

ORDINANCE NO. 2453

AN ORDINANCE to amend and reordain the definition of children's home in Section 8-1, to amend Section 8-1 by adding, in alphabetical order, a new definition, to amend and reordain Section 8-2, Article I; to amend Chapter 8 by adding a new article numbered IV, Chapter 8 of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 8 relates to CHILD CARE, which Article I relates to IN GENERAL, which Section 8-1 relates to DEFINITIONS, which new definition relates to CHILD CARE FACILITY, which Section 8-2 relates to ZONING and which new Article IV relates to CHILD CARE FACILITIES.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the definition of children's home in Section 8-1, Article I, Chapter 8 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Children's home. (a) Any institution, other than an institution of the State, county or municipality, maintained for the purpose of receiving children under eighteen (18) years of age for care and maintenance separated from their parents or guardians, except (1) a day nursery, (2) a bona fide educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two (2) months of summer vacation, (3) an establishment required to be licensed as a summer camp under state law, (4) a bona fide hospital legally maintained and (5) a nursery school; or (b) any private family home in which any such child is received for care and maintenance separated from its parents, except (1) a day nursery, (2) a home required to be licensed as a summer camp under state law, (3) a home in which are received children related by consanguinity or affinity to the person who maintains such home, and children of personal friends of such person and no other child or children, (4) a home in which are received for care and maintenance dependent, delinquent or neglected children committed by a court of competent jurisdiction or placed by the local department of social services or a licensed child-placing agency and (5) a child care facility; provided, that children of not more than one (1) family, or if of more than one (1) family not more than five (5) such children are cared for and maintained in such home at any time and no other child or children; and provided further, that no such home in which more than one (1) child other than children of the same family is cared for and maintained shall be permitted in the city without having first obtained a permit from the city manager. The city manager shall issue such a permit when the city manager finds as a result of investigation that the parents and property comply with all applicable laws of the city, the state and the Minimum Standards For Licensed Independent Foster Homes adopted by the state board of welfare and institutions at its meeting on March 15, 1949, which standards are hereby adopted and incorporated herein by reference as if set forth in full, and when the city manager further finds that the establishment of any such home will not impair the health, safety or welfare of the surrounding community. No such permit shall be transferable and

each permit shall expire one (1) year after the date of issuance and (6) a nursery school.

Section 2. That Section 8-1, Article I, Chapter 8 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto, in alphabetical order, a new definition to read as follows:

Child care facility. A private family home which provides care and maintenance to not more than five (5) children under fourteen (14) years of age separated from their parents or guardian during part of the day only, but not for more than twelve (12) hours at a time, except a home in which such care and maintenance is provided for children related by consanguinity or affinity to the person who maintains such home, and for children as occasional bona fide personal guests, and for no other child or children.

Section 3. That Section 8-2, Article I, Chapter 8 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 8-2. Zoning.

No permit for a nursery school, day nursery, child care facility or children's home shall be issued under this chapter unless the land upon which the nursery school, day nursery, child care facility or children's home is proposed to be operated or is operated is so zoned as to permit such use.

Section 4. That Chapter 8 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding a new Article IV to read as follows:

#### Article IV. Child Care Facilities.

Sec. 8-42. Purpose of article.

The purpose of this article is to encourage and enhance the provision of high quality day-care services for the benefit of the citizens of Alexandria and to provide, through the establishment of a voluntary certification program for the providers of such services, for the health and safety of children for whom such services are provided.

Sec. 8-43. Issuance of child care facility certificates; display, term, renewal, form and transfer of certificates.

Any person who operates a child care facility may, but is not required to, obtain certification from the city manager as provided in this article. Such certificates shall be issued in such form as the city manager may direct and shall be posted or displayed in a conspicuous place in the home to which the certificate pertains. Each certificate and any renewal thereof shall expire at the end of one (1) year from the date of issuance unless earlier revoked or surrendered. Certification shall not be transferable to any other person.

Sec. 8-44. Applications for certificate.

Each application for a certificate to operate a child care facility, or for a renewal thereof, shall be made to the city manager in such form as the city manager may prescribe. It shall contain the name and address of the applicant, and, if it is an association, society or corporation, the names and addresses of all officers and chief agents; the present or proposed location and size and type of buildings and grounds, and a description of outside recreation areas; a statement of the activities proposed and the facilities to be employed; the maximum number of children to be cared for; the hours during which children will be cared for; the name, address, education and experience of every person connected or to be connected with the operation; whether or not the applicant has a state license from the state commissioner of public welfare; and such other pertinent information as the city manager may require.

Sec. 8-45. City manager's right to inspect, etc.

Applicants for a child care facility certificate and holders of such certificates shall at all times afford the city manager or any person designated by the city manager reasonable opportunity to make inspection of the premises used as a child care facility, and to interview such applicant's agents and employees and any child in the applicant's custody. Refusal to permit such inspection or interview shall constitute a violation of this article.

Sec. 8-46. Investigation of applicant for certificate and facilities to be used.

Upon receipt of the application for a child care facility certificate the city manager shall cause such investigation of the applicant and the premises of the child care facility as the city manager deems appropriate to determine that the applicant is or will be in compliance with the standards set forth in section 8-47 of this chapter.

Sec. 8-47. Standards for child care facilities.

No certificate shall be issued by the city manager pursuant to this article unless and until the city manager is satisfied that the applicant and the premises to be used as a child care facility are or will be in compliance with the following standards:

(a) The applicant has successfully completed a training program for day care providers offered by the City of Alexandria Department of Social Services.

(b) The number of children cared for shall not exceed five (5) at any one time.

(c) The applicant is not establishing a facility for which a state permit or a permit under other sections of this chapter is required.

(d) The child care facility contains no health, safety or fire hazards, as determined pursuant to city inspections.

(e) The child care facility will provide adequate space for the number of children to be cared for, as well as an appropriate and attractive environment.

(f) Appropriate activities will be planned for children in care, and appropriate play materials and equipment will be provided.

(g) Healthful, nutritious meals will be provided for children in care.

(h) The staff of the child care facility is able and willing to provide proper care, sufficient attention and appropriate discipline to children in care.

(i) The child care facility contains a working telephone, a listing of emergency telephone numbers and adequate first aid equipment and supplies.

(j) The staff of the child care facility, and all residents of the home in which the facility is located, are free from communicable disease, and that children to be cared for are free from communicable disease and properly immunized.

(k) Any pets in the home or yard where the child care facility is located must not be a danger to children in care, and all such pets must be immunized against rabies if appropriate.

The city manager is authorized to implement these standards in an administrative regulation.

#### Sec. 8-48. Number of children.

Each certificate shall specify the number of children, not to exceed five (5), that will be cared for and the number so specified shall be the maximum permitted to be cared for at any one time.

#### Sec. 8-49. Fees.

The city manager shall establish a reasonable fee, not to exceed twenty dollars (\$20.00), for the issuance of certificates under this article.

#### Sec. 8-50. Grant or refusal of certificates.

Upon completion of the investigation provided for in section 8-46 of this chapter, the city manager shall grant a child care facility certificate to the applicant if such applicant has complied with the provisions of this article and has met the standards for child care facilities set forth in this article. Otherwise the certificate shall be refused. The applicant shall be notified immediately of final action on the certificate.

#### Sec. 8-51. Revocation of certificate.

The city manager shall revoke any certificate upon the manager's determination that the holder is not in compliance with one or more provisions of this article. No certificate shall be revoked without written notice to the certificate holder, at the address listed in the application, as to the violation or violations alleged to exist and a reasonable opportunity shall be given to the certificate holder to take corrective action, except that where the city manager determines that the health, welfare or safety of the children served by a child care facility are or could be jeopardized, such revocation may take effect immediately. Any certificate holder may appeal a revocation to the social services advisory board established by section 2-167

of this Code and the decision of the board shall be final unless set aside by a court of competent jurisdiction.

Sec. 8-52. Register of certificate holders; referrals by city agencies.

The city manager shall establish and keep current a register of all child care facilities holding certificates under this article. Such register, together with a summary of the provisions of this article and such other information as may be appropriate shall be published and made available to the public. No department, agency or employee of the city or any governmental entity that receives funds from the City of Alexandria shall, except in an emergency, refer any person to a child care facility that is not certified under this article.

Sec. 8-53. Prohibited acts.

(a) It shall be unlawful for any person to advertise in written or other form or to otherwise communicate that such person holds a certificate under this article where no such certificate has been issued or where such certificate has been revoked or surrendered.

(b) It shall be unlawful for any person to knowingly apply for a certificate under this article for a facility that requires a permit from the state and to which other articles of this chapter apply unless such other permit has been previously obtained according to law.

Section 5. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

CHARLES E. BEATLEY, JR.  
Mayor

Final Passage: April 8, 1980