

CHAPTER 8.04: FAMILY DAY CARE HOMES

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Statutory reference:

Authority, see SDCL § 9-29-26

8.04.010 Definitions.

For the purposes of interpreting this chapter and in order to carry out the provisions and intentions of this chapter, certain words, terms, and phrases shall have the meaning set forth hereinafter:

A. **DOCUMENTED FIRE DRILLS.** A documented fire drill consists of recording the date of the fire drill(s) and keeping the record for 1 year.

B. **FAMILY DAY CARE HOME.** A facility providing care and supervision of children from more than 1 unrelated family, in a family home, on a

regular basis for part of a day as a supplement to regular parental care, for 7 or more children, but not greater than 12 children at any time, including children under the age of 6 years related to the owner, operator or manager thereof, without transfer of legal custody or placement for adoption.
(Ord. 2898 (part), 1991: prior code § 17-101)

8.04.020 Duty to comply.

Every owner, operator or manager of a family day care home shall comply with the requirements of this chapter at all times while the home is operated as a family day care facility.
(Ord. 2898 (part), 1991: prior code § 17-102)

8.04.030 Central registry screening.

All owners, operators or managers of family day care homes and any other person 18 years of age or older, providing care on a regular or substitute basis (more than 8 hours a week) or residing in a family day care home must be able to show proof of self-screening against South Dakota's Central Registry for Child Abuse Information and a criminal records history conducted by the Rapid City Police Department in order to verify that neither the owner, operator or manager nor above-designated care providers or persons living in the home have been convicted of a crime which would indicate harmful behavior towards children and conviction for crimes involving moral turpitude.
(Ord. 3142, 1994: Ord. 2898 (part), 1991: prior code § 17-103)

8.04.040 Location within residence—Windows and doors.

A. Family day care homes shall not be located above the first floor. Basements in family day care homes shall not be used for child care unless all usable rooms have 2 exits (rescue windows or doors).

B. Rescue windows shall be a minimum of 5.7 square feet in openable area with a minimum height of 24 inches and width of 20 inches. The sill of the window(s) shall not be more than 44 inches above the floor.

C. Doors utilized for exits must be at least 6 feet 8 inches high by 32 inches wide. No room or space may be occupied for living or sleeping purposes which is accessible only by a ladder, folding stairs or through a trap door.
(Ord. 2898 (part), 1991: prior code § 17-104)

8.04.050 Latches.

Every closet door latch shall be such that children can open the door from inside the closet. This provision shall be broadly interpreted to include stored equipment like refrigerators or freezers. Every bathroom door lock shall be designed to be opened from the outside in an emergency; the opening device shall be readily accessible to the staff.
(Ord. 2898 (part), 1991: prior code § 17-105)

8.04.060 Electrical.

The electrical wiring and fuses or breakers within the panel shall be appropriately sized for the load. Outlets for electrical appliances shall be grounded. Receptacles and outlets serviced by extension cord type wiring or multiplug devices are prohibited for high-wattage appliances such as television sets, coffee makers, microwaves and the like. Surge-protected electric bars may be used with low-wattage electrical appliances. Special protective receptacle covers shall be installed in all areas occupied by children.
(Ord. 2898 (part), 1991: prior code § 17-106)

8.04.070 Room heaters.

Unvented fuel-fired room heaters are prohibited from use in a family day care home. Any stoves or fuel-fired heaters in use in spaces occupied by children shall be separated from the space by partitions or screens.
(Ord. 2898 (part), 1991: prior code § 17-107)

8.04.080 Dangerous materials and objects.

Flammable and combustible liquids and poisonous materials shall be stored in a space accessible only to designated personnel. Firearms shall be unloaded and stored in a locked area. Firearms and ammunition shall be stored separately. All sharp kitchen utensils, matches and lighters shall be inaccessible to children.
(Ord. 2898 (part), 1991: prior code § 17-108)

8.04.090 Interior finishes.

Interior finishes in hallways, corridors and stairwells shall have a class A, B or C flame spread. Child-prepared artwork and teaching materials may be attached directly to any wall, but shall not exceed 20% of the surface of each wall.
(Ord. 2898 (part), 1991: prior code § 17-109)

8.04.100 Fire barriers.

Where a family day care is located in a building containing mixed occupancies, the occupancies shall be separated by 1-hour fire barriers. If the 2 required exit accesses from the home enter the same corridor, the exit accesses shall be separated in the corridor by a smoke barrier having not less than 1-hour fire resistance rating. The smoke barrier shall be so located that there is an exit on each side of it. The door in the smoke barrier shall not be less than 36 inches wide. The door assembly in the smoke barrier shall have a fire protection rating of at least 20 minutes and shall be self-closing or automatic closing.
(Ord. 2898 (part), 1991: prior code § 17-110)

8.04.110 Smoke detectors.

A smoke detector shall be provided on each occupied floor and in each day care nap room. Where the family day care home is located within a building of another occupancy, such as an apartment or office building, any corridors serving the family day care home shall be provided with an electrically operated smoke detection system with the placement of detectors at no greater than 30 feet spacing. Electrically-operated smoke detection systems are also required where battery-operated systems have failed due to lack of care. In all other situations battery-operated units are permissible.

(Ord. 2898 (part), 1991: prior code § 17-111)

8.04.120 Fire extinguishers—Fire drills—Flashlights.

An ABC-rated fire extinguisher shall be provided on the main level. The placement of the extinguisher shall be part of the approved evacuation plan. The family day care must conduct at least 4 documented fire drills each year. At least 1 operable flashlight shall be provided in a location accessible to the staff.

(Ord. 2898 (part), 1991: prior code § 17-112)

8.04.130 Preventive infestation measures.

A family day care provider shall take effective measures to minimize the presence of rodents and insects on the premises. Doors and windows for outside ventilation must be screened.

(Ord. 2898 (part), 1991: prior code § 17-113)

8.04.140 Water supply.

The water supply shall be derived from a public water system or from one approved by the Department of Water and Natural Resources. Sewage shall be disposed of by means of a public sewage disposal system or an approved septic system.

(Ord. 2898 (part), 1991: prior code § 17-114)

8.04.150 Play area.

A. Play space of not less than 35 square feet per child shall be provided. Play space shall not include floor space used for permanent and stationary equipment, storage, halls, bathrooms, offices and kitchens. Not more than half of the space occupied by cribs shall be used in determining total square feet of play space.

B. A fenced-in play area of not less than 50 square feet per child shall be provided. The fence shall have a minimum height of 42 inches. If an outdoor play area is not provided, play space provided shall not be less than 70 square feet per child. Any outdoor area in which children are permitted to play shall be fenced. The height and location of existing fences of family day care homes currently operating under an approved conditional use permit as of the effective date of the ordinance codified in this chapter are deemed to meet the requirements of this subsection.

(Ord. 3760 (part), 2001: Ord. 2898 (part), 1991: prior code § 17-115)

8.04.160 Parking and unloading areas.

Appropriate parking and unloading areas shall be provided for all family day care homes. Criteria on which appropriateness is determined shall include:

- A. Schedule of facility operation;
- B. Number of children served by the facility;
- C. Location of parking and unloading facilities relative to the structure and its entrances; and
- D. Proximity of the facility to major streets.

(Ord. 2898 (part), 1991: prior code § 17-116)

8.04.170 Compliance with zoning code.

Compliance with the zoning code is a continuing requirement of this chapter applicable to all family day care homes regulated under this chapter.

(Ord. 2898 (part), 1991: prior code § 17-117)

8.04.180 Violations.

A. Whenever any family day care home regulated by this chapter is being used or operated contrary to the provisions of this chapter, the authorized representative of the city, which includes the Fire Chief, the Building Official, or a designee of these officials, may order the use discontinued within the time prescribed by the authorized representative, after receipt by the owner, operator or manager of the notice to make the family day care home, or portion thereof, comply with the requirements of this chapter.

B. This chapter shall not be construed to relieve or lessen the responsibility of any person owning, operating or controlling any family day care home for any damages to persons or property caused by defects, nor shall the ordinance enforcement agency or the city be held to assume any liability by reason of any inspections conducted to enforce this chapter or any certificates of inspections issued.

(Ord. 2898 (part), 1991: prior code § 17-118)