

Ord. No. 924-09.**By Council Members Cleveland, Dow and Sweeney (by departmental request).**

An emergency ordinance to repeal Sections 227.01 through 227.25 and 227.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances; and to supplement the codified ordinances by enacting new Sections 227.01 to 227.35 and 227.99 relating to day cares.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976, Section 227.01, as amended by Ordinance No. 2973-85, passed January 27, 1986, Section 227.02, repealed by Ordinance No. 1600-90, passed June 18, 1990, Sections 227.03, 227.04, and 227.05, as enacted by Ordinance No. 63410-A, passed September 22, 1924, Sections 227.06, as amended by Ordinance No. 2393-02, passed February 3, 2003, Sections 227.07 through and including 227.25 and 227.99, as enacted by Ordinance No. 63410-A, passed September 22, 1924, are repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 227.01 through 227.35 and 227.99 to read as follows:

**CHAPTER 227
DAY CARE CENTERS**

Section 227.01 Definition

As used in this Chapter, "Day Care Center" means an institution or place in which seven or more children not of common parentage, are received for periods of not less than four hours, nor more than twenty-four hours at one time, for care apart from their parents, whether for compensation, reward or otherwise.

Section 227.02 Permit Required

No day care center shall be opened, maintained or conducted in the City of Cleveland without a written permit having been first issued by the Commissioner of Assessments and Licenses. No person, firm or corporation shall open, maintain, conduct or assist in the opening, maintenance or conduct of a day care center in the City, except after a permit has been issued, and then only in full compliance with all the provisions of this chapter.

Section 227.03 Permit Application

Any person, firm, association or corporation desiring a permit to open, maintain and conduct a day care center shall make written application to the Commissioner of Assessments and Licenses, and that application shall state the name and residence of the applicant, and if the applicant is a corporation or association, the name and residence of all the officers; the present or proposed location of the day care center; the purpose for which it is to be opened, maintained or conducted; the accommodations provided for the children to be admitted to the day care center; the name and address of the superintendent or of the person or persons to be in charge; and other information as the Commissioner may request.

Section 227.04 Inquiry Preliminary to Granting Permit

The Commissioner of Health, after such application is made, shall make or cause to be made a strict investigation of the statements and information contained in the application, and a thorough inspection of the premises intended to be used for the day care center.

Section 227.05 Conditions on Which Permit is Granted; Fee

(a) If the Commissioner of Health finds that the statements in the application are correct; that the premises intended to be used as a day care center are suitably located for a day care center and adequately equipped with all necessary heating, ventilating and sanitary devices to ensure the health and well-being of the children to be admitted to the day care center; that the application is made in good faith for the care and betterment of the children; that the superintendent or person to be in charge of the day care center is of good moral character and of sufficient knowledge, experience and ability to properly conduct, manage and maintain the day care center; that the proposed day care center and the premises occupied by the same comply in all respects with the requirements of this chapter; then, but not otherwise, the Commissioner of Health shall recommend to the Commissioner of Assessments and Licenses in writing, that a license be issued. The Commissioner of Assessments and Licenses shall issue or cause to be issued a permit authorizing the applicant or applicants in question to open and conduct a day care center at the place specified, which permit shall state the maximum number of children that may be admitted to or cared for in the day care center at one time. The fee to be paid annually to the City Treasurer for the permit shall be fifty dollars (\$50.00) and no permit shall be issued except upon payment of the fee. Every permit issued under this section shall expire on December 31 of the year in which it is issued, and no second or succeeding permit shall be issued to any person, firm, association, or corporation, except after a reinspection of the premises, as provided for in the case of the issuance of an original permit.

(b) Each day care center shall arrange for annual inspections by the City's Building Department and the Division of Fire. The day care center shall provide certification to the Department of Health that it is in full compliance with the City Building and Fire Codes.

Section 227.06 Posting of Valid State and City Licenses; Change of Ownership or Change of Address

Each day care center shall post in a public area a valid state and city license to operate a day care facility. Both licenses shall be located in an area that is easily noticed upon inspection. Upon change of ownership or

upon change of address, day care centers must reapply to the Commissioner of Assessments and Licenses for a new city license in order to maintain the validity of the license.

Section 227.07 Right of Entry; Revocation of Permit

The Commissioner of Health or his or her designee shall inspect, or cause to be inspected all day care centers in the City, whenever and as often as shall be necessary for the adequate supervision, control and regulation of the same. Whenever the Commissioner receives a written or verbal complaint to the effect that any day care center in the City is not managed, maintained, operated or conducted in compliance with the provisions of this chapter, or that the physical or moral well-being of any child or children cared for in any day care center is not being adequately and properly provided for, the Commissioner shall, within ten days after the written complaint has been delivered to him, cause an investigation of the day care center complained of to be made, and shall make or cause to be made a written report of the result of the investigation. The Commissioner is authorized and empowered either by himself, or any representative designated by him for that purpose, to enter any day care center in the City and the premises on which the same is conducted, for the purpose of making full inspection. If upon any inspection the Commissioner finds that any of the provisions of this chapter are being violated in connection with the conduct and operation of any day care center, or that the physical and moral well-being of any child or children cared for is not being adequately provided for, then and in such event he may revoke the permit issued for the operation of the day care center, and the operation of the day care center shall become unlawful.

Section 227.08 Staff Requirements

(a) All employees must be subject to a medical exam before being hired. All employees must have updated tuberculosis vaccinations before being hired and updated according to medical standards. The medical records and tuberculosis vaccination records must be kept in the employees' personnel files and are subject to inspection by the Commissioner of Health or his or her designee.

(b) All employees must subject themselves to a criminal records check in accordance with Chapter 5104 of the Ohio Revised Code and Chapter 5101:2-12 of the Ohio Administrative Code; the results of which must be kept in the employees' personnel files. Those persons found to have a criminal record shall not be employed in any capacity in or own or operate a school child day care center, unless permitted by Chapter 5104 of the Ohio Revised Code or Chapter 5101:2-12 of the Ohio Administrative Code.

(c) No employee shall abuse or neglect children and all employees shall protect children from abuse and neglect while in the center's care. All employees have a legal duty to immediately report any act or suspected act of child abuse or neglect to the local public children's service agency as provided for in Chapter 5104 of the Ohio Revised Code or Chapter 5101:2-12 of the Ohio Administrative Code.

Section 227.09 Admission Policies and Procedures

(a) Parents and Guardians of children at day care centers shall be provided with written information concerning the program and activities of the center. The information shall include the following:

- (1) The center's name, address and telephone number.
- (2) That the center is licensed to operate legally and the number of children and the age categories the center is licensed to serve.
- (3) That the state department of Job and Family services issues the center a license which is posted in a conspicuous place for review.
- (4) That the law and rules governing child day care are available at the center for review upon request.
- (5) That the department of Job and Family Services' toll-free number is available, and any person may use it to report a suspected violation by the center.
- (6) That the administrator and each employee of the center are required under Ohio law to report their suspicions of child abuse or child neglect.
- (7) That any custodial parent, custodian, or guardian of a child enrolled in a center shall be permitted unlimited access to the center during its hours of operation for the purpose of contacting their children, evaluating the care provided by the center or evaluating the premises. Upon entering the premises, the custodial parent, custodian, or guardian shall notify the administrator of his presence.
- (8) That rosters of names and telephone numbers of parents, custodians, or guardians of children attending the center are available on request. Parents shall be notified that the rosters shall not include the name or telephone number of any parent, custodian, or guardian who requests the administrator not include his name or telephone number.
- (9) That the center's licensing record including, but not limited to, compliance report forms from the department and evaluation forms from the health, building, and fire departments that inspected the center, is available on request from the department.
- (10) That it is unlawful to discriminate in the enrollment of children upon the basis of race, color, religion, sex, or national origin.
- (11) That it is unlawful to smoke on the premises during the Center's hours of operation and all Centers shall comply with Ohio laws and regulations regarding smoking.

(b) Parents and Guardians of children at day care centers shall be provided with written information concerning the center's program including, at a minimum:

- (1) Day and hours of operation.
- (2) The maximum number of children per staff member allowed.
- (3) A sample of the daily program schedule for the group of children in which the child will receive care.

(c) Parents and Guardians of children at day care centers shall be provided with written information concerning the center's policies concerning:

- (1) Discipline and safety.
- (2) The serving of meals and snacks.

- (3) Emergencies, accidents, management of communicable illnesses and administration of medications.
- (4) Fees, registration, rebates, overtime charges, and permanent withdrawals.
- (5) The release of the child from the center to any other person other than the custodial parent or guardian.
- (6) The transportation of children including, but not limited to, transportation of a child to the source of emergency medical care or emergency dental care and transportation for routine trips, field trips, or special outings.
- (7) The center's plan for parental participation.
- (8) The center's plan for the supervision of children.
- (d) A copy of the policies stated above must be kept on file at the day care center and is subject to inspection by the City of Cleveland.

Section 227.10 Parental or Guardian Access

(a) The residential parent, custodian, or guardian of a child enrolled in a day care center shall be permitted unlimited access to the center during its hours of operation for the purposes of contacting the child, evaluating the care provided by the center, evaluating the premises of the center, or for other purposes approved by the director. Upon entering the premises, the residential parent, custodian, or guardian shall notify the administrator or his designee of his presence.

(b) A parent of a child enrolled in a day care center that is not the child's residential parent shall be permitted unlimited access to the center during its hours of operation for those purposes and conditions under which the residential parent of that child is permitted access to the center. However, the access of the parent who is not the residential parent is subject to and limited by any agreement between parents and, to the extent described in Chapter 5104 of the Ohio Revised Code, is subject to and limited by any terms or conditions limiting the right of access of the parent who is not the residential parent, as described in section 3109.051 of the Revised Code, that are contained in a visitation order or decree issued under that section, section 3109.11 or 3109.12 of the Revised Code, or any other provision of the Revised Code.

Section 227.11 Ventilation, Light, Heat and Screening

(a) All rooms in a day care center shall be adequately heated and ventilated, and no room shall be used for day care center purposes unless the same has windows opening on a public thoroughfare, or a yard or court not less than ten feet wide, which windows shall have a total glass and sash area equivalent to one-eighth of the total floor area of the room.

(b) Each room used for day care center purposes shall be properly ventilated and no day care center shall be operated or conducted unless it is provided with a heating apparatus approved by the Commissioner of Health and installed in conformity with law and ordinance, sufficient to maintain a temperature of not less than 68° F., at all times in all parts of the day care center to which children are admitted.

(c) All doors, windows and other outside openings of any day care center shall be adequately provided with screens from May 15 to November 15 of each year while the day care center is in operation, so as to prevent the entrance of flies into the day care center. Each day care center shall be kept and maintained free from flies and other insects.

Section 227.12 Floor Space

(a) The day care center shall have, for each child for whom the center is licensed, at least thirty-five square feet of usable indoor floor space wall-to-wall regularly available for the child care operation exclusive of any parts of the structure in which the care of children is prohibited by law or by rules adopted by the board of building standards.

(b) Each bed or crib shall be so placed at all times as to provide a space of not less than one foot on all sides around such bed or crib, except where the bed or crib may be in contact with a wall. Nothing contained in this chapter, however, shall prevent the installation of sectional metal beds of the type and construction approved by the Commissioner of Health.

Section 227.13 Rooms Above Ground Level

No room shall be used for day care center purposes unless the floor is above ground level, except if the Commissioner of Health and the Division of Fire shall upon a full examination of such room pronounce the same safe, healthful and sanitary.

Section 227.14 Outdoor Play Space and Playgrounds

(a) Each day care center shall have on the site a safe outdoor play space which is enclosed by a fence or otherwise protected from traffic or other hazards. The play space shall contain not less than sixty square feet per child using such space at any one time, and shall provide an opportunity for supervised outdoor play each day in suitable weather. The Commissioner of Health may exempt a center from the requirement if an outdoor play space is not available and if all of the following are met:

(1) The center provides an indoor recreation area that has not less than sixty square feet per child using the space at any one time, that has a minimum of one thousand four hundred forty square feet of space, and that is separate from the indoor space required under Section 227.12 of this section.

(2) The Commissioner of Health has determined that there is regularly available and scheduled for use a conveniently accessible and safe park, playground, or similar outdoor play area for play or recreation.

(3) The children are closely supervised during play and while traveling to and from the area.

(b) Stationary outdoor equipment such as, but not limited to, climbing gyms, swings or slides, shall be placed out of the path of the main traffic pattern in the yard and shall be securely anchored unless portable by design.

(c) Outdoor play surfaces shall be maintained daily and shall be kept free of hazards and debris.

(d) Wading pools shall be filtered, emptied, or drained daily. When not in use, the pools shall be stored or otherwise made inaccessible to children.

Section 227.15 Premises to be Kept Clean

Each day care center, every part of a day care center, and all areas appurtenant to a day care center, shall be kept in a clean, sanitary and healthful condition, free from dangerous or noxious substances of any kind, or any conditions that may, in the judgment of the Commissioner of Health, tend to injure the physical or moral well-being of the children admitted or cared for in the day care center. No dry dusting or sweeping shall be done in any day care center while children are cared for in the day care center. No spraying of pesticides shall be done in any day care center while children are cared for in the day care center.

Section 227.16 Bedding

(a) Each center shall provide a quiet space for children who want to rest, nap, or sleep. The center or parent shall provide a clean and washable pad, mat, or comfortable furniture for children to use to rest, nap or sleep. No child shall be permitted to rest, nap, or sleep on the floor without a mat, pad, cot or comfortable furniture.

(b) When children rest, nap, or sleep on mats or pads, floors shall be clean, warm, dry, and draft free.

(c) Evacuation routes shall not be blocked by resting children. Each child shall have a free and direct means of escape, and the child care staff members shall have a clear path to each child.

(d) Children not of common parents may not occupy the same sleeping space at the same time.

Section 227.17 Care of Children's Clothing and Diapering

(a) All children's clothing must be kept clean and dry throughout the time at the day care center.

(b) Changing of diapers for all non-toilet trained school children shall be handled in conformity with the following methods:

(1) Changing of diapers for all non-toilet trained school children shall occur in a space that contains a hand-washing facility.

(2) Hands of the adult caring for the child shall be washed with soap and water after each diaper change.

(3) If a central diaper changing station is to be used, there shall be a separation material placed between the child and the changing surface. The separation material shall be replaced after each diaper change with a clean separation material.

(4) The central diaper changing station shall be disinfected after each diaper change with an appropriate germicidal agent. If the diaper changing station is soiled after the diaper change, it shall be cleaned with soap and water and then disinfected with an appropriate germicidal agent.

(5) Any product used during diaper changing which is used on more than one child shall be used in a way that the container does not touch the child. Any product obtained from a common container and applied to a child shall be applied in a manner that does not contaminate the product or its container. Common containers shall be cleaned and disinfected with an appropriate germicidal agent when soiled.

(c) Storing of clean diapers and clothing shall be handled under the following methods:

(1) A clean supply of diapers and clothing shall be available at all times and shall be stored in a specifically designated area.

(2) Diapers and clothing used during diaper changing brought from the child's home shall be stored in a space assigned exclusively for each school children's belongings.

(d) Storage and laundering of soiled diapers and clothing shall be handled under the following methods:

(1) Diapers and clothing soiled with fecal matter and sent home with a child need not be rinsed at the center, but may be placed directly into a plastic container or bag, sealed tightly, and stored away from the rest of the child's belongings and out of reach of children.

(2) Soiled diapers to be disposed of or cleaned by the center shall be placed in common plastic-lined, covered container which shall be emptied, cleaned, and disinfected with an appropriate germicidal agent daily or more frequently as needed. Diapers to be laundered at the center should be stored in an appropriate germicidal solution until laundered.

(3) Soiled diapers to be commercially laundered shall be held for pickup for laundering for no longer than seven days.

(4) Diapers to be laundered at home or by the center shall be held for no longer than one day.

(5) Soiled disposable diapers shall be discarded daily.

(6) Disposable materials are recommended for diaper changing, and if used, shall be used once and discarded. If washcloths or other washable materials are used, they shall be used once and stored in an appropriate germicidal solution until laundered.

Section 227.18 Use of Common Items Prohibited

The common use of washcloths, towels, bed linen, combs, tooth brushes, hair brushes and drinking cups, and other personal affects is prohibited.

Section 227.19 Toilet Facilities

Each day care center shall be adequately supplied with hot and cold water and toilet facilities within the building or part of the building used as the day care center. The hot water shall not go above 120 Degrees Fahrenheit. Scald controls shall be placed on all hot water dispensers to which children have access. There shall be separate toilets for boys and girls of school age and sinks and toilets shall be of a suitable height for the age and size of the children. If toilets and sinks are not of a suitable height for children, the center shall provide a sturdy portable platform on which the children may stand. All toilet facilities shall be equipped with adequate toilet tissue, soap and hand-drying mechanisms, including towels or air driers. Each day care center that uses a toilet training apparatus must clean the apparatus after each individual use and the apparatus must be stored in an appropriate place after use. Toilet facilities shall be cleaned on a regular basis using germicidal substances, but cleaning must not take place while the children are in attendance.

Section 227.20 Isolation Room or Area

Each day care center shall be provided with an isolation room/area of adequate size to provide for the isolation and care of any child having or suspected of having any contagious, infectious, parasitic or communicable disease, pending the examination of such child, and its removal from the day care center. Such isolation room/area shall be completely separated from all other parts of the day care center, and shall be so situated, maintained and equipped as to prevent the communication or spread of any disease from any occupant of such isolation room to other children admitted to or cared for in such day care center. The isolation room shall be equipped with a cot, at a minimum, for children to lie down and rest while being isolated.

Section 227.21 Communicable Disease

(a) Each day care center shall have a written policy concerning the management of communicable disease for both attendees and staff. This policy shall be available to all parents and guardians of children at the center, each employee of the center and to the director on request. The policy shall include, at a minimum:

(1) The center's means of training all staff on signs and symptoms of illness and in hand washing and disinfection procedures.

(2) The center's policy regarding the management of communicable disease among the center's employees.

(3) The list of symptoms for which a child shall be discharged from the center.

(4) Procedures for isolating and discharging an ill child and policy for readmitting a child.

(5) Location of Ohio department of health "Child Day Care Communicable Disease Chart" which shall be posted in each center.

(6) Procedure for immediate notification of the parent or guardian when a child is exhibiting signs or symptoms of illness or has been exposed to a communicable disease.

(7) The center's policy for administration of medications to any child at the center.

(8) The center's policy regarding the care of a mildly ill child.

(b) A daily health check shall be conducted every day to recognize the signs of communicable disease and all results shall be documented and kept on file.

(c) Day care centers shall follow the Ohio Department of Health "Child Day Care Communicable Disease Chart" for appropriate management of suspected illnesses. This chart shall be posted in the day care center.

(d) Any child absent from any day care center for more than three days shall be subjected to a medical examination and proper documentation of said exam shall be presented to the day care center to indicate permission to return to the day care center.

Section 227.22 Care and Selection of Food

(a) Each day care center that prepares and/or serves food must post food licenses issued by the Department of Public Health or exemption thereof in a conspicuous place, easily noticed by all who enter the day care center. Current menus for the entire week shall be posted in a conspicuous place and shall reflect all meals, including breakfast, lunch, dinner or supper, and snacks to be served by the center; any substitute foods served shall be from the basic food groups and shall be recorded on the posted menu on the day the substitute food is served. Special efforts should be made to serve healthy food and beverage options to the children.

(b) All food used by the day care center or food provided by the parents of the children shall be stored safely and in a sanitary way. Storage of foods shall meet the requirements of Chapter 3732 of the Revised Code and any relevant regulations adopted by the public health council. Refrigerators shall be set to hold food at a temperature below 41 degrees Fahrenheit. The thermostat shall be in good working condition and accurate.

(c) Fluid milk shall be vitamin D fortified. Low-fat, skim, or dry powdered skim milk shall be vitamin A and D fortified. Prepared baby formula may also be used to feed infants. Breast milk must be labeled with name and date of issue. Refrigerated breast milk must not be kept for more than 24 hours. Frozen breast milk may be stored for up to three months. All nipples, bottles and containers of food and drink used in any day care center shall be kept thoroughly clean and capped with plastic tops and labeled with the child's name at all times.

(d) Parents may provide food for their children at the day care center if the center secures a proper valid food license, the center has a policy which addresses the center's procedures for providing a meal or snack to a child who comes to the center without food from home, and the center provides parents with nutritional guidelines of what foods must be provided for their children. Parents need to check with the day care center to find out if there are foods or products that are disallowed because a particular child or children at the center may be allergic to that food or product.

Section 227.23 Sanitary Condition of Day Care Centers

(a) Each day care center and all of the rooms, walls, floors, ceilings, closets, cupboards, stoves, refrigerators, furniture and other appurtenances, shall be kept in a thoroughly clean and sanitary condition at all times, and free from any dangerous, noxious or deleterious substances or conditions.

(b) Furniture, equipment, and materials which are not usable due to breakage or hazards shall be removed immediately and either repaired or discontinued from use.

(c) Washable equipment and furniture shall be cleaned with soap and water at least two times each year. Additionally, any item soiled during daily use by, but not limited to, blood, vomitus, toileting accidents and spills shall immediately be cleaned with soap and water and then disinfected with a germicidal agent. Toys and other items placed in children's mouths shall be cleaned thoroughly and disinfected with an appropriate germicidal solution and rinsed with water daily and immediately if soiled with blood, feces, urine or vomitus.

(d) All electrical outlets shall be covered to prevent accidents.

(e) If electrical fans are used, they shall have protective coverings, shall not be easily tipped over, and shall be placed so that they are not hazardous to children.

(f) Cleaning equipment shall be stored in a space that is inaccessible to children. Cleaning agents, aerosol cans, or other chemical substances shall be stored in their original containers and/or clearly labeled, and stored in a space that is designated for the storage of such items and that is inaccessible to children.

(g) Blankets and/or sheets belonging to the center used by the children shall be laundered at least every week or more often if soiled. If a blanket and/or sheet is used by a different child, it shall be laundered between uses.

(h) Accumulated trash and garbage shall be stored outside of the outdoor or indoor play area and shall not be accessible to the children.

Section 227.24 First Aid Supplies

First Aid supplies shall be readily available at all times the day care center is in operation. First Aid supplies shall be organized and easily accessible and shall include: one roll of one-half inch non-allergenic adhesive tape, one roll of two inch gauze roller bandage, ten individual wrapped sterile gauze squares in various sizes, twenty five adhesive compresses (band aids), three cotton towels or sheeting, one pair of scissors, assorted sizes of safety pins, one flashlight, one thermometer, one measuring spoon or dosing spoon, tweezers, and one-third of a cup of powdered milk for dental first aid. Supplies shall be replaced as they are used, become damaged, or are sterile no longer.

Section 227.25 Program and Equipment

(a) Each center shall provide each day a balance of both quiet and active play suitable to the age and abilities of the children in care and shall include, but not be limited to:

- (1) Homework or individual, small group activities.
- (2) Developmentally appropriate enrichment activities.
- (3) Child initiated activities and unstructured time periods.

(4) Large muscle and outdoor play activities. In extremely inclement weather, the center shall provide an opportunity for indoor gross motor play such as, but not limited to climbing, jumping, running, or riding wheel toys.

(b) Each center shall make available to the children play materials and equipment for the purpose of implementing program goals and activities. Play materials and equipment shall be suitable to the age levels and abilities of the children attending the center.

(c) Play materials to be used in the center's program shall be arranged in an orderly manner so that children may select, remove, and replace play materials with a minimum of assistance during appropriate times throughout the daily program.

(d) Each center shall provide durable furniture, such as tables and chairs, for purposes of implementing the program. The furniture shall be child sized or appropriately adapted for use by children.

Section 227.26 Medical Examination Before Admission; Contagious Disease

No child shall be admitted to the day care center unless the child has been given a thorough and complete medical examination by a licensed examining physician. Such examination shall include all laboratory tests necessary to indicate the physical condition of the child examined, including a recent blood lead test for children under 6 years of age, and shall provide to the child all necessary immunizations that are required by law. The result of such examination shall be reduced to writing and preserved in the permanent files kept at the day care center. No child may be admitted to any day care center unless the examination indicated by the record shows that such child is free from any contagious, infectious, communicable or parasitic disease, and duly protected against contagion or infection. No examining physician shall make any untrue or incorrect statement in any report provided for in this section.

Section 227.27 Overcrowding and Children per Staff Member Ratio

(a) No room in any day care center shall be overcrowded. Any room shall be deemed overcrowded for the purposes of this chapter if there is less than 300 cubic feet of air space per child at any time.

(b) Each day care-center shall have at least two responsible adults, including one staff member, available on the premises at all times when seven or more children are in the center. The center shall organize the children in the center in small groups, shall provide child-care staff to give continuity of care and supervision of the children on a day-by-day basis, and shall ensure that no child is left alone or unsupervised. The following ratios of children per child-care staff member are to be followed:

INFANTS

Less than twelve months old	5:1 or 12:2 with two staff members in the room
Twelve to eighteen months old	6:1

TODDLERS

Eighteen to less than thirty months old	7:1
At least thirty months to less than three years	8:1

PRESCHOOL

Three years old	12:1
Four and five year olds	14:1

SCHOOL CHILDREN

Children enrolled in, or eligible to be enrolled in kindergarten or above, but less than eleven years old	18:1
Eleven through fourteen years old	20:1

(c) When children are combined with other age groups, the ratio must conform to the youngest child in the group.

(d) Each day care center must have an administrator on site for minimum of at least half of the operating hours. This presence must be documented and available for inspection.

Section 227.28 Discipline of Children

Each day care center shall have a written discipline policy which describes the center's philosophy of discipline and the specific methods of discipline used at the center. The policy shall follow the State's guidelines as set forth in 5101:2-17-42 of the Ohio Administrative Code. The parent or guardian of a child enrolled in a center shall receive a copy of the written discipline policy and a copy of the policy shall be on file at the day care center and ready for inspection.

Section 227.29 Safety Policies

Each day care center shall have written policies for different safety issues including, but not limited to not leaving children unattended, arrival and departure policies, immediate telephone access, fire and weather alert plans, incident report procedures, monthly fire drills, field trip safety plans, and the no spraying of aerosols while children are present. These written policies shall be on file at the day care center and ready for inspection.

Section 227.30 Child Enrollment, Attendance and Medical Records

(a) The administrator of each day care center shall maintain enrollment, health, and attendance records for all children attending the center and health and employment records for all center employees. The records shall be confidential except as otherwise exempt by law.

(b) Enrollment records shall include:

- (1) The name, address, and birth date of each child.
- (2) The date of admission of each child.
- (3) The names, home addresses, home telephone numbers of each parent or guardian.
- (4) The names, work addresses, work telephone numbers, or name and address of location and telephone number where each parent or guardian may be reached during the hours the child attends the center.
- (5) The names, addresses, telephone numbers and relationships to each child of at least two local persons who can be contacted by the center in the event of an emergency if the parent or guardian cannot be reached.

(c) Attendance records shall be kept by the staff member responsible for the child. Records shall be kept for at least three months and shall include the names of the other children in the group, the name of the staff member in charge of that group, the designated space used by the group, and the schedule of each child in the group, including the days and hours of attendance.

(d) Health records shall be secured from the parent on or before the first day of attendance. The health record shall be kept on file and shall include:

- (1) A list of medications, food supplements, modified diets, or fluoride supplements currently being administered to the child.
 - (2) Written, signed and dated instructions from a licensed physician or licensed dentist to administer medications, food supplements, modified diets or fluoride supplements.
 - (3) A list of all allergies and any special precautions or treatment indicated for these allergies.
 - (4) A list of all physical problems, health problems, and any history of hospitalization.
 - (5) A list of diseases the child has had.
 - (6) The name, address, and telephone number of the child's physician or clinic.
 - (7) An emergency transportation authorization as required in the Ohio Administrative Code.
- (e) The center shall require that parents or guardians review and update information as needed or at least annually.

Section 227.31 Administration of Medications and Supplements

(a) Each center shall have a written policy on file and given to parents and guardians that governs whether and how a center administers medications, food supplements, modified diets or fluoride supplements.

(b) Each center shall secure the written instructions of a licensed physician or licensed dentist for the administration of the medication, food supplement, modified diet, or fluoride supplement and secure the written, signed and dated instructions of the parent or guardian on the form provided by the director for the administration of the medication, food supplement, modified diet, or fluoride supplement.

(c) Prescription labels on medications to be administered must be clearly labeled, with a current date, an exact dosage and the specific number of dosages to be given daily, and the route of administration.

(d) Exceptions:

- (1) In cases of extreme emergency, center personnel may administer syrup of Ipecac to a child without written instructions from a physician if following verbal instructions of the poison control center or a licensed physician.
- (2) Nonprescription fever-reducing medications that do not contain aspirin, or nonprescription cough or cold medications that do not contain codeine may be administered by the center without written instructions from a licensed physician if the child's parent or guardian have provided an authorization, the medication is in its original container, and medication is properly labeled with dosages based on the child's age or weight.

(e) Medications, food supplements, and fluoride supplements shall be kept in a safe location where children cannot reach it. A medication requiring refrigeration shall be refrigerated on arrival at the center and shall be stored so as not to contaminate foodstuffs.

Section 227.32 Medical and Dental Emergency Procedures

(a) The day care center shall have a written plan for medical and dental emergencies. The emergency plan shall require immediate notification of the parent or guardian in the event of any accident, injury, or illness and shall include plans for transportation of the child to the source of medical or dental care treatment, if necessary.

(b) The medical and dental emergency plan shall be posted by each telephone used by the center and in each classroom used by the children at the center. The emergency plan shall state, at a minimum, the following information:

- (1) The center's name, address, and telephone number.
- (2) The location of the first aid kit.
- (3) The current emergency telephone numbers for the emergency squad, the fire department, the hospital, the poison control center, the local public children's services agency, and the police department.
- (4) The names of the staff trained to administer first aid.
- (5) The location of children's records.
- (6) General instructions to staff in case of emergency, including the supervision of children during the emergency.
- (7) General instructions to staff in case of illness of children.
- (8) The location of the Ohio department of health dental first aid chart.

Section 227.33 Reports to the Commissioner of Health

(a) Every person, firm, association or corporation conducting, managing or maintaining a day care center shall report to the Commissioner of Health at once by telephone and by mail all cases and suspected cases of contagious diseases, such as smallpox, chickenpox, diphtheria, scarlet fever, mumps, measles, German measles, impetigo contagiosa, typhoid fever, tuberculosis, infantile paralysis, epidemic cerebrospinal fever, pneumonia, summer diarrhea, and any other disease that may be classified by the Commissioner as actively communicable. The report shall give the names and addresses of persons so afflicted and other information as may aid in eradicating such diseases.

(b) Every person, firm, association or corporation conducting a day care center shall also make out a Monthly Illness Report Form in writing on or before the fifth day of each calendar month, giving a complete record of the operation of the center during the preceding calendar month, showing the number of children admitted, all relevant illnesses, all accidental injuries and deaths, the cause of the same and other information as may be necessary to an intelligent supervision of the center. This report shall be kept in the permanent records of the day care center.

(c) All reports required in this section shall be made upon blanks approved by the Commissioner and shall be signed by the superintendent or the official in charge. All records placed in permanent files under the requirements of this chapter shall be open to inspection of the Commissioner or any officer or employee of the Division of Health designated by the Commissioner at any time.

Section 227.34 Appeal

A day care center's license may be suspended or revoked at any time by the Commissioner of Health on his own initiative or on the recommendation of the Director of Public Health. Before suspending or revoking the license the Commissioner shall afford the licensee the opportunity of a hearing on the charges. The licensee may appeal from the order in the manner provided by Section 201.03. A second suspension for the same reason or, in any case a third suspension of a day care center's license shall operate as a revocation of such license. No day care center's owner or administrator whose license has been revoked shall again be licensed as a day care provider in the City unless on presentation of reasons satisfactory to the Commissioner. The Commissioner shall notify the Department of Health of all suspensions or revocations of day care licenses.

Section 227.35 Violations

(a) If any person, firm, association or corporation conducting a day care center violates any of the provisions of this chapter relating to the safety of, or the accommodations for the children, the Commissioner of Health is authorized to issue an order to close the day care center and keep it closed until such repairs or alterations have been made as will comply with the provisions of this chapter.

(b) No person shall fail to comply with a lawful order issued by the Commissioner under this section.

Section 227.99 Penalty

(a) Any person, firm, association or corporation who opens, maintains or conducts a day care center without first having been granted a permit, or after the due revocation of the permit, or in violation of any of the provisions of this chapter, shall be fined not less than three hundred dollars (\$300.00), nor more than one thousand dollars (\$1000.00) for each offense.

(b) Whoever fails to comply with the lawful order issued under division (a) of Section 227.35 is guilty of a misdemeanor of the first degree. Each day during which noncompliance or a violation continues shall constitute a separate offense.

(c) In the event of any actual or threatened violation of this chapter or an emergency situation, the Director of Law, in addition to other remedies provided by law, may institute proper suit in equity or at law to prevent or terminate the violation or remedy the situation.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.