

ORDINANCE NO. 3659
COUNCIL BILL NO. 20-1014

AN ORDINANCE AMENDING SECTION 5.68.030, COEUR D'ALENE MUNICIPAL CODE, ENTITLED "BUSINESS LICENSES AND REGULATIONS, CHILDCARE FACILITIES," TO PROVIDE FOR A TEMPORARY EXCEPTION TO THE REQUIREMENT OF 75 SQUARE FEET PER CHILD OF OUTDOOR FENCED PLAY AREA IF A PLAN FOR OUTSIDE PLAY IN SHIFTS IS APPROVED BY THE CHILDCARE COMMISSION; PROVIDING FOR THE REPEAL OF THE FOLLOWING SECTIONS OF THE CITY CODE; PROVIDING FOR THE REPEAL OF OTHER CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that said amendment be adopted;

NOW, THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene:

SECTION 1. *That section 5.68.030 (I) of the Coeur d'Alene Municipal Code is amended to read as follows:*

5.68.030: LICENSE TYPES AND REQUIREMENTS:

- I. Facility License Requirements: In order to obtain a facility license which expires December 31 annually:
1. Operator must hold a current childcare owner/operator's license.
 2. Facility must have an approved health inspection during the past three hundred sixty-five (365) days.
 3. Facility must have an approved fire inspection, conducted by the city of Coeur d'Alene fire department, within the past three hundred sixty-five (365) days.
 4. As of June 1, 1999, all new applicants for a facility license must have a safe, fenced outdoor play area. Fences must be built of suitable material to contain the ages of children being cared for. The outdoor fenced play area should be a minimum of seventy-five (75) square feet per child. If the outdoor fenced play area cannot meet the seventy-five (75) square feet per child requirement, but the facility has a reasonable plan to allow for the children to use the outdoor fenced play area in shifts such that there is at least seventy-five square feet per child actually using the area at any one time, the facility may submit its plan to the City Clerk or designee and request a variance. Facilities where care is intended to be two (2) hours or less and the parent is on-site, such as in health clubs, grocery stores, etc., are exempt from the outdoor fence play area requirement.
 - a. Outdoor play areas must be maintained in a clean and safe condition, free from debris, dilapidated structures, broken and worn out play equipment, building supplies, glass, sharp rocks, jagged or sharp edges of any kind, toxic plants, animal feces, cigarette butts, and any other potentially injurious materials.

b. Outdoor play areas must have a safe and reliable drinking water supply accessible in the play area. The water supply may be a water fountain, water jug and paper cups, sanitized water bottles, etc., and must comply with the health standards of the Panhandle health district.

c. All outdoor play areas are required to have some form of seasonal shade covering at least ten percent (10%) of the play yard from May 1 through October 1 of each year. The shaded area may be provided by a fabric covering, shade tent, or treed area, but beach/patio umbrellas do not meet this requirement.

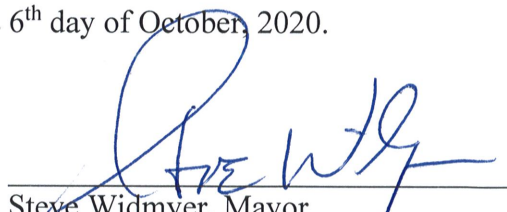
SECTION 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein.

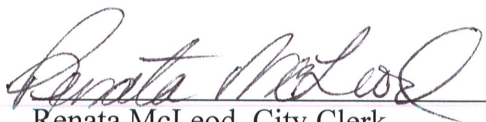
SECTION 4. After its passage and adoption, a summary of this Ordinance, pursuant to the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication this Ordinance shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Coeur d'Alene at a regular session of the City Council on October 6, 2020.

APPROVED, ADOPTED and SIGNED this 6th day of October, 2020.

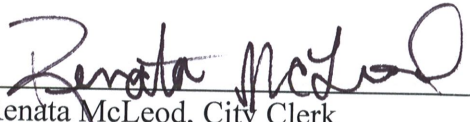

Steve Widmyer, Mayor

ATTEST:


Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. 3659
Amending Certain Sections of the City Code regarding
Childcare Facilities Required Outdoor Areas

AN ORDINANCE AMENDING THE CITY CODE, CHAPTER 5 ENTITLED "BUSINESS LICENSING AND REGULATIONS," TO PROVIDE FOR AN AMENDMENT TO MUNICIPAL CODE SECITON 5.68.030 (1) "LICENSE TYPES AND REQUIREMENTS" TO PROVIDE CLARIFICATION THAT THE 75 SQUARE FEET OFREQUIRED OUTDOOR PLAY AREA CAN BE SCHEDULED IN SHIFTS TO MEET THE REQUIRED AREA; PROVIDING FOR THE REPEAL OF THE FOLLOWING SECTIONS OF THE CITY CODE; PROVIDING FOR THE REPEAL OF OTHER CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. 3659 IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.


Renata McLeod, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Randall R. Adams, am a Chief Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. 3659, Amending Chapter 5.68 to the City Code, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 6th day of October, 2020.



Randall R. Adams, Chief Deputy City Attorney