

# Ordinance No. 596

AN ORDINANCE to amend the Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940 and made effective August 5, 1940, by adding a new chapter thereto numbered Chapter XVII-A which relates to nursery schools, day nurseries and children's homes, and imposes penalties.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA:

1. That the Code of the City of Alexandria, Virginia, enacted as a whole July 2, 1940, and made effective August 5, 1940, be and the same hereby is amended by adding a new chapter, following Chapter XVII, to read as follows:

## CHAPTER XVII-A

### Nursery Schools, Day Nurseries, Children's Homes.

#### Article I. Definitions.

##### Sec. 1. Words, phrases and terms defined.

For the purposes of this chapter, certain words, phrases and terms used herein are defined as follows:

(a) Words used in the present tense include the future, and words in the singular number include the plural, unless the contrary is plainly manifested

(b) The word "person" means any natural person, any association, partnership, society, corporation, or trustee.

(c) The term "city manager" means the City Manager of the City of Alexandria, Virginia.

(d) The word "city" means the City of Alexandria, Virginia.

(e) The term "nursery school" means an institution, home or place operated for the purpose of providing pre-school guidance, training and care, or any part thereof, to children under legal public school age, for not more than four hours per day to any one child, and includes kindergartens but does not include day nurseries and children's homes.

(f) The term "day nursery" means, first, any institution operated for the purpose of providing care and maintenance to children under fourteen years of age separated from their parents or guardian during part of the day only, but not for any period between the hours of seven P. M. and six A. M., except a public school or other bonafide education institution, and second, any private family home which provides care and maintenance for such children under the same conditions as those set out in clause "first" above, 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.

(g) The term "children's home" means, first, any institution, other than an institution of the State, county or municipality, maintained for the purpose of receiving children under

*Amend the Board of Supervisors, refer to Sec. 35-14 para. A 5 of Code*

eighteen 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 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 second, 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 legitimate 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, provided that children of not more than one family, or if of more than one family not more than two such children are cared for and maintained in such home at any time, and no other child or children, and (5) a nursery school.

## Article II. Nursery Schools.

### Sec. 2. Permits required.

Every person who operates a nursery school in the city shall at all times have a permit issued by the city manager, which permit he shall renew annually; and it shall be unlawful for any person to operate a nursery school in the city who does not possess a valid permit standing unrevoked and unsuspended. Only persons who comply with the requirements of this article shall be entitled to receive and retain such a permit. Every such permit shall be posted or displayed in a conspicuous place. No such permit is transferable.

Such permits shall be issued on forms prescribed by the city manager. Each permit and renewal thereof shall expire on the 15th day of June in each year, unless sooner revoked or suspended. Two permits may be issued for concurrent operation to the same person, but each permit shall be issued on a separate form.

### Sec. 3. Application for permit.

Each application for a permit to operate a nursery school, or for a renewal thereof, shall be made to the city manager in such form as he may prescribe. It shall contain the name and address of the applicant, and if it be an association, society or corporation, the names and addresses of all officers and chief agents thereof; the present or proposed location and the size and type of building and grounds, together with a floor plan of all rooms and spaces to be used, as well as the dimensions, and a description of activities proposed to be engaged in and the facilities to be employed; the maximum number of children proposed to be accommodated; the name, address, education, training and experience of every person connected or to be connected with the operation; the name and address of the physician for such nursery school; and such other pertinent information as the city manager may require. The applicant shall also submit with his application evidence of his financial respon-

sibility. A fee of ten dollars shall be deposited with the application to defray the costs of investigation and matters incident to the permit.

**Sec. 4. Inquiry, preliminary to granting permit; right to inspect.**

Upon receipt of the application the city manager shall cause an investigation to be made of the premises, activities, services, and facilities of the applicant, and he shall ascertain whether or not the provisions and minimum standards for nursery schools as set forth in this article are met. He shall also investigate the applicant's financial responsibility, his character and reputation, or if an association, society, partnership or corporation, the character and reputation of its officers and chief agents.

The applicant shall at all times afford the city manager or any person designated by him reasonable opportunity to make inspection of his premises, facilities, books and records, and to interview his or its agents in attendance at the school. Refusal to permit such inspection or allow such interview shall constitute a misdemeanor.

**Sec. 5 Minimum standards; compliance.**

In determining whether or not a permit shall issue to operate a nursery school in the city the following minimum standards shall apply, and all persons operating a nursery school in the city shall at all times comply with all of the following items:

Item 1. Rooms used shall be located on the first floor, except as herein otherwise provided. In the event basement rooms are used, the floor level thereof shall not be more than three feet below the surface surrounding the building.

Item 2. There shall be provided at least thirty-six square feet and three hundred cubic feet, exclusive of bath, kitchen and hall, indoor space per child.

Item 3. All rooms and parts of building used shall be dry and well-lighted and have adequate ventilation by natural or mechanical means. Windows shall be screened in summer and be provided with deflectors to prevent drafts.

Item 4. The building shall be provided with a safe heating apparatus installed and operated according to law capable of maintaining a temperature at all times in cold weather of 72 degrees F. When the outside temperature is less than 55 degrees F., a temperature between 68 and 72 degrees F. shall be maintained in all rooms used except those used while sleeping under covers.

Item 5. One toilet and one basin for every fifteen children shall be provided. Where adult size fixtures are used, safe and secure platforms or steps shall be provided. Such facilities shall be readily accessible to rooms used and to playgrounds.

Item 6. There shall be no hazardous windows, and protection from all radiators and hot pipes shall be provided. Floors shall be free from splinters and admit of easy cleaning.

Item 7. Two separate exits shall be provided for each room used. Outside doors shall open out and shall be provided with anti-panic bolts.

Item 8. A lighted room or compartment of sufficient size shall be provided so that each child's outer garments may be hung separately.

Item 9. A properly ventilated, comfortable space shall be available for the temporary isolation of any child having symptoms of sickness.

Item 10. The building and all parts of the premises shall be free from fire hazards and dangerous conditions, and free from noxious substances of all kinds. All laws relating to fire prevention, local or state, shall be complied with.

Item 11. All parts of the premises and all furnishings and equipment shall be kept clean and in a sanitary condition free from flies, rodents and vermin at all times. Soap, individual wash cloths and towels shall be provided, and all be kept separate. Use of hair brushes is prohibited. If combs are used, individual combs shall be provided.

Item 12. Drinking water supplied by sanitary means shall be accessible to class rooms and playgrounds. Individual drinking cups shall be provided. If bubble fountains are provided, there shall be one for each thirty children.

Item 13. Suitable furniture, including tables, chairs and rest facilities must be provided. Sufficient clean covers to maintain adequate warmth during rest periods shall be provided. Adequate, sanitary lunch or refreshment equipment must be provided.

Item 14. Foodstuffs shall be wholesome and the handling and storage thereof must be safe and sanitary. Utensils shall be clean and sanitary.

Item 15. Out-of-door play space shall be close to the building occupied, and there shall be approximately sixty to one hundred square feet of space per child. The ground thereof shall have a smooth surface and be free from sharp gravel, glass or cinders, and it shall be well-drained. Such playground shall be adequately fenced or otherwise protected from traffic, and it shall be free from dangerous conditions.

Item 16. A standard first aid kit shall be provided and kept completely stocked for emergency treatment, and it shall be readily available at all times. At least one member of the staff shall be qualified to administer first aid and be available to the children at all times.

Item 17. Constant supervision must be provided for all children. The executive in charge must be a competent administrator, with qualifications equal to or superior to other staff members, and all staff members shall be qualified by temperament, training and experience to guide, train and care for pre-school children. Each staff member shall have a sympathetic understanding of children with a recognition of children's capabilities and limitations and have an interest in the development of their whole personalities. At least one attendant or matron for each fifteen children shall be provided. Evidence that each staff member or person connected with the school is free from communicable disease shall be promptly furnished.

Item 18. A permanent register shall be kept of the name, address and birth date of each child admitted; the name and home address of each parent or guardian, and the place where such parent may be reached during hours when the child is

in attendance in case of emergency; the date of admission and the date attendance is terminated and the reason. Such record shall be kept up to date daily. A financial record shall also be kept. Every person operating a nursery school shall make such reports of his operation and condition as the city manager may from time to time require.

**Sec. 6. Issuance or refusal of permit; number of children.**

Upon completion of such investigation, the city manager shall issue an appropriate permit to the applicant if such applicant has complied with the provisions of this article, has met the minimum standards for nursery schools set forth in this chapter, is financially responsible so as to assure continued maintenance of such nursery school, and if he, or the officers and chief agents of the applicant if it be an association, society, partnership or corporation, is or are of good character and reputation. Otherwise the permit shall be refused. The applicant shall be notified of final action on the permit immediately.

The permit shall specify the number of children allowed, and such number is the maximum number permitted in the nursery school at any one time.

**Sec. 7. Delay in granting permit; provisional permit.**

In case the city manager fails to take action upon an application for a permit, or renewal, within sixty days after application is made, either by way of issuance or refusal, it shall be lawful for the applicant to operate the nursery school for which the permit is desired until the city manager has taken final action of the application.

Every nursery school in operation at the time this chapter takes effect shall be afforded a reasonable time within which to comply with the minimum standards for nursery schools herein set forth, but in no case to exceed three months. In such case a provisional permit may be issued to the applicant for such time not to exceed such maximum period.

**Sec. 8. Suspension or revocation of permit.**

The city manager is hereby authorized to suspend any permit issued under the provisions of this article for a period not to exceed sixty days for substantial violation by the holder or any one under him of any provision required for nursery schools; and he is hereby authorized, after opportunity to be heard, to revoke any such permit for continued or repeated violations of such provisions.

**ARTICLE III. Day Nurseries and Children's Homes**

**Sec. 9. Permits required.**

Every person who operates a day nursery or a children's home in the city, other than a children's home operated or maintained under the supervision of the State Department of **Welfare and Institutions** or of a local department of public welfare, shall obtain an appropriate permit from the city manager, which permit he shall renew annually; and it shall be unlawful for any such person to operate a day nursery or a children's home in the city who does not possess a valid permit.

Such permits shall be issued on forms prescribed by the city manager and they shall be posted or displayed in a conspicuous place. No such permit shall be transferable. Two such permits, whether of the same or different classification, may be issued for concurrent operation to the same person, but each permit shall be issued upon a separate form. Each permit and renewal thereof shall expire at the end of one year from the date of its issuance unless sooner revoked or surrendered.

**Sec. 10. Applications for permit.**

Each application for a permit, or for a renewal thereof, shall be made to the city manager in such form as he may prescribe. It shall contain the name and address of the applicant or applicants and if it be an association, society or corporation, the names and addresses of all officers and chief agents; the present or proposed location and the size and type of buildings and grounds, together with a floor plan of all rooms and spaces to be used and the dimensions 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 name, address, education, training 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. 11. Preliminary inquiry; right to inspect; city officers to act for state when requested.**

Upon receipt of the application the city manager shall cause an investigation to be made of the premises, activities, services and facilities of the applicant, and he shall ascertain whether or not the respective minimum standards for day nurseries and children's homes established under authority of Chapter 227, Acts of Assembly 1942, have been met. He shall also investigate the applicant's financial responsibility, his character and reputation, or if an association, society or corporation, the character and reputation of its officers and chief agents.

In the event the applicant has a valid and proper license from the State Commissioner of Public Welfare the aforesaid preliminary investigation may, in the discretion of the city manager, be suspended.

The applicant shall at all times afford the city manager or any person designated by him reasonable opportunity to make inspection of his premises, facilities, books and records, and to interview his or its agents and employees and any child in his custody. Refusal to permit such inspection or interview shall constitute a misdemeanor. When deemed necessary and proper, the city manager shall report to the State Commissioner of Public Welfare the result of any such investigations or inspections.

The city manager or any city department head shall make requested so to do by the State Commissioner of Public Welfare. investigations and inspections for the State whenever re-

**Sec. 12. Issuance of permit; report; refusal of permit, number of children.**

In case the applicant has a valid license from the State Commissioner of Public Welfare to operate a day nursery or a children's home, as the case may be, in the city, the city manager shall, upon completion of or without preliminary investigation, issue the appropriate permit.

In the event the applicant has no valid State license as aforesaid, and upon completion of such preliminary investigation, the city manager shall report to the State Commissioner of Public Welfare the fact of such application and submit a summary of the result of his investigation; and he shall further advise the applicant of the necessity of a State license. If in such case, the applicant apply for and receive a proper State license, the city manager shall thereupon issue the appropriate permit; otherwise, the permit shall be refused.

The permit shall specify the same number of children allowed by the State license, and such number is the maximum number permitted to be cared for at any one time.

**Sec. 13. What case to operate without permit; provisional permits.**

In any case in which it is lawful under State law for anyone to operate a day nursery or children's home temporarily by reason of delay of the State Commissioner of Public Welfare to act upon an application for a license, it shall likewise be lawful to operate the same in the city for such temporary period without the permit in Section 9 required.

Should the State Commissioner of Public Welfare issue a provisional license in any case, the city manager shall also issue a like provisional permit, but for no longer period than that for which such State license is issued.

**Sec. 14. Revocation.**

The city manager shall revoke any permit issued under the provisions of this article whenever the State Commissioner of Public Welfare shall revoke the license issued for the same operation. In case a court of competent jurisdiction should reinstate such license, the city manager shall thereupon reinstate the permit.

**ARTICLE IV. General provisions, legal effect and penalties.****Sec. 15. Zoning.**

No permit shall issue under the provisions of 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 admit of the use intended.

**Sec. 16. Legal effect.**

If any action, part or provision of this chapter shall be declared invalid for any reason by a court of final jurisdiction, such section, part or provision shall cease to operate; but the remainder of the chapter and every part thereof shall continue in full force and effect.

Sec. 17. Penalties.

Any person who violates any provision of this chapter or who fails, refuses or neglects to perform any duty required herein, or any person who operates a nursery school, day nursery or children's home after his permit so to do has been suspended or revoked shall be guilty of a misdemeanor and he shall be punished by a fine of not less than ten dollars nor more than one hundred dollars or by imprisonment in jail for not more than three months; and one day's violation shall be a separate offense.

2. That this ordinance shall be published in the Alexandria Gazette, and it shall become effective the day after its publication. The clerk shall note the time of such publication in the minutes of this Council.

WILLIAM T. WILKINS  
Mayor

Adopted August 23, 1949  
Published August 31, 1949