



ARTICLE VII. LICENSED CHILD-CARE CENTERS

Section 13-120. Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this article, have the meanings indicated in this section:

Day Camp/Youth Camp means a facility which operates under the rules issued by Department of State Health Services (DSHS).

Child care center staff aide means a person sixteen (16) years or older that has a high school diploma, or Texas Certificate of High School Equivalency (GED), or is enrolled in or completed a career program related to child care approved by Texas Education Agency or another state or federally approved child care career related program.

Deficiency means any failure to comply with a standard, rule, law, specific term of your permit, or condition of your evaluation, probation, or suspension.

Employee means any person employed by or that contracts with the permit holder, including but not limited to caregivers, drivers, kitchen personnel, maintenance and administrative personnel, and the center/program director

Kindergarten age means at least five years of age on September 1.

Minimum standards means the rules contained in 746 (Minimum Standards for Child-Care Centers), of this title which are minimum requirements for permit holders and which are enforced by state of Texas regulatory authority to protect the health, safety and well-being of children.

Permit means a complete document issued to the approved applicant of a child care facility authorizing operation at a specified location in accordance with the provisions of this article.

Permit holder means the person or entity granted the permit.

Pre-kindergarten age means three and four years of age.

Regulation means the enforcement of statutes and the development and enforcement of rules, including minimum standards. Regulation includes the licensing, certifying, registering, and listing of an operation or child-care administrator.

Regulatory authority means any municipal officer or department of the city appointed by the city manager to administer this article.

Serious Illness means a communicable disease that excludes a child from care. (see Communicable Disease Chart in Minimum standards for Child-care centers)

State of Texas regulatory agency means the department or state official that has been appointed by the State of Texas to enforce the Minimum Standard Rules for Licensed Child-Care Centers.

Section 13-121. Minimum Standards Adopted

The Minimum Standard Rules for Licensed Child-Care Centers of the state regulatory agency are hereby adopted within the corporate city limits of the City of Grand Prairie, Texas.

Section 13-122. Licensed Child Care Center General Requirements, Application Procedures, Plan Review, Permits.

(a) General Requirements:

- (1) Every person, association, institution, or corporation, whether for profit or nonprofit, who shall conduct or manager a child-care center and receive payment or benefits for such service shall obtain a permit from the regulatory authority.
- (2) The regulatory authority may approve or deny a permit to operate a child-care center. Upon approval, the regulatory authority shall collect the appropriate annual fee from the applicant and issue a permit, which will remain in effect unless suspended or revoked as herein provided.
- (3) In the event the regulatory authority shall refuse to grant a permit to any applicant, the provisions of section 13-124(d) shall govern any appeal of such denial. The reason(s) for such action shall be provided to the applicant in writing and details provided to correct the problem(s), if possible, which caused denial of the permit request.
- (4) Child-care centers shall have a regular sanitation inspection with a written report. Any corrections called for in the report shall be made.
- (5) This article shall not apply to the activities of the Boy Scouts of America, Girl Scouts, Cub Scouts, Brownies, Camp Fire Girls, Boys Choir, Girls Choir, Webelos, Key Link, YMCA youth activities, YWCA youth activities, Bluebirds, athletic groups (soccer, softball, baseball, football, basketball, cheerleading, or drill teams), or school-related organizations

(band, choir, publication staff, student council, drama club, or foreign language club), which are conducted at a permitted child care center.

(b) *Application Procedures:*

- (1) The commercial application and application fees must be submitted by the owner to the regulatory authority before construction may begin or operations may begin in existing centers. The application must be submitted on the forms provided by the regulatory authority by the owner or, if the applicant is a corporation, a duly authorized representative of said corporation.
 - (A) The application shall state the name, address, and age of the applicant and the commercial title and address of the child care center.
 - (B) The applicant is responsible for complying with all zoning, building, fire, and health ordinances of the City of Grand Prairie.
 - (C) A plot plan shall be submitted along with legal description and zoning status at the time of application. The plot plan shall indicate the square footage available to be used as a child-care center for children up to fourteen (14) years of age. The plot plan shall also indicate the dimensions of the lot and shall be in sufficient detail as to indicate required outside play areas.

(c) *Plan Review:*

- (1) Whenever a child-care center is constructed or extensively remodeled and whenever an existing structure is converted to use as a child-care center, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the regulatory authority for review and approval before construction, remodeling or conversion has begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans and construction materials of work areas and the type and model of proposed fixed equipment in centers. The regulatory authority shall approve the plans and specifications if they meet the requirements of the state regulatory authority and city ordinance.
- (2) Whenever plans and specifications are required to be submitted to the regulatory authority, the regulatory authority shall inspect the child-care center prior to beginning its operation to determine compliance with the approved plans and specifications and with the requirement of these rules.
- (3) Residential structures shall not be permitted as a child-care center.
- (4) The maximum number of children allowed is based upon the square footage of the child-care center. Thirty (30) square feet per child, excluding kitchen, restrooms, closets, and outdoor buildings, and at least

eighty (80) square feet of outdoor play areas shall be available for each child using the area at one time.

- (5) The outdoor activity space must have enough square footage to equal at least 25% of the licensed indoor capacity.
 - (A) If a child-care center was licensed prior to September 1, 2003, an exemption related to the outdoor activity space requirement will be granted. Any changes of ownership or new construction after September 1, 2003 shall meet the minimum standard rules for outdoor activity space.
- (6) The child-care center shall meet the Texas Department of State Health Services Texas Food Establishment Rules if food will be served at the center.
- (7) There shall be one flush toilet for every seventeen (17) children eighteen (18) months or older in a day care center:
 - (A) Urinals may be counted in the ratio of children to toilets but may not exceed fifty percent of the total number of toilets. Restrooms containing urinals shall also have flush toilets.
 - (B) Potty-chairs may be used but shall not be counted in the ratio of children to toilets.
 - (C) Free-standing diaper changing stations in infant and toddler areas shall have a hand sink, plumbed with hot and cold running water, located at the diapering station.
 - (D) Child-care centers providing over-night care shall provide bathtubs and/or showers.
- (8) Stairs and porches more than two (2) feet above the ground shall have railings the children can reach.
- (9) Outside play areas shall be surrounded by a fence with a minimum height of six (6) feet and shall be immediately adjacent to the center and located away from heavy traffic areas. Such fences shall be of a design to prevent entrapment hazards. Any child-care center operating an afterschool care program for children over four (4) years of age, in a public school building pursuant to a contract with any Independent School District shall be exempt from the fence requirements of this article upon filing a copy of the contract with the regulatory authority.
- (10) Outdoor play equipment shall be away from busy areas in the yard and securely anchored, unless portable by design.

- (11) Swimming pools shall be constructed, maintained, and comply with the State of Texas Regulations for Swimming Pools Texas Department of State Health Service's Standards for Public Swimming Pool and Spa.

(d) *Permits:*

- (1) The annual permit fee for child-care centers shall be thirty dollars (\$30.00) plus one dollar (\$1.00) per child over thirty (30), with fee to be based upon established licensed capacity. Fees are exempt for all city contract licensed child-care centers.
 - (A) One hundred dollars (\$100.00) application fee shall be charged for new or extensively remodeled child-care centers.
 - (B) Applicant shall present proof of insurance against liability for personal injury or death of any person on the premises along with the application.
- (2) The above fees shall be paid to the regulatory authority. All fees are nonrefundable and will not be prorated.
- (3) All permits when granted and issued shall be displayed in a place readily accessible for the inspection by the regulatory authority and any citizen. Permits issued hereunder shall be deemed personal to the permittee and shall not be assignable and may not be transferred from one location or from one place of business to another.
- (4) No permit shall be deemed to grant a vested or property right, but such permit shall remain subject to the terms and provisions of this article and subject to such future regulations as shall be promulgated by the city council by ordinance and any investment made by an applicant or permittee shall be made subject to this article.

Section 13-123. General Operations.

(a) *Personnel Records:*

- (1) The child-care centers personnel records must be available for inspection by the regulatory authority at all times.
- (2) Personnel shall have a record of a tuberculosis (TB) examination performed within 10 working days of employment. A record of a tuberculin test or chest X-ray examination with insignificant findings signed by a physician will comply with this standard. Subsequent tuberculosis examinations or tests are required only when recommended in writing by local or regional health authorities.

- (3) All child-care center staff shall have current cardio-pulmonary resuscitation (CPR) for infants and children and first aid certifications on file and available for inspection.
- (4) When children are present, persons whose behavior or health status endangers the health, safety, and well being of the children must not be allowed in the child-care center. Child care staff, employees and/or drivers, family members, visitors, parents, or other persons with symptoms of contagious disease, a physical or mental condition that would be harmful to the children, or who appears to be intoxicated must not be allowed in the facility while children are present.
- (5) The child-care centers director shall cause a criminal history check to be performed by the State of Texas regulatory agency for each employee. Copies of said request(s) shall be available for review by the regulatory authority. Until charges are dropped, no person with a conviction or who is under indictment for, or is the subject of an official criminal complaint that has been accepted by a county or district attorney alleging violation of any of the crimes listed in the state regulatory agency's Minimum Standard Rules for Licensed Child-Care Centers may be present while children are in care, unless it is determined by the state regulatory agency that the person does not pose a risk to the children in care. The regulatory authority shall be notified of any indictments or complaints within twenty-four (24) hours of awareness or by the next workday.

(b) *Fire/Emergency:*

- (1) In case of danger from fire, the first responsibility shall be the evacuation of the children.
- (2) All child-care centers shall have an annual fire inspection with a written report with the exception of child-care centers located in a public school building that the fire marshal has approved for public school use. Any corrections called for in the report shall be made.
- (3) New licensed child-care centers operating in local public schools shall have an initial inspection by the fire marshal. Subsequent inspections shall be conducted at the discretion of the fire marshal.
- (4) The child-care center shall have at least one fire extinguisher approved by the fire marshal. The fire extinguisher shall be checked annually and serviced if required. These shall be located where readily available.
- (5) A fire evacuation, severe weather, and relocation plan shall be posted in each room used by the children in a child-care center and all staff members shall be instructed as to what to do in an emergency. Fire drills shall be held monthly at different times during the center's operation using these plans.

- (6) The building shall permit children fast and safe exit within three (3) minutes in an emergency:
 - (A) A facility shall have at least two (2) exits to the outside located on different sides of the building.
 - (B) Doors opening into a fenced yard shall be easily opened from the inside by children. Doors between rooms shall not be locked while children are present.
 - (C) Doors and pathways shall not be blocked.
 - (7) Heating devices and their nearby areas shall not be allowed to present any fire hazards:
 - (A) Gas appliances shall have metal tubing and connections, unless otherwise approved by the fire marshal.
 - (B) Open flame space heaters are prohibited. Space heaters shall be enclosed and have the seal of approval of a testing laboratory approved by the fire marshal.
 - (C) Space heaters designed to be vented shall be vented to the outside as approved by the fire marshal.
 - (8) Combustible materials shall be kept away from light bulbs and other heat sources.
 - (9) Gas pipes shall be tested once every two years after a permit is issued by a Texas-licensed and city-registered plumber. A copy of the test report shall be available at the facility. Child care centers that are located in a public school building shall be exempt from the gas test requirement.
 - (10) Fire ordinances relevant to commercial child-care centers shall be the applicable standards for day care centers not operating for profit.
 - (11) Rooms must contain a smoke detector as recommended by the fire marshal.
 - (12) Child-care centers that have gas pipes must have carbon monoxide detectors as recommended by the fire marshal.
- (c) *Sanitation:*
- (1) The child-care center's buildings, grounds, and equipment shall be cleaned, repaired, and maintained to protect the health of the children.
 - (2) There shall be adequate light, ventilation, and heating in the facility.

- (3) Drinking water shall always be available to children. It shall be supplied in a safe and sanitary manner.
- (4) The temperature of any hot water available to the children shall be controlled by a thermostat at a minimum of 100 ° degrees Fahrenheit but no higher than 120° degrees Fahrenheit so it cannot scald. Afterschool care that is provided in all Independent School Districts shall be exempt from this requirement.
- (5) Trash, litter, and debris shall be kept in containers with tight lids away from children's areas and removed daily to an approved dumpster.

(d) Safety:

- (1) The building, grounds, and equipment shall be repaired and maintained to protect the safety of the children:
 - (A) Electric fans and heaters shall be mounted out of children's reach or have safeguards that keep children from being injured.
 - (B) Window air conditioners shall be installed so children cannot reach working parts. Where any volt window unit connection is within children's reach, a screen or guard shall protect the connections.

(e) Emergency Phone Numbers:

- (1) In addition to the state regulatory authority emergency phone numbers, licensed child care centers shall include the City of Grand Prairie Environmental Services Department number.
- (2) The telephone numbers of parents, four digit security codes, photographs of authorized persons that are able to pick children up, designated physicians, and staff members shall be in place accessible to the telephone and to all staff.

(f) Food Service:

- (1) Child-care centers shall have a regular food service inspection with a written report.
- (2) Staff that prepares food or washes dishes in day care centers must attend the food handler's course and obtain food handler certificates from the regulatory authority.
- (3) The child-care center shall maintain the grease trap or grease as required by City of Grand Prairie code of ordinance. The grease trap manifest or trip ticket shall be kept at the child-care center for at least two years and must be available for inspection at all times.

(g) *Use of Facility and Supervision:*

- (1) During the regular hours of operation of a child-care center, there shall not be more children at the facility than the state license allows.
- (2) If programs not subject to regulation use the same premises, the child-care center shall not use any space at the same time another program is using that space. The child-care center shall not have an interrupted food schedule if a common kitchen is used.

(h) *Enrollment:*

- (1) The child-care center's enrollment records shall be accessible to the staff and available for inspection by the regulatory authority at all times.
- (2) An enrollment agreement shall be obtained for each child prior to admission, filed at the child-care center, and the director shall be responsible for assuring that the terms of the agreement related to items (A)-(G) below are met. The agreement signed by the parents shall contain:
 - (A) Hours the child shall be in care. (Not to exceed twelve (12) hours except in an emergency.)
 - (B) Notarized emergency medical authorization.
 - (C) 4-digit security code.
 1. School-age children who leave the child-care center to go to classes and clubs shall have written permission from the parents. Parents shall specify the activity, time, and method of transportation.
 2. Photographs of the parents and other persons authorized to pick up the child shall be kept by the child-care center.
 3. It shall be the responsibility of the parent who is granted custody of the child to provide the child-care center with a copy of any custody decree or agreement should they request that the release authorization record be changed.
 - (D) A statement that the child will be released only to a parent or a person named by the parent.
 - (E) In any instance when the persons listed in item (C)(3) above cannot pick up the child, the procedures described herein shall be followed.

1. The parent or guardian shall phone the child-care center, shall identify themselves by using a four-digit security code, and shall designate who will pick the child up. The director or staff member shall check the child's enrollment record to verify the code number.
2. The person who picks up the child must identify themselves as follows:
 - (i) Shall present photo identification.
 - (ii) Shall present the parent's 4-digit security code.
 - (iii) The unlisted person shall sign child out.
 - (iv) The director or staff member shall photograph the person before they leave the child-care center. The center must provide an operational camera with film

(F) The procedure to release children to unlisted persons as required by the City of Grand Prairie shall be posted so that it is readily accessible to all staff.

(G) In the event that a child is found to be missing from a facility, the operator of the facility shall report such fact to the Grand Prairie Police Department and the City of Grand Prairie regulatory authority immediately.

(i) Infant and Preschooler Care:

- (1) Refrigeration used for storing infant formulas and milk in the infant/toddler rooms shall be commercial grade. Child-care centers that are presently using residential type refrigeration must upgrade to commercial refrigeration when the unit fails or if there is a change of ownership.
- (2) Caregivers shall use disposable, nonporous gloves when handling blood, vomit, or other bodily fluids that may contain blood and discard the gloves immediately after one use. Staff hands shall be washed before and after each diaper change.
- (3) Child care centers shall provide additional supplies (i.e., diapers, wipes, clothing) in case of emergencies for proper care of children.

(j) Evening and Night Care:

- (1) A child-care center offering evening or night care shall comply with any applicable fire and safety requirements for this type of care.

- (2) Children staying the night shall have the opportunity to bathe. When bathtubs or showers are used, preschool-age children shall be supervised. Privacy shall be ensured for school-age children. Tubs or showers shall be cleaned after each use. Children shall be provided fresh washcloths and towels.
- (3) Sleeping equipment shall be appropriate to the age and size of each child. Children in evening or night care shall be provided a bed or cot with a mattress or pad and a pillow:
 - (A) Pillows and mattresses shall have washable protective coverings.
 - (B) Each child shall have his or her own clean linens and cover.

(k) Transportation:

- (1) Any vehicle that is used to transport children shall have automotive liability insurance and a current inspection sticker.
- (2) All vehicles shall have a first aid kit, a fire extinguisher, notarized emergency medical authorizations, and a list of children being transported.

Section 13-124. Enforcement Section.

The Regulatory Authority shall have the authority and responsibility to enforce the provisions of this article and the state statutes when applicable regarding child care centers that are hereby adopted.

(a) Rights of the Regulatory Authority:

- (1) The regulatory authority shall have the authority to regularly inspect or visit all child care centers embraced within the provisions of this article, whether permitted or unpermitted, at all reasonable times necessary to ascertain if child care operations are being conducted in conformity with this article or if any conditions exist therein which require correction.
- (2) The regulatory authority shall have the authority to give written notice, on the premises, to the operators of permitted or unpermitted child care centers, pertaining to violation of and/or requirement to comply with the provisions of this article.
- (3) If unpermitted child care centers are found in operation, the regulatory authority shall have the authority to give written notice to the operator of said facility to cease child caring immediately.

(b) Authority to Suspend Permit-Written Notice Required:

- (1) The regulatory authority shall have the authority after giving written notice to suspend any permit if it is determined that violations of

immediate danger regarding construction of facility or on-premises buildings; toilet centers; sanitation; food preparation; storage and handling of chemicals or any harmful solution; child neglect; staff/caregivers criminal history; potential for injury or death; infectious diseases; hazards with outdoor play areas; vehicles used to transport children; failure to pay required fees; and failure to comply with all fire, zoning, building, and health codes, at the child care facility.

- (2) Suspension of the permit shall require the operator to cease all activities immediately and to bring the child care facility into compliance with directives from the regulatory authority within a prescribed time period. Failure to rectify designated problems at the child care facility shall lead to revocation of the permit.
- (c) *Authority to Revoke Permit-Written Notice Required:*
- (1) The regulatory authority shall have the authority to revoke any permit if it is determined that there is failure to comply with the provisions of this article, providing that the following procedure is followed:
 - (A) The regulatory authority, in writing by certified mail, shall call to the attention of the permittee the particulars and areas in which he/she or the child care facility failed to comply with the provisions of this article, and shall specify a reasonable time, not to exceed one (1) year, by which it is possible that the permittee can remedy said failure.
 - (B) If the permittee fails to comply with the provisions of this article within the time specified, said director shall give notice in writing to the operator, permittee, manager, or other person(s) in control of said child care facility that the permit issued for the operation of said child care facility is revoked.
- (d) *Appeal-Notice Required:*
- (1) The notice of revocation or denial of a permit shall become a final revocation after the expiration of ten (10) days from the date of service upon the permittee, operator, manager, or other person in charge of the child care facility in question, unless on or before the expiration of ten (10) calendar days the permittee or a duly authorized agent shall file with the regulatory authority a written appeal addressed to the city manager in which it is requested that the city manager grant a hearing upon the questions of whether or not the permit shall be revoked.
 - (2) Such appeal, if made and filed as prescribed in this section, shall operate as a stay or postponement of the revocation of the permit until such time as the city manager shall grant a hearing and make a final adjudication.

- (3) The hearing shall be held after the date of filing of such appeal. The action and judgment of the city manager, after hearing all the evidence and facts, shall be final and conclusive as to all parties.
- (4) Following revocation of the permit and support thereof by the city manager, the cited operator, manager, or other person(s) shall not be eligible to apply for a child care facility permit for a period of one (1) calendar year.

Section 13-125. Right of Entry: Inspection and Sampling.

The Regulatory Authority or their designated representative shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance or order issued hereunder. Users shall allow inspecting personnel ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Regulatory Authority will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (b) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected shall be promptly removed by the user at the written or verbal request of the Regulatory Authority and shall not be replaced. The costs of clearing such access shall be born by the user.
- (c) Unreasonable delays in allowing the inspecting or sampling personnel access to the user's premises shall be a violation of this ordinance.

Section 13-126. Search Warrants.

If the Regulatory Authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection program of the city designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Regulatory Authority may seek issuance of a search warrant from the appropriate court.

Section 13-127. Penalty - For violations; other remedies.

- (a) Any person, firm, or corporation who violates any provision of this article is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-8 of the Code of Ordinances of the City of Grand Prairie, or any amendment thereto or renumbering thereof, for violations of public health for each act of violation and for each day of violation.

- (b) Any person, firm, or corporation who obstructs, impedes, or interferes with a representative of the City, with a representative of a City department, with surveillance equipment, or with a person who has been ordered to abate a situation pursuant to this article and who is lawfully engaged in such abatement is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-8 of the Code of Ordinances of the City of Grand Prairie, or any amendment thereto or renumbering thereof, for violations of public health for each act of violation and for each day of violation.

- (c) In addition to proceeding under authority of subsections (a) and (b) of this section, the City is entitled to pursue all criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person, firm, or corporation that remains in violation of this article.