

ORDINANCE NO. 3045

AN ORDINANCE to amend and reordain subsection 6, subsection b, subsection (1); subsection (2); subsection b, subsection (3); all of Section 12-3-1; Section 12-3-2; all of Article A; to repeal Article D in its entirety; to amend Chapter 3 by adding a new Article D; all of Chapter 3, Title 12 of The Code of the City of Alexandria, Virginia, 1981, as amended; which Title 12 relates to EDUCATION, SOCIAL SERVICES AND WELFARE, which Chapter 3 relates to CHILD CARE, which new Article D relates to CHILD CARE HOMES, which repealed Article D formerly related to CHILD CARE FACILITIES, which Article A relates to GENERAL PROVISIONS, which Section 12-3-2 relates to ZONING, which Section 12-3-1 relates to DEFINITIONS, which subsection (3) relates to DAY NURSERY, which subsection b. relates to DAY NURSERIES IN PRIVATE HOMES, which subsection (2) relates to CHILD CARE FACILITY, which subsection (1) relates to CHILDREN'S HOME, which subsection b. relates to PRIVATE FAMILY HOMES, and which subsection 6 relates (as amended) to EXCEPTION OF CHILD CARE HOME.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That subsection 6, subsection b, subsection (1), Section 12-3-1, Article A, Chapter 3, Title 12 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

6. a child care home.

Section 2. That subsection (2), Section 12-3-1, Article A, Chapter 3, Title 12 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

(2) Child care home. A private family home that during only a part of the 24-hour day, for pay, and on a regular continuing basis, cares for no more than nine (9) children under 14 years old who are not related to the person maintaining the home.

Section 3. That subsection b, subsection 3, Section 12-3-1, Article A, Chapter 3, Title 12 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

b. any private family home which provides care and maintenance for 10 or more such children under the same conditions as those set out in subsection a. above, except a home in which such care and maintenance is provided for children related by consanguinity or affinity to the person who maintains the home, and for children as occasional bona fide personal guests, and for no other child or children.

Section 4. That Section 12-3-2, Article A, Chapter 3, Title 12 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 12-3-2. Zoning.

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

Section 5. That Article D, Chapter 3, Title 12 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is repealed.

Section 6. That Chapter 3, Title 12 of the Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding a new Article D.1 thereto to read as follows:

#### ARTICLE D.1

##### Child Care Homes

Sec. 12-3-81. Purpose of article.

The purpose of this article is to provide Alexandria with safe, available, registered home child care through parent and provider education and mandatory registration.

Sec. 12-3-82. Registration required.

All child care homes must be registered with the city.

Sec. 12-3-83. Applications for registration.

Application for registration shall be made to the city's Division of Social Services and shall include:

- (1) the applicant's name,
- (2) the applicant's address and phone number,
- (3) the names and birthdates of persons living in the home,
- (4) the names and birthdates of all employees who will be caring for the children,

(5) the maximum number of children to be cared for at any one time,

(6) the hours during which child care will be provided, and

(7) consent from the applicant, from persons living in the home, and from employees caring for children authorizing a criminal history records check by the city.

Section. 12-3-84. Processing of application.

(1) The city will make an inspection to see that the home complies with fire code provisions and regulations.

(2) A criminal history records check will be made of the applicant, persons living in the home, and employees caring for the children.

(3) Applicants who indicate that they care for or will care for six or more children will be advised of the need to obtain a special use permit under the zoning code of the City of Alexandria and a license from the state commissioner of welfare for persons caring for six (6) or more children.

Sec. 12-3-85 Issuance of certificate; denial.

(a) Upon satisfactory completion of the fire inspection and criminal history records check, the city shall issue a registration to the applicant for up to five (5) children.

(b) Upon obtaining any necessary special use permit or state license as a family day care home, a registration will be issued to the applicant for up to the number of children that the permit and license allow.

(c) A registration shall not be issued to any applicant who has been convicted of a crime involving sexual assault or child abuse or any other crime against a child or to an applicant who resides with or employs or intends to employ a person who has been convicted of any of the above-mentioned crimes.

Sec. 12-3-86. Display of registration; provision of child care information.

The day care home must display the registration conspicuously and must give the parents of the child to be cared for a pamphlet on child care evaluation and standards prepared and provided by the city.

Sec. 12-3-87. Registration, renewal and amendments.

If the applicant or the address on a registration changes, a new registration is required. A registration shall be for one year from date of issuance. Amendments must be requested whenever any new employees will be caring for children or the maximum number of children cared for at any one time increases. Application for renewal or amendment may be made by mail.

Sec. 12-3-88. Inspection of home.

The city may inspect the home during the care hours listed on its application.

Sec. 12-3-89. Revocation of registration.

(a) Registration shall be revoked if the home is in violation of the fire code, anyone living or working in the home has been convicted of a crime involving sexual assault or child abuse or any other crime against a child, if permission to inspect the home during its listed care hours is denied, or if the home misrepresents the registration to constitute official approval of the city of the care provided.

(b) No registration shall be revoked without 10 days written notice to the holder, at the address listed in the application, of the reason or reasons for revocation. If the holder fails to cure the violation within the 10 days specified in the notice, the registration shall be revoked.

(c) Any person who has received a notice of revocation or whose registration has been revoked shall be afforded an opportunity to be heard as to why the registration should not be revoked. Such hearing shall be before the city manager or such person as he may so designate.

Sec. 12-3-90 Penalties.

Violators of section 12-3-81, which requires registration, shall be fined up to \$10 for every day of operation without registration. Violators of section 12-3-87, which requires amendments to the registration, shall be fined up to \$1 for every day of operation without required amendments.

Sec. 12-3-91. Business license not required.

Persons operating a child care home shall not come within the provisions of Article C, Chapter 1, Title 9 of this Code.

Section 7. 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 December 1, 1985, and shall have no force or effect prior to that date.

CHARLES E. BEATLEY, JR.  
Mayor

Final Passage: May 18, 1985