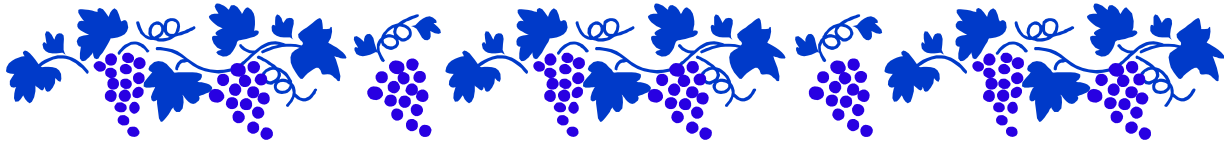


Home Daycare,
Child Care
And
Daycare
Facilities Operations and Requirements



Provided by
City of Chesapeake
Inspections Department

Home Daycare, Child Care and Daycare Facilities Operations



Certain home occupations may require a conditional use permit.

Section 13-501(b)1 of the City Zoning Ordinance

HOME DAYCARE

A conditional use permit is required for home daycare when state licensing is required or structural building changes are required by the Uniform Statewide Building Code (USBC).

Section 14-302(b)4 of the City Zoning Ordinance

CHILD CARE FACILITY

A child care facility which accommodates **5 or less** children of any age shall be classified as Use Group R-3 (Residential 1 & 2 Family Dwelling). No changes are required to the dwelling. The total number of children must include all of the children who reside at the facility.

Section 310.5.1 of the Uniform Statewide Building Code

Use Group R-3: The use group shall include all buildings arranged for occupancy as one- and two-family dwelling units. This includes not more than five lodgers or boarders per family and multiple single-family dwellings where each unit has an independent means of egress and is separated by a two-hour fire separation assembly.

Child care of five or less children in a residence is not regulated by state licensing requirements and the zoning ordinance. Child care of more than five children dictates a change of use for the structure, enforcement of the USBC, all zoning and state licensing requirements are necessary.

A child care facility which accommodates **more than five children**, 2-1/2 years of age or less, for any length of time shall be classified as Use Group I-2 (Institutional). Fire suppression is required. *Exception: facilities with 100 or less children and each child care room has an exit door directly from the room to the outside at grade level.* An automatic fire detection system, meeting the requirements of National Fire Protection Association (NFPA) 72, shall be installed and maintained. Use Group I-2 is not permitted in a wood frame Type 5B structure, typical of residential construction per Table 503. For Use Group I, with one exit, the maximum occupant load is ten (10) persons with a 75-foot travel distance to an exit (Table 1017.2), Section 906.0, 409.0. A Fire Alarm System is required for an I-2 Use Group.

Sections 308.3.2, 918.4.4 – 919.5 of Uniform Statewide Building Code

DAYCARE FACILITY

A daycare facility, which provides care for **more than five children**, 2-1/2 years of age or more for less than 24 hours per day, shall be classified as Use Group E (Educational).

Section 305.1.1 of the Uniform Statewide Building Code

Use Group E: An automatic fire suppression system shall be provided throughout all buildings having a Use Group E fire area which exceeds 20,000 square feet in area. Daycare centers classified as a Use Group E in wood-frame construction may be increased one-story and 20 feet provided the total occupant load does not exceed fifty persons. A Fire Alarm System meeting the requirements of NFPA 72 shall be installed and maintained.

Section 904.4, 918.4.1, 504.4

All egress doors shall swing in the directions of egress where serving 50 or more persons. The maximum occupant load within spaces with one exit is determined by the use group. Educational, E use group, with one exit is allowed a maximum occupant load of 50 persons with a 75-foot maximum travel distance to an exit.

ADDITIONAL REQUIREMENTS

1. Two or more occupancies in the same building, but not in the same use group, shall be individually classified as to their use. They shall be completely separated from adjacent occupancies by firewalls, fire-separation assemblies and/or floor ceiling assemblies. The rating of assemblies may range from 1 to 3 hours.

Section 313.1.1 – 313.1.2 of Uniform Statewide Building Code

2. For an I-2 Use Group, storage rooms more than 100 square feet in area require a one-hour separation and automatic sprinkler system. For an E Use group, Storage rooms with 100 footage in area or greater require an automatic Fire Suppression System with smoke partitions. (Table 302.1.1)
3. All exit corridors in an unsprinklered-space or building with a total occupancy of 30 or more persons shall have a fire rating of one-hour. This shall include doors and their assemblies, ceiling, walls, glazing and fire dampers. See exception for Use Group E (**Table 1011.4**). Door ratings must comply with Table 717.1.
4. Panic hardware is required in buildings of the Use Group E classification with an occupant load of 100 or more persons.

Section 1017.4.2 of Uniform Statewide Building Code

5. In all buildings, room or spaces required to have more than one exit shall have exit signs located at exit access areas and exit doors. This is for all Use Groups.

Section 1023.1 of Uniform Statewide Building Code

6. Emergency Electrical Systems are required to operate emergency equipment, such as, means of egress lighting in the event of power failure (all Use Groups).

Section 2706.1 of Uniform Statewide Building Code.

7. Accessibility to physically disabled persons is required for daycare and childcare facilities Use Group E and I-2. Door openings shall not be less than 32-inches clear width. This will require the frame to be 36-inches to have a finish opening of 32 inches. Lever door handles shall be used for doors on the accessibility route including toilet room doors. **CABO A117.1**
8. Accessible restroom facilities must be provided as required in Section 1108.0
9. A drinking fountain is required and must meet CABO A117.1 compliance.
10. Interior and exterior painted surface of existing dwellings, childcare and daycare facilities, including fences and outbuildings, which contain lead levels equal to or greater than 1.0 milligram per square centimeter or in excess of 0.50 percent lead by weight shall be maintained in a condition free from peeling, chipping and flaking paint or removed or covered in on approved manner. Any surface to be covered shall be marked with warnings as to the lead content of such surface.

Section 3402.8

11. A portable fire extinguisher shall be installed in a visible location and available to the occupants in Use Group I-2 and E.

Note: *New or altered sprinkler systems or fire alarms shall first be reviewed and approved by the Fire Prevention Bureau. A mechanical permit is required for such installations. Any building, plumbing, electrical, gas, mechanical or sign installations also require permits and inspections. All uses shall be compatible with zoning regulations.*

References:

Virginia Uniform Statewide Building Code Amendments
1996 Building Officials Code Administrator, National Building Code
CABO A117.1
City of Chesapeake Zoning Ordinance

***This information is not meant to be inclusive.**

Age of Children	Number of Children	Use Group
Older than 2 ½ Years	More than 5	E
2 ½ years or younger	More than 5	I-2
All ages	5 or less	R-3

**USE GROUP CLASSIFICATION OF DAY CARE
AND CHILD CARE FACILITIES**

If you have any questions, the listed phone numbers may be helpful:

Department of Inspections - 382-6018

email : inspdept@inspec.city.chesapeake.va.us

Fire Prevention Bureau - 382-6297

Email: firedept@fire.city.chesapeake.va.us

Business License - 382-6455

Health Department - 382-8600

Social Services Dept. - 491-3990

Updated – October 30, 2000

“Child day center” means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

Exemptions: (§ 63.1-196.001 of the Code of Virginia).

1. A child day center that has obtained an exemption pursuant to §63.1-196.3 of the Code of Virginia;
2. A program where, by written policy given to and signed by a parent or guardian, children are free to enter and leave the premises without permission or supervision. A program that would qualify for this exemption except that it assumes responsibility for the supervision, protection and well-being of several children with disabilities who are mainstreamed shall not be subject to licensure;
3. A program of instructional experience in a single focus, such as, but not limited to computer science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if no child is allowed to attend for more than 25 days in any three-month period commencing with enrollment. This exemption does not apply if children merely change their enrollment to a different focus area at a site offering a variety of activities and such children’s attendance exceeds 25 days in a three-month period;
4. Programs of instructional or recreational activities wherein no child under age six attend for more than six hours weekly with no class or activity period to exceed 1½ hours, and no child six years of age or above attends for more than six hours weekly when school is in session or 12 hours weekly when school is not in session. Competition, performances and exhibitions related to the instructional or recreational activity shall be excluded when determining the hours of program operation;
5. A program that operates no more than a total of 20 program days in the course of a calendar year provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week;
6. Instructional programs provided by public schools which are not exempt pursuant to subdivision 6 under the child day center definition in this section shall be regulated by the State Board of Education using regulations that incorporate, but may exceed, the regulations for child day centers licensed by the commissioner;
7. Education and care programs provided by public schools which are not exempt pursuant to subdivision 6 under the child day center definition in this section shall be regulated by the State Board of Education using regulations that incorporate, but may exceed, the regulations for child day centers licensed by the commissioner;
8. Early intervention programs for children eligible under Part H of the Individuals with Disabilities Education Act (20 USC § 1470 et seq.), wherein no child attends for more than a total of six hours per week;

9. Practice or competition in organized competitive sports leagues;
10. Programs of religious instruction, such as Sunday schools, vacation, Bible schools, and Bar Mitzvah or Bat Mitzvah classes, and child-minding services provided to allow parents or guardians who are on site to attend religious worship or instructional services;
11. Child-minding services which are not available for more than three hours per day for any individual child offered on site in commercial or recreational establishments if the parent or guardian (i) is not an on-duty employee, (ii) can be contacted and can resume responsibility for the child's supervision within 30 minutes, and (iii) is receiving services or participating in activities offered by the establishment;
12. A certified preschool or nursery school program operated by a private school which is accredited by a statewide accrediting organization recognized by the State Board of Education or accredited by the National Association for the Education of Young Children's National Academy of Early Childhood Programs and which complies with the provisions of §63.1-196.3:1 of the Code of Virginia; or
13. By policy, child day center that is required to be programmatically licensed by another state agency for that service.

“Child day program” means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

Note: This does not include programs such as drop-in playgrounds or clubs for children when there is no service arrangement with the child's parent.

“Children with disabilities” means those children evaluated as having autism, deaf-blindness, a developmental delay, a hearing impairment which may include deafness, mental retardation, multiple disabilities, an orthopedic impairment, a serious emotional disturbance, a severe or profound disability, a specific learning disorder, a speech or language impairment, a traumatic brain injury, or a visual impairment which may include blindness.

“Commissioner” means the Commissioner of Social Services, also known as the Director of the Virginia Department of Social Services.

“Department” means the Virginia Department of Social Services.

“Department's representative” means an employee or designee of the Virginia Department of Social Services, acting as the authorized agent of the commissioner.

“Evening care” means care provided in a center after 7 p.m. but not through the night.

PUBLIC NOTICE
EMERGENCY REGULATIONS
Effective March 10, 1999

This emergency change is a result of research by the Attorney General's Office concerning the authority of the Virginia Departments of Social Services; Mental Health, Mental Retardation and Substance Abuse Services; Education and Juvenile Justice to promulgate any fire prevention regulations. The Virginia Departments of Social Services; Mental Health, Mental Retardation and Substance Abuse Services; Education and Juvenile Justice have promulgated fire prevention regulations which they have been instructed cannot be enforced.

Currently, the Virginia Uniform Statewide Building Code and the Virginia Statewide Fire Prevention Code do not have provisions to deal with retrofitting of residential buildings with smoke detectors and fire extinguishers and requiring unannounced fire exit drills as was required by the Virginia Departments of Social Services. Mental Health. Mental Retardation and Substance Abuse Services, Education and Juvenile Justice regulations.

Because of the above, a potentially unsafe situation may have been created with regard to newly licensed child care programs in existing residences not equipped with smoke detectors and in any newly licensed child care programs in any residential building with regard to fire extinguishers and fire exit drills.

The emergency amendments to the Virginia Uniform Statewide Building Code, through section 3402.15, and the Virginia Statewide Fire Prevention Code, through section 13 VAC 5-51-20 -D; will require each existing building when defined as a "State Regulated Care Facility" to have installed and maintained at least one portable fire extinguisher on each floor and at least one smoke detector (i) in each bedroom hallway, (ii) at the top of each interior stairway, (iii) in each area designated for smoking and (iv) in or immediately adjacent to each room with a furnace or other heat source. Smoke detectors will be required to be tested monthly and the records of such tests maintained for two years.

And section 13 VAC 5-51-136 of the Virginia Statewide Fire Prevention Code will require a “State Regulated Care Facility” to conduct fire exit drills not less than twelve times per year with not less than six of the drills required to be unannounced.

Questions regarding these emergency regulations should be directed to the State Fire Marshal’s Regional Office in your area. For the office in your area, you may call (804) 371-7153.

Division of Building and Fire Regulation

Department of Housing and Community Development