

**TITLE 6  
HEALTH AND PUBLIC SAFETY**

CHAPTER:	SUBJECT:
1	General Health Regulations
2	Fireworks
3	Day Care

**CHAPTER 1  
GENERAL HEALTH REGULATIONS**

**SECTION:**

- 6-1-1: Outdoor Restroom Facilities
- 6-1-2: Dumping Refuse Unlawful
- 6-1-3: Unsanitary Premises
- 6-1-4: Unclean Barns and Enclosures
- 6-1-5: Depositing of Manure Prohibited
- 6-1-6: Noxious Trade
- 6-1-7: Dangerous Premises
- 6-1-8: Slaughterhouse Regulations
- 6-1-9: Dead Animals

**6-1-1: OUTDOOR RESTROOM FACILITIES:**

(A) **Outdoor Restroom Facilities Prohibited:** No person shall erect, place, maintain or keep, or allow to be erected, placed, maintained or kept, any water closet, privy, outhouse, portable outdoor toilet facility or similar restroom facility not connected to the public sewer on any public or private property within the City.

(B) **Exceptions:** The prohibition set forth in this Section shall not apply to: (1) temporary portable toilet facilities used by contractors engaged on work within the City for use of their employees if required by federal or state law or regulation, or, (2) temporary portable toilet facilities used for outdoor public air shows, parades or exhibitions, for a period of not longer than three (3) consecutive days and occurring no more than once in any calendar year.

(C) **State Health Regulations:** All temporary outdoor restroom facilities allowed under the preceding section shall comply with all applicable regulations of the State of Idaho, Department of Health and Welfare or the United States Department of Labor.

**6-1-2: DUMPING REFUSE UNLAWFUL:** No person shall dump, place or deposit any trash, refuse, matter, filth, waste, rags, paper, tin or aluminum cans or any substance likely to produce disease or infection on any lot, street, alley or public right-of-way within the City.

**6-1-3: UNSANITARY PREMISES:** No owner or occupant of any premises within the City shall cause or allow any portion of the premises or any structure on the premises to become nauseous, foul, offensive or injurious to the public health, or grossly unpleasant or disagreeable to the senses of adjacent residents or persons passing the premises.

**6-1-4: UNCLEAN BARN AND ENCLOSURES:** No person shall maintain any barn enclosure, stable, building or yard for cattle, horses or any other animals or fowl within the City in such a condition as to be grossly offensive to neighbors or passers-by or injurious to the public health.

6-1-5:           **DEPOSITING OF MANURE PROHIBITED:** No person shall deposit upon or allow any manure to be placed upon any City street, alley, sidewalk or right-of-way, provided however, this section shall not apply to persons in control of animals exhibited in any public parade or circus, provided adequate arrangements are made to remove and dispose of manure deposited upon such streets, ways or sidewalks by animals exhibited in the parade or circus, during or immediately following the conclusion thereof.

6-1-6:           **NOXIOUS TRADE:** No owner or occupant of any premises within the City shall conduct or engage in any trade, business or occupation that is dangerous, detrimental to the life, health or property of members of the public or which is grossly offensive to the public or otherwise constitutes a nuisance.

6-1-7:           **DANGEROUS PREMISES:** No owner or occupant of any premises within the City shall keep, cause or allow the premises, any portion of the premises or any structure on the premises to fall into a condition that is dangerous or detrimental to life, health or property of members of the public.

6-1-8:           **SLAUGHTERHOUSE REGULATIONS:** Every owner, lessee, tenant or occupant of any slaughterhouse, stable, building, structure or stall in which any animal or fowl is killed or in which any animal or fowl is kept, or of any place in which offal, manure or any liquid discharge of any animal or fowl collects or accumulates shall promptly remove such offal, liquid or manure to a proper place and shall at all times keep such slaughterhouse, stable, building structure or stall in a clean and wholesome condition and reasonably free from offensive smells.

6-1-9:           **DEAD ANIMALS:** No person shall deposit any dead animal or fowl on any City street, alley, sidewalk or right-of-way or on any private lot within the City not owned or occupied by that person. No person shall cause or allow any dead animal or fowl to remain for an unreasonable length of time on any property owned or occupied by that person and located within the City.

6-1-10:           **FEEDING OF BIRDS AND WATER FOWL PROHIBITED.** Unless specifically authorized, it shall be a City infraction for a person to feed, or allow to be fed, any birds, waterfowl or fowl, including but not limited to ducks, geese, swans, seagulls, pelicans, pigeons, doves, and other birds on or in any City-owned or City-maintained property, park, or right-of-way.

(Ord. 2922, 07-25-13)

## **CHAPTER 2 FIREWORKS**

- 6-2-1: Fireworks
- 6-2-2: Dangerous Fireworks
- 6-2-3: Safe and Sane Fireworks
- 6-2-4: Fireworks Permit for Public Display Required
- 6-2-5: Permit for Sale of Safe and Sane Fireworks
- 6-2-6: Application
- 6-2-7: Issuance
- 6-2-8: Fireworks Stands
- 6-2-9: Storage and Transportation
- 6-2-10: Fireworks Permit for Public Display; Application
- 6-2-11: Data Furnished
- 6-2-12: Permit for Sale of Fireworks at Wholesale
- 6-2-13: Application for Wholesale Permit
- 6-2-14: Information Furnished
- 6-2-15: Sale of "Dangerous Fireworks" Prohibited
- 6-2-16: Written Records
- 6-2-17: Seizure of Fireworks
- 6-2-18: Discharge of Fireworks in Public Area
- 6-2-19: Revocation of Permit

6-2-1: ADOPTION NFPA 1123: The 2006 edition of the National Fire Protection Association Code for Fireworks Display ("NFPA 1123"), one (1) copy of which shall be filed for use and examination by the public in the office of the Clerk, is hereby adopted and incorporated into this City Code as if set out at length herein. (Ord. 2756, 6-12-08; Ord. 3365, 1-14-21)

6-2-2: AMENDMENTS: The 2006 edition of NFPA 1123 Code for Fireworks Display, as so adopted, is amended as follows:

(A) DEFINITIONS:

- (1) FIREWORKS — "Fireworks" means any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation. Fireworks include items classified as common or special fireworks by the United States bureau of explosives or contained in the regulations of the United States Department of Transportation and designated as UN 0335 1.3G or UN 0336 1.4G. The term "fireworks" shall not include any automotive safety flares, toy guns, toy cannons, caps or other items designed for use with toy guns or toy cannons, party poppers, pop-its or other devices which contain twenty-five hundredths (.25) of a grain or less of explosive substance.

- (2) **DANGEROUS FIREWORKS** —"Dangerous fireworks" includes any of the following:
- (a) Firecrackers, cannon crackers, giant crackers, salutes, silver tube salutes, cherry bombs, mines, ground bombardment, grass-hoppers and other explosive articles of similar nature;
  - (b) Blank cartridges;
  - (c) Skyrockets and rockets, including all similar devices employing any combustible or explosive material and which rise in the air during discharge;
  - (d) Roman candles, including all devices which discharge balls of fire into the air;
  - (e) Chasers and whistles, including all devices which dart or travel about the surface of the ground during discharge;
  - (f) Snakes and hats containing bichloride of mercury;
  - (g) Sparklers more than ten inches (10") in length or one-quarter inch (¼") in diameter;
  - (h) All articles for pyrotechnic display such as aerial shells, salutes, flash shells, sky battles, parachute shells, mines, Dago bombs and similar devices;
  - (i) All torpedoes which explode by means of friction, or which contain arsenic and all other similar fireworks devices, including cracker balls;
  - (j) Fire balloons or balloons of any type which have burning material of any kind attached thereto;
  - (k) Toy cannons which use a combustible or explosive substance for the purpose of producing a visible or audible effect.
- (3) **SAFE AND SANE FIREWORKS** —"Safe and sane fireworks" includes any of the following:
- (a) Cone fountains with pyrotechnic composition not exceeding fifty (50) grams each;

- (b) Cylindrical fountains, whether base, spike or handle, with pyrotechnic composition not exceeding seventy-five (75) grams each and inside tube diameter not exceeding three-quarters inch (3/4");
  - (c) Sparklers and "dipped sticks" not more than ten inches (10") in length or one-quarter inch (1/4") in diameter and Suzuki and morning glories with pyrotechnic composition not exceeding four (4) grams each;
  - (d) Snakes which do not contain bichloride of mercury and pyrotechnic composition not exceeding two (2) grams each;
  - (e) Wheels with pyrotechnic composition not exceeding sixty (60) grains for each driver unit of two hundred forty (240) grains for each complete wheel. The inside tube diameter of diver unit shall not exceed one-half inch (1/2");
  - (f) Whistles, without report and which do not dart or travel about the ground during discharge with pyrotechnic composition not exceeding six (6) grams and containing no picric or gallic acid.
- (4) CONSUMER FIREWORKS — "Consumer Fireworks" means small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion that comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission (CPSC). "Safe and Sane fireworks" as defined by City ordinance are to be considered in this classification.
  - (5) DISPLAY FIREWORKS — "Display Fireworks" means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation.

(B) CONSUMER FIREWORKS — PERMIT AND SALE OF "SAFE AND SANE" FIREWORKS: It shall be unlawful for any person to sell, store or keep for sale, any "safe and sane fireworks" within the City, unless such person is the holder of a valid permit issued by the Fire Code Official and the site where such items are sold or stored is inspected and approved by the Fire Code Official.

(C) CONSUMER FIREWORKS — APPLICATION: Any person desiring to sell "safe and sane fireworks" within the City shall apply to the Clerk for a permit. Each applicant shall pay to the Clerk a permit fee and inspection fee in an amount set from time to time by

Resolution of the Council at the time of application. If the application is denied, the permit fee shall be refunded. The application for a permit to sell "safe and sane fireworks" shall include the following information:

- (1) Name and address of applicant.
- (2) Age of applicant (Must be at least 21 years of age)
- (3) The names and addresses of the officers of the applicant, if a corporation.
- (4) The location of the place of sale of "safe and sane fireworks."
- (5) The name and address of any wholesaler, or distributor, from whom the applicant intends to obtain "safe and sane fireworks."
- (6) The applicant's state sales tax permit number.
- (7) A bond or valid certificate of public liability and property-casualty insurance issued by a company licensed to issue insurance policies within the State of Idaho, providing coverage of at least one hundred thousand dollars (\$100,000) for personal injury and property damage shall be presented at the time of application.

(D) CONSUMER FIREWORKS — REVIEW OF APPLICATION: The Fire Code Official shall examine or cause to be examined the application for the permit and amendments thereto within a reasonable time after filing. If the application does not conform to the requirements of pertinent state and local laws and ordinances, the Fire Code Official shall reject such application in writing, stating the reasons therefor. If the Fire Code Official is satisfied that the proposed work or operation conforms to the requirements of this code and laws and ordinances applicable thereto, the fire code official shall issue a permit therefore as soon as practicable. Permits for a fireworks display before a proximate audience shall be granted only by the City Council after investigation and recommendation by the Fire Code Official.

(E) CONSUMER FIREWORKS — ISSUANCE OF PERMIT: No permit shall be granted for sale on premises or under any conditions which would violate any State law or City ordinance. Each permit shall be valid for only one location designated in the permit. No permit shall be transferable, assignable or renewable. The permit shall be valid only for the year of its issue and shall permit the sale or offering for sale of "safe and sane fireworks" only from twelve o'clock (12:00) midnight June 23, to twelve o'clock (12:00) midnight July 5.

(F) CONSUMER FIREWORKS — REVOCATION OF PERMIT: Any permit granted under this Chapter may be revoked by order of the Fire Code Official or any police officer or officer from the Fire Department whenever probable cause appears that the permittee has violated or is in violation of this Chapter.

(G) CONSUMER FIREWORKS —FIREWORKS STANDS: Temporary fireworks stands shall be located, constructed and operated in compliance with the following regulations:

- (1) Fireworks displayed in temporary fireworks stands for retail sale shall not be made readily accessible to the public. The term "readily accessible" means that retailers shall be the only ones to handle the fireworks until the actual sale takes place.
- (2) The stand shall comply with all applicable zoning and electrical codes.
- (3) The stand shall not be located within twenty-five feet (25') of any other building.
- (4) The stand shall not be located within one hundred feet (100') of any pump or any other device used to dispense gasoline, kerosene, diesel fuel, propane or other flammable liquid or flammable liquefied gas as defined in of the International Fire Code.
- (5) The stand shall not be located within one hundred feet (100') of any above ground tank, cylinder or other device used to store propane or other flammable liquefied gas as defined in the International Fire Code.
- (6) The stand shall not be located within one hundred feet (100') of any vent or fill pipe of any underground tank or other underground device used to store gasoline, kerosene, diesel fuel or other flammable liquid as defined in the International Fire Code.
- (7) The stand shall have two (2) exits, each a minimum of thirty (30) inches wide, placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between exit doors or exit access doorways. One (1) additional door is required for each thirty-two (32) feet of rear wall in excess of thirty-two (32) feet. All doors shall open outward from the stand and shall be kept unlocked and unlatched during the hours of operation and free and clear of supplies and materials at all times.
- (8) The stand shall have at least two (2) fire extinguishers with a 2A minimum rating, in good working order, with a current inspection tag in place, placed near the exits in a visible and readily accessible manner.
- (9) At least one supervisor, eighteen (18) years of age or older, shall be present within the stand at all times the stand is open for business.



- (10) No fireworks shall be discharged within one hundred feet (100') of any fireworks stand.
- (11) "No Smoking" signs shall be conspicuously and permanently displayed both inside and outside the stand. No smoking shall be permitted inside or within twenty-five feet (25') of the stand.
- (12) Generators and other internal combustion power sources shall be separated from temporary structures by a minimum of twenty feet (20') and shall be isolated from contact with the public by fencing, enclosure or other approved means.
- (13) Fireworks shall not be left in the stand when it is not open for business unless the stand is locked or secured. If fireworks are not stored in the stand, they shall be stored in compliance with section 6.2.3.8 (A) of this code.
- (14) No "safe and sane fireworks" shall be sold, or offered for sale, except from twelve o'clock (12:00) midnight June 23, to twelve o'clock (12:00) midnight July 5.

(H) CONSUMER FIREWORKS —MEMBRANE TENTS: The temporary use of membrane structures for the retail sales of "safe and sane" fireworks shall be permitted when all the following requirements are met:

- (1) Membrane structure, tents or canopies shall have a permanently affixed label bearing the identification of size and fabric or material type.
- (2) The owner or agent shall file with the fire code official a certificate executed by an approved testing laboratory, certifying that the tents, canopies and membrane structures and their appurtenances, sidewalks, drops and tarpaulins, floor coverings, bunting, combustible decorative materials and effects, shall be composed of flame-resistant material or shall be treated with a flame retardant in an approved manner and meet the requirements for flame resistance as determined in accordance with NFPA 701, and that such flame resistance is effective for the period specified by the permit.
- (3) There shall be a minimum clearance of at least 3 feet between the fabric envelope and all contents located inside the tent or membrane structure.
- (4) Generators and other internal combustion power sources shall be separated from tents, canopies of membrane structures by a

minimum of twenty (20') feet and shall be isolated from contact with the public by fencing, enclosure or other approved means.

- (5) Open flame or other devices emitting flame, fire or heat or any flammable or combustible liquids, gas, charcoal or other cooking device or any other unapproved devices shall not be permitted inside or located within twenty (20') feet of the tent, canopy or membrane structures while open to the public unless approved by the fire code official.
- (6) No storage of fireworks in a membrane structure when not open for business.
- (7) Temporary membrane structures shall meet all other requirements in this code.

(I) CONSUMER FIREWORKS — STORAGE AND TRANSPORTATION:

Consumer "Safe and sane fireworks" shall be stored and transported within the City in compliance with the following standards:

- (1) Storage: "Safe and sane fireworks" shall not be stored in any building within the City. A short-term storage facility may be used for the storage of non-aerial common fireworks for a period of thirty (30) days prior to, and fifteen (15) days after, any authorized retail sale date. The authority having jurisdiction shall be notified of the address or location of all short-term storage facilities when fireworks will not be stored in a temporary fireworks stand. Short-term storage is allowed in any of the following, provided it is locked or otherwise secured: a temporary fireworks stand, truck, trailer, or other vehicle. A truck, trailer or other vehicle used for short-term storage must remain at least twenty-five (25) feet from the stand during any time the stand is open for business, but may abut the stand when it is closed. A truck, trailer or vehicle used for short-term storage must be at least twenty-five (25) feet from any other inhabited building.
- (2) Transportation: Quantities of "safe and sane fireworks" greater than twenty-five (25) pounds shall not be transported in any vehicle within the City unless "Caution Fireworks" signs are displayed on the vehicle. The signs shall be placed so that they are plainly visible from the rear and both sides of the vehicle. The shape, size, color and language of the signs shall be the same as for signs to be posted on buildings in which quantities of "safe and sane fireworks" greater than twenty-five (25) pounds are stored.

(J) CONSUMER FIREWORKS — WRITTEN RECORDS: Any person, association or corporation who holds a permit issued pursuant to this Chapter and who purchases fireworks for the purpose of sale at retail, shall at the time such purchase is made, keep and maintain a written record containing the following information:

- (1) The name and address of the wholesaler or distributor from whom the fireworks were purchased, and, if the wholesaler or distributor is a corporation or association, the name of every person who acted in behalf of such corporation or association;
- (2) The date and location of the purchase;
- (3) An itemized list describing the kind and nature of all fireworks purchased and the quantity thereof.
- (4) Such written record, or a true and correct copy thereof, shall be kept at the location where said fireworks are offered for sale at retail. It shall be unlawful for any person to fail or refuse to allow any police officer or officer from the Fire Department to inspect said record at any time during which the premises of the permittee are open for business.

(K) CONSUMER FIREWORKS — DISCHARGE OF FIREWORKS IN PUBLIC AREA: It shall be unlawful for any person to ignite or discharge any fireworks during the time periods set forth below and within fifty feet (50') of the curb line along any parade route or within any area of public gathering designated by the Chief of Police and/or Fire Code Official or to cause any ignited fireworks to be thrown or propelled into such area. Such time period shall commence one hour prior to the commencement of such parade and shall conclude one hour after the conclusion of the designated parade times, and with regard to other areas of public gathering designated by the Chief of Police and/or Fire Code Official, said time frame shall likewise be designated by the Chief of Police and/or Fire Code Official. In areas of public gathering designated by the Chief of Police and/or Fire Code Official, a public notice of such designation shall be posted in a conspicuous place at least once in every City block contained within said public area, which notice shall specifically describe the area and times within which this section shall apply.

(L) CONSUMER FIREWORKS — SEIZURE OF FIREWORKS: Whenever there is probable cause to believe that any person is selling fireworks without a permit required by this Chapter, or that any person has sold or conveyed any fireworks contrary to the provisions of this Chapter, then the Chief of Police or Fire Code Official may order any police officer or officer of the Fire Department to seize as evidence all fireworks offered for sale at the premises where such violation is alleged to have taken place. The Police Department or Fire Department shall hold the fireworks so seized pending trial or conviction of the person selling or offering the same for sale. In the event such person is convicted of selling fireworks contrary to this Chapter, then all rights to the fireworks shall be forfeited and the Chief of Police shall forthwith destroy the same.

(M) CONSUMER FIREWORKS — PERMIT FOR SALE OF FIREWORKS AT WHOLESALE: It shall be unlawful for any person, association, corporation or any responsible person associated with an association or a corporation, to sell, convey or offer for sale at wholesale, or cause any other person to sell, convey or offer for sale at wholesale, any fireworks within the City, unless such person is the holder of a valid permit for wholesale sale of fireworks. For the purposes of this section, the term "responsible person" shall mean any person who owns at least ten percent (10%) of the capital assets or interest in profits and losses of an unincorporated association, or any person who holds or owns at least ten percent (10%) of the issued shares of the corporation.

(N) CONSUMER FIREWORKS - APPLICATION FOR WHOLESALE PERMIT: Any person, association or corporation desiring to sell fireworks at wholesale within the City, shall make application to the Clerk for a permit for sale of fireworks at wholesale. Each applicant shall pay, to the Clerk, a fee in an amount set from time to time by Resolution of Council at the time of application. Permits shall be granted only by the City Council after investigation and recommendation by the Fire Code Official. No permit shall be granted for sale on premises or under any conditions which would violate any State law or any ordinance of the City. If the application be denied, the permit fee shall be refunded forthwith. Each permit shall be valid only for one location designated in the permit. A permit shall not be transferable, assignable or renewable and shall be valid only for the year of its issue.

(O) CONSUMER FIREWORKS — INFORMATION FURNISHED FOR PERMIT: Each applicant for a permit for sale of fireworks at wholesale shall provide the following information on their application:

- (1) The name and address of applicant or principal place of business.
- (2) The age of the applicant if not a business entity.
- (3) The names and addresses of the officers of the applicant, if a corporation;
- (4) The names and addresses of any person owning at least ten percent (10%) of the capital assets or profits and losses, if an association.
- (5) The names and addresses of any person owning or holding ten percent (10%) or more of the issued shares of the corporation, if a corporation;
- (6) The applicant's state sales tax permit.

(P) DISPLAY FIREWORKS — FIREWORKS PERMIT FOR PUBLIC DISPLAY REQUIRED: It shall be unlawful for any person to possess, keep store, use or discharge within the City any dangerous fireworks unless such person be the holder of a valid "Fireworks Permit for Public Display" reviewed by the Fire Code Official and approved by the Mayor and/or City Council, Police Chief, Fire Chief and Director of Parks & Recreation.

(Q) **DISPLAY FIREWORKS — SALE OF "DANGEROUS FIREWORKS"**  
**PROHIBITED:** It shall be unlawful for any person to sell, convey or offer for sale any dangerous fireworks to any person who is not a holder of a valid fireworks permit for public display, or who is not employed by a corporation or association who is a holder of such permit.

(R) **DISPLAY FIREWORKS — PERMIT APPLICATION:** Any person desiring to conduct a public display of fireworks within the City shall apply to the Clerk for a permit. Prior to issuing permits for a fireworks display, plans for the display, inspection of the display site and demonstrations of the display operations shall be approved by the Fire Code Official. A plan establishing procedures to follow and actions to be taken in the event that a shell fails to ignite in, or discharge from, a mortar or fails to function over the fall-out area or other malfunctions shall be provided to the Fire Code Official.

(S) **DISPLAY FIREWORKS — PERMIT INFORMATION:** An applicant for a "Fireworks Permit for Public Display" shall furnish the following information to the Clerk:

- (1) The name, address, email address, and phone number of the individual, group, or organization sponsoring the outdoor fireworks display.
- (2) Evidence that any individual applicant is not less than 21 years of age.
- (3) Names and addresses of officers, if an association or corporation.
- (4) The date and time of day at which the outdoor fireworks display is to be held, with a proposed rain/wind date and time in the event the display is postponed.
- (5) The name, address, email address, and phone number of the supplier of the fireworks, if different from that of the operator.
- (6) The exact location planned for the outdoor fireworks display.
- (7) Evidence of financial responsibility by the sponsor of the event or festival and by the operator of the fireworks display.
- (8) A copy of a valid certificate of public liability insurance issued by a company licensed to issue insurance policies within the State of Idaho, providing a combined single limit of not less than one million dollars (\$1,000,000) for personal injury and one-hundred thousand dollars (\$100,000) for property damage from a public display of special fireworks. (Ord. 2491, 6-12-03)

- (9) Evidence that the Operator or "Shooter" is trained in pyrotechnic displays and the number of assistants who are to be present.
- (10) The approximate number and kinds of fireworks to be discharged.
- (11) The manner and place of storage of such fireworks prior to delivery to the outdoor fireworks display site.
- (12) A diagram of the grounds on which the outdoor fireworks display is to be held showing the point at which the fireworks are to be discharged; the location of all buildings, highways, and other lines of communication; the lines behind which the audience is to be restrained; and the location of other possible overhead obstructions.
- (13) Upon receipt of such application 10 days in advance of the date set for this outdoor fireworks display, the Fire Code Official should make or initiate an investigation of the site of the proposed display for the purpose of determining compliance with these regulations in the case of the particular display.

(T) **DISPLAY FIREWORKS — PERMIT APPROVAL:** The Council shall have the power to grant or deny such application after investigation and recommendation by the Fire Code Official. No fee shall be charged for a "Fireworks Permit for Public Display." Such permit, if granted, shall authorize the permittee to purchase, transport, keep and use fireworks for the purposes of the public display, but shall not authorize the permittee to sell, distribute or give away any fireworks, except to the wholesaler or distributor from which they were obtained. The permit shall be valid only for the public display for which applied.

(U) **DISPLAY FIREWORKS — APPROVED DISPLAYS:** Approved displays shall include only the approved Division 1.3G, Division 1.4G, and Division 1.4S fireworks; shall be handled by an approved competent operator, and the fireworks shall be arranged, located, discharged and fired in a manner that will not pose a hazard to property or endanger any person.

(V) **OUTDOOR DISPLAYS —** Outdoor displays shall be in compliance with the adopted Fire Code, NFPA 1123, and NFPA 1126, State and local laws and this Chapter and are subject to the review and recommendation of the Fire Code Official.

(W) **PROXIMATE AUDIENCE DISPLAYS —** Proximate audience displays shall be in compliance with the adopted Fire Code, NFPA 1123, and NFPA 1126, State and local laws and this Chapter, and shall include plans for indicating the required clearances for spectators and combustibles, crowd control measures, smoke control measures, and requirements for standby personnel and equipment when provision of such personnel or equipment is required by the Fire Code Official. (Ord. 2756, 6-12-08; Ord. 2964, 8-14-14; Ord. 3003, 04-23-15; Ord. 3365, 1-14-21)

6-2-3: SAFE AND SANE FIREWORKS: "Safe and sane fireworks" includes any of the following:

(A) Cone fountains with pyrotechnic composition not exceeding fifty (50) grams each;

(B) Cylindrical fountains, whether base, spike or handle, with pyrotechnic composition not exceeding seventy-five (75) grams each and inside tube diameter not exceeding three-quarters inch (3/4");

(C) Sparklers and "dipped sticks" not more than ten inches (10") in length or one-quarter inch (1/4") in diameter and Suzuki and morning glories with pyrotechnic composition not exceeding four (4) grams each;

(D) Snakes which do not contain bichloride of mercury and pyrotechnic composition not exceeding two (2) grams each;

(E) Wheels with pyrotechnic composition not exceeding sixty (60) grains for each driver unit of two hundred forty (240) grains for each complete wheel. The inside tube diameter of diver unit shall not exceed one-half inch (1/2");

(F) Whistles, without report and which do not dart or travel about the ground during discharge with pyrotechnic composition not exceeding six (6) grams and containing no picric or gallic acid.

6-2-4: FIREWORKS PERMIT FOR PUBLIC DISPLAY REQUIRED: It shall be unlawful for any person to possess, keep store, use or discharge within the City any dangerous fireworks unless such person be the holder of a valid "Fireworks Permit for Public Display."

6-2-5: PERMIT AND SALE OF SAFE AND SANE FIREWORKS: It shall be unlawful for any person to sell, store or keep for sale, any "safe and sane fireworks" within the City, unless such person is the holder of a valid "Permit for Safe and Sane Fireworks." (Ord. 2193, 12-14-95; Ord. 2597, 4-14-05)

6-2-6: APPLICATION: Any person desiring to sell "safe and sane fireworks" within the City shall apply to the Clerk for a permit. Each applicant shall pay to the Clerk a permit fee and inspection fee in an amount set from time to time by Resolution of the Council at the time of application. If the application is denied, the permit fee shall be refunded. The application for a permit to sell "safe and sane fireworks" shall include the following information:

(A) name and address of applicant;

(B) the names and addresses of the officers of the applicant, if a corporation;

(C) the location of the place of sale of "safe and sane fireworks";

(D) the name and address of any wholesaler, or distributor, from whom the applicant intends to obtain "safe and sane fireworks”;

(E) the applicant's state sales tax permit number; and

(F) a copy of a valid certificate of public liability insurance issued by a company licensed to issue insurance policies within the State of Idaho, providing a combined single limit of not less than three hundred thousand dollars (\$300,000) for personal injury and fifty thousand dollars (\$50,000) for property damage. (Ord. 2491, 6-12-03, Ord. 2964, 8-14-14; Ord. 3365, 1-14-21)

6-2-7:           ISSUANCE: Permits shall be granted only by the Council after investigation and recommendation by the Chief of the Fire Department. No permit shall be granted for sale on premises or under any conditions which would violate any State law or City ordinance. Each permit shall be valid for only one location designated in the permit. No permit shall be transferable, assignable or renewable. The permit shall be valid only for the year of its issue and shall permit the sale or offering for sale of "Safe and sane fireworks" only from midnight June 23, to midnight July 5. (Ord. 2701, 6-07-07; Ord. 3003, 04-23-15)

6-2-8:           FIREWORKS STANDS: Temporary fireworks stands shall be located, constructed and operated in compliance with the following regulations:

(A)     Fireworks displayed in temporary fireworks stands for retail sale shall not be made readily accessible to the public. The term "readily accessible" means that retailers shall be the only ones to handle the fireworks until the actual sale takes place.

(B)     The temporary use of membrane structures for the retail sales of "safe and sane" fireworks shall be permitted when all the following requirements are met:

- (1)     Membrane structure, tents or canopies shall have a permanently affixed label bearing the identification of size and fabric or material type.
- (2)     The owner or agent shall file with the fire code official a certificate executed by an approved testing laboratory, certifying that the tents, canopies and membrane structures and their appurtenances, sidewalks, drops and tarpaulins, floor coverings, bunting, combustible decorative materials and effects, shall be composed of flame-resistant material or shall be treated with a flame retardant in an approved manner and meet the requirements for flame resistance as determined in accordance with NFPA 701, and that such flame resistance is effective for the period specified by the permit.
- (3)     There shall be a minimum clearance of at least 3 feet (914 mm) between the fabric envelope and all contents located inside the tent or membrane structure.



- (4) Open flame or other devices emitting flame, fire or heat or any flammable or combustible liquids, gas, charcoal or other cooking device or any other unapproved devices shall not be permitted inside or located within 20 feet (6096 mm) of the tent, canopy or membrane structures while open to the public unless approved by the fire code official.
  - (5) No storage of fireworks in a membrane structure when not open for business.
  - (6) Temporary membrane structures meet all other requirements in this ordinance.
- (C) The stand shall comply with all applicable zoning and electrical codes.
- (D) The stand shall not be located within twenty-five feet (25') of any other building.
- (E) The stand shall not be located within one hundred feet (100') of any pump or any other device used to dispense gasoline, kerosene, diesel fuel, propane or other flammable liquid or flammable liquefied gas as defined in of the International Fire Code.
- (F) The stand shall not be located within one hundred feet (100') of any above ground tank, cylinder or other device used to store propane or other flammable liquefied gas as defined in the International Fire Code.
- (G) The stand shall not be located within one hundred feet (100') of any vent or fill pipe of any underground tank or other underground device used to store gasoline, kerosene, diesel fuel or other flammable liquid as defined in the International Fire Code.
- (H) The stand shall have two (2) exits, each a minimum of thirty inches (30") wide, placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between exit doors or exit access doorways. One (1) additional door is required for each thirty-two feet (32') of rear wall in excess of thirty-two feet (32'). All doors shall open outward from the stand and shall be kept unlocked and unlatched during the hours of operation and free and clear of supplies and materials at all times.
- (I) The stand shall have at least two (2) fire extinguishers with a 2A minimum rating, in good working order, with a current inspection tag in place, placed near the exits in a visible and readily accessible manner.
- (J) At least one supervisor, eighteen (18) years of age or older, shall be present within the stand at all times the stand is open for business.

(K) No fireworks shall be discharged within one hundred feet (100') of any fireworks stand.

(L) "No Smoking" signs shall be conspicuously and permanently displayed both inside and outside the stand. No smoking shall be permitted inside or within twenty-five feet (25') of the stand.

(M) Generators and other internal combustion power sources shall be separated from tents, canopies of membrane structures by a minimum of 20 feet (6096 mm) and shall be isolated from contact with the public by fencing, enclosure or other approved means.

(N) Fireworks shall not be left in the stand when it is not open for business unless the stand is locked or secured. If fireworks are not stored in the stand, they shall be stored in compliance with Section 6-2-9(A) of this ordinance.

(O) No "safe and sane fireworks" shall be sold, or offered for sale, except from midnight June 23, to midnight July 5. (Ord. 2491, 6-12-03; Ord. 2597, 4-14-05; Ord. 2701, 6-07-07)

6-2-9: STORAGE AND TRANSPORTATION: "Safe and sane fireworks" shall be stored and transported within the City in compliance with the following standards:

(A) Storage: "Safe and sane fireworks" shall not be stored in any building within the City. A short-term storage facility may be used for the storage of non-aerial common fireworks for a period of thirty (30) days prior to, and fifteen (15) days after, any authorized retail sale date. The authority having jurisdiction shall be notified of the address or location of all short-term storage facilities when fireworks will not be stored in a temporary fireworks stand. Short-term storage is allowed in any of the following, provided it is locked or otherwise secured: a temporary fireworks stand, truck, trailer, or other vehicle. A truck, trailer or other vehicle used for short-term storage must remain at least twenty-five feet (25') from the stand during any time the stand is open for business, but may approach the stand when it is closed. A truck, trailer or vehicle used for short-term storage must be at least twenty-five feet (25') from any other inhabited building.

(B) Transportation: Quantities of "Safe and sane fireworks" greater than twenty-five (25) pounds shall not be transported in any vehicle within the City unless "Caution Fireworks" signs are displayed on the vehicle. The signs shall be placed so that they are plainly visible from the rear and both sides of the vehicle. The shape, size, color and language of the signs shall be the same as for signs to be posted on buildings in which quantities of "Safe and sane fireworks" greater than twenty-five (25) pounds are stored. (Ord. 2193, 12-14-95; Ord. 2597, 4-14-05)

6-2-10: FIREWORKS PERMIT FOR PUBLIC DISPLAY; APPLICATION: Any person desiring to conduct a public display of fireworks within the City may apply for a permit therefor to the Clerk. The Council shall have the power to grant or deny such application after investigation and recommendation by the Chief of Police and the Fire Chief. Such permit, if granted, shall

authorize the permittee to purchase, transport, keep and use fireworks of all kinds for the purposes of the public display, but shall not authorize the permittee to sell, distribute or give away any fireworks, except to the wholesaler or distributor from which they were obtained. The permit shall be valid only for the public display for which applied. No fee shall be charged for a "Fireworks Permit for Public Display."

6-2-11: DATA FURNISHED: An applicant for a "Fireworks Permit for Public Display" shall furnish the following information to the Clerk:

(A) Name and address of the applicant.

(B) Names and addresses of officers, if an association or corporation.

(C) The place and time of the public display.

(D) The name and address of the wholesaler or distributor from whom the fireworks will be obtained.

(E) A copy of a valid certificate of public liability insurance issued by a company licensed to issue insurance policies within the State of Idaho, providing a combined single limit of not less than one million dollars (\$1,000,000) for personal injury and one-hundred thousand dollars (\$100,000) for property damage from a public display of special fireworks. (Ord. 2491, 6-12-03)

6-2-12: PERMIT FOR SALE OF FIREWORKS AT WHOLESALE: It shall be unlawful for any person, association, corporation or any responsible person associated with an association or a corporation, to sell, convey or offer for sale at wholesale, or cause any other person to sell, convey or offer for sale at wholesale, any fireworks within the City, unless such person is the holder of a valid permit for wholesale sale of fireworks. For the purposes of this section, the term "responsible person" shall mean any person who owns at least ten percent (10%) of the capital assets or interest in profits and losses of an unincorporated association, or any person who holds or owns at least ten percent (10%) of the issued shares of the corporation.

6-2-13: APPLICATION FOR WHOLESALE PERMIT: Any person, association or corporation desiring to sell fireworks at wholesale within the City, shall make application to the Clerk for a permit for sale of fireworks at wholesale. Each applicant shall pay to the Clerk a fee in an amount set from time to time by Resolution of the Council at the time of application. Permits shall be granted only by the Council after investigation and recommendation by the Fire Chief. No permit shall be granted for sale on premises or under any conditions which would violate any State law or any ordinance of the City. If the application be denied, the permit fee shall be refunded forthwith. Each permit shall be valid only for one location designated in the permit. A permit shall not be transferable, assignable or renewable and shall be valid only for the year of its issue. (Ord. 2491, 6-12-03; Ord. 2964, 8-14-14; Ord. 3365, 1-14-21)

6-2-14: INFORMATION FURNISHED: Each applicant for a permit for sale of fireworks at wholesale shall provide the following information on their application:

- (A) The name and address of applicant or principal place of business.
- (B) The names and addresses of the officers of the applicant, if a corporation;
- (C) The names and addresses of any person owning at least ten percent (10%) of the capital assets or profits and losses, if an association.
- (D) The names and addresses of any person owning or holding ten percent (10%) or more of the issued shares of the corporation, if a corporation;
- (E) The applicant's state sales tax permit.

6-2-15: SALE OF "DANGEROUS FIREWORKS" PROHIBITED: It shall be unlawful for any person to sell, convey or offer for sale any dangerous fireworks to any person who is not a holder of a valid fireworks permit for public display, or who is not employed by a corporation or association who is a holder of such permit.

6-2-16: WRITTEN RECORDS:

(A) Any person, association or corporation who holds a permit issued pursuant to this chapter and who purchases fireworks for the purpose of sale at retail, shall at the time such purchase is made, keep and maintain a written record containing the following information.

- (1) The name and address of the wholesaler or distributor from whom the fireworks were purchased, and, if the wholesaler or distributor is a corporation or association, the name of every person who acted in behalf of such corporation or association;
- (2) The date and location of the purchase;
- (3) An itemized list describing the kind and nature of all fireworks purchased and the quantity thereof.

(B) Such written record, or a true and correct copy thereof, shall be kept at the location where said fireworks are offered for sale at retail. It shall be unlawful for any person to fail or refuse to allow any police officer or officer from the Fire Department to inspect said record at any time during which the premises of the permittee are open for business. (Ord. 3003, 04-23-15)

6-2-17: SEIZURE OF FIREWORKS: Whenever there is probable cause to believe that any person is selling fireworks without a permit required by this Chapter, or that any person has sold or conveyed any fireworks contrary to the provisions of this Chapter, then the Chief of Police or Fire chief may order any police officer or officer of the Fire Department to seize as evidence all fireworks offered for sale at the premises where such violation is alleged to have taken place. The Police Department or Fire Department shall hold the fireworks so seized pending trial or conviction of the person selling or offering the same for sale. In the event such person is convicted

of selling fireworks contrary to this Chapter, then all rights to the fireworks shall be forfeited and the Chief of Police shall forthwith destroy the same. (Ord. 3003, 04-23-15)

6-2-18:       **DISCHARGE OF FIREWORKS IN PUBLIC AREA:** It shall be unlawful for any person to ignite or discharge any fireworks during the time periods set forth below and within fifty feet (50') of the curb line along any parade route or within any area of public gathering designated by the Chief of Police, or to cause any ignited fireworks to be thrown or propelled into such area. Such time period shall commence one hour prior to the commencement of such parade and shall conclude one hour after the conclusion of the designated parade times, and with regard to other areas of public gathering designated by the Chief of Police, said time frame shall likewise be designated by the Chief of Police. In areas of public gathering designated by the Chief of Police, a public notice of such designation shall be posted in a conspicuous place at least once in every City block contained within said public area, which notice shall specifically describe the area and times within which this section shall apply.

6-2-19:       **REVOCATION OF PERMIT:** Any permit granted under this Chapter may be revoked by order of the Fire Chief or the Chief of Police whenever probable cause appears that the permittee has violated or is in violation of this Chapter.

## **CHAPTER 3 DAY CARE**

### **SECTION:**

- 6-3-1: Purpose
- 6-3-2: Definitions
- 6-3-3: Child Care Facility License
- 6-3-4: Certification of Individual Child Care Workers or On-Site Non-Providers
- 6-3-5: License and Certification Exclusions
- 6-3-6: Revocation of Child Care Facility License, Child Care Worker Certification or Non-Site Non-Providers Certification
- 6-3-7: Outdoor Space Per Child
- 6-3-8: Licenses/Certification, Denial, Suspension or Revocation
- 6-3-9: Staffing Requirements
- 6-3-10: Record Maintenance
- 6-3-11: Right of Entry for Governing Officials
- 6-3-12: Reporting of Abuse, Abandonment or Neglect
- 6-3-13: Liability
- 6-3-14: Penalty

6-3-1: **PURPOSE:** The purpose of this Chapter is to provide standards for the operation, inspection and licensing of Child Care Facilities within the City. Idaho Code Sections 39-1101 and 39-1108, and the Idaho Administrative Code, Section 16.06.02.100.01 authorize a local government to adopt ordinances to protect children in child care facilities to the extent such ordinances are at least as stringent as the minimum standards set forth in such State codes and regulations. The purpose of this Chapter is to increase the standards for the City of Idaho Falls above those minimally required under State law in order to promote a healthy and safe environment in which children receive child care. Despite the foregoing, the City recognizes that the primary responsibility for evaluation and selection of child care services should remain with the parents. (Ord. 2759, 06-24-08)

6-3-2: **DEFINITIONS:** Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below:

**APPLICANT:** A person making an application for a Child Care Facility license or Child Care Worker Certification or the renewal of such certification, under the provisions of this Chapter.

**BUILDING OFFICIAL:** The Building Official of the City as designated under the International Building Code adopted by the City.

**CERTIFIED CHILD CARE WORKER:** A person having obtained a Child Care Worker Certificate from the City for working in a Child Care Facility.

**CHIEF OF POLICE:** The Chief of Police of the City, or their nominee.

**CHILD:** An individual less than twelve (12) years of age who receives or is receiving Child Care at a Child Care Facility. Children seventeen (17) years or younger shall be considered a "Child" if they are mentally or developmentally disabled or delayed.

**CHILD CARE CENTER:** A Child Care Facility that provides child care for thirteen (13) or more children at any given time upon the Premises of a Child Care Facility.

**CHILD CARE FACILITY:** The generic term for any child care facility, whether it is a Child Care Center (for thirteen or more children), Group Child Care Facility (for six to twelve children), or Family Child Care Facility (for one to five children).

**CHILD CARE:** Care or supervision of a child for monetary compensation where such child is not related by blood or marriage within the second degree of consanguinity to the person or persons providing the care, in a place other than the child's own home.

**CHILD CARE FACILITY LICENSE:** Any child care facility license required by this Chapter.

**CHILD CARE WORKER:** A person who provides child care at a Child Care Facility.

**CHILD CARE TRAINING:** Preparation, instruction and education related to child care that increases the knowledge, skill and abilities of a Child Care Worker or Volunteer and which is part of an educational/technical curriculum.

**CONTACT:** Verbal communication with and in the presence of a child or the act of being in immediate physical proximity to a child.

**CRIMINAL BACKGROUND INVESTIGATION:** A background investigation performed pursuant to Idaho Administrative Code, Section 16.05.06.

**DEPARTMENT:** The Idaho Department of Health and Welfare.

**DIRECTOR OF THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT:** The Director of the Community Development Services Department of the City, or their nominee.

**EIPHD:** Eastern Idaho Public Health District. EIPHD will be responsible for health and safety inspections of Child Care Facilities.

**FACILITY:** The generic term referring to a Child Care Center Facility, Group Child Care Facility or Family Child Care Facility.

**FAMILY CHILD CARE FACILITY:** A home, place, or facility that provides child care for no more than five (5) children at any given time upon the Premises of a Child Care Facility.

**FIRE MARSHAL:** The Fire Marshal of the City of Idaho Falls, or his or her nominee.

**GROUP CHILD CARE FACILITY:** A home, place or facility that provides child care for at least six (6), but no more than twelve (12) children at any given time upon the Premises of a Child Care Facility.

**IMMEDIATE FAMILY MEMBER:** A person related by blood or marriage within the second degree of consanguinity to an owner or operator of a Child Care Facility.

**MEMBER OF THE HOUSEHOLD:** Any person who resides in, or on the property of, a facility providing Child Care.

**MULTI-USE FACILITY:** A Child Care Facility which is owned by a person who conducts business or engages in commercial functions for pecuniary gain in addition to child care upon the Premises of a Child Care Facility.

**OCCASIONAL CARE:** Care provided for compensation on an infrequent or intermittent basis by neighbors or family members that does not exceed forty (40) days in a calendar year.

**ON-SITE NON-PROVIDER:** A person who is not a Child Care Worker or a Child Care Operator and who is either:

- (1) A Resident of a Child Care Facility including immediate family members of the operator/director, and who has or may have unsupervised contact with children, or
- (2) Janitorial or lunch room staff, bus driver, a bookkeeper, office manager, secretary, receptionist or other person employed at a Child Care Facility and who may have regular unsupervised contact with children, exclusive of child care operators or child care workers.
- (3) Any friend, significant other or neighbor who regularly visits the Child Care Facility.

**OPERATOR:** A person who is physically present at a Child Care Facility and whose primary responsibility is the supervision and operation of the Child Care Facility during any time when Child Care is being provided upon the premises.

**OWNER:** A person who owns any interest in, possesses or operates a Child Care Facility. Such interest may, without limitation, include an interest as a sole proprietorship, a partnership interest, shareholder of a corporation, a beneficiary or trustee of a trust or a member of a limited liability company.

**PERSON:** Any individual, partnership, association, corporation, limited liability company or private organization of any kind.

**PREMISES:** For commercial buildings, the part of the building owned or leased for daycare facility, including parking areas and outside play areas. For home daycares, "Premises" means, the entire home, including outside play areas.

**REGULAR:** A frequency of at least once each calendar week.



RELATIVE: Individuals related to a child by blood, marriage or adoption within the second degree of consanguinity.

RESIDENT: Any individual twelve (12) years of age or older who resides in a Child Care Facility.

VISITOR: An individual who is a guest or invitee at a Child Care Facility on a random or infrequent basis.

VOLUNTEER: A person who intermittently provides care for children or other personal services to a Child Care Facility without pay or remuneration of any kind. (Ord. 2759, 06-24-08; Ord. 2878, 8-11-11; Ord. 2878, 08-11-11; Ord. 3253, 5-13-19; Ord.3332, 09-10-20; Ord. 3372, 3-11-21)

6-3-3: CHILD CARE FACILITY LICENSE: No person or entity shall own, operate or permit to be operated within the City any Child Care Facility without first having obtained an appropriate license under this Chapter.

(A) Type 1: Child Care Center. Any person or operator applying for a Type 1 license shall deliver the following documents to the Clerk at the time the application is made.

- (1) A list of all owners of the Child Care Facility and their current mailing and street addresses for their place of residence.
- (2) A list of all Child Care Workers employed by the applicant and who are anticipated to provide child care at the facility, their mailing addresses and a copy of a current Child Care Worker's certification issued by the City for each worker included on such list.
- (3) A list of all On-Site Non-Providers who will have any contact with the children at the facility.
- (4) A certificate or letter signed by the Chief of Police certifying that a criminal background investigation has been completed, or is being completed, within two (2) years previous to such application for the following persons:
  - (a) All owners who will have regular contact with children;
  - (b) All residents twelve years of age and older of the facility; and
  - (c) Any spouse or significant other of an Owner.
  - (d) All residents 12-17 years of age must have a Juvenile Justice Search.

- (5) A certificate issued by the EIPHD issued within ninety (90) days previous and certifying that the Facility meets the requirements of Idaho Code Section 39-1110.
- (6) A certificate issued by the Fire Marshal certifying that the Child Care Facility has been inspected and meets the requirements of the International Fire Code, as adopted by the City, as well as Idaho Code Section 39-1109, and Idaho Administrative Code Section 18.01.55. An applicant must have the following fire safety items:
  - (a) Working smoke detectors are required at all designated day care areas within the home;
  - (b) Fire extinguisher is required that meets the current Code requirements for accessibility, current service tag and mounted within a seventy-five foot (75') travel distance to day care areas; and
  - (c) An operating telephone or cell phone;
  - (d) That the distance from the Child Care area shall not exceed seventy-five feet to an exit door.
- (7) A certificate issued by the Director of Community Development Services Department certifying that the Child Care Facility has been inspected and that it meets the egress provisions of the International Building Code and other applicable health and safety codes of the City. Each In-Home Child Care Facility under this Section must have the following exiting components:
  - (a) One swinging type door with a clear width of not less than thirty-two inches (32") which provides an unobstructed path outside the building to a public way or safe area away from the building is required from a single level building;
  - (b) If the day care is located in the basement, two exits are required. One exit may pass through the dwelling and the other may be an emergency escape window or exterior door from the day care area. Day care areas above the main floor are prohibited; and
  - (c) Required exit doors shall not be locked when children are in the Day Care area and shall be designed and constructed so that they can open from the inside without the use of a key or any special knowledge.

- (8) A certificate issued by the Director of Community Development Services Department certifying that the Child Care Facility is a permitted use within the zone in which the facility is located.
- (9) Proof of liability insurance for child care.

(B) Type 2: Group Child Care. Any person or operator applying for a Type 2 license shall possess the following qualifications before a license may be issued for that facility.

- (1) A list of all owners of the Child Care Facility and their current mailing and street addresses for their place of residence.
- (2) A list of all Child Care Workers employed by the applicant and who are anticipated to provide child care at the facility, their mailing addresses and a copy of a current Child Care Worker's certification issued by the City for each worker included on such list.
- (3) A list of all On-Site Non-Providers who will have any contact with the children at the facility.
- (4) A certificate or letter signed by the Chief of Police certifying that a criminal background investigation has been completed, or is being completed, within two (2) years previous to such application for the following persons:
  - (a) All owners who will have regular contact with children;
  - (b) All residents twelve years of age and older of the facility;  
and
  - (c) Any spouse or significant other of an Owner.
  - (d) All residents 12-17 years of age must have a Juvenile Justice Search.
- (5) A certificate issued by the EIPHD issued within ninety (90) days previous and certifying that the Facility meets the requirements of Idaho Code Section 39-1110.
- (6) A certificate issued by the Fire Marshal certifying that the Child Care Facility has been inspected and meets the requirements of the International Fire Code, as adopted by the City, as well as Idaho Code Section 39-1109, and Idaho Administrative Code Section 18.01.55. An applicant must have the following fire safety items:

- (a) Working smoke detectors are required at all designated day care areas within the home;
  - (b) Fire extinguisher is required that meets the current Code requirements for accessibility, current service tag and mounted within a seventy-five foot (75') travel distance to day care areas;
  - (c) An operating telephone or cell phone; and
  - (d) That the distance from the child care area shall not exceed seventy-five (75') feet to an exit door.
- (7) A certificate issued by the Director of Community Development Services Department certifying that the Child Care Facility has been inspected and that it meets the egress provisions of the International Building Code and other applicable health and safety codes of the City. Each In-home Child Care Facility under this Section must have the following exiting components:
- (a) One swinging type door with a clear width of not less than thirty-two inches (32") which provides an unobstructed path outside the building to a public way or safe area away from the building is required from a single level building;
  - (b) If the day care is located in the basement, two exits are required. One exit may pass through the dwelling and the other may be an emergency escape window or exterior door from the day care area. Day care areas above the main floor are prohibited; and
  - (c) Required exit doors shall not be locked when children are in the Day Care area and shall be designed and constructed so that they can open from the inside without the use of a key or any special knowledge.
- (8) A certificate issued by the Director of Community Development Services Department certifying that the Child Care Facility is a permitted use within the zone in which the facility is located.
- (9) Proof of liability insurance for child care.

(C) Type 3: Family Child Care. Any person or operator applying for a Type 3 license shall possess the following qualifications before a license will be issued for that facility.

- (1) A list of all owners of the Child Care Facility and their current mailing and street addresses for their place of residence.
- (2) A list of all Child Care Workers employed by the applicant and who are anticipated to provide child care at the facility, their mailing addresses and a copy of a current Child Care Worker's certification issued by the City for each worker included on such list.
- (3) A list of all On-Site Non-Providers who will have any contact with the children at the facility.
- (4) A certificate or letter signed by the Chief of Police certifying that a criminal background investigation has been completed, or is being completed, within two (2) years previous to such application for the following persons:
  - (a) All owners who will have regular contact with children;
  - (b) All residents twelve years of age or older of the facility; and
  - (c) Any spouse or significant other of an Owner.
  - (d) All residents 12-17 years of age must have a Juvenile Justice Search.
- (5) A certificate issued by the EIPHD issued within ninety (90) days previous and certifying that the Facility meets the requirements of Idaho Code Section 39-1110.
- (6) A certificate issued by the Fire Marshal certifying that the Child Care Facility has been inspected and meets the requirements of the International Fire Code, as adopted by the City, as well as Idaho Code Section 39-1109, and Idaho Administrative Code Section 18.01.55.
- (7) A certificate issued by the Director of Community Development Services Department certifying that the Child Care Facility is a permitted use within the zone in which the facility is located.
- (8) Proof of liability insurance for child care.

(D) APPLICATIONS FOR LICENSE: The applicant shall obtain an application for a license from the Clerk. Once an application for a license has been submitted, the Clerk shall review the application and determine whether or not the application is complete. If the Clerk deems that the application is complete, then the applicant and City will arrange for all necessary inspections to obtain the certificates required by such Section in subsection (A), (B) or

(C) above. Once all certifications are obtained and all requirements of either subsection (A), (B) or (C) above and there is compliance with all provisions of this Chapter, the Clerk shall issue a license. If the application is incomplete in any respect, the Clerk shall promptly notify the applicant that the application is incomplete and shall specify the items which the Clerk has determined are not complete or which do not otherwise comply with the provisions of subsection (A) hereof. Applications shall be made to the Clerk in the form and manner prescribed by the Clerk.

(E) TERM OF LICENSE: A license is valid for a two (2) year period years and shall expire on the date endorsed on the license.

(F) LICENSE POSTED: All facility licenses shall be posted in a conspicuous place at the Child Care facility whenever the facility is providing Child Care.

(G) FORM OF LICENSE: All licenses issued under this Chapter shall contain the following information.

- (1) The name of the Applicant.
- (2) The street address of the licensed Child Care Facility.
- (3) The date of expiration.
- (4) The maximum number of children the facility is authorized to have present in the facility at one time. Type 1 permits shall state "13+" as the maximum number. Type 2 permits shall state up to 12". Type 3 permits shall state up to 5."
- (5) Whether or not the applicant maintains liability insurance for child care.

(H) LICENSE/RENEWAL FEES: Each application/renewal for a Child Care Facility shall be accompanied by a license fee in an amount set from time to time by Resolution of the Council for the following:

Family Child Care;

Group Child Care; and

Child Care Center

(I) RENEWALS: At least thirty (30) days before a License is to expire, the Applicant must apply for a renewal license. The fees for a renewal license are the same as set forth in subsection (H) above. Depending on the type of License, all information required under

Sections 6-3-3(A), 6-3-3(B), and 6-3-3(C) and proof of compliance with this Chapter shall be provided with the application in order to qualify for the License. The following items do not need to be shown on renewal licenses:

- (1) A certificate showing that the Facility has been inspected by Community Development Services Department;
- (2) A certificate showing the Facility is permitted within the zone the Facility is located; and
- (3) A site plan and floor plan, unless the site plan and floor plan has changed since the original license was issued.

(J) BACKGROUND CHECKS:

- (1) In addition to the foregoing fees, the applicant shall also pay a fee in an amount set from time to time by Resolution of the Council for each criminal background investigation required under the provisions of Sections 6-3-3(A)(4), 6-3-3(B)(4), 6-3-3(C)(4), 6-3-4(B)(2) and 6-3-4(C)(1) hereof. Such fee shall be non-refundable, notwithstanding any failure or refusal of the City to issue the requested certificate. A full background check needs to be completed on the initial application and every other year thereafter. If a person required to receive a background check already has a valid background check done within the last two years, then that person will not be required to pay the background check fee. On the years which a full background check is not required, the persons required to have a background check will still be required to submit to a local and state-wide background check. If the person needing a background check is a minor, then the parent of such minor shall sign a release allowing a juvenile justice check to be performed.
- (2) To determine the suitability of prospective applicants under Sections 6-3-3(A)(4), 6-3-3(B)(4), 6-3-3(C)(4), 6-3-4(B)(2) and 6-3-4(C)(1), the City shall require an applicant to provide information and fingerprints necessary to obtain criminal history information from the Idaho State Police and the Federal Bureau of Investigation. Pursuant to Section 67-3008, Idaho Code, and congressional enactment Public Law Section 92-544, the City shall submit a set of fingerprints obtained from the applicant and the required fees to the Idaho State Police, Bureau of Criminal Identification, for a criminal records check of state and national databases. The submission of fingerprints and information required by this section shall be on forms prescribed by the Idaho State Police. The City is authorized to receive criminal history information from the Idaho State Police

and from the Federal Bureau of Investigation for the purpose of evaluating the fitness of the applicants child care licensing. As required by state and federal law, further dissemination or other use of the criminal history information is prohibited.

(K) **TIME BY WHICH LICENSE MUST BE OBTAINED:** If a child care facility or provider is not already licensed through the State of Idaho, then they must apply for a City license by October 1, 2008. Any child care facility or provider who is already licensed through the State of Idaho must file their initial application for a City license thirty (30) days before their State license expires. By October 1, 2008, a child care facility or provider, who is licensed through the State, must provide a copy of their State license to the Clerk. The State licensed facility or provider must provide verification that a criminal background check for all persons required under Sections 6-3-3(A)(4), 6-3-3(B)(4), 6-3-3(C)(4), 6-3-4(B)(2) and 6-3-4(C)(1) hereof has been completed, or is being completed, within the last two years. All child care facilities and providers, even if licensed by the state, shall be subject to Sections 6-3-6 through 6-3-12 of this ordinance. (Ord. 2759, 6-24-08); (Ord. 2777, 8-28-08; Ord. 2816, 6-11-09; Ord. 2878, 8-11-11; Ord. 2878, 08-11-11; Ord. 2964; 8-14-14; Ord. 3003, 04-23-15; Ord. 3253, 5-13-19; Ord. 3308, 6-18-20; Ord. 3365, 1-14-21)

6-3-4: **CERTIFICATION OF INDIVIDUAL CHILD CARE WORKERS OR ON-SITE NON-PROVIDERS:**

(A) No owner or operator of a Child Care Facility shall permit or allow any Child Care Worker or On-Site Non-Provider to provide Child Care or to be in contact with a child at a Child Care Facility unless such Child Care Worker or On-Site Non-Provider possesses a certification issued under the provisions of this Chapter.

(B) **Child Care Worker Certification (CCWC).** No Child Care Worker or Operator shall provide child care or supervise the rendering of child care at any Child Care Facility unless they are at least eighteen (18) years of age and possesses a Child Care Worker's certificate issued under the provisions of this Chapter. Anyone sixteen (16) years or seventeen (17) years old may obtain a CCWC. However, these sixteen (16) and seventeen (17) year old workers must always be supervised by another CCWC who is over eighteen (18) years old. In order to obtain such certification, and for each renewal, applicants shall submit a completed application form to the Clerk, accompanied by the following certificates and information:

- (1) A current certificate issued by the Red Cross, the Fire Marshal or any certified CPR and First Aid trainer, certifying that the applicant has completed an instructional class for child CPR and First Aid.
- (2) Verification from the Chief of Police certifying that a criminal background investigation has been completed for the applicant within two (2) years previous.
- (3) A birth certificate or picture identification evidencing the applicant's age.



- (4) For a renewal of a certification that was issued prior to June 30, 2020, a certificate issued by an educational/technical facility, certifying that the applicant has completed at least eight (8) hours of child care training which addresses the following areas: child development, health and safety, and child guidance.
- (5) For a renewal of a certification that was issued after June 30, 2020, a certificate or certificates issued by an educational/technical facility, certifying that the applicant has completed at least a total of thirty (30) hours of child care training which addresses the following areas: child development, health and safety, and child guidance.
- (6) The Clerk shall issue a Provisional CCWC, valid for forty-five (45) days, once the applicant's background check has been completed and cleared. A Child Care Worker may work under a Provisional CCWC.
- (7) The Clerk shall issue a CCWC when the applicant delivers to the Clerk a copy of their Child Abuse Registry records, provided that the Child Abuse Registry does not contain any records regarding the applicant. The term of a CCWC is five (5) years.
  - a. In the event that the Child Abuse Registry indicates that the applicant is a child abuser, the applicant's Provisional CCWC shall be immediately revoked.

(C) On-Site Non-Provider Documentation. No On-Site Non-Provider shall be in unsupervised contact with any child at a Child Care Facility. The following documentation and information for each On-Site Non-provider must be in the facility file:

- (1) Verification issued by the Chief of Police certifying that a criminal background investigation has been completed for the On-Site Non-Provider within two (2) years previous. If the On-Site Non-Provider is a minor, then the parents of the minor must sign a release so that the juvenile justice review may be completed.
- (2) The name and address of the Child Care Facility where the On-Site Non-Provider is employed or will be present at the Facility.
- (3) A birth certificate or picture identification evidencing the applicant's age.
- (4) The Clerk shall issue Provisional On-Site Non-Provider Documentation, valid for forty-five (45) days, once the applicant's background check has been completed and cleared. A On-Site Non-

Provider may reside or be present at the Child Care Facility under Provisional On-Site Non-Provider Documentation.

(D) Location of Certification and Documentation. The certification and documentation shall be kept upon the premises of any Child Care Facility where Child Care Worker or an On-Site Non-Provider works, resides, or regularly visits. The certificate or documentation shall be promptly made available upon request by any member of the public or by the Fire Marshal, Building Official or law enforcement officer. (Ord. 2759, 06-24-08; Ord. 2878, 8-11-11; Ord. 2878, 08-11-11; Ord. 3223, 6-19-17; Ord. 3213, 9-13-18; Ord. 3308, 6-18-20; Ord. 3372, 3-11-21)

6-3-5: LICENSE AND CERTIFICATION EXCLUSIONS: Nothing in this Chapter shall be construed to apply to:

(A) The occasional care of a child by their neighbors, relatives or friends, as long as such care is not provided in a Child Care Facility of any type.

(B) Public, Private or parochial educational facilities in which children of five years of age or older are taught a curriculum approved by the Idaho State Board of Education.

(C) Facilities providing temporary care for children whose parents remain on the premises at all times.

(D) Summer day camps, programs, religious schools and other summer activities operating less than a total of fourteen (14) days during a calendar year.

(E) Child Care of Relatives.

(F) State licensed foster care facilities and homes.

(G) Persons employed to care for children in the home where such children reside, provided the home is not otherwise classified as a Child Care Facility.

(H) Hospitals, clinics or rehabilitative facilities whose primary purpose is to provide medical care, rehabilitation services or therapy.

(I) Volunteers who provide educational or training services for children at a Child Care Facility for no more than two (2) hours in any day while under the supervision of a Certified Child Care Worker.

(J) Students who are participating in a publicly sponsored or funded educational program providing work experience in child care, child development, nutrition, or other child related subjects, provided such students are supervised by a Certified Child Care Worker at all times while the student is in contact with children on the Premises. (Ord. 2759, 06-24-08)

6-3-6: DENIAL OR REVOCATION OF CHILD CARE FACILITY LICENSE, CHILD CARE WORKER CERTIFICATION OR NON-SITE NON-PROVIDERS CERTIFICATION:

(A) The following shall constitute grounds for denial or revocation of a Child Care Facility license, Child Care Worker certification or On-Site Non-Providers documentation, or shall constitute grounds for a misdemeanor citation:

- (1) Use of any tobacco product, electronic cigarette or vaping device, alcoholic beverage, or illegal controlled substance by any Owner, Operator, Child Care Worker or On-Site Non-Provider on the premises of any Child Care Facility while Child Care is being provided.
- (2) Knowingly keeping or storing firearms at a Child Care Facility while Child Care is being provided, unless such firearms are placed in a securely locked cabinet or storage area.
- (3) Knowingly allow pets or animals to have contact with the children when the children are eating meals or snacks.
- (4) Failure to keep and maintain immunization records for each child receiving Child Care at a Child Care Facility, as required by Section 39-1118, Idaho Code.
- (5) The employment or use of any employee if such employee does not have a Certificate as required under this Chapter.
- (6) The failure by the Owner of a Child Care Facility to notify the Clerk of any change of ownership of the Child Care Facility within three (3) business days after such change of ownership becomes effective. For the purposes hereof a "change of ownership" shall be defined as a transfer of a controlling interest in any sole proprietorship, partnership, corporation, limited liability company, or other lawful form of business organization.
- (7) Any knowing violation by an Owner, Operator, Child Care Worker or On-Site Non-Provider of any of the provisions of this Chapter.

(B) In the event there is good cause to believe that a Child Care Facility, Child Care Worker or On-Site Non-Provider has violated the provisions of subsection (A) of this Subsection, the Clerk shall notify the licensee or certificate holder of the nature of the alleged violation and shall notify the licensee of the time and place of a hearing before the Council to consider whether or not the licensee's license or certification should be revoked. At such hearing, the licensee shall be afforded an opportunity to produce witnesses, submit documentary evidence and to otherwise submit testimony and evidence in opposition to the proposed revocation or suspension. At the conclusion of the hearing, the Council may suspend or revoke the license or certification for such period of time as it deems appropriate. In the event any license orb

certification is revoked, the licensee or certificate holder shall not apply for or receive a new license or certification within one (1) year after the date of such revocation. (Ord. 2759, 06-24-08; Ord. 2878, 8-11-11; Ord. 2878, 8-11-11; Ord. 2878, 08-11-11; Ord. 3308, 6-18-20; Ord. 3372, 3-11-21; Ord. 3365, 1-14-21)

6-3-7: OUTDOOR SPACE PER CHILD:

(A) As a condition for continued operation and licensure of any Child Care Facility, the outdoor space shall be as follows:

- (1) For Child Care Centers and Group Child Care Facilities only, outdoor play areas should allow for at least 60 square feet of outdoor play area for each child that is playing outside at a time. A determination should be made by the provider of the total outdoor play area, to determine the maximum amount of children that can play outside at a time.
- (2) Outdoor play areas shall adjoin, or be safely accessible to, the indoor area.
- (3) Outdoor play areas on the premises shall be enclosed by a fence or wall at least four (4) feet in height. Fences or walls shall be free from sharp protruding edges. Gates shall be secured, so that children cannot leave without an adult. The fence shall be designed so that a young child cannot climb or squeeze under or through the fence. This provision shall only apply to Child Care Facilities who come into existence after this section becomes law.
- (4) Pools, hot tubs, ponds and other bodies of water that are on the daycare facility premises must provide the following safeguards:
  - (a) The area surrounding the body of water must be fenced and locked in a manner that prevents access by children and meets the following requirements:
    - (i) The fence must be at least four (4) feet high with no vertical opening more than four (4) inches 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;
    - (ii) If the house 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;

- (iii) Furniture or other large objects must 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.
  - (b) If the area surrounding a pool, hot tub, pond or other body of water is not fenced and locked, there must be a secured protective covering that will not allow access by a child.
  - (c) Wading pools must be empty when not in use.
  - (d) Children must be under direct supervision of an adult staff member while using the pool, hot tub, pond or other body of water.
  - (e) A minimum of four (4) foot high fence must be present that prevents access from the daycare facility premises if the daycare premises are adjacent to a body of water.
- (5) Adequate shade areas shall be provided.
- (6) The outdoor play area shall be free of the following hazardous conditions.
- (a) Concrete or asphalt shall not be used under outdoor playground equipment, except wheel toys.
  - (b) The outdoor play area shall be well-drained.
  - (c) Playground equipment which is not designed to be portable shall be securely anchored so that it cannot be tipped over by an adult.
  - (d) The outdoor play area shall not have any sharp or broken objects, or areas where body limbs may become trapped, or strangulation may occur.
- (7) Stairways or steps in the outside area which are used by the children shall have hand railings of a height no greater than 3 feet. (Ord. 2759, 06-24-08; Ord. 2878, 8-11-11; Ord. 2878, 08-11-11)

6-3-8: LICENSES/CERTIFICATION, DENIAL, SUSPENSION OR REVOCATION: A license

or certification applied for or issued under this Chapter shall be denied, suspended, or revoked:

A. Where Applicant; Licensee; Owner; Operator; Child Care Worker; Resident; Volunteer, On- Site Non-Provider; spouse or significant other of an Owner:

1. Has been found guilty of, plead guilty to, received a withheld judgment, or admitted to the elements of any offense involving neglect, any physical injury, or other abuse of a child, including the following enumerated crimes, or any substantially similar provision of a foreign criminal violation, notwithstanding the form of judgment:
  - a. Felony injury of a child, section 18-1501, Idaho Code.
  - b. The sexual abuse of a child under sixteen (16) years of age, Section 18- 1506, Idaho Code.
  - c. The ritualized abuse of a child under eighteen (18) 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 (16) years, Section 18- 1506, Idaho Code.
  - f. Lewd conduct with a child under the age of sixteen (16) 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, 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. Nonconsensual sexual contact that is prohibited by 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. Robbery, Section 18-6501, Idaho Code.
  - u. Stalking in the first degree, Section 18-7905, Idaho Code.
  - v. Video voyeurism, Section 18- 6609, Idaho Code.
  - w. Enticing of children, Section 18-1509 or 18-1509A, Idaho Code.
  - x. Inducing individuals under eighteen (18) years of age into prostitution, Section 18- 5609, Idaho Code.
  - y. Inducing person under eighteen (18) years of age to patronize a prostitute, Section 18-5611, Idaho Code.
  - z. Any felony punishable by death or life imprisonment.
  - aa. 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.
  - bb. Felony domestic violence, Section 18-918(2), Idaho Code.
  - cc. Any offense requiring registration on a state sex offender registry or the national sex offender registry.
  - dd. 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. Had their 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.
  3. Where a registered sex offender resides on the Premises where Day Care services are provided.
- B. Where Applicant; Licensee; Owner; Operator; Child Care Worker; Resident; Volunteer, On- Site Non-Provider; spouse or significant other of an Owner 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, 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 ten (10) 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. Disseminating obscene material to minors, as defined in Sections 18-1513 through 18-1515, Idaho Code.
  16. A felony controlled-substance offense.
  17. 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. Where Applicant; Licensee; Owner; Operator; Child Care Worker; Resident; Volunteer, On- Site Non-Provider; spouse or significant other of an Owner 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, 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. Transporting a minor in a motor vehicle while under the influence, Section 18-1501(3), Idaho Code.
  2. Violation of a Civil Protection Order or No Contact Order, Section 18-920, Idaho Code.
  3. A misdemeanor controlled-substance related offense.
  4. Misdemeanor domestic violence, Section 18-918(3), Idaho Code.
  5. Misdemeanor Assault or Battery, Sections 18-902 and 18-903, Idaho Code
  6. Stalking in the second degree, Section 18-7906, Idaho Code.
  7. Disturbing the Peace, Section 18-6409, Idaho Code
  8. Petit Theft, Section 18-6409
- D. For any Applicant; Licensee; Owner; Operator; Child Care Worker; Resident; Volunteer, On- Site Non-Provider; spouse or significant other of an Owner, where there is evidence demonstrating that they have been committed pursuant to Title 66, Chapter 3, Idaho Code, or similar provision in another jurisdiction, as a voluntary or involuntary patient for mental health, drug, or alcohol treatment, within the past year from the date of application.
- E. For any Child Care Facility, 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.
- F. For any Applicant; Licensee; Owner; Operator; Child Care Worker; Resident; Volunteer, On- Site Non-Provider; spouse or significant other of an Owner, where there is evidence demonstrating to the City that health or safety problems exist or are probable. No Applicant; Licensee; Owner; Operator; Child Care Worker; Resident; Volunteer, On-Site Non-Provider; spouse or significant other of an Owner 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.
- G. For any Applicant; Licensee; Owner; Operator; Child Care Worker; Resident; Volunteer, On- Site Non-Provider; Spouse or significant other of an Owner 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. Applicant; Licensee; Owner; Operator; Child Care Worker;

Resident; Volunteer, On- Site Non-Provider; spouse or significant other of an Owner 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.

- H. For any Applicant; Licensee; Owner; Operator; Child Care Worker; Resident; Volunteer, On- Site Non-Provider; spouse or significant other of an Owner presiding at the Premises, who has violated any of the provisions of this Chapter during licensure other than of 6-3-8(A) of this Chapter. No Applicant; Licensee; Owner; Operator; Child Care Worker; Resident; Volunteer, On-Site Non-Provider; spouse or significant other of an Owner presiding at the Child Care Facility 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.
  
- I. For any applicant who has a current active arrest warrant for a crime which, if convicted, would subject them to the limitations in this section. Nothing in this section shall be interpreted to disqualify any applicant who
  - 1. Is or has been merely charged with a disqualifying crime; or
  - 2. Has had a disqualifying criminal charge dismissed; or
  - 3. Has been found not guilty of a disqualifying crime.
  
- J. The applicant falsifies, omits, or otherwise intentionally misrepresents any information on the application. An applicant who has falsifies, omits, or otherwise intentionally misrepresents any information on the application shall be ineligible to reapply for licensing for a period of forty-two (42) days. (Ord. 2759, 06-24-08; Ord. 2878, 8-11-11; Ord. 2878, 08-11-11; Ord. 3308, 6-18-20; Ord. 3372, 3-11-21)

6-3-9: STAFFING REQUIREMENTS: All daycare providers shall follow the following staff to child ratio:

(A) Point System for Family Child Care Facilities. A maximum of twelve (12) points using the following points designation, will be allowed per certified staff member. Any child, even if that child is not being watched for compensation, under the age of five (5) years old will be counted in the ratio if they are present at the facility or home.

A child 0-12 months of age	2 points (maximum of 2 enrolled)
A child 13 -24 months of age	1.5 points (maximum of 4 enrolled)
A child 25 months through 4 years of age	1 point
A child 5 years and up	.5 points

(B) Ratio System for Group Child Care and Child Care Center Facilities. The following worker to child ratio shall be used for Group Child Care and Child Care Center Facilities:

(1) For those facilities who have a separate classroom for the children of the same age group, the ratio is as follows:

children.	A room with children from 0-12 months of age:	1	worker	per	4
children	A room with children from 13-24 months of age:	1	worker	per	6
children	A classroom with children from 25-36 months of age:	1	worker	per	8
children	A classroom with children from 3-4 years of age:	1	worker	per	12
children	A classroom with children 5 years of age or older:	1	worker	per	18

(2) For those facilities who combine age groups into a single room, then a point system shall be used. A maximum of twelve (12) points using the following points designation, will be allowed per certified staff member.

A child 0-12 months of age:	2 points (maximum of 2 per worker)
A child 13 -24 months of age:	1.5 points (maximum of 4 per worker)
A child 25 months through 4 years of age:	1 point
A child 5 years and up:	.5 points

(C) Service staff, such as cooks, janitors, bus drivers, or other on-site non-providers, shall not be counted in the required staff-child ratio unless they are licensed as a Child Care Worker, and are also providing child care at the licensed facility for a scheduled period of not less than twenty (20) hours per week. (Ord. 2759, 06-24-08; Ord. 2878, 8-11-11; Ord. 2878, 08-11-11)

6-3-10: RECORD MAINTENANCE: Each Child Care Facility shall maintain the following records on the premises at all times while the facility is in operation and make the same available upon request by any designated person set forth in Section 6-3-12 of this Title:

(A) A current facility license which shall be on display in a public area of the facility.

(B) A copy of each Child Care Worker Certification for each employee.

(C) A copy of all On-Site Non-Providers' documentation.

(D) A separate file shall be maintained of each child receiving child care on the Premises. Said record shall contain the child's name, date of birth, address, parent/guardians name and contact information including work phone and/or cell phone numbers.

(E) Immunization records for each child as required by the State of Idaho, Idaho Code § 39-1118 and Idaho State Regulation 16.02.11.

(F) A daily listing of the children who are enrolled and who were actually cared for that day at the facility.

(G) A daily listing of the staff on duty and the hours worked.

(H) Medical release for each child signed by each parent or guardian. (Ord. 2759, 06-24-08)

6-3-11: **RIGHT OF ENTRY FOR GOVERNING OFFICIALS:** Every Facility shall, upon presentation of identification, allow the Fire Marshal, Fire Chief, Building Official, Police Officer, Idaho Department of Health and Welfare officer, Code Enforcement Officer, EIPHD Representative, Clerk or other designated City Official immediate entry to the Child Care facility for the purposes of inspection for compliance with the terms of this Chapter. The license of any Child Care Facility or an employee's certification may be denied, suspended or revoked if such provider refuses to allow entry. (Ord. 2759, 06-24-08; Ord. 3365, 1-14-21)

6-3-12: **REPORTING OF ABUSE, ABANDONMENT OR NEGLECT:** Pursuant to Idaho Code Section 16-605, any Child Care Facility, personnel 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 Idaho Department of Health and Welfare. Any employee of a Child Care facility shall also report any incident to their manager/owner. (Ord. 2759, 06-24-08)

6-3-13: **LIABILITY:** This Chapter is not intended to impose or create any private cause of action against the City, its agents, officials or employees for any loss or damage based upon the failure of any Child Care Facility, or the owner or operator thereof, to meet the standards contained in this Chapter or failure of such persons to enforce the standards and regulations adopted by this Chapter. (Ord. 2759, 06-24-08)

6-3-14: **PENALTY:** In addition to the revocation procedures as set forth in section 6-3-6(B), any willful violation of this Chapter shall be a misdemeanor. (Ord. 2816, 6-11-09)