

Chapter 110-Exhibit "A"

CHILD-CARE FACILITIES

§ 110.25 MINIMUM STANDARDS ADOPTED.

There is adopted the "Minimum Standards for ~~Day~~ Child-Care Centers" as published and promoted by the ~~State Department of Human Resources~~ Texas Health and Human and Services Commission, as amended from time to time. The provisions thereof shall be incorporated herein and made a part hereof the same as if fully copied herein, except as modified by this subchapter. A true copy of the minimum standards shall be kept on file in the office of the City Secretary and available for inspection during all regular business hours. ('78 Code, § 10-50) (Ord. 767, passed 2-8-88; Am. Ord. 1346, passed 4-23-01)

§ 110.26 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BEFORE AND AFTER-SCHOOL PROGRAM. A child-care facility that provides care before or after, or before and after, the customary school day and during school holidays, for at least two hours a day, three days a week, to children who attend prekindergarten through grade six. A before and after-school program is licensed by and meets the minimum standards of the Texas Department of State Health Services.

CHILD-CARE CENTER. An establishment subject to regulation by licensing that provides:

(1) ~~—(1) Assessment, Ccare, training, education, custody, treatment or supervision is provided for more than six children of a child who is not related by blood, marriage, or adoption; exclusive of persons who are related by blood, marriage or adoption to the owner or operator of the facility;~~

~~—(2) Assessment, Ccare, training, education, custody, treatment or supervision is provided for all or part of a 24-hour day, on a regular basis of at least two days a week whether or not the establishment operates for profit or charges for its service; and~~

~~—(3) The facility is intended to provide child care at least 26 weeks per year; and~~

~~—(4) More than one-quarter of the children cared for at the facility are under 11 years of age.~~ A child-care facilitycenter includes the people, administration, governing body, activities on or off premises, operations, buildings, grounds, equipment, furnishings, and materials. A child-care facilitycenter does not include child-placing

agencies, listed family homes, employer-based child-care operations, or shelter care operations.

CHILD-CARE STAFF. Any person whose primary duty includes direct care, supervision or guidance of children in a child care center.

GUARDIAN. A child's parent or other person who has legal care, custody and control of a child through natural or court appointed rights.

HEALTH INSPECTOR. An employee of the city appointed by the City Manager as his/her representative to inspect and enforce the provisions of this subchapter.

ISOLATION AREA. An area or room apart from other facilities which shall be available for use by children who become sick or injured.

PERMIT. A complete document issued to the approved applicant of a child-care center authorizing operation at a specific location in accordance with the provisions of this subchapter.

RELIGIOUS ORGANIZATIONS. A church, synagogue or other religious institution whose purpose is to support and serve the propagation of truly held religious beliefs.

REGULATORY AUTHORITY. The City of Mansfield Department of Regulatory Compliance or his/her authorized representatives or designees.

SCHOOL. A child-care center offering an educational program in one or more grades for children from the ages of five through 13 during the customary public school day.

§ 110.27 PERMIT REQUIRED; EXCEPTIONS.

(A) —(A)—No person, firm or corporation shall operate a child-care center within the city unless a permit for such purpose has been approved by the City Manager, or his/her designated representative, and issued by the Fire Department and a permit for such purpose has been issued by the Regulatory Authority. This shall not exclude requirements of the 2018 City adopted IFC International Fire Code or the Texas Health and Human Services Commission THHSC for fire alarm and sprinkling mandates.

(“78 Code, § 10-52)

—(B) The term “child-care” shall not apply to, nor shall a permit be required for, the following facilities:

(1) —(1)—A state operated facility;

(2) An agency foster home or agency foster group as designated by the Texas Health and Human Resources Services Code, § 42.002(11) and (12), as amended;

(3) A facility that is operated in connection with a shopping center business, religious organization or establishment where children are cared for during short periods while parents or persons responsible for the children are attending religious services, or engaging in other activities on or near the premises, including, but not limited to retreats or classes for religious instructions;

(4) A school or class for religious instruction that does not last longer than two weeks that is conducted by a religious organization during the summer months;

(5) A youth camp licensed by the ~~State Department of Health~~ Texas Department of State Health Services;

(6) A hospital licensed by the ~~State Department of Health~~ Texas Department of State Health Services;

(7) An education facility accredited by the Texas Education Agency or the Southern Association of Colleges and Schools that operates primarily for educational purposes in grades kindergarten and above or a before and after--school program operated directly by an accredited educational facility or ~~an before and~~ after--school program operated by another entity under contract with the educational facility, if the Texas Education Agency or Southern Association of Colleges and Schools has approved the curriculum content of the before and after--school program operated under the contracts;

(8) An educational facility that operates solely for educational purposes in grades kindergarten through at least grade two, that does not provide custodial care for more than one hour during the hours before or after the customary school day and is a member of an organization that promulgates, publishes and requires compliance with health, safety, fire and sanitation standards equal to standards required by state, county or municipal codes;

(9) A kindergarten or preschool educational program that is operated as part of a public school or private school accredited by the Texas Education Agency and offers educational programs through grade six and does not provide custodial care during the hours before or after the customary school day;

(10) A registered family home as defined by Texas Health and Human Resources Code, § 42.002(9), as amended;

(11) An educational facility that is integral to and inseparable from its sponsoring religious organization and which does not provide custodial care for more than two hours

maximum, per day, and that offers educational programs for children ages five and above one or more of the following:

(a) Kindergarten through grade three;

(b) Upper elementary or secondary grades, provided however, that a religious organization such as that described in division (3), where children are cared for during short periods while parents or persons responsible for the children are attending religious services or engaged in other activities on or near the premises, may provide custodial care for more than two hours per day;

(12) The Mansfield Independent School District and schools accredited by the Texas Education Agency;

(13) A facility licensed, operated, certified, or registered by a state agency other than the Department of Health and Human Services; or

(14) A juvenile detention facility certified under Tex. Fam. Code §§ 51.12 or 141.042(d), a juvenile facility providing services solely for the Texas Youth Commission, or any other correctional facility for children operated or regulated by another state agency or by a political subdivision of the state.

~~(‘78 Code, § 10-55)~~

~~(Ord. 767, passed 2-8-88; Am. Ord. 1346, passed 4-23-01)~~

§ 110.28 PERMIT APPLICATION.

(A) Application for an annual permit to operate a child-care center shall be submitted by the operator on a form specified by the Fire Department and on a separate form specified by the Regulatory Compliance Department Authority.

(B) A Fire Department permit application shall state the name, address and telephone number of the permit applicant and the name, driver's license number and date of birth of all employees and child-care staff members ~~of the child-care center as required in Minimum Standards for Child-Care Centers. This information is necessary to allow background checks to be conducted on employees of the center. The employee background records must be made available upon request by the~~ Regulatory Authority.

1) A site plan shall be submitted with the application, drawn to an accurate scale, indicating the legal description of the property, and showing the indoor and outdoor areas to be used for the child-care center.

2) Any permit issued under this subchapter is nontransferable.

~~3) The applicant is responsible for complying with all zoning, building, fire and health ordinances of the city.~~

4)3) The permit application shall include a certificate of liability insurance coverage showing the minimum policy limits on coverage for bodily injury or death of any person entrusted to the care of the child center.

(C) ~~Child-care center requirements. The applicant is responsible for complying with all applicable city ordinances, including, but not limited to, zoning, building, fire, and health ordinances of the city.~~

(D) ~~Permits required.~~ Any person currently operating a child care center without a permit under existing ordinances shall, within 30 days after the effective date hereof, make application under the provisions of this subchapter.

(E) ~~Fire permit inspection fee.~~ An annual permit fee of \$75 shall be payable upon application to the Fire Department, and thereafter, no later than the thirtieth of January of each year. No refund or proration of any fee required hereunder shall be made.

(F) ~~Health permit requirements. No person shall operate or cause to be operated a child-care center in the City of Mansfield without first obtaining a health department certificate of inspection as issued by the Department of Regulatory Compliance Authority.~~

1) ~~The health permit application shall be submitted to the Department of Regulatory Compliance Authority by the owner of a child-care center on a form specified by the department. The health permit application must include the licensed capacity of the facility and a copy of their current child-care licensing permit.~~

2) ~~The health permit application shall state the name(s), address(es), and telephone number(s) of all persons having an ownership interest in the child-care center, as well as any other information requested by the department Regulatory Authority.~~

3) ~~Any permit issued under this subchapter is not transferable and must be prominently displayed.~~

(G) ~~Permit issuance.~~ The City Manager, or his designated representative, shall have authority to grant or refuse a permit to operate a child-care center under the provisions of this subchapter.

- (H) Fire permit duration and renewal. Upon approval, the Fire Department shall issue the permit for operation of the child care center. All permits will be due for renewal on or before the thirtieth of January of each succeeding year.
- (I) Health permit duration and renewal. Upon approval by the Department of Regulatory Compliance Authority, the permit for operation of a child-care center will be valid for one year from the issuance of the permit. Upon expiration, the permit may be renewed for a one-year term upon payment of the annual permit fee and submission of proof of insurance, and provide proof of background checks for the owner, operator, director, and each employee conducted within the previous 24 months. If such background checks are not current, no renewal shall be issued until such background checks are submitted.

§ 110.29 ISSUANCE OF PERMIT; INSPECTIONS.

- (A) The City Manager, or his/her designated representative, is authorized to issue a permit when he/she finds that the permit applicant has complied with the requirements of this subchapter and other applicable sections of this Code. The permit shall be refused in the event the applicant has not complied with the requirements of this subchapter or any other applicable section of this Code, or if it is determined that any false statement has been made in the permit application.
- (B) The permitted premises shall be inspected not less frequently than semiannually to assure that the facilities, grounds and equipment are maintained in compliance with this subchapter, with the minimum standards adopted hereby, and in a safe and sanitary condition for the welfare of the occupants and patrons. Reports of the inspections shall be kept on file with the city and copies issued to the permit holder, along with appropriate directives to resolve any deficiencies observed in the inspection. The City Manager, or his/her designated representative, shall have authority to enforce all provisions of this subchapter and to issue citations for any violation of any of its provisions.
- (C) It shall be unlawful and an offense for any permit holder to operate any facility permitted under the provisions of this subchapter in violation with any of the provisions hereof, the minimum standards adopted hereby or any other applicable section of this Code, or to fail to respond to any noted deficiency or violation within the time specified by the Inspector for correction.
- (D) Plan review and standards.
 - 1) Whenever a child-care center or before and after-school facility is constructed or extensively remodeled and whenever an existing structure is converted to use as a child-care center or before and after-school facility, properly prepared

plans and specifications for such construction, remodeling, or conversion shall be submitted to the regulatory authority for review and approval before construction, remodeling, or conversion has begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans and construction materials of work areas and the type and model of proposed fixed equipment in centers. The regulatory authority shall approve the plans and specifications if they meet the requirements of the State of Texas, the Regulatory Authority, and city ordinances. A plan review fee will be charged per the City of Mansfield Department of Regulatory Compliance fee schedule.

- 2) Whenever plans and specifications are required to be submitted to the regulatory authority, the regulatory authority shall inspect the child-care center or before and after-school facility prior to beginning its operation to determine compliance with the approved plans and specifications and with the requirement of these rules.
- 3) Residential structures shall not be permitted as a child-care or before and after-school facility.
- ~~3~~4) Free-standing diaper changing stations in infant and toddler areas shall have a hand sink, plumbed with hot (100 to 120 degrees Fahrenheit) and cold running water, located at the diapering station. Hot water must be available within 20 seconds.
- ~~4~~5) Child-care centers providing overnight care shall provide bathtubs and/or showers.
- ~~5~~6) Stairs and porches more than two feet above the ground shall have railings the children can reach.
- ~~6~~7) Outside play areas shall be surrounded by a fence with a minimum height of four feet and shall be immediately adjacent to the center and located away from heavy traffic areas. Such fences shall be of a design to prevent entrapment hazards. Any child-care center operating a before and after-school program in a public school building pursuant to a contract with any independent school district shall be exempt from the fence requirements of this article.
- ~~7~~8) Outdoor play equipment shall be away from busy areas in the yard and securely anchored, unless portable by design.

~~8)9)~~ Swimming pools shall be constructed, maintained, and comply with the Mansfield Code of Ordinances Chapter 92 "Health and Sanitation" standards regarding swimming pools and spas.

~~9)10)~~ An Isolation Area must be available in the facility for children who are not feeling well, ~~that is and~~ must be comfortable and supervised away from other children.

§ 110.30 PERMIT SUSPENSION AND REVOCATION.

Enforcement, Suspension, and Revocation.

(A) Powers of the regulatory authority.

- 1) The regulatory authority shall have the authority to regularly inspect or visit all child-care ~~centers~~ and before and after-school programs ~~embraced within the provisions of this article in the City~~, whether permitted or unpermitted, at any and all times necessary to ascertain if child-care ~~centers~~ or before and after-school program operations are being ~~conducted~~operated in conformity with this ~~article~~chapter or if any conditions exist therein which require correction.
- 2) The regulatory authority shall have the authority to give written notice, on the premises, to the operators of permitted or unpermitted child-care centers and before and after-school program programs, pertaining to violation of and/or requirement to comply with the provisions of this ~~article~~chapter.
- 3) If unpermitted child-care centers or before and after-school programs are found in operation, the regulatory authority shall have the authority to give written notice to the operator of said facility to cease child-care immediately.

(B) Authority to suspend permit – written notice required.

- 1) The regulatory authority ~~shall have the authority~~, after giving written notice, ~~to may~~ suspend any permit if it ~~is determined~~ finds any of the following: ~~that~~ violations of immediate danger regarding construction of facility or on-premises buildings; toilet ~~centers~~facility violations; sanitation violations; food preparation violations; improper storage and handling of chemicals or any harmful solution; lack of proper supervision; child neglect; child-care staff criminal history; potential for injury or death; infectious diseases; hazards with outdoor play areas; ~~vehicles used to transport children~~; failure to pay required fees; and failure to comply with all fire, zoning, building, and health codes, at the child-care center or before and after-school program care facility.

- 2) ~~The regulatory authority, writing delivered to the address of the permit holder or by certified or registered mail, The written notice from the regulatory authority shall call to the attention of the permit holder the particulars regulations of this chapter and areas in which he/she or the child-care center or before and after-school program failed to comply with the provisions of this article, and shall specify a reasonable time, not to exceed 30 days, for the permit holder to remedy said failure to come into compliance. Suspension of the permit shall require the operator to cease all activities immediately and to bring the child-care center or before and after-school program facility into compliance with directives from the regulatory authority within a prescribed time period~~
- 3) ~~If the permit holder fails to comply with the provisions of this article chapter within the time specified, said director the rRegulatory aAuthority shall give notice in writing to the operator, permit holder, manager, or other person(s) in control of said child-care center or before and after-school program that the permit issued for the operation of said child-care center or before and after-school program is revoked. may revoke the permit in accordance with this chapter.~~
- 4) ~~Suspension of the permit shall require the operator to cease all activities immediately and to bring the child-care center or before and after-school program facility into compliance with directives from the regulatory authority within a prescribed time period. Failure to rectify designated problems at the child-care center or before and after-school program facility shall lead to revocation of the permit.~~

(C) Authority to revoke permit – written notice required.

The Regulatory Authority may, upon written notice by personal service or by certified or registered mail, sent to the address provided on the permit holder's application, revoke a permit in the event of any of the following if the regulatory authority has reasonable cause to believe that:

- 5)1) Entry of the regulatory authority into a permitted facility has been denied or delayed;
- 6)2) A statement of fact contained in the application was false or materially misleading;
- 7)3) The permit holder fails to comply with the requirements of subsection (B)(2) hereof;
- 8)4) The permit holder has caused, suffered or permitted the commission of an aggravated violation of any provision of this article;

~~9) The permit holder, the director, or a person in charge employed by the permit holder has repeatedly failed to comply with any provision of this article; and~~

~~10) The regulatory authority shall provide notice of the revocation by personal service or by certified or registered mail, sent to the address provided on the permit holder's application.~~

~~(C)(D)~~ Appeal – notice required.

- 1) The notice of revocation or denial of a permit shall become a final revocation after the expiration of ten days from the date of service upon the permit holder, operator, manager, or other person in charge of the child-care center or before and after-school program facility in question, unless on or before the expiration of ten calendar days the permit holder shall file with the Regulatory Authority a written appeal signed by such permit holder addressed to the city manager setting out the basis for such appeal and in which it is requested that the City Manager grant a hearing upon the questions of whether or not the permit shall be revoked.
- 2) The revocation shall be stayed or postponed until such time as the City Manager shall grant a hearing and make a final adjudication. Such appeal, if made and filed as prescribed in this section, shall not create any right to continue operation unless granted by the city manager until such hearing and adjudication.
- 3) The hearing shall be held after the date of filing of such appeal. The action and judgment of the city manager, after hearing all the evidence and facts, shall determine whether such revocation shall be final and shall notify the permit holder in writing by mail or by delivery to the permit holder of such determination. The hearing shall be held within ten calendar days after the date of filing the appeal and the action of the City Manager after hearing all the evidence and facts shall be final and conclusive as to all parties. Following revocation or denial, the permittee or applicant shall not be eligible to apply or reapply for a permit for a period of one calendar year from the date of the revocation or denial. Any such revocation or denial shall be reported to the Texas Department of Protective and Regulatory Services. The city shall also report any violation notices or illegal operations to the department.

~~— Reissuance of revoked permit. A permit that has been revoked shall not be reissued.~~

~~—(A) The City Manager, or his/her designee, is authorized to suspend or revoke a child care center permit for violation of any provision of this subchapter. Suspension or revocation of a permit shall be effected by notice in writing setting forth the reasons therefor and specifying any requirements or schedules of time for further action related to the suspension or revocation.~~

~~—(B) The following actions shall constitute cause for suspension:~~

- ~~—(1) Failure to respond within the specified limits of time regarding violations observed during a city inspection of the premises and operation.~~
- ~~—(2) Violation by the operator or any employee or staff member of the requirements for permit as contained herein.~~
- ~~—(3) Any violation of this subchapter which poses a danger to any child entrusted to the care of the child care center.~~
- ~~—(4) Failure to keep continually in force the liability insurance required by this subchapter.~~
- ~~—(C) A permit that has been suspended may be reactivated only after a city inspection has confirmed that the condition causing the suspension has been corrected. Request for activation shall be made to the Fire Marshal, or his/her designee, and shall be evaluated as if for the initial application.~~
- ~~—(D) The following actions shall constitute cause for revocation:~~
 - ~~—(1) Failure to correct a violation for a period of six months following suspension of the permit.~~
 - ~~—(2) Knowingly submitting false information, or allowing false information to be submitted, in the application for a permit.~~
 - ~~—(3) Failure to comply with the requirements of this subchapter.~~

§ 110.31 OPERATION OF A CHILD-CARE FACILITY.

(A) The child-care center permit shall be conspicuously posted on an inside wall of the main facility and shall be continuously displayed for public view.

(B) A child-care center shall be operated in accordance with all ordinances of the city and state and federal statutes where applicable.

(C) Health records maintained by the facility shall be available for inspection at all times by the Regulatory Authority. Records of the facility shall include immunization schedules and emergency care permission slips from a parent and guardian for emergency medical treatment of children.

(D) The child-care staff, employees and/or drivers shall not be permitted to work while afflicted with infectious diseases or other illnesses which would adversely affect their work or the health of the children. Any child ill with a communicable disease shall be isolated from other children at the child-care center. Persons shall not be permitted in the child-care center whose health status or behavior suggests a hazard to the health, safety, and welfare of others, including symptoms of a contagious illness, a dangerous mental or physical condition, or symptoms of drug or alcohol intoxication.

(E) Unanchored mobile homes and upstairs apartments shall not be eligible sites for child care operations.

(F) Child-care facilities may not be used in connection with any other operation when the other operation is using the same space concurrently. The child-care facility shall not have an interrupted food schedule if a common kitchen is used.

(G) The child-care facility shall maintain adequate toilet facilities for the children, including tissue, paper towels, clean cloths or mounted, approved hand dryer blowers and soap. A child-care facility shall also maintain an adequate amount of first-aid supplies including, but not limited to, soap, antiseptic solutions, absorbent cotton, cotton-tip applicators, tweezers, magnifying glass, sterile gauze, adhesive tape, and adhesive bandages. One medium-sized package or container of each of these first-aid supplies shall be maintained in an unopened reserve at all times. First-aid procedures and supplies shall be applied, including cleaning and bandaging, for any cut or bleeding abrasion of the skin.

(H) Each facility shall have a fire evacuation plan posted in each room used by the children. The first priority in the event of fire shall be immediate evacuation of the children. Each facility shall have an annual fire inspection with a written report submitted to the permittee and the city. Any corrections or deficiencies noted shall be promptly corrected by the permittee. All child-care staff members shall be instructed in emergency procedures as well as the fire evacuation plan. Fire drills shall be held quarterly at different times of the day to test the fire evacuation plan. The building shall be constructed so as to permit fast and safe exit within three minutes in any emergency. The facility shall have at least two exits to the outside located on different sides of the building. Doors opening into a fenced yard shall be able to be easily opened from the inside by the children. Doors between rooms shall not be locked while children are present. Doors and pathways shall not be blocked. Heating devices and their nearby areas shall not be allowed to present any fire hazards. Gas appliances shall have metal tubing and connections unless otherwise approved by the Fire Marshal. Open flame space heaters are prohibited. All gas heaters are to be vented to the outside. Gas pipes shall be tested annually for leaks. Floor furnaces shall be enclosed to keep children away. A copy of the test report shall be available at the facility. Smoke detectors shall be installed to provide an effective warning to the building occupants of a fire. The detectors shall be placed as required by the Fire Marshal. Stand alone single station smoke detectors are permitted in mothers day out programs that operate less than three days per week and in facilities that have less than 50 children in care. Before and After-school care programs providing care for students at a school after normal school hours are not required to provide smoke detectors under this chapter.

(I) The facility shall have an annual sanitation inspection. A written report shall be submitted to the city and a copy furnished to the permittee. Any corrections called for in the report shall be made promptly by the permittee. ~~The requirements of this division (I) shall not apply to a mothers day out or after school care program when the facility is not eligible for a health inspection under the policies of the City of Mansfield Health and Food Safety Department.~~

(J) The buildings, grounds and equipment of the facility shall be kept in repair and maintained to protect the health and safety of the children. Electrical outlets accessible to

children shall be protected with childproof covers or safety outlets when not being used. Playgrounds shall be supervised at all times by a teacher or child-care staff in the same ratio required to be maintained in classrooms. Play areas shall be surrounded by a fence with a minimum height of sixfour feet, ~~provided that fences at existing child-care facilities which are under six feet, but at least four feet in height are declared to be in compliance herewith.~~ The playground area, including all play equipment, shall be maintained in a safe condition. No sharp edges, dangerous protrusions, or other obvious hazards shall be allowed in the play area. Any pool, pond or other body of water greater than ten inches in depth shall be separated from the playground by a fence with a minimum height of sixfour feet. Permittee shall keep all toxic substances, both indoors and outdoors, secure from access by the children. All emergency telephone numbers required by the minimum standards shall be posted by a telephone which is accessible to all child-care staff members.

(K) Animals are prohibited at all times from food preparation areas, as well as child-care areas and child play areas when children are present or when the animal may present a danger to the children.

(L) Bathtubs or showers shall be made available for children staying overnight in a facility. Bathtubs or showers used by preschool children shall be supervised at all times when in use. Privacy shall be assured for school age children. Tubs or showers shall be cleaned out after each use. Children shall be provided fresh wash cloths and towels.

(1) Toilet fixtures and facilities shall be provided in accordance with the city Plumbing Code.

(2) The temperature of any water available to the occupants or patrons of a child-care center shall ~~conform with all applicable state regulations~~ reach no higher than 120 degrees Fahrenheit.

(3) Each lavatory shall be provided with both hot water and cold water.

(4) All handwashing lavatories installed after the effective date of this ordinance shall be provided with hot and cold water under pressure, tempered by means of a mixing valve or combination faucet. The facility must ensure that the temperature of hot water available to children is no higher than 120°F. Self closing or metering faucets shall provide a flow of water for at least 15 seconds without having to be reactivated. Soap and a hand drying device or disposable towels shall be provided for use by both child-care staff and children.

~~(M) All reasonable safeguards must be utilized by a permittee to protect against release of a child or removal of a child by anyone other than the child's parent or legal guardian, unless such release is specifically authorized by the parent or legal guardian. The child-care facility must have previous written approval from the parent or legal guardian if the child is to be released to a third person. This approval may be in the form of an authorized release list maintained as a part of the facility's enrollment procedures and updated quarterly. In the~~

~~event the child is under the care, custody and control of a guardian as defined herein, the guardian shall be the only person authorized to designate a third person or other parent to remove the child from the facility. The facility shall maintain a four digit code for release of a child to a third person. The code shall consist of the last four digits of the guardian's social security number and shall be maintained as a portion of the enrollment records of the facility. Prior to a child being released to a third person, that person must be on a current authorized release list, tell the child care operator the child's full name and four digit code and provide the child care operator with a photo driver's license or I.D. card issued by a state agency. The permittee must verify that the third person knows the child's full name and four digit code. The child care operator must also verify the identity of the person picking up the child and verify that the person is authorized to pick up the child. The permittee will further obtain and record the name, birth date, driver's license number and if feasible, license plate number of any third person picking up the child. The records must be maintained for a period of 48 hours.~~

An enrollment agreement shall be obtained for each child prior to admission, filed at the child-care center or before and after-school facility, and the director shall be responsible for assuring that the terms of the agreement related to items (M)(1)-(M)(5) below are met. The agreement signed by the parents shall contain:

- 1) Hours the child shall be in care (not to exceed 12 hours except in an emergency).
- 2) Notarized emergency medical authorization.
- 3) Any unique security code or child tracking method.
- 4) A statement that the child will be released only to a parent or a person named by the parent.
- 5) In any instance when the person(s) listed above cannot pick up the child, the procedures described herein shall be followed.
 - a. The parent or guardian shall phone the child-care center or before and after-school facility, shall identify themselves by using any unique identification code, and shall designate who will pick the child up. The director or child-care staff member shall check the child's enrollment record to verify the code.
 - b. The person who picks up the child must identify themselves as follows:
 - i. Shall present photo identification.
 - ii. Shall present the parent's unique security code or child tracking method.
 - iii. The unlisted person shall sign the child out.
 - iii.iv. The director or child-care staff member shall copy the valid photo identification card or photograph the person before they leave the

child-care center or before and after-school facility. The center must provide an operational camera to take necessary photographs.

b.c. The procedure to release children to unlisted persons as required by the City of Mansfield shall be posted so that it is readily accessible to all child-care staff.

c.d. In the event that a child is found to be missing from a facility, the operator of the facility shall report such fact to the City of Mansfield Police Department and the City of Mansfield Department of Regulatory Compliance Authority immediately.

(N) In an emergency occurrence, such as any circumstance that renders all or part of the center unsafe or unsanitary for a child-care center or before and after-school facility (for example, but without limitation, flood, fire, water outage, lack of hot water (120 ° F), power outage, or sewage backup), the person in charge shall immediately notify the regulatory authority.

§ 110.32 FOOD SERVICE.

A child-care facility in which food is prepared for human consumption shall comply with the applicable food service and sanitation regulations for child care centers established by state standards. Chapter 94 Food Establishment Regulations of the City of Mansfield Municipal Code of Ordinances. Child-care centers that are presently using residential type refrigeration or cooking equipment must upgrade to commercial refrigeration when the unit fails or is replaced, or if there is a change of ownership.

§ 110.33 PERMIT FEES.

(A) Requirement. It shall be unlawful for any person to operate a daycare ~~child-care~~ food service establishment within a daycare facility the City of , unless ~~Mansfield unless~~ they possess a current and valid health permit issued by the City of Mansfield ~~Code~~ Regulatory Compliance Department.

(B) Fees. Permit fees are set forth in the City of Mansfield ~~Code~~ Regulatory Compliance Department fee schedule.

§ 110.34 DISCLAIMER OF LIABILITY.

All of the regulations provided in this subchapter are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any city official or employee charged with the enforcement of this subchapter, acting for the city in the discharge of his/her duties, shall not thereby render himself/herself

personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties.

§ 110.35 ENFORCEMENT.

(A) The City Manager, or his/her designated representative, shall have authority to enforce all provisions of this subchapter together with other applicable laws regarding child care facilities. The authority shall include the authority for inspection or visitation of all facilities required to be permitted under the provisions of this subchapter at all reasonable times.

~~(B) The City Manager, or his/her designated representative, shall have authority to revoke a permit as provided in this subchapter, provided that permittee shall be given notice in writing, certified mail, of the particulars of the revocation and may be given reasonable additional time, not to exceed six months, within which to correct the condition. If the permittee fails to correct the deficiency within the time specified, the City Manager, or his/her designated representative, shall give notice in writing that the permit is revoked. The notice of revocation or notice of denial of a permit shall become final after the expiration of ten days from the date of service on the permittee or applicant unless before the expiration of such time the permittee or applicant has filed with the City Manager a written appeal requesting a hearing before the City Manager on the question of whether or not the permit should be revoked or denied. The revocation shall be stayed or postponed until such time as the City Manager shall grant a hearing and make a final adjudication. The hearing shall be held within ten calendar days after the date of filing the appeal and the action of the City Manager after hearing all the evidence and facts shall be final and conclusive as to all parties. Following revocation or denial, the permittee or applicant shall not be eligible to apply or reapply for a permit for a period of one calendar year from the date of the revocation or denial. Any such revocation or denial shall be reported to the Texas Department of Protective and Regulatory Services. The city shall also report any violation notices or illegal operations to the department.~~