

## Section 3: CHILD CARE

### 3.1 Definitions:

(1) **CHILD CARE** means continuous care and supervision of five or more qualifying children in lieu of parental care, for less than 24 hours a day, and for direct or indirect compensation.(Utah State Code 26-39)

(2) **CHILD CARE CENTER/HOURLY CHILD CARE CENTER** means child care is provided in a nonresidential setting and children have regular or hourly schedules of care in the center. The number of children allowed is determined by the facility's total square footage. There must be a director who is at least twenty one years old and meets educational requirements. A child care center must have a safely accessible fenced outdoor play area, but an hourly center does not.

(3) **FAMILY CHILD CARE** means care is provided in a private home for up to sixteen qualifying children, including the provider's own children under the age of four. Providers must be at least eighteen years old. Two qualified caregivers are required when there are more than eight children in care and when there are more than two children under the age of two in care. With two caregivers, providers can care for up to (but not more than) four children under the age of two. A compliant outdoor play area is required.

(4) **QUALIFYING CHILD** means an individual who is:

- a. under the age of 13; or under the age of 18, if the person has a disability;  
and
- b. a child of:
  - i. a person other than the person providing care to the child;
  - ii. a licensed or certified residential child care provider, if the child is under the age of four; or
  - iii. an employee or owner of a licensed child care center, if the child is under the age of four.

(5) **RESIDENTIAL CHILD CARE** means care is provided in a private home for up to eight children, including the provider's own children under the age of four. There can be up to (but no more than) two children under the age of two in care. Providers must be at least eighteen years old. An outdoor play area is not required.

### 3.2 Business License Required

(1) It shall be unlawful for any person to operate a child care center, hourly child care center, family child care, or residential child care within the city without first obtaining a city business license to engage in such business. No business license shall be issued unless the facility is in full compliance with the regulations outlined by the Utah Department of Health Child Care Licensing Act (Utah Code 26-39). City business

license is required prior to obtaining a state license; however, application for state license must be pending state approval.

(2) Application

Items required:

- (a) Completed Business License application form
- (b) Copies of state license application and all required documentation submitted with state application.
- (c) Fee as outline in the Bear River City Fee Schedule

(3) Ownership

If the child care business is owned and/or will be titled under a non-profit group, the names of all directors or heads of the center must be provided with the application.

(4) Compliant

Building must be ADA compliant if this is a new use of the building, or if the use of the building changes.

(5) Zoning

Child Care must be an allowed use in the zone in which the building is located. If child care is a conditional use in the zone, a Conditional Use Permit must be approved by the Planning Commission and attached to the application. Conditional Use Permits must be reviewed annually by the City Council.

(6) Exempt from Licensing

- a. Caring of four or less than four qualifying children
- b. Child care is provided for less than four hours a day.
- c. Care of related children (children, grandchildren, siblings, nieces and nephews)

**3.3** Nothing in this section may be interpreted to mean the applicant does not need to meet the requirements of licensing or certifying as outlined in the Child Care Licensing Act.