

CITY OF HARRISBURG ORDINANCE 2014-01,
DAY CARE REGISTRATION REGULATIONS

BE IT ORDAINED by the City Council of the City of Harrisburg as follows:

ARTICLE I – PURPOSE AND JURISDICTION

SECTION 1 – PURPOSE.

Ordinance #2014-01 is an ordinance to require registration of day care businesses in the City of Harrisburg. The City Council of the City of Harrisburg has deemed these regulations and controls to be reasonable and reasonably related to the purpose of promoting the health, safety, and general welfare of the City of Harrisburg.

SECTION 2 – JURISDICTION.

This Ordinance shall govern all territory within the statutory jurisdiction of the City of Harrisburg, South Dakota.

SECTION 3 – SEVERABILITY AND SEPARABILITY.

Should any Article, Section, Subsection, or Provision of this Ordinance be found to be or declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the Ordinance as a whole or any part thereof, other than the portion so declared to be invalid or unconstitutional.

SECTION 4 – VIOLATIONS.

Failure to submit a registration or renewal application to the Planning & Zoning Official within the application periods specified in these regulations is subject to the imposition of a late application fee. A violation of any provision of these regulations or any amendment thereto, or failure to perform any act required hereunder, is a Class II Misdemeanor. In addition to any fine or penalty assessed by the court, any violator found guilty shall pay all court costs and expenses involved in the case.

ARTICLE II – AMENDMENT TO CHAPTER 4

Chapter 4.06 of the codified ordinances of the City of Harrisburg is hereby added to read as follows:

4.0601 Definitions:

DAY CARE BUSINESS: An establishment providing care and supervision of more than two non-familial children on a regular basis for part of a day as a supplement to regular parental care, without transfer of legal custody or placement for adoption, with or without compensation. This definition does not include public schools.

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DAY CARE PROVIDER: The owner or operator of a Day Care Business.

4.0602 Day Care Registration Regulations.

- A. All Day Care Businesses within the City shall be required to register with the City pursuant to these regulations.
- B. No person who has been convicted of child abuse pursuant to SDCL 26-10 or a sex offense pursuant to SDCL 22-22, may reside in the premises in which the Day Care Business is being conducted or be employed by or otherwise involved in the operation of the Day Care Business.
- C. No person between the ages of 14 years of age and 18 years of age shall provide child care services in a Day Care Business unless the Day Care Provider is actually present in the day care facility. No person under the age of 14 years shall provide child care services in a Day Care Business.
- D. All Day Care Providers shall maintain an Infant and Child Cardiopulmonary Resuscitation (CPR) Certification from the American Red Cross, American Heart Association, or suitable equivalent (online certification is not considered to be suitable). Employees of a Day Care Business are recommended to have such certification.
- E. The premises of each Day Care Business shall maintain compliance with Appendix M of the current Residential Code of the City.
- F. All Day Care Providers shall report to the Planning & Zoning Official within forty-eight hours of occurrence any law enforcement action or activity within their Day Care Business premises.
- G. The owner of every Day Care Business operating within the City on the effective date of these regulations shall submit a Day Care Business registration application to the Planning and Zoning Official within six months of the effective date of these regulations.
- H. The owner of every Day Care Business established within the City after the effective date of these regulations shall submit a Day Care Business registration application to the Planning & Zoning Official within thirty days of the establishment of the business.
- I. A Day Care Business registration shall be renewed annually after initial registration.
- J. The Day Care Business registration certificate shall be posted in a conspicuous location within the Day Care Business.

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K. The application fee for a Day Care Business registration shall be \$10.00.

BE IT FURTHER ORDAINED by the City Council of the City of Harrisburg that this Ordinance shall become effective in accordance to law.

CITY OF HARRISBURG

ATTEST:

Julie Burke-Bowen
Mayor

Mary McClung
Finance Officer
(SEAL)

First Reading: 2/18/14
Second Reading: 3/3/14
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