

ORDINANCE NO. 19580

AN ORDINANCE AMENDING CHAPTER 14, ARTICLES I, II AND III OF THE OKLAHOMA CITY MUNICIPAL CODE, 1980, PERTAINING TO CHILD CARE CENTERS; PROVIDING FOR MINIMUM STANDARDS; PROVIDING FOR LICENSING; PROVIDING FOR ENFORCEMENT; PROVIDING FOR INSPECTIONS; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. Chapter 14, Article I of the Oklahoma City Municipal Code, 1980, is hereby amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 14-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) Basement shall mean that portion of a building or structure having one-half or more of its clear height below the ground level.
- (2) Council shall mean the governing or legislative authority of The City of Oklahoma City.
- (3) Child care center shall mean nursery as defined in this section.
- ~~(2)~~(4) Day care center shall mean nursery as defined in this section.
- ~~(3)~~(5) Director shall mean the ~~Director~~ Chief Executive Officer of the City-County Health Department or his designated representative.
- ~~(4)~~(6) Electrical appliance shall mean any device which utilizes electricity to produce light, heat or power.
- ~~(5)~~(7) Exit shall mean a means of egress which is specifically designed for that purpose giving access from one floor to another or to the ground level outside the building.
- ~~(6)~~(8) Fire Chief shall mean the Chief of the Fire Department or his designated representative.
- ~~(7)~~(9) Gas appliance shall mean any device which utilizes gas fuel to produce light, heat or power.
- (10) Licensee shall mean any person licensed to operate a nursery as defined in this chapter.
- ~~(8)~~(11) Nursery shall mean, except as otherwise provided for in this chapter, any day nursery, nursery school, foster home, or preschool or any place, home or institution which receives six (6) or more children under the age of eighteen (18) years, and not of common parentage, for foster care apart from their natural parents, legal guardians or custodians, when received for periods which total more than four (4) hours in a twenty-four (24) hour calendar day whether for compensation or not. This chapter does not apply to any location where such care is provided for only one (1) day per week and for less than six (6) hours.
- (12) Operator shall mean an owner or designated person in charge of the nursery facility or if no one person is in charge any employee or individual providing care at the nursery location.

Sec. 14-2. Scope.

The provisions of this chapter shall apply to any type of establishment outside of the child's own home, but shall not apply to the custody of any child or children

of legal age school age, as set forth in title 70 of Oklahoma state statutes as amended or superseded, in a public or private school organized, operated, or approved under the laws of this State or to those whose custody is fixed by a court of competent jurisdiction, or to children related by blood or marriage within the third degree to the custodial person, or to churches or religious institutions caring for children while their parents or legal guardians are attending church services or engaged in church activities.

Sec. 14-3. Compliance.

No person shall operate or maintain a nursery subject to the terms of this chapter unless such nursery conforms to the requirements, specifications, and provisions of all ordinances.

Sec. 14-4. Enforcement.

Except as otherwise provided in this chapter, the Director shall enforce the provisions of this chapter. The Director shall perform all acts and duties necessary to secure strict enforcement of this chapter, and for such purpose the Director shall provide for reasonable inspections. In addition, the Director shall have power to enter every building, room, basement, cellar occupied, or used, or suspected of being occupied or used for purposes that fall within this chapter as a nursery. The Director shall propose to the City Council for adoption in the form of an ordinance such as minimum standards for nurseries as he may deem necessary or advisable to protect the health, safety, and general welfare of the public. Not less than sixty (60) days' notice by ordinary mail shall be given to all licensees before any changes are made in such standards.

Sec. 14-5. Inspections.

The Director shall investigate all nurseries licensed under this chapter as often as he shall deem necessary for the adequate supervision thereof, and he shall have the right to enter all such places any reasonable time for the purpose of making such investigation. Acceptance of a license shall constitute expressed consent to such inspections.

Cross reference - Inspections generally, 2-66 et seq.

Sec. 14-6. Violations.

(a) Any person who shall violate any of the provisions of this chapter shall be guilty of an offense for each such violation. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue. The application of such penalty shall not be held to prevent the enforced removal of prohibited conditions. Each day a violation exists shall constitute a separate violation and is subject to all penalties therein.

(b) Any person who shall violate any of the provisions of this chapter shall be guilty of an offense against The City and upon conviction thereof shall be subject to costs and to a fine not to exceed the sum of one hundred dollars (\$100.00) for the first or second conviction of the same offense, or a fine of five hundred dollars (\$500.00) or imprisonment in the City Jail for a term not to exceed ninety (90) days, or both such fine and imprisonment for third or subsequent violations of the same offense.

Secs. 14-7-14-20. Reserved.

SECTION 2. Chapter 14, Article II of the Oklahoma City Municipal Code, 1980, is hereby amended to read as follows:

ARTICLE II. LICENSE

DIVISION 1. GENERALLY

Sec. 14-21. Required.

(a) No person shall open, operate or maintain a nursery without first having obtained a license to do so from The Supervisor of License.

(b) Prior to issuance of a license, written approval must be obtained from: The City of Oklahoma City Board of Adjustment, Oklahoma City Fire Department, the Oklahoma Department of Human Services, and the Oklahoma City-County Health Department.

*Cross reference - Licenses generally, 26-1 et. seq.

Sec. 14-22. Application and investigation.

(a) Written application to Supervisor of Licenses Oklahoma City-County Health Department. An application for a license shall be made in writing to the Supervisor of Licenses Director of the Oklahoma City-County Health Department, on forms prescribed by the Director. Applications must be filed 30 days before the proposed change of ownership of an existing center, and 60 days before the proposed opening of a new center.

(b) Investigation by Director. The application shall be referred to the Director, who shall cause strict inquiry and investigation to be made regarding the fitness, character and reputation of the applicant, owner and other operators, the suitability of the accommodations including adequate facilities, cleanliness, ventilation, heating, lighting, location, and all other matters pertinent to the health, safety, and general welfare of the public.

(c) Any change in information regarding the designated operator or person in charge needs to be communicated in writing within 10 days of change to the Institutional Health Division of Oklahoma City-County Health Department.

~~(e)~~(d) Authority of Director to approve or disapprove. The Director shall have full authority to approve or disapprove the issuance of a license based on the findings of his investigation and subject to procedures set forth in Section 14-25.

Sec. 14-23. Fee.

Prior to the issuance of a nursery license the applicant for same shall pay to The City the fee established by ordinance. Copies of such ordinance are on file in the Office of the City Clerk. The license fee shall not be prorated for any fraction of a year.

Sec. 14-24. Records and reports.

Every licensee shall keep and maintain such records and make such reports to the Director as he may reasonably require upon such forms as he may prescribe.

Sec. 14-25. Revocation, suspension or denial.

(a) Revocation or suspension. If the Director, by his inspections, observes violations of any ordinance sufficient to warrant revocation or suspension of a nursery license, written notice of revocation and the grounds therefor shall be delivered to the licensee, designated operator, or person in charge on premises, either by registered mail or personal service. The Director shall thereupon schedule a hearing on the matter before the Board of Governors For Nurseries at a regular scheduled meeting not less than thirty (30) days from the date of receipt of the notice of revocation.

(b) Denial or nonrenewal. If the Director, based upon his findings as set forth above, determines that a license shall not be issued or renewed, he shall then issue to the operator a written notice of denial or nonrenewal. The procedure for hearing on said notice and any appeal therefrom shall be the same as for a notice of revocation.

(c) Hearing. The Board of Governors, at a hearing, shall consider the evidence of the Director and that of the operator. Upon consideration, the Board may revoke or suspend the license, grant additional time for the licensee to comply with the provisions of the ordinance being violated or modify or reverse any decision of the Director. Every ruling shall be accompanied by a written finding of facts based on the evidence received at the hearing and shall indicate the vote upon the decision.

(d) Appeal. An appeal from any order of the Board of Governors revoking or suspending any license issued under this Article or denying the issuance or renewal of a license may be had by any person aggrieved thereby by filing with the Clerk of the Council within ten (10) days from the date of the revocation, suspension, nonrenewal or denial, a written notice of appeal. The Clerk shall thereupon set the matter for a hearing before the Council and shall notify the appellant by registered mail of the time and date when the matter will be heard.

(e) Records to be forwarded. Upon filing of the notice of appeal, the Director and the Board of Governors shall forthwith transmit to the Clerk all their records and orders pertaining thereto.

(f) Council action. The Council, after hearing the matter in a summary manner, may sustain, reverse or modify the order of the Board of Governors in accordance with the provisions of this chapter.

Sec. 14-26--14-35. Reserved.

DIVISION 2. BOARD OF GOVERNORS

Sec. 14-36. Created.

There is hereby created a Board of Governors For Nurseries.

Sec. 14-37. Status.

The Board of Governors For Nurseries shall be a part of the Division of Public Affairs.

Charter reference - Division of Public Affairs, Art. IV, 5,6.

Sec. 14-38. Members.

(a) The Board of Governors For Nurseries shall consist of the following members:

- (1) The Chief of the Fire Department or his designate;
- (2) The Community Development Director or his designate;
- (3) Two (2) licensed day care center operators;
- (4) One person from the licensed ministry associated with a church not having a day care center.

(b) That part of the membership composed of City employees shall not have a fixed term. All other members of the Board of Governors shall be appointed by the Mayor and approved by the Council to serve a term of three (3) years, without compensation, except that of the members initially appointed by the Mayor, one day care center operator shall serve a term of one (1) year and the licensed minister shall serve a term of two (2) years in order that members of the Board shall serve staggered three-year terms.

Charter reference - Appointment of members to boards commission, etc., Division of Public Affairs, Art. IV, §6.

Sec. 14-39. Meeting.

The Board of Governors For Nurseries shall hold regularly scheduled monthly meetings which shall be open to the public. The Board of Governors shall adopt and enforce rules and regulations for the orderly conduct of its affairs so far as they are not inconsistent with other provisions of this Code. Four (4) members of the Board shall constitute a quorum for the transaction of business.

State law reference - Oklahoma Open Meetings Act, 25 O.S. 300 et seq.

Cross reference - Boards and commission generally, 2-411 et seq.

Secs. 14-40--14-50. Reserved.

SECTION 3. Chapter 14, Article III of the Oklahoma City Municipal Code, 1980, is hereby amended to read as follows:

ARTICLE III. MINIMUM STANDARDS

Sec. 14-51. Scope and compliance.

The provisions of this article shall be applicable to nurseries. All applicants for a license under this chapter shall comply with this article and no license shall be issued, continued, or reissued unless such compliance is shown.

Sec. 14-52. Physical facilities.

(a) Indoor space. There shall be minimum indoor space of thirty-five (35) square feet of floor area per child exclusive of hallways, bathrooms, kitchen and space occupied by furniture not for the children's use. The area of each room shall determine the number of children to occupy that room. Structures currently licensed under a thirty (30) square feet per child requirement shall not be affected by the requirement of the provisions of this subsection unless the facility is constructed, substantially altered, added to, converted, sold, or leased after July 29, 1975.

(b) Outdoor play space:

(1) Except as otherwise provided below, nurseries must provide a minimum outdoor play space of seventy-five (75) square feet per child for the total licensed capacity. This applies to centers starting or expanding after July 2, 1970:

(a) When nurseries are licensed for twenty-four (24) or more children, they must provide outdoor play space of seventy-five (75) square feet per child for at least one-third of licensed capacity of the center or a minimum of one thousand eight hundred (1,800) square feet, whichever is greater.

(b) Nurseries licensed for twenty-four (24) or more children providing outdoor play space of less than seventy-five (75) square feet per child must:

1. Plan a time schedule ~~to show~~ showing when every each group of children ~~is will be~~ outdoors. so that Weather permitting, every child has must have an opportunity for outdoor play every day.

~~2. Submit a copy of the current schedule to the Department.~~

~~2.2.~~ Post a copy of the current schedule in the day care center so that parents and staff are aware of the outdoor play periods.

(2) The outdoor play space shall:

a. Be safely accessible from indoors.

b. Be free from hazards.

c. Have more than one type of texture, (for example: climbing, swinging or sliding apparatus over a hard surface such as concrete or blacktop must have at least six (6) inches of impact absorbing material maintained under and around apparatus to provide safe landing spaces for the children).

d. Have some shade provided.

e. Be fenced, except that when care is provided only for children over five (5) years of age, fencing is not required on all sides if properly protected from traffic. The fence shall:

1. Begin at ground level.

2. Be at least forty-eight (48) inches high.

3. Maintained in a stable, secure upright condition so that children are kept in and animals kept out.

- f. Be free from weeds, tall grass, untrimmed shrubbery, to prevent vermin and insect infestation.
- (c) Toilets. Bathroom facilities shall be suitable, adequate and easily available to the children. There shall be a ratio of one toilet and one sink to fifteen (15) children. Urinals are acceptable but may not be counted as meeting the ratio of toilets. Potty chairs may supplement toilets for emergency purposes. These must be emptied and sanitized immediately after each use. Bathrooms must contain operable flushing toilets and sinks in good repair. Any room where diapers are changed must have a diaper changing table or surface. Hot and cold running water must be either from an adjacent operating sink or a bathroom that opens directly into the room from the changing table or surface.
- (d) Lavatories. Handwashing facilities shall be provided at a ratio of not less than one lavatory to each required toilet. There shall be (Temp. not to exceed 105°F.) hot and cold running water, and soap, and disposable paper towels not cloth towels. A separate handwash sink shall be provided in the food preparation area and adequately supplied with soap and sanitary towels or hand drying device. Those centers which were originally designed as a family residence and having the licensed capacity of 15 or less children shall be deemed in compliance if handwashing facilities are located on the same floor or in a bathroom on the same floor.
- (e) Individual supplies; water. Clean, individual wash cloths, disposable towels and drinking cups shall be provided. The water supply must meet standards established by the State Department of Health.
- (f) Rest and beds. Arrangements for rest shall be provided. There shall be an individual cot or bed with individual bedding for each child who remains more than five (5) consecutive hours in the nursery. Cots shall be covered and be maintained and stored in a sanitary condition at all times. Cots and/or beds shall be arranged in an alternating head-foot position and spaced at least two (2) feet apart. Cribs and cots shall be labeled by name or number so each child receives the same cot. Cots shall be kept in good repair and replaced or recovered as needed. Extra sheets and blankets shall be available.
- (g) Heating facilities. Heating facilities shall present no hazard to the health and safety of the children. Appropriate guards shall be placed around radiators and floor furnaces. Unguarded open-faced heaters and fires in fireplaces are not permitted. Any gas heating appliance shall have a closed combustion chamber and shall be vented. The nursery shall also comply with all Oklahoma City fire ordinances and regulations.
- (h) Adequate quarters required. All quarters occupied by children shall be adequately heated, lighted, and ventilated.
- (i) Heating standards. The heating plant shall be adequate to maintain temperature of seventy-two (72) degrees Fahrenheit twenty-four (24) inches from the floor in severe weather in all rooms used for children. ~~and capable of maintaining a temperature of seventy-five (75) degrees Fahrenheit in nurseries twenty-four inches from the floor.~~ An adequate thermometer ~~should~~ shall be provided for measuring room temperatures. Air conditioned facilities shall maintain a maximum temperature of eighty (80) degrees Fahrenheit when the outside ambient air temperature is above eighty (80) degrees Fahrenheit. The recommended minimum lighting is twenty-five (25) to thirty-five (35) foot-candle power. Rooms shall be relatively free from moisture condensation.
- (j) Sickroom. There shall be a room or space available in which children who become ill in the nursery may be cared for until a parent or guardian arrives. This space may be used by others when not in use by sick children.
- (k) Telephone. There shall be a telephone located within the nursery. Pay telephones are not acceptable. A list of emergency numbers shall be posted by the telephone. These are the Fire Department, Police Department, ambulance service, and the name and address of a physician, hospital and/or a clinic, poison control and name, address and phone number of the day care center.
- (l) Dangerous substances. Medicines, cleaning solvents, poisons, firearms, sharp pointed scissors and other potentially dangerous substances and

instruments shall be kept in areas inaccessible to the children. Poisonous or toxic materials shall not be stored with or above food, food equipment, utensils or single-service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at dishwashing stations, or laundry facilities.

(m) Kitchen. The kitchen shall be a separate area for the preparation of food and the cleaning and sanitizing of dishes and utensils, and arranged in such a way to discourage easy access to children. Children shall not be allowed there while food is being prepared except as part of a planned, supervised learning experience. The kitchen shall be maintained reasonably free of moisture condensation and shall be easily cleaned and provided with hot and cold running water. Food preparation and service shall comply with the standards established by the State Department of Health City of Oklahoma City for public eating establishments except for those operated as family day care homes. One of the following methods of treatment of the eating and drinking utensils shall be utilized:

- (1) A three-compartment sink permanently installed and connected to a common drain. Utensils are washed in the first compartment, rinsed in plain water in the second, and immersed in the sterilizing sanitizing medium in the third compartment. Do not wipe the utensils after sterilization sanitization.
- (2) A commercial type dishwasher equipped with a built-in heating element capable of heating water in rinse cycle to one hundred eighty (180) degrees Fahrenheit without turning up the thermostat in the regular hot water tank past one hundred thirty-five (135) degrees Fahrenheit; provided that this section is inapplicable to existing facilities having operable domestic or commercial dishwashers which adequately sanitize by heat or chemical to meet City of Oklahoma City standards for food service establishments. Test kits or thermometers must be provided to ensure compliance with the food service code.

~~(j)~~(n) Use of paper or plastic throw-away eating and drinking utensils. No washing or reuse of single-service bowls, plates, spoons, forks, or cups is permitted. All single service items must be disposed of immediately after use. All cooking utensils, serving spoons etc, must still be washed and sanitized in accordance with Section 14-52 (m) Kitchen, numbers (1) or (2).

~~(n)~~(o) Drinking water. Drinking water shall be provided through sanitary drinking fountains or individual cups. Individual cups must be single service disposable cups or re-useable cups sanitized after each use. The use of a common drinking cup is prohibited.

~~(o)~~(p) Paper cups and towels. Sanitary dispensing and approved disposal units shall be provided for cups (paper) and towels.

~~(p)~~(q) Plumbing. No plumbing fixture or other device which provides a connection between a drinking water supply and a drainage, soil waste or sewer pipe so as to make possible the backflow of sewage or waste water into water supply system, shall be installed or be permitted to exist. Water that has been used for cooking or for any other purpose shall not be returned to the system. All piping and fixtures shall be kept clean and in good repair. All plumbing shall comply with city plumbing ordinances and codes.

~~(q)~~(r) Ventilation. Kitchen, bathrooms, and service rooms shall be so located and ventilated by window or mechanical means through a vent leading directly to the outside as to prevent offensive odors from entering other rooms in the building. In any facility not equipped with central heat and central air conditioning of sufficient rated capacity to provide comfort in all areas, then the rooms in which children eat, sleep or play shall have outside windows which are easily opened and closed (without resorting to props) to provide proper cross ventilation.

~~(r)~~(s) Water supply. The water supply shall be obtained from a source which is properly located, constructed, and operated to protect it from contamination and

pollution. Water shall meet current standards set up by the State Department of Health as to bacteriological, chemical and physical tests for purity.

~~(s)~~(t) Sewage. Sewage shall be discharged into The City sewage system where such a system is available; otherwise, the sewage shall be collected, treated and disposed of in an independent sewage system which complies with the requirements of the State Department of Health.

~~(t)~~(u) Garbage and refuse. All garbage and refuse shall be collected, stored, and disposed of in a manner that will not create a nuisance, provide a breeding place for flies or a harbor for rats. All containers for garbage and refuse shall be watertight, have tight-fitting covers and be fly and rodent proof. Garbage containers shall be kept clean.

~~(u)~~(v) Equipment. The equipment of a nursery shall be of such size and type that is appropriate to the child's physical needs. An adequate number of tables and chairs shall be provided for children at meal time and for table-play activity. There shall be equipment to keep each child's clothing separate from that of other children.

~~(v)~~(w) Safety and Sanitation.

The Day Care Center shall:

1. Maintain a structurally sound interior and exterior in good repair. Maintain walls and ceilings free from holes, peeling paper and paint;
2. Maintain floors free of grossly broken and/or missing tile, torn carpet or holes;
3. Maintain windows and doors free of broken glass and/or other hazards;
4. Maintain window and door screens to minimize entry of insects;
5. Maintain screens on windows and doors when open for ventilation purposes;
6. Provide self closing apparatus on all screen doors and storm doors;
7. Be clean and sanitary at all times and free of offensive odors;
 - a. Clean-up spills and soil immediately;
 - b. Sweep and/or mop floors daily;
 - c. Vacuum carpets and do spot cleaning as needed;
 - d. Wet scrub carpet when visibly soiled;
 - e. Spot clean and/or scrub walls and ceilings when visibly soiled;
8. Be kept free of vermin infestation;
9. Be free of hazards.

Sec. 14-53. Care of infants and toddlers.

- (a) Cribs, play pens. Each infant and toddler shall be provided with a separate crib, cot and/or play pen. The mattresses and play pen pads shall be covered with a waterproof, impermeable, washable material and maintained in good condition.
- (b) Space requirement. Cots, cribs and/or play pens must be at least two (2) feet apart on all sides.
- (c) Crib sheets. Crib sheets shall be changed daily and whenever soiled.
- (d) Individual supplies. There shall be provisions made for an adequate supply of individual diapers, clothing, powder, oil, etc.
- (e) Formula and food. Sufficient formula, food, sterilized water, juice, etc., should be furnished by individual parent or guardian. All bottles, nipples, and

bottle covers shall be washed, rinsed and well drained. Formulas shall be clearly labeled and refrigerated until used. When formula or infant food is furnished or prepared by the nursery, it shall be prescribed by a physician and adequate sterilization methods shall be used. Infants should shall be held while being fed. Bottles shall not be propped by any means at any time. All baby food and bottles must be labeled with the child's name.

(f) Diapers. There shall be closed containers for dirty diapers and clothing. Shelves shall be maintained at adult height for storage of equipment and supplies.

(g) Hygiene. Any person preparing food in a day care center may not work in a class where diapers are changed. In an emergency, the food handler may work in any class after the noon meal as long as no further food preparation is done. Attendants shall wash hands before and after handling the infant and after each rinsing of soiled diapers. Diapers shall be changed promptly and buttocks shall be thoroughly cleansed and dried. The child's buttocks must be washed with a cloth that is not used for any other purposes and these cloths placed in a closed container. Only freshly laundered or clean disposable diapers shall be put on the child. Soiled diapers shall be rinsed and placed in covered containers immediately following changing of the child. A changing table with a clean and moisture proof surface shall be used when diapers are changed. The surface must be sanitized after each diaper change. Only diaper changing items are allowed on the changing surface. No other items (i.e. food, toys, etc.) are to be present at any time.

(h) Play. Infants and toddlers shall have opportunity throughout the day for play outside the crib or play pen for creeping and crawling, also opportunity for large muscle exercise.

(i) Treatment. Each child shall be considered as an individual and provided patient, understanding, consistent and loving guidance.

(j) Discipline. Constructive methods of guidance and discipline shall be utilized. Loud, profane or abusive language shall not be used. Corporal punishment shall not be used. Corporal punishment is infliction of physical pain. Shaming, frightening, and humiliating methods shall not be used. Punishment shall not be associated with rest, toilet training, or loss of food. Any person convicted of assault and battery, beating, physical violence, or otherwise abusing children shall be restricted from the premises of a nursery.

Sec. 14-54. Health Program.

(a) Immunizations. Nursery operators shall within a month after entry require parents or guardians to submit to the director day care center a statement from a duly licensed physician indicating the extent of their child's immunizations prior to or upon entry to the nursery. If immunizations have not been completed, they must be and evidence so presented. However, any minor child, through his parent or guardian, may submit to the nursery operator who shall forward to the Director a certificate from a licensed physician stating that the physical condition of the child is such that immunization would endanger the life or health of the child, or a written statement by the parent or guardian objecting to such immunizations. In such case, said child shall be exempt from the immunization requirement.

(b) Sick children. Each child must be carefully observed by staff members for symptoms of illness or abuse. Ill children are not to be accepted for care in a nursery unless the parents present a statement from their attending physician that the child is not suffering from an infectious, contagious, or communicable disease. Any child showing symptoms of illness should be separated from the group and if his appearance warrants, parents or the child's physician shall be notified. A child showing evidence of abuse shall be reported to the appropriate legal authority. Operators must notify Oklahoma City-County Health Department when one case of hepatitis, meningitis, shigella, giardiasis, measles, rubeola, whooping cough, tuberculosis, or any haemophilus influenza invasive disease is identified in any person associated with the center and with clustering or grouping of any other illnesses or diseases.

- (c) Emergency treatment. A plan for emergency treatment for severe injury or acute illness shall be written and prominently displayed in the nursery. This written notice shall state the name of the physician and/or clinic, including address and telephone number, the nursery director will contact.
- (d) Medication, requirement. No medication shall be administered by the operator or his employees except under the following conditions:
- (1) The parent or guardian of the child requesting that prescription medication be administered as directed by the prescription label on the container must make such a request in writing. Where such prescription medication is to be given, the parent or guardian must present a statement from the attending physician to the effect that the child is not suffering from an infectious, contagious, or communicable disease. Such written requests from the parent or guardian and a statement from the attending physician must be kept on file for a period of not less than six (6) months following the date of the incident.
 - (2) The statement from the attending physician relative to the child's ability to transmit disease to others shall identify the child by name, include a statement relative to communicability of the condition, and be dated.
 - (3) The operator and his employees are not to administer medications such as aspirin, proprietary or patent medicine, or other home remedies to children cared for in the nursery unless requested to do so by the parent or guardian. For the protection of the operator of the nursery, it is suggested that such requests be in writing with the signature of the parent or guardian.
 - (4) All medication provided must be clearly labeled with the child's full name, date and direction for the proper amount (dose) and time to be administered. All medications shall be kept in a safe place and out of reach of children. In order to avoid duplication, it is recommended that one person be assigned the responsibility of giving medication.
- (e) Medication, must be prescribed. No medication shall be given except the medication being administered as part of a prescribed therapeutic treatment. In this instance the parent or guardian shall bring the child's medicine.
- (f) First-aid kit. A first-aid kit shall be available at all times. Approved The minimum required contents are as follows:
- (1) Demasurgical antibacterial skin cleaner. (example: Hydrogen peroxide)
 - (2) Band-aids, nonmedicated.
 - (3) Sterile nonstick gauze pads, three (3) inches by three (3) inches, individually packaged.
 - (4) Gauze bandages, one-inch and two-inch rolls.
 - (5) Cotton balls, for cleansing purposes.
 - (6) Adhesive tape.
 - (7) Blunt scissors.
 - (8) Bottle of liquid soap.
- (g) Staff education. It is recommended that an ongoing educational program be provided for new staff members concerning early signs and symptoms of illness and first-aid treatment.

Sec. 14-55. Food and nutrition.

(a) Meals. Children remaining in the nursery for longer than a four-hour period shall be served a balanced meal which shall provide at least one-third of the child's total daily nutritive requirement as established by the National Research Council, Food and Nutrition Board of the National Academy of Science.

(b) Menus. Menus shall be posted one week in advance so that parents can be made aware of food being provided their children. Such menus shall be closely followed although reasonable substitutions are permissible.

(c) Snacks. Snacks shall be provided both mid-morning and mid-afternoon when the interval between regular meals is four (4) hours or longer. Many children require small quantities of food between meals in order to prevent fatigue.

Sec. 14-56. Transportation.

(a) License and inspection. Where transportation is furnished by the nursery, the driver of the vehicle in which a child/children is are transported to and from a nursery shall possess the appropriate license to operate a motor vehicle in the State of Oklahoma. Assurance shall be made that the vehicle used is inspected in accordance with the State law. The vehicle used for transportation shall be covered by passenger medical and liability insurance, and comply with all current Oklahoma laws relating to child passenger restraint systems and seat belts.

(b) Safe conduct. There must be provided safe conduct to and from all cars and safe off-street loading space so that the children are protected from backing cars, from being between cars, and from all traffic hazards.

(c) Individual seating. Children in any vehicle shall be provided an individual seating space.

(d) Vehicles containing children shall never be left unattended.

(e) Each vehicle operated by a center for transportation of children shall have doors locked. The driver shall be responsible for keeping the doors locked whenever the vehicle is moving.

~~(d)(f)~~ Staff ratio. The staff ratio in the vehicle shall be the same as in the nursery.

~~(e)(g)~~ Driver, how counted. When children up to but not including age four (4) are transported in any vehicle, the driver shall not be counted as a staff member.

~~(f)(h)~~ Open vehicles prohibited. Open vehicles, ~~i.e.,~~ pickup beds, etc., shall not be considered as proper transportation.

Sec. 14-57. Construction and fire safety.

(a) Standards. New construction, additions to or any major alterations to an existing structure, the selling or leasing of a structure existing as of July 29, 1985, or conversion of a building existing as of July 29, 1985, shall conform to the following standards:

(1) Current Oklahoma City Building Codes.

(2) Current Oklahoma City Fire Codes.

(3) NFPA #101 as adopted by The Oklahoma City Fire Code.

~~(4)~~ The ~~location~~ of a building shall be considered in relation to available water and fire-fighting facilities and to hazardous or potentially dangerous conditions or structures.

~~(2)~~ Any floor above ground floor shall not be used without prior approval by the local fire and health authorities.

- (3) Buildings over two (2) stories in height shall not be approved unless they are constructed entirely of fire resistive material (e.g., masonry and steel) or contain an approved automatic sprinkler system throughout the building.
- (4) Basements may not be used, except as described in other sections of these standards.
- (5) The interior and exterior of all buildings shall comply with the City's building code and fire prevention code.
- (6) The use of fiber board for ceilings or wall covering is prohibited.
- (7)(4) The use of mobile homes for nurseries is prohibited.

(b) Fire protection. Buildings in use as of July 29, 1985, as nursery facilities shall accomplish a standard of fire safety which will meet the approval of the authority having jurisdiction. All new and existing nurseries shall provide fire alarm systems which respond to products of combustion other than heat and which are approved by meeting the requirements of National Fire Protection Association Standard No. 72-F. (Exception: Detectors are not required in fully automatic sprinkled buildings.) Detectors may be single station units. Detectors must be listed for use by an approved testing laboratory. Detectors in twenty-four hour nurseries must be connected to and be able to actuate an outside bell or sounding device. Portable fire protection shall comply with National Fire Protection Association Standards No. 10 and No. 10A.

(c) Exits and ways. The following requirements are applicable to exits and the maintenance of ways:

- (1) Any floor area occupied by patrons of the facility must have two (2) means of egress.
- (2) Where basements are used, as provided in these standards, two (2) means of exit must be provided. One exterior exit to ground level must be provided as remote from all other means as practicable.
- (3) Minimum width of exterior exits shall be thirty-six (36) inches. (Exception: The width of nursery exits existing as of July 29, 1976, shall be a minimum of twenty-eight (28) inches.)
- (4) All new facilities shall have panic hardware on all main exits.
- (5) When any floor of a building above the grade level is to be used, two (2) remote exits must be provided. One of these exits must be either fire stairs (fire escape) or an enclosed stairwell opening direct to the grade level. Any opening (door or window) which is within fifteen (15) feet of an exterior stairway (fire escape) shall be supplied with wire glass. Fire stairs are to conform with National Fire Protection Association standards. Interior stairs shall be enclosed at one level (either bottom or top) to eliminate communication of heat and smoke from one level to another and shall be constructed of one hour fire-rated materials. Access opening to such enclosure shall be one and three fourths inch thickness, solid core slab door, minimum width thirty-six (36) inches.
- (6) No exit doors shall be locked during time of occupancy.

(c)(d) Heating. The following heating requirements shall be met:

- (1) All gas heating and cooking equipment shall be connected to gas service line with rigid pipe. (Exception: Cooking ranges may be connected to service line with listed flexible tubing not to exceed six (6) feet in length. Gas fed hot water heaters may be connected with listed flexible tubing not to exceed eighteen (18) inches in length.)
- (2) With the exception of kitchen cooking ranges, all gas fed appliances shall be equipped with pilot lights and an automatic control valve to cut off the gas supply in case of fault.

- (3) A quarter turn shut-off valve, located between the union and the source of supply, shall be provided for each gas fed appliance.
- (4) Each gas fed appliance shall be vented vertically to the exterior to a point twenty-four (24) inches above the roof line or any other structure within a fifteen-foot radius. Such vent shall be a Class "B" vent with proper clearance and shall be provided a rain cap.
- (5) Every central gas heating unit and gas fed hot water heater shall be enclosed in rooms or closets having a fire resistance rating of one hour with exterior air provided for combustion. These enclosures shall not be used as habitable space.
- (6) Use of open-face heaters is prohibited. Use of any unvented space heater is prohibited.
- (7) A pressure relief valve shall be installed on all new and existing hot water tanks.
- (8) Vents and burner adjustments shall be checked annually by a competent plumber or local gas supplier. A record of the annual check shall be kept by the operator of the nursery.

~~(d)~~(e) Electrical. The following electrical requirements shall be met:

- (1) Use of extension cords or temporary wiring is prohibited.
- (2) Appliance cords are not to be spliced, knotted, stapled, run over nails or piping, run through concealed space, or run from one room to another.
- (3) An electric outlet shall be provided for each appliance.
- (4) Electric outlet covers, where within reach of children, must have safety covers. Fusebox, switch and outlet covers shall be intact.
- (5) Major electrical appliances shall be bonded and properly grounded.
- (6) Circuits shall be properly fused.
- (7) All electrical outlets in new construction shall be located four (4) feet above the floor.

~~(e)~~(f) Exterior. The exterior play area must be free of trash and tall grass. The burning of trash on the premises is not permitted.

Cross references-Building code, Ch. 12; electricity, Ch. 18; fire prevention code, 20-41 et seq.; mechanical systems, Ch. 29; plumbing, Ch. 42.

Sec. 14-58. Administration.

- (a) Floor plan. A floor plan of the building shall be exhibited on each floor of the building showing prime and alternate evacuation routes from each area of the building.
- ~~(b) Emergency lighting. Minimum emergency lighting in the form of two (2), two cell flashlights shall be provided for each floor.~~
- ~~(c) Emergency telephone numbers. Emergency telephone numbers shall be conspicuously posted at the telephone.~~
- ~~(d)~~(b) Fire drills. Fire drills shall be held monthly for employees, and shall be held quarterly for children. A minimum of twelve (12) fire drills shall be held in each one year period. A minimum of three (3) fire drills shall be held in each quarter year period. All employees and children shall participate in each drill: Infants and toddlers may be exempted during periods when climate conditions may endanger their health. The operator shall maintain an accurate record of required drills.

~~(e)~~(c) Minimum staff. A minimum of one staff member shall be on duty on each floor at all times.

(d) Current attendance records must be kept daily for each child. The daily attendance records must be kept a minimum of 90 days and be available at the day care center for inspection as required by the Director.

Sec. 14-59. Personnel.

(a) Fire safety. Each staff member shall be familiar with the location and use of portable fire extinguishers. (It is suggested each staff member could actually be trained in the use of fire extinguishers by being allowed to extinguish practice fires supervised by the servicing agency or the Fire Department at the time of annual extinguisher service.)

(b) Evacuation. Each staff member shall be familiar with evacuation procedures and routes.

(c) Should the owner, operator and/or manager of a Center need to be away, a staff member shall be appointed charge person in their absence to take responsibility for operation of the center.

~~(e)~~(d) Number of staff required. There must be an overall total number of staff members to correspond with the chronological age of the children present. Recognizing that all children do not develop at the same rate, the following guide for staff ratio need not necessarily be the guide for exact grouping of children:

- (1) Infants in cribs, (0 through 9 months of age) at least one staff member to four (4) children.
- (2) Toddlers (approximate age ten (10) months up to but not including age two (2) ~~two (2) years~~), at least one staff member to six (6) children.
- (3) Two (2) years up to but not including age three (3), at least one staff member to eight (8) children.
- (4) Three (3) years up to but not including age four (4), at least one staff member to twelve (12) children.
- (5) Four (4) years up to but not including age six (6), at least one staff member to fifteen (15) children.
- (6) Six (6) years and over, at least one staff member to twenty (20) children.

When a nursery gives care to mixed ages, there shall be a ratio of one staff member to eight (8) children. No more than two (2) of these children may be infants or children who require special care.

- (7) When the total number of children present in the center is 24 or less and the children of all ages are mixed together, the following requirement for grouping and staff ratio will be at least one staff member to eight (8) children with no more than two of these eight (8) being under two (2) years of age, or that require special care.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective on and after the 15th day of November, 1986.

INTRODUCED and READ in open meeting of the Council of The City of Oklahoma City on the 27 day of May, 1986.

PASSED by the Council of The City of Oklahoma City this 16 day of Septabr, 1986.

SIGNED by the Mayor of The City of Oklahoma City this 16 day of Septabr, 1986.

Andy Beout

MAYOR

ATTEST:

Thomas P. Hurler

CITY CLERK

APPROVED as to form and legality this 16th day of September, 1986.

Howard R. Hurler
Assistant Municipal Counselor