

ORDINANCE NO. 1473

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 15-42
OF THE CITY CODE OF THE CITY OF JAMESTOWN, NORTH DAKOTA,
PERTAINING TO THE DEFINITION OF
GROUP DAY CARE HOME OR PRESCHOOL FACILITY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JAMESTOWN, NORTH DAKOTA, that Section 15-42 of the City Code of the City of Jamestown, North Dakota, is hereby amended and re-enacted to read as follows:

ARTICLE VI. - CHILD CARE/FOSTER CARE FACILITIES

SECTION 15-42. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) "Child care facility" means any building where children regularly receive care, maintenance, and supervision or instruction for twenty-four (24) hours or less per day, unaccompanied by the children's parent, legal guardian or custodian, and the facility is not a state certified educational facility.

(b) "Foster care facility" means a facility in which a person or persons, regardless of age, receives care, maintenance, and supervision, and which provides sleeping quarters for resident living.

(c) *Child day care center or preschool facility.* A child care facility in which twelve (12) or more children receive care, maintenance, and supervision or instruction for twenty-four (24) hours or less per day, and the facility is not licensed as a group day care facility for up to and including eighteen (18) children in a nonresidential structure.

(d) *Group day care facility for eighteen children to thirty children.*

- (1) The facility must comply with all of the requirements for group day care as set forth in the North Dakota Group Child Care Early Childhood Services Regulations and the provisions of this article.
- (2) The structure cannot be used as a residence, however, it can be a house or commercial type structure. City zoning regulations must be complied with in all cases.
- (3) There shall be an approved hard wired fire alarm system with a pull station at each exit and smoke detectors in each sleeping area and on each level of the structure.
- (4) Emergency lighting must be provided on each level of the structure, installed in accordance with the city building code.
- (5) All sleeping areas shall be staffed at any time when occupants are sleeping.

- (6) When a basement or second floor is used as a part of the child care facility, there shall be two (2) means of egress other than windows from the level. One (1) exit from each level must be directly to the building exterior.
- (7) Stories above the second level shall comply with the requirements for a day care center as defined by the city building code.

(e) *Group day care home or preschool facility.* A child care facility in which at least seven (7) but not more than seventeen (17) children receive care, maintenance, and supervision or instruction for twenty-four (24) hours or less per day.

(f) *Family day care home or foster care home.*

- (1) A child care facility in which seven (7) or less children receive care, maintenance, and supervision for twenty-four (24) hours or less per day.
- (2) A foster care facility in which four (4) or less persons receive care, maintenance, and supervision and which provides sleeping quarters for resident living.

Exception: In the event that foster care is provided to siblings and thus it is undesirable to break up a family unit, more than four (4) persons may be allowed in a single dwelling provided the home meets and maintains all of the requirements of this section and the requirements of the city building code for sleeping areas in basements.

ATTEST:

Jeff Fuchs
City Administrator

APPROVED:

Katie Andersen
Mayor

Introduced by Council Member Kourajian
Seconded by Council Member Gumke
First Reading: March 7, 2016
Second Reading: April 4, 2016
Final Passage: April 4, 2016

Roll Call No. 6 showed: 5 ayes, 0 nays, 0 absent.