The fee to be paid for license renewal and a fee for tardy applications shall be set from time to time by Resolution of the Council.

(Ord. 2005-06, 02/07/2005; 2008-06, 05/05/2008)

Sec. 10-13. License Revocation and Duty to Notify of Ineligibility.

- A. A Day Care Facility license shall be revoked immediately whenever it is determined that the Licensee would be denied under the "Denial of License" Section of this Chapter.
- B. Every licensed Day Care Provider shall notify the City of any change in circumstance which renders the information on the application for Day Care license incorrect within five (5) business days of such change or such Day Care license shall be revoked immediately and such license shall be automatically null and void.
- C. If a license application is revoked or denied because of a disqualification contained in the "Denial of License" Section of this Chapter, no permanent license shall be issued to an Applicant until the expiration of the time period

for such disqualification and such Applicant shall be ineligible for a temporary license.

(Ord. 2005-06, 02/07/2005; 2010-05, 03/01/2010)

Sec. 10-14. Notice.

- A. Prior to the revocation or denial of renewal of a license as required herein, the Clerk shall provide written notice of such revocation or denial of renewal to the Licensee or Applicant, as the case may be. Such written notice shall be sent by certified mail or hand delivery to the address provided in the application or to the address of the Day Care Facility filed by such Licensee or Applicant. Such written notice shall state the reason(s) for such revocation or denial and shall state that such Licensee or Applicant may request an appeal hearing as provided herein. Notice of revocation or denial of renewal is effective on the date such notice is placed in a mailbox controlled by the United States Postal Service or is hand delivered to Licensee or Applicant.
- B. When the City certifies that there is an immediate danger to life or health of a Child, the Day Care Facility license or application may be immediately and summarily revoked or denied. Under such conditions, notice of such revocation or denial will be given as soon as practicable thereafter.
- C. Failure by the City to give notice as provided herein shall not establish a right to a license under this Chapter.
(Ord. 2005-06, 02/07/2005; 2009-25, 12/21/2009; 2010-13, 07/06/2010)

Sec. 10-15. Appeals.

- A. If a license is revoked, or a license renewal or an application is denied for a reason other than disqualification under Subsection (A) or (B) of the “Denial of License” Section of this Chapter, the Licensee or Applicant may give notice of appeal of such

revocation or denial to the City within ten (10) calendar days from the date the notice of revocation or denial was given. If a license application is revoked or denied because of disqualification of the Applicant or Licensee under Subsection (A) or (B) of the “Denial of License” Section of this Chapter, such disqualification shall not be waived.

- B. Notice of appeal shall be in writing and delivered to the Clerk. The Council shall then set a time and place for such hearing and the Clerk shall inform the Licensee or Applicant of the hearing date in writing, at least five (5) business days prior to such hearing.
- C. The Council may direct the Clerk to issue a license which has been revoked or denied upon a finding of good cause for the issuance of such license.
- D. Failure by an Applicant, person appealing, or their representative, to appear before the Council at the time scheduled to hear such appeal shall result in the automatic denial of such appeal.
(Ord. 2005-06, 02/07/2005; 2010-05, 03/01/2010; 2010-13, 07/06/2010; 2012-20, 09/17/2012)

Sec. 10-16. Insurance and Liability; Prepayment.

- A. Each Facility required to be licensed shall maintain liability insurance in the amount of three hundred thousand dollars per occurrence/six hundred thousand dollars aggregate (\$300,000/\$600,000) with the City listed as an additional insured for each licensed Day Care Facility and Premises. All policies of insurance shall require thirty (30) days notice to the City by certified or regular mail of any cancellation or change affecting an interest or coverage. A current certificate of insurance shall be kept on file with the Clerk at all times. The Licensee shall be responsible for all activities associated with the Day Care

Facility and Premises, including the actions and inactions of every Person, Owner, Licensee, Director, Staff, Volunteer, Child, employee and individual, and shall hold the City harmless for same and shall indemnify and defend any claim filed against the City relating to all activities associated with the Day Care Facility and Premises and the provision of Day Care. Where Day Care is provided in a residence, an Applicant or Licensee may apply to Council for a waiver or modification of the insurance provisions in this Section.

- B. The issuance of a Day Care Facility license shall not constitute a representation or affirmation to any Person that the Day Care Facility to which a license is issued is free from risk with regard to the standards herein. The City shall not be liable for nor shall a cause of action exist for any loss or damage based upon the failure of any Person to meet the standards contained in this Ordinance.
- C. If the City receives notice of cancellation of a Licensee’s liability insurance more than two (2) times during any one (1) year of licensure, such Licensee shall prepay the insurance policy for a minimum of twelve (12) months and shall provide proof of such prepayment to the Clerk by the end of the next business day following the City’s receipt of such notification. Failure to provide such proof of prepayment shall cause the license to be immediately revoked and the license shall be automatically null and void.

(Ord. 2005-06, 02/07/2005; 2010-13, 07/06/2010; 2011-03, 05/16/2011)

Sec. 10-17. Health Requirements.

- A. All Staff on the Premises of a Day Care Facility shall certify that each is in good health and that each has received required immunization against

communicable disease. Any Director, Staff member of a Day Care Facility, Volunteer, or employee diagnosed with a communicable disease must not be present at a Day Care Facility until such disease is no longer communicable as declared by a licensed physician.

- B. 1. Within fourteen (14) days of a child’s initial attendance at any licensed Day Care Facility, the parent or guardian shall provide a statement to the Director of the Day Care Facility regarding the child’s immunity to certain childhood diseases. This statement shall provide a certificate signed by a physician or a representative of a health district, that the child has received, or is in the process of receiving immunizations as specified by the state board of health and welfare, or can effectively demonstrate immunity through verification in a form approved by the City gained through prior contraction of the disease. Immunizations required and the manner and frequency of their administration shall conform to recognized standard medical practices in the State.
- 2. Any minor child whose parent or guardian has submitted to the Director of a licensed Day Care Facility 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 shall be exempt from the provisions of this Section.

- C. Every dog, cat, and ferret over four (4) months of age present in a licensed or registered Day Care Facility shall be vaccinated against rabies and every owner of every such dog, cat and/or ferret shall retain proof of current vaccination.

(Ord. 2005-06, 02/07/2005; 2012-20, 09/17/2012)

Sec. 10-18. Inspection.

Every Licensee shall keep and maintain such records as are required by the City, including employee and Staff records. Every Licensee shall, at all times during business hours, open the Day Care Facility records and each and every portion of the licensed Premises for inspection by the Moscow Police Department and other City departments for the purpose of inspection and enforcement of any provision herein. The Clerk shall have the absolute right to enter the Premises of any Licensed or Registered Day Care Facility during business hours as often as is necessary to secure compliance with or to prevent a violation of this Chapter. The Clerk may initiate administrative and/or criminal action to enforce this Chapter.

(Ord. 2005-06, 02/07/2005; 2010-13, 07/06/2010; 2012-20, 09/17/2012)

Sec. 10-19. Standards.

A. 1. Every licensed Day Care Facility, Licensee, Director and Staff shall comply with all safety standards as set forth in Idaho Code Title 39, Chapter 11, and such other requirements as the Council may enact by Resolution.

2. Every licensed Day Care Facility shall provide:

a. Adequate fire and smoke alarms;

b. A functional telephone located on the Day Care Facility Premises during the hours of operation;

c. Adequate fire extinguishers;

d. Adequate exits;

e. Firearms or weapons which are stored on the Premises of a Day Care Facility must be kept in a locked container that is inaccessible to children while Day Care attendees are present;

f. Pools, hot tubs, ponds and other bodies of water that are on the Day Care Facility Premises must provide the following safeguards:

(1) The area surrounding the body of water shall be fenced and

locked in a manner that prevents access by children and meets the following requirements:

(a) The fence must be at least four feet (4') high with no vertical opening more than four inches (4"0 wide, be designed so that a young child cannot climb or squeeze under or through the fence, surround all sides of the pool and have a gate that is self-closing and that has a self-latching mechanism in proper working order out of the reach of young children;

(b) If the building forms one (1) side of the barrier for the pool, all doors that provide unrestricted access to the pool must have alarms that produce an audible sound when the door is opened;

(c) Furniture or other large objects shall not be left near the fence in a manner that would enable a child to climb on the furniture or other large object and gain access to the pool; and

(2) If the area surround a pool, hot tub, pond or other body of water is not fenced and locked, there shall be a secured protective covering that will not allow access by a child;

(3) Wading pools must be empty when not in use;

(4) Children must be under the direct supervision of at least one (1) adult at all times while using a pool, hot tub, pond or other body of water; and

(5) A minimum of a four foot (4') high fence shall be present that prevents access from the Day Care Facility Premises if the Day Care Premises are adjacent to a body of water; and

g. The Day Care Facility shall provide open space for outdoor play. A minimum of one hundred (100) square feet per child is required. This area shall be adjacent to the Day Care Facility and shall provide a safe play area that can be easily maintained and is accessible for use by children.

- B. Every licensed Day Care Facility shall comply with all health standards as set forth in Idaho Code Title 39, Chapter 11, and such other requirements as the Council may create by Resolution.
- C. Every licensed Day Care Facility, Licensee, Director and Staff shall conform to the requirements herein and all other applicable Titles and Chapters of this Code, except that no fire standards adopted by Council that are applicable to this Day Care Facility Ordinance shall be more stringent than the standards contained in the International Fire Code, as adopted by the State of Idaho.
- D. Every licensed Day Care Facility, Licensee, Director and Staff shall conform to all life safety standards found in all applicable uniform standard codes which are adopted by the City as of the date of application for license, except for the Child-Staff ratios as modified in the Section of this Chapter entitled "Child-Staff Ratios".
- E. Every licensed Day Care Facility having a flame source utility on its Premises shall have a carbon monoxide detector properly operating at all times within any enclosed area on every level or floor where children are present.
- F. Every Day Care Facility Owner, Licensee, Director and Staff shall be required to obtain and keep current Red Cross, American Heart Association, or equivalent first aid treatment certification and child/infant cardiopulmonary resuscitation (CPR) and pediatric rescue breathing certification prior to licensure and shall keep such certifications current. Additionally, at least one (1) such certified adult shall be present at every Day Care Facility at all times a child is present at the Day Care Facility.
- G. The minimum age of any Director shall be twenty-one (21) years of age, except in a Family Day Care Facility where the Director is the only adult individual present on a regular basis. In this latter case, the Director shall be at least eighteen (18) years of age. At least one (1) employee eighteen (18) years of age or older shall be present at all times when a child or children are in attendance at a Day Care Facility. Day Care Facility Applicants and Licensees shall be precluded from hiring employees under fourteen (14) years of age.
- H. Every Day Care Facility Licensee, Director and Staff member shall be required to acquire four (4) hours or more of training in early childhood development and/or children's health and safety within thirty (30) days of employment in such Facility and shall thereafter obtain four (4) hours or more of such training on an annual basis. Such training within twelve (12) months prior to employment shall satisfy this requirement for the first year of employment. Proof of training shall be submitted to and approved by the City. The annual training required under this Subsection shall be in addition to the first aid and CPR requirement listed elsewhere in this Section.
- I. No Owner, Licensee, Director, or Staff member shall directly or indirectly;
1. Use or permit the consumption or use of any alcoholic beverage or smoking on the Premises while the children are present or are being cared for; or
 2. Possess, use or permit the possession or use of any unlawful drug or narcotic, including marijuana, on the Premises.
 3. Use or permit a Volunteer or employee with a temporary license to provide Day Care to a Child without the physical presence and direct supervision of a Licensee, Owner, Director or licensed Staff member.

- J. Every sleeping or resting child shall be heard at all times by at least one (1) Owner, Licensee, Director, or Staff, either in person or via live feed audio equipment.
(Ord. 2005-06, 02/07/2005; 2008-06, 05/05/2008; 2009-25, 12/21/2009; 2010-13, 07/06/2010; 2011-06, 06/20/2011; 2012-20, 09/17/2012)

Sec. 10-20. Child-Staff Ratios.

- A. 1. A minimum Child-Staff ratio of one (1) Director and/or Staff for every ten (10) points or any fraction in excess thereof shall be maintained by a Day Care Facility at all times on the Premises, indoors, outdoors, on field trips and during rest periods. Any points or fraction of points greater than ten point zero (10.0) requires the presence of one (1) additional Director and/or Staff for every ten (10) points or any fraction in excess thereof as determined from the following chart:

<u>Age of Child</u>	<u>Points Per Child*</u>
0 to less than 2 years	3
2 to less than 3 years	2
3 to less than 5 years	1
5 to less than 7 years	0.83
7 to less than 13 years	0.66
13 years and over	0 (zero)

**Example: A Day Care Facility with three (3) one-year-olds (9 points) and one (1) four-year-old (1 point) must maintain a Director and/or Staff of one. The enrollment of an eight-year-old Child (.66) to the Day Care Facility requires the addition of another Staff member.*

- 2. Each Director and each Staff member on the Premises who is providing direct care or is actively involved with children shall be considered for purposes of computing a Child-Staff ratio.

- 3. No unlicensed Volunteer shall be counted for purposes of computing a Child-Staff ratio.
- 4. It shall be a violation of this Chapter to operate a licensed Day Care Facility with a Child-Staff ratio not in compliance with this Section.
- B. 1. On days where the school district in which a child resides holds classes, the number of children may be increased with the addition of school aged children (first grade and up) from 3:00 p.m. until 6:00 p.m. without affecting the classification of Day Care Facility, as set out herein. On days where the school district in which a child resides declares teacher work days, snow days, vacation days or otherwise cancels classes, the number of children may be increased with the addition of school-aged children (first grade and up) without affecting the classification of Day Care Facility as set out herein.
 - a. Family Day Care Facility - up to four (4) additional children.
 - b. Group Day Care Facility - up to five (5) additional children.
 - c. Small Day Care Facility - up to six (6) additional children.
 - d. Large Day Care Facility – up to seven (7) additional children.
- 2. Children, for purposes of this Subsection, shall include (a) every school-aged child of the Owners, Licensee, Director, and Staff present at a Day Care Facility; (b) children receiving direct care and supervision in such child’s or legal guardian’s own home; and (c) children who are Related.
(Ord. 2005-06, 02/07/2005; 2009-25, 12/21/2009; 2010-05, 03/01/2010; 2010-13, 07/06/2010; 2011-06, 06/20/2011; 2012-20, 09/17/2012)

Sec. 10-21. No City Liability Created.

The issuance of a license by the City pursuant to this Chapter shall not constitute

a representation of affirmance to any person that the Day Care Facility or person to whom a license is issued is free from risk with regard to the standards in this Chapter. The City shall not be liable for, nor shall a cause of action exist, for any loss or damage based upon the failure of any person to meet the standards contained in this Chapter, unless otherwise provided by Idaho Code or Federal law.

(Ord. 2011-06, 06/20/2011)

Sec. 10-22. Penalties and Additional Fees.

- A. Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof in a court of competent jurisdiction, shall be punished pursuant to this Code and the Idaho Code. Each day of the violation shall be considered a separate offense.
- B. Any Applicant, Owner, Director, Staff or Person convicted of a violation of this Chapter shall be denied a license and any current license shall be revoked.
- C. The Clerk may charge a Day Care Facility Licensee an administrative fee for every contact or inspection required to ensure compliance with this Chapter where such contact or inspection is in excess of those necessary to process the license initially. Such administrative fee shall be established from time to time by resolution duly adopted by the Council, and shall be in addition to any other fee(s) and/or fine(s). Failure to pay such administrative fee shall result in revocation of the license for which such contact or inspection is required.

(Ord. 2005-06, 02/07/2005; 2011-06, 06/20/2011)

- c. Boarding house;
- d. Daycares;
- e. Dispatch centers, where employees come to the site and are dispatched to other locations;
- f. Manufacturing utilizing power tools or similar equipment such as furniture refinishing or building, cabinet making, metal fabrication or cutting, employing welding or cutting, or other similar uses, except for minor and incidental use of such equipment deemed allowable by the Zoning Administrator;
- g. Medical clinics;
- h. On-site retail sales involving on-premise customer service, except as may be permitted as an accessory use to a Type II Accessory Home Occupation;
- i. Repair or assembly of vehicles or equipment with internal combustion engines (such as automobiles, lawnmowers, motorcycles, snowmobiles and other similar equipment);
- j. Restaurants;
- k. Schools;
- l. Towing services; and
- m. Other uses with similar operating characteristics as determined by the Zoning Administrator.

D. Accessory Home Occupation Performance Standards.

- 1. Outdoor Activities. All activities shall be conducted wholly within the principal structure or a permitted accessory structure thereto. External storage or display of goods or equipment shall be prohibited.
- 2. Appearance of Structure and Site. The dwelling and subject property shall remain residential in character and the Accessory Home Occupation use shall not be discernable from the exterior of the principal structure or permitted accessory structure thereto. No alterations of the structure or subject property which would change the residential appearance of the dwelling and subject property shall be permitted. Examples of such prohibited

alterations include construction of parking lots, paving of setbacks, external signage not otherwise permitted by this Code, or adding commercial exterior lighting.

3. Vehicles. No more than one (1) vehicle shall be discernable as being used in association with the Accessory Home Occupation. The maximum size of such vehicle used in association with the Accessory Home Occupation shall be no more than one (1) ton capacity and shall not include any trailer.

4. Deliveries. Deliveries and/or pickups of supplies or products associated with the Accessory Home Occupation shall be allowed only between 8 a.m. and 6 p.m. local time.

5. Nuisances. Unless otherwise permitted by law, no Accessory Home Occupation shall produce any detectable fumes, odors, dust, heat, noise, vibration, glare, electromagnetic field, electrical interference, or other effects outside the dwelling which is incompatible with the characteristics of the residential Zoning District or is otherwise a violation of this Code.

Sec. 12-2. Day Care Facility Zoning Standards.

The following standards are required for approval of Day Care Facilities when such uses are classified as permitted uses within zoning districts and shall serve as guidelines to which additional conditions may be added when Day Care Facilities require conditional use permits to operate within a zoning district:

- A. Parking and Loading Facilities:
 - 1. Day Care Facilities shall provide off-street parking adequate to meet the requirements of City Code Section 4-6-5.
 - 2. Day Care Facilities shall provide loading spaces in accordance with the following standards:
 - a. Quantity of Loading Spaces required:

- i. Group Day Care: one (1).
 - ii. Small and Large Day Care: two (2).
- b. Required loading spaces may be provided in one of the following ways:
 - i. On-street, subject to the approval of the City Engineer, when the space is reserved or otherwise generally available, and which is located on the same side of the street as the Day Care Facility. On-street loading space shall be at least thirty feet (30') from any street intersection.
 - ii. Off-street where the travel path from the loading space(s) to the Facility entrance does not cross vehicle maneuvering and travel areas.
- B. Play Area and Screening. Day Care Facilities shall provide a contained or fenced outdoor play area sufficient to comply with the spatial standards required by City Code. Sight-proof fencing or sight-proof landscaping shall be provided on perimeters of such outdoor play areas where necessary to protect the privacy of neighbors' yards.
- C. Additional Large Day Care Facility Standards. To ensure that traffic generated by a large Day Care Facility will not disrupt a residential neighborhood characterized by low volumes of vehicular traffic, such Facilities shall be:
 - 1. Located on City street that has an average daily traffic (ADT) of at least five hundred (500) vehicles per day; or
 - 2. Located within three hundred feet (300') of a school and provide after school service for school age children; or
 - 3. Permitted when the facility is located in a church, grange hall, social center or other large public assembly building; or
 - 4. Upon issuance of a Conditional Use Permit.
- D. Site Plan Required. To ensure compliance with these standards, a site plan shall be submitted for all Day Care Facilities indicating parking, loading,

- traffic flow characteristics and related signage.
- E. Use of public right-of-way for Day Care loading is discretionary and subject to the approval of City Engineer in consideration of the availability and demand of on-street parking in the subject area and the proximity of the proposed loading space to intersections, current and future traffic conditions, and other similar considerations.
(Ord. 2012-23, 12/03/2012)

Sec. 12-3. Large Retail Establishments.

- A. Large Scale Establishments.
 - 1. New Large Retail Establishments. Every new Large Retail Establishment shall comply with the provisions of this Section and the City of Moscow Large Retail Establishment Design Manual (Design Manual), as adopted or amended by Resolution of the Council. Any substantive deviation from a standard required by the Design Manual shall require a Variance.
 - 2. Expansion of Existing Large Retail Establishments. The following is required for expansion(s) of a Large Retail Establishment:
 - a. Any one time expansion of an existing Large Retail Establishment shall comply with Subsection (4)(d) Stormwater Management (for any proposed additional impervious surface areas). Additionally, the provisions of the Design Manual shall apply to the greatest extent feasible in consideration of the existing site development, as determined by the reviewing body.
 - b. Conditions of Recon-struction. If any existing Large Retail Establishment should be destroyed by any means to an extent of more than seventy (70%) percent of the replacement cost of the whole structure at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the Design

Sample Site Plan

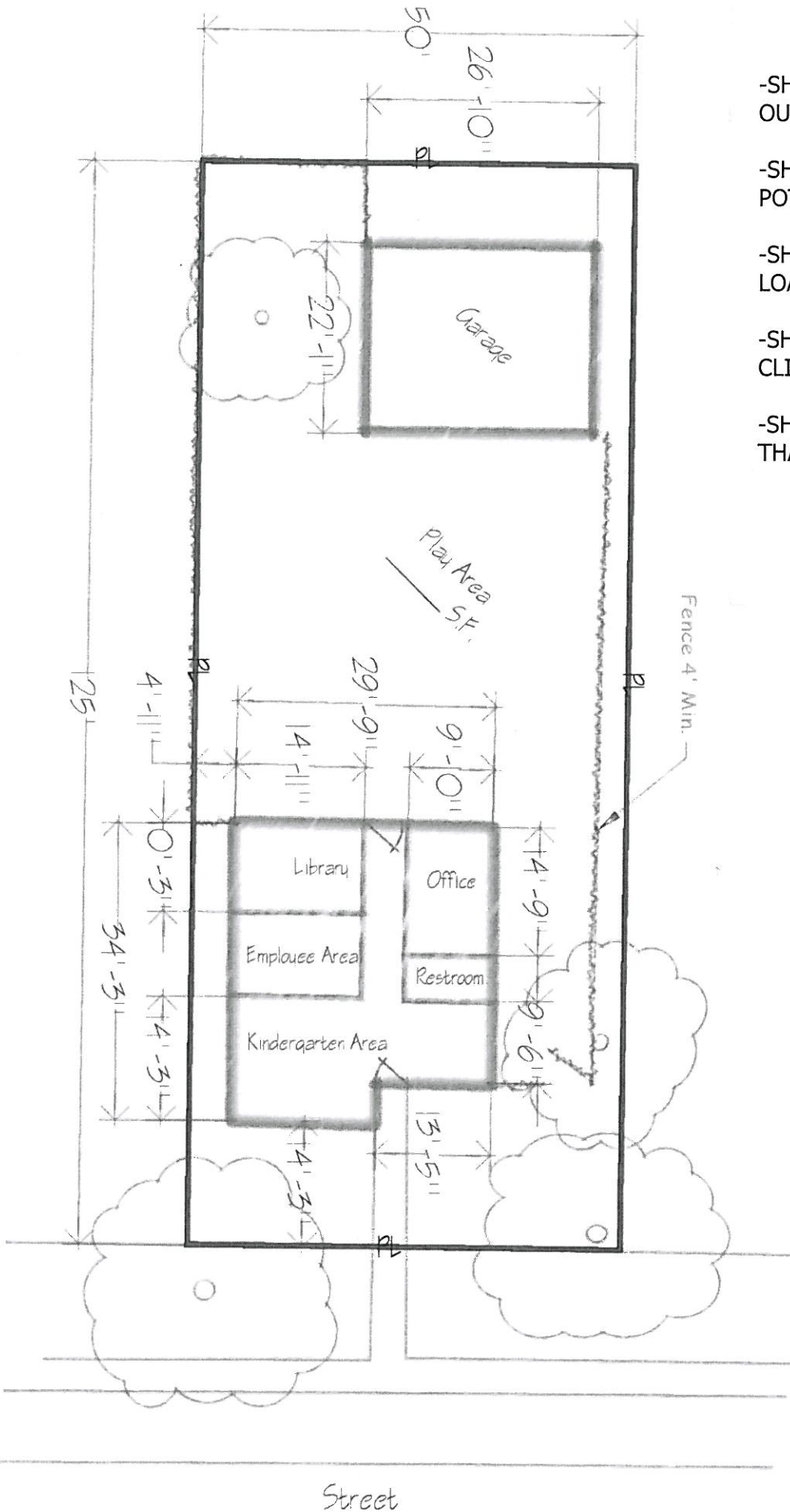
-SHOW LOT SIZE AND SQ. FT. OF OUTDOOR PLAY AREA

-SHOW POOLS, WELLS, AND OTHER POTENTIAL HAZARDS

-SHOW OFF STREET PARKING AND LOADING AREA

-SHOW TREES, POLES, AND ALL OTHER CLIMABLE OBJECTS

-SHOW LAYOUT OF FACILITY/RESIDENCE THAT IS USED FOR DAYCARE
 -SHOW WINDOWS AND DOORS
 -SHOW THE SQ. FT. OF EACH ROOM USED FOR DAYCARE





Idaho Statutes

TITLE 16 JUVENILE PROCEEDINGS

CHAPTER 16 CHILD PROTECTIVE ACT

16-1605.REPORTING OF ABUSE, ABANDONMENT OR NEGLECT. (1) Any physician, resident on a hospital staff, intern, nurse, coroner, school teacher, day care personnel, social worker, or other person having reason to believe that a child under the age of eighteen (18) years has been abused, abandoned or neglected or who observes the child being subjected to conditions or circumstances which would reasonably result in abuse, abandonment or neglect shall report or cause to be reported within twenty-four (24) hours such conditions or circumstances to the proper law enforcement agency or the department. The department shall be informed by law enforcement of any report made directly to it. When the attendance of a physician, resident, intern, nurse, day care worker, or social worker is pursuant to the performance of services as a member of the staff of a hospital or similar institution, he shall notify the person in charge of the institution or his designated delegate who shall make the necessary reports.

(2) For purposes of subsection (3) of this section the term "duly ordained minister of religion" means a person who has been ordained or set apart, in accordance with the ceremonial, ritual or discipline of a church or religious organization which has been established on the basis of a community of religious faith, belief, doctrines and practices, to hear confessions and confidential communications in accordance with the bona fide doctrines or discipline of that church or religious organization.

(3) The notification requirements of subsection (1) of this section do not apply to a duly ordained minister of religion, with regard to any confession or confidential communication made to him in his ecclesiastical capacity in the course of discipline enjoined by the church to which he belongs if:

(a) The church qualifies as tax-exempt under 26 U.S.C. section 501(c)(3);

(b) The confession or confidential communication was made directly to the duly ordained minister of religion; and

(c) The confession or confidential communication was made in the manner and context which places the duly ordained minister of religion specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine. A confession or confidential communication made under any other circumstances does not fall under this exemption.

(4) Failure to report as required in this section shall be a misdemeanor.

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Idaho Statutes

TITLE 39 HEALTH AND SAFETY

CHAPTER 11 BASIC DAY CARE LICENSE

39-1110. HEALTH STANDARDS. Daycare facilities shall comply with the following health standards:

(1) Food for use in daycare 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 daycare facilities shall be stored in such a manner that it is protected from potential contamination;

(3) Diaper changing shall be conducted in such a manner as to prevent the spread of communicable diseases;

(4) Sleeping and play areas, restrooms and fixtures shall be maintained in a safe, sanitary condition;

(5) Children and facility personnel shall be provided with individual or disposable towels for handwashing and the handwashing area shall be equipped with soap and hot and cold running water;

(6) The water supply, where the source is other than a public water system, must be approved in accordance with the rules adopted by the department;

(7) Medicines, cleaning supplies and other hazardous substances must be stored out of reach of children;

(8) Smoking or alcohol consumption is prohibited on the premises of a daycare facility during the daycare facility's hours of operation; and

(9) Representatives of health and safety inspectors shall not be denied access to a daycare facility during hours of operation for purposes of control of communicable disease or inspection.

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Idaho Statutes

TITLE 49 MOTOR VEHICLES

CHAPTER 6 RULES OF THE ROAD

49-672.PASSENGER SAFETY FOR CHILDREN. (1) No noncommercial motor vehicle operator shall transport a child who is six (6) years of age or younger in a motor vehicle manufactured with seat belts after January 1, 1966, unless the child is properly secured in a child safety restraint that meets the requirements of federal motor vehicle safety standard no. 213.

(2) The provisions of this section shall not apply:

(a) If all of the motor vehicle's seat belts are in use, but in such an event any unrestrained child to which this section applies shall be placed in the rear seat of the motor vehicle, if it is so equipped; or

(b) When the child is removed from the car safety restraint and held by the attendant for the purpose of nursing the child or attending the child's other immediate physiological needs.

(3) The failure to use a child safety restraint shall not be considered under any circumstances as evidence of contributory negligence, nor shall such failure be admissible as evidence in any civil action with regard to negligence.

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