

CHAPTER 3

DAY CARE

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6-3-1: PURPOSE: The purpose of this Chapter is to provide a means for certifying that Day Care Facilities within the City comply with the minimum fire safety standards established by Idaho Code Sections 39-1109 and 39-1114 and the minimum standards established in this Chapter. The standards set forth in this Chapter are not intended to establish a level of fire safety that meets any nationally recognized standards or otherwise establishes the level of care owed by the operator of a Day Care Facility to any child for whom care or supervision is provided at such facility. The provisions of this Chapter are not intended to impose on the City or any of its officials or employees any special duty to enforce the standards contained in this Chapter, for the benefit of any child for whom such care or supervision is provided at Day Care Facilities.

6-3-2: DEFINITIONS: For the purpose of this Chapter, certain words and phrases are defined as follows:

APPROVED: Approval by the Chief of Police or his authorized representative based on inspections, investigation tests conducted by him or her or on accepted principles or tests by national authorities, technical or scientific organizations as defined in the Uniform Fire Code.

CHILD: A person less than twelve (12) years of age.

CITY: The City of Shelley.

DAY CARE: Care and supervision provided for compensation, during part of a twenty-four (24) hour day, for a child or children not related by blood or marriage to the person or persons providing the care, in a place other than the child's or children's own home or homes.

DAY CARE CENTER: A place or facility providing day care for compensation for thirteen (13) or more children.

DAY CARE FACILITY: A day care center or group day care facility as defined in this Chapter, but not a "family day care home" as defined in Idaho Code Section 39-1102(9) now in force or subsequently amended.

FIRE INSPECTOR: A person appointed by the Council to make inspections as provided by this Chapter.

GROUP DAY CARE FACILITY: A home, place or facility providing day care for compensation for seven (7) through twelve (12) children.

OCCUPANT LOAD: A figure calculated by dividing the square footage of space between the interior face of the exterior walls of that portion of a building used for day care by a factor of 35. The occupant load of any room in a Day Care Facility equipped with fixed seating shall equal the number of fixed seats.

6-3-3: EXIT REQUIREMENTS. All Day Care Facilities located within the City shall meet the following exit requirements:

(A) Day Care Facilities shall have a minimum of two (2) exit doors located such that they provide an unobstructed path outside the building to a public way or a safe area away from the building.

- (B) The distance between required exit doors shall be not less than one-half (1/2) the diagonal dimension of the building or portion used for day care and shall not exceed seventy-five (75) feet, except under the following conditions:
- (1) If the building is protected throughout with approved smoke detectors, the maximum distance between required exit doors may be extended to ninety (90) feet.
 - (2) In buildings equipped with an approved automatic fire sprinkler system, the maximum distance between required exit doors may be extended to one hundred ten (110) feet.
- (C) Required exit doors shall provide a clear opening not less than thirty-two (32) inches wide and shall be not less than six (6) feet, eight (8) inches in height measured from the floor.
- (D) Required exit doors shall not be locked when children are in the Day Care Facility and shall be designed and constructed so that they can be opened from the inside without the use of a key or any special knowledge or effort.
- (E) Required exit doors shall not be of the sliding patio door type, except that a sliding patio door may serve as the second required exit door in a Group Day Care Facility.
- (F) All rooms in Day Care Facilities used for Day Care purposes, other than bathrooms or closets, shall have at least one (1) emergency egress window that provides an unobstructed path outside the building to a public way or safe area away from the building. An exit door located in a room used for Day Care purposes and meeting the standards for required exit doors may be used in lieu of a required emergency egress window.
- (G) Emergency egress windows in rooms used for Day Care purposes shall have a minimum net clear opening of five and seven-tenths (5.7) square feet, a minimum width of twenty (20) inches and a minimum height of twenty-four (24) inches, and shall have a maximum finished sill height of forty-four (44) inches measured from the floor level.
- (H) Any emergency egress window whose sill height is below grade level of the ground outside the window shall have a window well on the outside of the building and immediately adjacent to the window. The window well shall have a minimum length of thirty-six (36) inches measured along the building and shall be at least as long as the width of the window. The window well shall have a minimum width of thirty (30) inches measured from the outside wall of the building. The depth of the window well shall extend down to at least the sill height of the window. Any window well whose depth exceeds eighteen (18) inches as measured from grade level shall be

equipped with a stairway that meets the requirements of Section 3306(c) of the Uniform Building Code, 1985 Edition, as adopted by the City. Window wells for emergency egress windows shall be designed and located so as not to interfere with or obstruct opening the window and so as to provide an unobstructed path outside the building to a public way or safe area away from the building.

- (I) Emergency egress windows shall be operable from the inside without the use of separate tools.
- (J) If any portion of a Day Care Facility is located in a basement, there shall be at least two (2) exits from the basement. At least one of these exits shall open directly to the outside and shall be an exit door or emergency egress window meeting the standards contained in this Section.
- (K) Day care is prohibited on any floor above the first floor of a building, except that day care may be permitted on the second floor of a building but only if the building is protected throughout by an approved automatic sprinkler system and has at least two (2) exit doors leading directly from the second floor level to the outside.

6-3-4: **ADDITIONAL EXIT REQUIREMENTS FOR FACILITIES WITH MORE THAN FIFTY CHILDREN:** Any Day Care Facility with more than fifty (50) children shall meet the following requirements in addition to the exit requirements set forth in Section 6-3-3:

- (A) All required exit doors shall swing in the direction of egress.
- (B) An approved exit sign shall be installed at each required exit doorway. Additional exit signs may be required if, in the judgment of the Fire Inspector, they are necessary to clearly indicate the direction of egress.
- (C) Exit doors from rooms with an occupant load of fifty (50) or more, if provided with a latch, shall have approved panic hardware.

6-3-5: **EVACUATION PLAN:** A diagram showing an emergency evacuation plan shall be posted in a conspicuous location on each floor of every Day Care Facility. The diagram shall show a floor plan of the Day Care Facility, the location of all emergency exit doors and windows, and the path of travel to each emergency exit door or window. The location at which the diagram is posted shall be clearly marked on the diagram.

6-3-6: **FIRE EXTINGUISHER REQUIREMENTS:** Day Care Facilities shall be equipped with approved portable fire extinguishers as follows:

- (A) There shall be at least one (1) portable fire extinguisher (minimum 2A-10BC) for each

fifteen hundred (1,500) square feet of floor space in the facility. The travel distance between any two fire extinguishers shall not exceed seventy-five (75) feet.

- (B) Required fire extinguishers shall be securely mounted in readily visible and accessible locations, with the top of the extinguisher not more than five (5) feet above the floor.

6-3-7: TELEPHONE REQUIREMENTS: Day Care Facilities shall be equipped with an operable telephone on the premises. A placard, in a form approved by the Chief of the City Fire Department and listing all emergency telephone numbers, shall be posted conspicuously in the immediate vicinity of the telephone.

6-3-8: SMOKE DETECTOR AND FIRE ALARM REQUIREMENTS: Day Care Facilities shall meet the following smoke detector and fire alarm requirements:

- (A) Approved smoke detectors shall be installed in a central location in each hallway, corridor or other area with access to a sleeping room used for day care purposes.

- (B) If the Day Care Facility is located in a building with a basement not used for day care purposes and the basement has a stairway leading to the facility, an approved smoke detector shall be installed in the basement. The smoke detector shall be connected to a sounding device or other smoke detector which will provide an alarm audible in each sleeping room in the Day Care Facility.

- (C) An approved fire alarm system shall be installed in a day care facility with over fifty (50) children.

6-3-9: FLAMMABLE MATERIALS: Flammable or combustible materials shall not be allowed to accumulate in any Day Care Facility in a manner which presents a fire hazard. Flammable or combustible materials shall not be stored in any room in a Day Care Facility where they are exposed to an open flame.

6-3-10: FREESTANDING FIREPLACES AND WOODBURNING STOVES: No freestanding fireplace or woodburning stove shall be installed or located in any Day Care Facility unless such fireplace or woodburning stove is a "factory-built fireplace" as that term is defined in Section 3702 of the Uniform Building Code, as adopted by the City. Any factory-built fireplace installed or located in any Day Care Facility shall meet the requirements of Chapter 37 of the Uniform Building Code, 1985 Edition, as adopted by the City. No Day Care Certificate of Compliance shall be issued for any Day Care Facility in which any factory-built fireplace has been installed or is located unless the owner or operator first produces proof that a valid permit for the installation of each such factory-built fireplace has been issued by the City's Department of Building and Zoning.

6-3-11: ADDRESS NUMBER: The address number of any Day Care Facility shall be placed on the building in which the facility is located in such a position as to

be plainly visible and legible from the street or road fronting the building. The address number shall contrast with its background.

6-3-12: INSPECTION AND CERTIFICATION; INSPECTION FEE:

- (A) Inspection: Upon request by the owner or operator of a Day Care Facility and the payment of the inspection fee as provided by this Section, the Fire Inspector shall inspect the facility to determine whether it complies with the requirements of this Chapter. In making such inspection, the Fire Inspector may, at his or her sole discretion, enforce any applicable provisions of the Uniform Fire Code or Uniform Building Code as adopted by the City.
- (B) Fee: Persons requesting a fire safety inspection of a Day Care Facility shall pay to the City an inspection fee of twenty dollars (\$20.00).
- (C) Certification: If the Day Care Facility complies with the requirements set forth in this Chapter, the Fire Inspector shall issue a Day Care Certificate of Compliance which shall state that the facility was found to comply with the requirements of this Chapter on the date on which the facility was inspected. The issuance of such Certificate of Compliance shall not be construed as certifying that the facility complies with any or all provisions of the Uniform Fire Code or Uniform Building Code as adopted by the City or the Zoning Ordinance of the City, or as certifying that the facility contains no fire hazards. Nor shall the issuance of such certificate constitute an affirmative representation to any person that the Day Care Facility for which the certificate is issued is free from risk with regard to the standards in this Chapter.

6-3-13: LIABILITY: Nothing in this Chapter shall be construed as imposing upon the City, its officials or employees, any special or private duty to any person to inspect a Day Care Facility, or to make an adequate or reasonable inspection of such facility, or to enforce the provisions of this Chapter. This Chapter is not intended to create any liability or cause of action against the City, its agents, officials or employees for any loss or damage based upon the failure of any Day Care Facility, or the owner or operator thereof, to meet the standards contained in this Chapter.