

HOME DAY CARE OPERATOR LICENSE APPLICATION

City of Aberdeen
Finance office
123 South Lincoln Street
Aberdeen, SD 57401 605-626-7023
Website: <http://www.aberdeen.sd.us>

Enclosed please find an application for a Home Day Care Operator. The application packet information consists of the following items:

1. License Application
2. Special Exception Application
3. City Day Care Code of Ordinances
4. Request To Make Public Day Care Contact Information

Please make sure all of the items are in your packet.

INSTRUCTIONS FOR APPLYING FOR A HOME DAY CARE OPERATOR LICENSE

1. Fill out the license application. Sign the application at the bottom.
2. Prepare a floor plan of the building in which you are conducting business. The floor plan need not be a professional draft. A general floor plan drawn by the applicant is usually sufficient.
3. Fill out the Application for a Special Exception. Please note that if you have already been through the special exception process, you do not need another special exception for that location.
4. Submit packet to the City Finance Office. Submission must include:
 - Completed License Application \$50.00
 - Completed Special Exception Application (if required) \$200.00
 - Floor Plan
 - Proof of current CPR and First Aid Certifications
 - Proof of liability insurance for your Day Care Operation
 - Payment (check or money order only) as follows:
 - \$50.00 made out to "City of Aberdeen" (if special exception is not required) or
 - \$250.00 made out to "City of Aberdeen (if special exception is required)
 - If Registered with DSS, only pay \$200.00 special exception - \$50.00 Day Care Fee waived
 - Completed Request to Make Public Day Care Contact Information Form
5. From the Finance Office, you will be taken to the Police Department to make arrangements for Fingerprinting
 - You and any person living in the day care that is 18 years or older must be fingerprinted.
 - To make an appointment with the City Police Department, you can call #626-7001 or stop in at their office. Fingerprint cards will be available and filled out at the Police Department.
 - The fee per Adult is \$26.75 payable to the SD DCI in the form of a check or money order. If you are currently registered with the SD Department of Social Services, you might be able to use the fingerprints done by that Department.
6. If you do not already have a special exception, the Finance Office will instruct you to take the application and floor plan to the third Floor Planning and Zoning Department.
 - The Planner will take your Special Exception application. You will be contacted to set up a time for the Building Inspection/Fire Marshall Inspections.
7. If requirements for day care licensing are completed and approved, your day care license will be issued to you by the City Finance Office.

DO NOT START YOUR DAY CARE UNTIL THE CITY OF ABERDEEN HAS ISSUED A HOME DAY CARE LICENSE TO YOU.

ARTICLE IV. HOME DAY CARE¹

DIVISION 1. GENERALLY

Sec. 14-107. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building code means the currently-adopted version of the construction standard and technical codes as adopted in chapter 12.

Employee means a person who provides childcare services for compensation in a home daycare business, but who is not the proprietor of such business, for at least 20 hours per week.

Fire code means the currently-adopted version of the International Fire Code as adopted in article III of chapter 24.

Home day care means the provision of regular care and supervision for compensation of no more than 12 children (including the provider's own children who are under the age of six years) for part of a 24-hour period as a supplement to regular parental care at a location approved by the city.

Playground area means an area in the yard of the premises where a home day care is operating which is outside of any structure and where children are regularly taken for outdoor play and recreation.

Special exception means an approved application to the board of zoning adjustment in accordance with section 60-193. (Code 2003, § 9-501; Code 2011, § 14-107; Ord. No. 07-06-06, 7-22-2007; Ord. No. 16-11-01, 12-7-2016)

Secs. 14-108—14-127. Reserved.

¹ **State Law reference**— Children's homes and welfare agencies, SDCL 26-6-1 et seq.

DIVISION 2. LICENSE

Sec. 14-128. Required.

(a) Any person who wishes to operate a home day care within the corporate limits of the city shall first be licensed pursuant to this article and pay all applicable fees. No home day care shall be operated without a home day care license or at a location not approved by the city.

(b) The fee for such home day care license shall be as provided in the city fee schedule on file in the office of the finance officer.

(Code 2003, § 9-502; Code 2011, § 14-128; Ord. No. 07-06-06, 7-22-2007; Ord. No. 16-11-01, 12-7-2016)

State Law reference— Authority to fix the amount, terms, and manner of issuing and revoking licenses, SDCL 9-34-1.

Sec. 14-129. Application.

Any person desiring to operate a home day care as provided in this article shall file with the finance officer a fully completed license application on forms provided by the city. The application shall be signed by each adult operating the day care or residing in the premises in which the day care business is being conducted. The application shall contain, at a minimum, the following information:

- (1) A copy of the application for, or approval of, a special exception at the requested location as required by section 14-135 of this article;
- (2) The expected number and age range of the children being cared for; and
- (3) A consent form for performing a criminal background investigation and verification of central registry status as required by section 14-131 of this article along with the accompanying fee for each consent form as provided in the city fee schedule on file in the office of the finance officer for fingerprinting.

(Code 2003, § 9-503; Code 2011, § 14-129; Ord. No. 07-06-06, 7-22-2007; Ord. No. 16-11-01, 12-7-2016)

Sec. 14-130. Two-year license; renewal; transfer to a different location.

(a) A license to engage in the business of home day care operation at an approved location shall be valid for two years from the date of issuance.

(b) A license shall automatically renew if a complete application for renewal is submitted to the finance officer not more than 90 days and not less than 60 days before the expiration of the current license and city officials, through no delay caused by the applicant, fail to complete their inspections within 45 days from the date the application for renewal was submitted.

(c) Any application to transfer a day care license to a location not approved by the city shall comply with section 14-135.

(Code 2003, § 9-504; Code 2011, § 14-130; Ord. No. 07-06-06, 7-22-2007; Ord. No. 16-11-01, 12-7-2016)

Sec. 14-131. Background investigation of any adult or employee; prohibited individual.

(a) All applicants for a license under this article, all adult residents of the household in which the home day care business is operated, and all helpers or employees of the home day care shall submit to a nationwide background investigation to obtain information concerning convictions for criminal offenses or substantiated reports of child abuse or neglect by an individual that provides care for or has unsupervised access to a child in care. No person as described in this subsection who refuses to submit to a nationwide background investigation shall reside at the premises in which the home day care business is being operated nor shall such person help at or be employed in any capacity by the home day care. This subsection shall not apply to any person under the age of 18 years.

(b) An individual is prohibited from residing at the premises in which a home day care business is being operated or helping at or being employed in any capacity by a home day care if such individual perpetrated any of the following:

- (1) A crime that would indicate harmful behavior towards children;
- (2) A crime of violence as defined by SDCL 22-1-2 or a similar statute or law of another jurisdiction;
- (3) A sex crime pursuant to SDCL chapters 22-22 or 22-24A or SDCL 22-22A-3 or similar statutes or laws of another jurisdiction;
- (4) A felony conviction for domestic abuse, physical assault, or battery;
- (5) Within the preceding five years, a conviction for any other felony; or
- (6) A substantiated report of child abuse or neglect.

(c) A license under this article may not be issued or may be revoked if any person who resides at the premises in which the home day care business is being operated or helps at or is employed in any capacity by the home day care is a prohibited individual as described in subsection (b) of this section. Nothing herein shall limit the discretion of the city council to deny issuance of a home day care license based on the person's criminal history.

(d) It shall be unlawful for a licensee to fail to notify the finance officer within five business days from the date any individual described in subsections (a) or (b) of this section and who was not previously disclosed by the licensee to the finance officer begins residing at the premises in which the home day care business is being operated or helps at or is employed in any capacity by the home day care.

(e) It shall be unlawful for a licensee to permit any individual described in subsection (a) of this section who refuses to submit to a nationwide background investigation, or any prohibited individual as described in subsection (b) of this section to reside at the premises in which the home day care business is being operated or to help at or be employed in any capacity by the home day care.

(Code 2003, § 9-505; Code 2011, § 14-131; Ord. No. 07-06-06, 7-22-2007; Ord. No. 16-11-01, 12-7-2016)

Sec. 14-132. Central registry for child abuse and neglect/sex offender registry.

No person whose name is currently, or at any time in the past has been, on the state central registry for abuse and neglect, the state sex offender registry, or any similar registry or list maintained by any other state, shall reside in the premises in which the home day care business is being conducted nor shall such person be employed in any capacity by the home day care.

(Code 2003, § 9-506; Code 2011, § 14-132; Ord. No. 07-06-06, 7-22-2007)

Sec. 14-133. Age requirements.

No person under 14 years of age may be licensed under this article. No person between 14 years of age and 17 years of age shall provide child care services in a home day care unless a licensed home day care provider is actually present in the home day care facility.

(Code 2003, § 9-507; Code 2011, § 14-133; Ord. No. 07-06-06, 7-22-2007)

Sec. 14-134. CPR required.

Any home day care operator licensed under this article must maintain a current infant/child cardiopulmonary resuscitation (CPR) certification and first aid training from the American Red Cross, American Heart Association, or suitable equivalent. A certification that is not renewed by the recommended date is not current for purposes of this section. Employees of a home day care are recommended to have successfully completed an infant/child CPR course and first aid training within the past four years.

(Code 2003, § 9-508; Code 2011, § 14-134; Ord. No. 07-06-06, 7-22-2007; Ord. No. 16-11-01, 12-7-2016)

Sec. 14-135. Special exception required.

Any home day care operating in any zoning district shall obtain a special exception to the applicable zoning ordinance prior to obtaining a license to operate at that location.

(Code 2003, § 9-509; Code 2011, § 14-135; Ord. No. 07-06-06, 7-22-2007; Ord. No. 16-11-01, 12-7-2016)

Sec. 14-136. Inspections.

(a) Any home day care shall be inspected, as necessary, by the building official and fire marshal prior to the issuance of a license. The finance officer shall refund the applicant's home day care license fee if such city officials, through no delay caused by the applicant, fail to complete such inspections within 45 days from the date the application was submitted to the city, however the city shall continue to process the application if not automatically renewed.

(b) Any home day care licensed under this article shall be open to announced or unannounced inspections by city officials, including code enforcement officers and police officers, at any time during normal business hours and during all hours of operation of the home day care.

(Code 2003, § 9-510; Code 2011, § 14-136; Ord. No. 07-06-06, 7-22-2007; Ord. No. 16-11-01, 12-7-2016)

Sec. 14-137. Fencing or other barrier.

Playground areas shall be enclosed by a fence, hedge, trellis, or other barrier not less than 42 inches high to protect the area from traffic, animals, or other hazards. Preexisting fences, trellises or barriers which are less than 42 inches high may be acceptable if, in the opinion of the building official, such height affords sufficient protection. Openings in a fence, trellis, or other manmade barrier shall not allow passage of a four-inch diameter sphere. (Code 2003, § 9-511; Code 2011, § 14-137; Ord. No. 07-06-06, 7-22-2007)

Sec. 14-138. Building code requirements applicable.

Nothing in this article shall be construed to exempt any structure from any otherwise applicable portion of the relevant building code or fire code. In any case where the building code requirements are in conflict with the requirements of this article, the more stringent requirement shall apply. Where the use of a portion of the structure as a home day care is de minimis, the building official or fire marshal may deviate from the code by using alternate methods. (Code 2003, § 9-512; Code 2011, § 14-138; Ord. No. 07-06-06, 7-22-2007)

Sec. 14-139. Child to adult ratio.

No more than four of the children in the home day care may be under the age of two years, and no more than two of these four children may be under the age of one unless there is another adult in the home who is licensed under this article. If a provider cares for children under two years of age, the provider must maintain an adult child ratio of one adult to four children for children under the age of two. (Code 2003, § 9-513; Code 2011, § 14-139; Ord. No. 07-06-06, 7-22-2007)

Sec. 14-140. State-registered home day cares.

Any home day care which falls within the scope of this article but which is registered as a family day care pursuant to SDCL ch. 26-6 and SDAR Ch. 67:42:03 shall be required to obtain a license pursuant to this article. Only sections 14-131, 14-135, and 14-138 shall apply to an application for a license under this article for a state-registered family day care and no home day care license fee shall be charged for such license. Compliance with section 14-131 may be satisfied by recent proof of clearance from a state child protection or child care agency for any person described in section 14-131(a). (Code 2003, § 9-514; Code 2011, § 14-140; Ord. No. 07-06-06, 7-22-2007; Ord. No. 16-11-01, 12-7-2016)

Sec. 14-141. Insurance.

No license shall be issued until proof of insurance is furnished to the city showing the following insurance to be in full force and effect during the entire term of the license. The applicant shall furnish proof of liability insurance for a home day care provider in the minimum amount of \$300,000.00 for bodily injury and death arising out of any one occurrence or any other cause. The liability insurance shall protect against loss from liability imposed by law for damages on account of bodily injury, including death resulting therefrom, suffered or alleged to have been suffered by any person resulting directly or indirectly from any act or activity of the home day care or any person acting for the home day care or under the licensee's control or direction. (Code 2011, § 14-141; Ord. No. 16-11-01, 12-7-2016)

Sec. 14-142. Reporting of incidents or changes in circumstances.

(a) A licensee shall report any change in circumstance that could affect the licensee's ability to provide adequate care, changes the environment provided in the day care, or is of a substantive nature requiring parents to be notified. A change in circumstance includes, but is not limited to, a change in helper; a change in household size; a change in household composition; a change in a licensee's name; changes in opening, closing, or reopening of a day care; a change in the condition of the home; or involvement with any state child protection services agency or law enforcement agency concerning allegations of child abuse, neglect, or violent crimes.

(b) Any report of a change in circumstances must be made to the health officer and to day care parents within 24 hours after the change in circumstances occurs. The licensee must notify the health officer and all day care parents within 24 hours after the occurrence of an unusual incident such as a fire, serious injury to a child, serious illness that results in the hospitalization of a child, or the death of a child while in care. The licensee shall also notify parents of notice of violations or citations issued to the licensee or any helper in the family day care home.

(c) A change in household size or composition includes a person ten years of age or older residing at the residence or being present on the premises on a regular basis.
(Code 2011, § 14-142; Ord. No. 16-11-01, 12-7-2016)

Sec. 14-143. Master list.

Licensees shall maintain a current and accurate master list of all children enrolled in the home day care, birth dates of all children, and parent contact information, including home and work addresses and all telephone numbers. The master list shall be provided by the home day care provider upon the request of a law enforcement officer, health officer, finance officer, or code enforcement officer at any time of day or night.
(Code 2011, § 14-143; Ord. No. 16-11-01, 12-7-2016)

Sec. 14-144. Hardship waiver of certain license requirements.

For a license previously granted under this article, the finance officer or building official may waive for a period not to exceed 60 days the provisions of sections 14-130(c), 14-134, and 14-139 to avoid imposition of an undue hardship upon a person other than the licensee. Economic damages shall not be considered an undue hardship. Not more than one waiver or temporary license may be granted to the licensee during each calendar year.
(Code 2011, § 14-144; Ord. No. 18-04-04, § 1, 5-9-2018)



HOME DAY CARE OPERATOR LICENSE APPLICATION

- New
- Renewal
- Transfer

City of Aberdeen
Finance Office
123 South Lincoln Street
Aberdeen, SD 57401 605-626-7023
Website: <http://www.aberdeen.sd.us>

Fee: \$50.00

HOME DAY CARE OPERATOR/APPLICANT INFORMATION		
Last Name (Operator/Applicant):	First Name, Middle Initial:	Telephone Number ()
Street Address (do not enter P.O. Box)	City	Zip Code
Mailing Address, if different	Date of Birth	Social Security Number

LIST THE NAMES OF ALL ADULTS LIVING IN THE HOME:

Name (first, middle, last) Include maiden names and aliases	Sex	Date of Birth	Social Security Number

- Do you own the premises where the home daycare is to be operated? ____ Yes ____ No. If no, please provide the name and address of the legal owner of the property. _____
- Are you now or have you ever been listed on the South Dakota Registry for Abuse and Neglect or any similar registry or list maintained by another state? ____ Yes ____ No.
- Are you now or have you ever been listed on the South Dakota Sex Offender Registry or any similar registry or list maintained by another state? ____ Yes ____ No.
- Have you been convicted of any felony within the last five (5) years? ____ Yes ____ No.
- Do you have a current CPR certification? ____ Yes ____ No. (Please attach a copy of certificate).
- How many children do you expect to care for? _____
- What ages will the children be? _____
- Are you currently registered with the State DSS? ____ Yes ____ No. (If yes, the \$50 fee will be waived)

CONSENT TO DISCLOSURE: By signing below, Applicant consents (1) to disclosure by the South Dakota Department of Social Services of information regarding whether Applicant is listed on the South Dakota Central Registry for Abuse and Neglect; and (2) to disclosure by the South Dakota Division of Criminal Investigation and any other local, state, or federal law enforcement agency or child welfare agency of all information from any state or national criminal history record check of Applicant.

I certify that the statements made herein are true and correct to the best of my knowledge.

Date: _____

Signed: _____

INSTRUCTIONS TO THE BOARD OF ZONING ADJUSTMENT APPLICANT(S)
REGARDING
VARIANCE(S) AND SPECIAL EXCEPTION(S)

Effective October 13, 1988, the following procedures will be adhered to for all applications to the Board of Zoning Adjustment. Failure to adhere to this could result in a continuance until all said procedures are met. Each application will contain:

1. An accurate and current plot plan/mortgage survey of the property must be submitted with the application. An accurate drawing or plot plan can be prepared by the applicant or a licensed land surveyor if you choose. The plan must include the following items:
 - a. Must include accurate dimensions of lot
 - b. Property lines must be indicated
 - c. Position of existing building(s) on lots
 - d. Requested location of proposed structures with exact dimensions and distance to lot lines
 - e. Directions indicated
 - f. Street number and adjacent streets and alleys indicated
2. To facilitate your request for any variances or special exception you will be required to have the proposed building or other structure staked out or adequately marked 2 weeks prior to the hearing.
3. All lot lines of your property must also be marked so the members are assured that they have been located. This must be accomplished definitely one week before the hearing date as the individual members do visit all sites prior to the hearing.

Please contact the City Zoning Department if you have any questions on the requirements of this application (605) 626-7017.

APPLICATION DEADLINE: _____

ZONING BOARD MEETING: _____

Aberdeen City Hall, First Floor Council Chambers
123 Lincoln St. S.
South Entrance
8:00 a.m.

REPRESENTATION REQUIRED BEFORE REQUEST MAY BE HEARD

**APPLICATION FOR HEARING
BOARD OF ZONING ADJUSTMENT
ABERDEEN, SOUTH DAKOTA**

APPLICATION RECEIVED: DATE: _____ **TIME:** _____ **BY:** _____

**APPLICANT(S) NAME
HOME ADDRESS**

**ADDRESS & LEGAL DESCRIPTION OF
PROPERTY REQUESTING VARIANCE**

TELEPHONE NUMBERS

HOME: _____

WORK: _____

CURRENT ZONING: _____

TYPE OF ACTION REQUESTED:

_____ Building Variance

_____ Proposed set-back

_____ Special Exception

_____ Sign Variance

_____ Appeal

STATE ACTION REQUESTED AND ATTACH DRAWING(S) SHOWING ALL PERTINENT INFORMATION:

HARDSHIP (if applicable): _____

SIGN ISSUED BY: _____
(SIGNATURE)

(APPLICANT(S) SIGNATURE)

**FEE: \$100.00 for Variance
And \$200 for Special Exception or Appeal
(NON-REFUNDABLE)**

DATE

**BOARD OF ZONING ADJUSTMENT MEETS 2ND THURSDAY OF EACH MONTH,
8:00 A.M. IN THE COUNCIL CHAMBERS – FIRST FLOOR, CITY HALL.**

REPRESENTATION REQUIRED BEFORE REQUEST MAY BE HEARD!



HOME DAY CARE LICENSE

REQUEST TO MAKE PUBLIC DAY CARE CONTACT INFORMATION

Yes, I want the City to make publicly available my contact information when it receives requests for a roster of licensed Home Day Cares. I understand that the City will disclose such information, but will make no recommendations as to the fitness, quality, or acceptability of any individual Home Day Care, other than that such Home Day Care is duly licensed by the City.

Name of Day Care _____

Name of Operator _____

Address _____

Phone Number _____

Signature _____ Date _____