

## **Chapter 5.18 DAY CARE HOMES**

Sections:

- 5.18.010 Statement of Intent
- 5.18.020 Definitions
- 5.18.030 Inspection of Day Care Homes

### **5.18.010 Statement of Intent**

It is the intent of the Governing Body of the City of Overland Park to regulate and set minimum standards for "child care facilities," as defined in K.S.A. 2010 Supp. 65-503(c), and amendments thereto or "day care homes," as defined in K.S.A. 2010 Supp. 65-530(a)(1) and amendments thereto, hereinafter referred to as "day care homes," to protect the public health, safety, and welfare of the residents of Overland Park. Said day care homes shall be allowed in the locations for day care provided in Chapter 18 of the Overland Park Municipal Code. The State of Kansas, through the Kansas Department of Health and Environment (KDHE) and the Office of the Fire Marshal, has provided licensing and inspection requirements for day care homes, which the City intends to cooperate with fully and supplement with additional life-safety inspections through the Fire Department.

(History: Ord. DCH-2907 §1, 2011)

### **5.18.020 Definitions**

The following words and phrases when used in this Chapter shall, for the purpose of this Chapter, have the meanings respectively ascribed to them in this Section unless otherwise defined in the text of the Section.

- A. "Day care home" shall mean a structure designed and used as a one- or two-family dwelling where child care is provided by a Child Care Provider.
- B. "Child care provider" shall mean the homeowner or resident licensed with KDHE to operate a day care home from their place of residence.
- C. "Code" or "this Code" shall mean the Overland Park Municipal Code.
- D. "Fire Department" shall mean the Fire Department of the City of Overland Park, Kansas.
- E. "Fire Inspector" shall mean a person authorized by the Fire Department to conduct fire safety inspections.

(History: Ord. DCH-2907 §2, 2011)

### **5.18.030 Inspection of Day Care Homes**

Day Care Homes shall be subject to periodic inspections as required by the Fire Department. The Fire Inspector is authorized to inspect the premises for which a day care home license has been issued by KDHE. Said inspections shall be conducted utilizing the applicable provisions of the Kansas State Fire Marshal Fire Safety Handbook. Reasonable prior notice of an upcoming inspection shall be provided in writing by the Fire Department. An inspection report shall be provided to the Child Care Provider at the end of the inspection. The Child Care Provider shall have 30 days to correct any violation(s) before a re-inspection occurs, unless such violation(s) constitutes an imminent threat to life safety, in which case immediate correction of the

Chapter 5.18

violation(s) shall be required. If corrections are not made in the prescribed time frame, the Fire Inspector may assess a failed inspection fee, and if such fee is assessed, the Fire Inspector shall complete a failed inspection (fee for service) report. The amount of said failed inspection fee is established by resolution of the Governing Body.

(History: Ord. DCH-2907 §3, 2011)

***[Next Page is 5-700]***