
MEMORANDUM

To: City Council Members
From: Council Members Carlton Christensen and Jill Remington Love
Re: Legislative Action to amend the City's regulations on home day care businesses
Date: December 9, 2005
CC: Rocky Fluhart, Louis Zunguze, Alex Ikefuna, Janice Lew, Kevin LoPiccolo, Orion Goff, Larry Butcher, Diana Karrenberg, Barry Esham, Annette Daley, Gwen Springmeyer

We would appreciate the Council's support in adopting a Legislative Action to ask the Administration to amend sections of the City's Code that pertain to home day care operations.

SUMMARY

This request came about due to requests by various day care providers and representatives of day care support organizations. The requested amendments would make the City Code consistent with the current State certification and laws. While the City is allowed to have different regulations than the State, these changes would make it easier for the day care providers and the state inspectors. (The State regulations changed several years ago, before which the City and State were the same. When the State's rules changed, the City's did not.)

This Legislative Action would also include an amendment to require an annual business license for a home day care business, so that it is consistent with City regulations of other home occupations.

KEY ELEMENTS

- Numbers of children
 - The State currently allows one caregiver to care for up to eight children.
 - Under the State limits, the caregiver must include their own children under the age of 12.
 - Under the State limits, if there are more than two children under the age of two, then an additional caregiver is required.
 - The City limits the number of children to six.
 - Under the City Code, if there are more than six children, then the City code would require an additional caregiver.
This Legislative Action would request that these limits be amended to be consistent with State limits.
 - Under the City Code, employees not lawfully living at the home are not permitted. (Section 21A.36.030 (H)(4) "The home occupation work conducted at the residence shall not involve any employees other than persons lawfully living in the residence.")
This Legislative Action does not intend to modify the prohibition of employees, as such the City Code would still limit the number of children under two so that another caregiver is neither required nor authorized.
- City Business licensing and zoning approvals

- Currently, the City does not require a business license for this type of home occupation, per Section 21A.36.130 of the *Salt Lake City Code*.

This Legislative Action requests that this Section of the City Code be changed so that an annual business license would be required.

- Currently a home day care business is treated as a Home Occupation Special Exception per Section 21A.52 of the *Salt Lake City Code*.
- Coordination between the City and the State licensing and certification
 - During an initial meeting on this issue, the representative from the State mentioned that when issuing certifications and performing inspections, they use the local government's specific zoning and licensing requirements.
 - These proposed changes would require coordination with the State to ensure that the State is aware of any new documents (such as a business license) or City requirements.

During the course of research, the City will likely gain a better understanding of the State's certification and inspection process on other similar day care services.