



**Special Meeting Agenda
City Council**

7:00 p.m. Special Meeting
Monday, February 23, 2015
William J. Radigan Fire / EMS Station
820 N. Dakota Street
Vermillion, South Dakota 57069

1. **Roll Call**
2. **Pledge of Allegiance**
3. **Informational Session – Review of proposed Ordinance establishing registration guidelines for home childcare facilities**
4. **Adjourn**

Access the City Council Agenda on the web – www.vermillion.us

Addressing the Council: Persons addressing the Council shall use the microphone at the podium. Please state your name and address. Presentations are limited to 5 minutes. For those who do not appear on the agenda, no decision is to be expected at this time.

Meeting Assistance: If you require assistance, alternative formats and/or accessible locations consistent with the Americans with Disabilities Act, please contact the City Manager's Office at 677-7050 at least 3 working days prior to the meeting.

Council Meetings: City Council regular meetings are held the first and third Monday of each month at 7:00 p.m. If a meeting falls on a City holiday, the meeting will be scheduled for the following Tuesday.

Live Broadcasts of Council Meetings on Cable Channel: Regular City Council meetings are broadcast live on Cable Channel 3.

As a courtesy to others, we ask that cellular phones and pagers be turned off during the meeting.



Council Agenda Memo

From: John Prescott, City Manager
Meeting: February 23, 2015
Subject: Draft Daycare Registration Ordinance
Presenter: John Prescott & Fire Chief Shannon Draper

Background: During the 2015 budget review sessions, a question arose about the location of daycare facilities in the community. It was noted at the time, that the City did not have any regulations regarding daycare facilities. City staff was asked to look into the matter and report back to the City Council. At the November 3, 2014 Noon meeting City staff presented a list of what some other SD communities have in their daycare regulations and a draft ordinance. City Council reviewed the information and directed staff to contact some providers to gather feedback. Staff worked to compile a list of providers, sent the information and asked for comments to be returned in December. Daycare providers were invited to a meeting on January 27, 2015. Staff explained the proposal and received additional feedback. The same presentation was made at the Noon meeting on February 2, 2015. The City Council requested to have a Special Meeting with providers before placing the ordinance on a future agenda for consideration.

Discussion: The proposed ordinance has only two changes in comparison to the draft ordinance presented on February 2. One change is to provide an option to complying with the fence requirement. A fence is not required if the parents sign a consent form noting that there is not an enclosed playground at the registered location. The second change is to offer registration without an inspection if the registration is completed by July 1, 2015. Both changes are marked in yellow.

All of the providers within City limits that staff is currently aware of or who have participated in the previous meeting or discussion have been invited to attend.

Financial Consideration: None.

Conclusion/Recommendations: None. This is an opportunity to gather additional public comment on the proposed ordinance. City staff is seeking guidance from the City Council on the next step to take with respect to the proposed ordinance.

PROPOSED ORDINANCE NO. 13XX

AN ORDINANCE OF THE CITY OF VERMILLION, SOUTH DAKOTA CREATING A REQUIREMENT FOR DAY CARE BUSINESSES TO REGISTER WITH THE CITY OF VERMILLION. WHEREAS, THE CITY COUNCIL OF THE CITY OF VERMILLION HAS DEEMED THESE REGULATIONS AND CONTROLS TO BE REASONABLE AND REASONABLY RELATED TO THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITY OF VERMILLION.

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota, that there be enacted a requirement for all day care businesses within Vermillion City limits to be registered with the City of Vermillion with the addition of Chapter 121 as follows:

121.01 Definitions. The following words, terms and phrases, when used in this article, shall have the meanings provided in this section, except where the context clearly indicates a different meaning:

Home day care means the providing of group care and supervision of five or more children on a regular basis for part of a day, with or without compensation, as a supplement to regular parental care, including children under the age of six living in the home and children from more than one unrelated family receiving day care.

Home day care home means the private residence wherein day care is provided.

~~Helper means a person who assists the provider in a family day care home.~~

Provider means the principal caretaker of children in a family day care home.

~~Substitute means a person who fills in for the normal day care provider on a consistent weekly basis.~~

121.02 Required. Every person engaged in the business of operating a home day care shall, before engaging in such business, ~~shall~~ register with the City of Vermillion as provided in this article. The fee for such registration shall be set by resolution.

121.03 Application. Any person desiring to register as provided in this article shall file with the city finance officer a written application on a form provided by the City. The application shall be signed by each adult at least 18 years of age operating the day care or residing in the premises in which the day care business is being conducted. The application shall contain, at a minimum, the following information:

1. A floor plan of the proposed location;
2. The expected number and age range of the children being cared for;
3. ~~A consent form for performing a criminal background investigation and verification of central registry status.~~

A license Registration to engage in the business of home day care operation shall be valid until the next June 30 in an even numbered year. Applications for renewal shall be submitted within 45 days of the expiration of the current license registration.

~~Each new applicant shall make arrangements with a law enforcement agency and submit to the fingerprinting process. The applicant must also provide payment to law enforcement payment to the South Dakota Division of Criminal Investigation in an amount necessary to cover the costs of the criminal record check. These actions must be taken by an applicant prior to submitting an application for approval.~~

121.04 Central registry for child abuse and neglect/sex offender registry. No person whose name is currently, or at any time in the past has been on the state central registry for abuse and neglect, the state sex offender registry, or any similar registry or list maintained by any other state, shall reside in the premises in which the home day care business is being conducted, nor shall such person be employed in any capacity by the home day care. Applicant shall provide an affidavit to this extent.

121.05 Age requirements. No person under 18 years of age may be licensed registered under this article. No person between 14 years of age and 17 years of age shall provide child care services in a home day care unless a licensed registered home day care provider is actually present in the home day care facility.

121.06 CPR required. All home day care operators licensed registered under this article must maintain a current cardiopulmonary resuscitation (CPR) certification from the American Red Cross or American Heart Association. Employees of a home day care are recommended to have such certification.

121.07 Inspections. Any day care licensed under this article shall be inspected by the Fire Chief, or designee, prior to the issuance of a license registration approval. All home daycares shall be open to announced or unannounced inspection by city officials at any time during normal business hours. The Fire Chief or designee shall reinspect each premise prior to recommending the renewal of a license registration.

Exception: All home day cares registered by July 1, 2015 will not be required to be complete an inspection for the initial registration.

121.08 Fencing or other barrier. Playground areas shall be enclosed by a fence, hedge, trellis, or other barrier not less than 42 inches high to protect the area from traffic, animals, or other hazards. Openings in a fence, trellis, or other manmade barrier shall not allow passage of a four-inch diameter sphere. Playground areas shall be in rear yard whenever possible.

Exception: A registered daycare provider may be exempt from the fencing or other barrier requirement of this section if a written consent form signed by a parent or guardian of each child being cared for stating they understand that there is not an enclosed playground area at the registered location.

121.09 Building code requirements applicable. Nothing in this article shall be construed to exempt any structure from any otherwise applicable portion of the relevant building code or fire code. In any case where the building code requirements are in conflict with the requirements of this article, the more stringent requirement shall apply.

~~**121.10 Child to adult ratio.** No more than four of the children in the home day care may be under the age of two years, and no more than two of these four children may be under the age of one unless there is another adult in the home who is licensed under this article. If a provider cares for children under two years of age, the provider must maintain an adult child ratio of one adult to four children for children under the age of two.~~

121.11 State registered home day cares. Any home day care which falls within the scope of this article but which is registered as a family day care pursuant to SDCL ch. 26-6 and ARSD ch. 67:42:03 shall be required to ~~obtain a license~~ register pursuant to this article. ~~However, only the following provisions shall apply to state registered family day cares:~~

- ~~1. No fee shall be charged for such registration.~~
- ~~2. A background check shall be conducted.~~
- ~~3. A special exception shall be required.~~

121.12 All home day care facilities shall comply with the most recent version of the International Fire Code and International Building Code as modified and adopted by the City.

Dated at Vermillion, South Dakota this XX day of XXXX, 2015

THE GOVERNING BODY OF THE CITY OF
VERMILLION, SOUTH DAKOTA

BY _____
John E. (Jack) Powell, Mayor

ATTEST:

BY _____
Michael D. Carlson, Finance Officer

First Reading:
Second Reading:
Published:
Effective: