

**ORDINANCE NO. 2021-06
CITY OF KUNA, IDAHO**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA;

- **AMENDING TITLE 3 KUNA CITY CODE BY THE ADDITION THERE TO OF A NEW CHAPTER 10 PROVIDING FOR DAYCARE LICENSURE,**
- **REQUIRING A DAYCARE LICENSE,**
- **ADOPTING STATE CODE DEFINITIONS,**
- **PROVIDE FOR TYPES OF DAYCARE LICENSES AND FEES,**
- **PROVIDING FOR LICENSE APPLICATION INVESTIGATION,**
- **LICENSE TERM,**
- **CITY CLERK ISSUANCE DENIAL AND REVOCATION,**
- **PROVIDING FOR LICENSE APPLICATION DENIAL APPEALS TO CITY COUNCIL,**
- **ORDER TO SHOW CAUSE HEARINGS BEFORE CITY COUNCIL FOR LICENSE REVOCATIONS;**
- **DECLARING IT UNLAWFUL TO ENGAGE OR CONDUCT OR OPERATION OF A DAYCARE WITHOUT A LICENSE AND ESTABLISHING A PUNISHMENT;**
- **DIRECTING THE CITY CLERK; AND**
- **PROVIDING AN EFFECTIVE DATE.**

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KUNA, ADA COUNTY, IDAHO, as follows:

Section 1: That Title 3 of the Kuna City Code be and the same is hereby amended by the addition thereto of a new Chapter 10 to read as follows:

3-10-1: LICENSE REQUIREMENTS:

At any time, subsequent to one hundred and twenty (120) days from the effective date of this chapter, it shall be unlawful for any person to engage in the conduct or operation of a daycare, daycare center and/or daycare facility within the City of Kuna without holding a valid currently enforce license issued by the state of Idaho; and without first applying for and having obtained a currently enforce daycare business license issued by the city clerk, and be in compliance with this chapter.

3-10-2: - ADOPTION OF STATE CODE AND DEFINITIONS:

The laws of the state of Idaho, codified in Idaho Code Section 39-1102 as are in effect and which may hereafter be amended or recodified, are hereby adopted for the purpose of this

chapter, except as modified or supplemented by this chapter. The definitions of Idaho Code Section 39-1102, and as amended or recodified, shall also be the definitions used for terms used in this chapter, unless the context clearly requires a different definition or a different definition is provided.

3-10-3: - TYPES OF LICENSES AND FEES:

- A. Daycare facility: This license is for the ownership, operation or conduct of a daycare facility.
- B. Daycare Center: This license is for the ownership, operation or conduct of a daycare center.
- C. The fees for the licenses described in this section shall be set by resolution of the city council.

3-10-4 - LICENSE APPLICATION:

An applicant for a daycare business license or license renewal, pursuant to this chapter, shall file with the city clerk an application or an application for license renewal on the form available through the city clerk's office, together with the application fee or renewal fee, which application shall contain the following information:

- 1. Name, notice mailing address (both legal and local), email and phone number of the applicant, and if the applicant is an agent of an entity, the name, mailing address, email and telephone number of the entity, and the agent's name and telephone number;
- 2. Proof that the applicant holds a valid currently enforced basic daycare license issued by the state of Idaho.
- 3. Type of daycare business license applied for.
- 4. A map and plan depicting the location of the real property and a floor plan of the facility depicting the location/s for the conduct of the daycare which is the subject daycare application.
- 5. Copy of any land use permit issued by the City for the conduct of the daycare which is the subject of the daycare application.

3-10-5: - REVIEW; INVESTIGATION; REQUIREMENTS FOR LICENSE ISSUANCE:

Upon receipt of the application or license renewal and the required fee, the city clerk shall cause the application to be reviewed and conduct an investigation to verify that the applicant is qualified to hold or renew the business license which includes the following qualifications:

- 1. Holds a valid currently enforced basic daycare license issued by the state of Idaho;
and

2. That the map and plan accurately depict the location of the real property and floor plan accurately depicts the facility location/s of the conduct of the daycare which is the subject of the application; and
3. That the applicant is in compliance with the land use permit issued by the City for the conduct of the daycare which is the subject of the application.

3-10-6: - LICENSE EXPIRATION:

All licenses issued pursuant to this chapter shall expire one year from the date of issuance.

3-10-7: - LICENSE EXHIBITION:

The license issued, pursuant to this chapter, must be readable and continually displayed adjacent to the entry of the facility, which has been identified in the license application, in a manner that is readily visible to persons who use the entryway.

3-10-8: - TRANSFER PROHIBITED:

It shall be unlawful for any license issued, pursuant to this chapter, to be transferred by the licensee. A transfer of the license shall result in immediate revocation of the license.

3-10-9: - RENEWALS:

Any license, issued pursuant to this chapter, may be renewed for an additional year as long as the licensee has complied with all terms and conditions of this chapter and applies for the renewal prior to the expiration of the current license.

3-10-10: - LICENSE DENIAL AND REVOCATION:

An application shall be denied and a license issued pursuant to this chapter shall be revoked by the city clerk on any of the following grounds:

1. Fraud, misrepresentation or false statement in the application or renewal application;
2. Applicant is not qualified to hold the license;
3. License transfer or other licensee violation of the provisions of this chapter.

3-10-11: - NOTICE DENIAL; REVOCATION:

If an application is denied or a license is revoked by the city clerk, the clerk shall serve notice of application denial or license revocation which shall be provided in writing which shall:

1. Set forth the specific grounds for the application denial or the license revocation; and

2. Be mailed to the applicant at the address designated in their application or mail to the licensee at the address they have designed for service of notice in their application for license renewal; and
3. A notice of application denial shall also notify the applicant that the notice of application denial shall become final unless they appeal the application denial notice to the City Council by filing a notice of appeal with the clerk within fourteen (14) days of the date of the notice of application denial. The setting of the appeal hearing before the City Council, shall be not less than fourteen (14) days from the date of the filing of the notice of appeal, at which time the council shall take evidence with regard to the grounds for the application denial.
4. A notice of license revocation shall also notify the licensee of the date, time and place of the hearing, before the City Council, when the licensee may show cause why their license should not be revoked. The show cause hearing shall be before the city council at the next regularly scheduled meeting, which is not less than fourteen (14) days from the date of the notice or license revocation, at which time the council shall take evidence with regard to the grounds for a revocation.

3-10-12: - VIOLATIONS AND PENALTY:

A violation of the provisions of this chapter shall be punishable as a misdemeanor as provided for in title 1, chapter 4 Kuna City Code and IC § 18-113, as amended. Each day or violation of any provision of this chapter shall be considered a separate offense, punishable as described herein.

Section 2: Directing the City Clerk

The City Clerk is directed to file, this Ordinance in the official records of the City and to provide the same to the City's codifier for inclusion and publication in the Kuna City Code as Chapter 2 of Title 11.

Section 3: Effective Date

This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law and at the discretion of the City Clerk and in lieu of publication of the entire ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

DATED this ____ day of _____, 2021

CITY OF KUNA

Joe L. Stear, Mayor

ATTEST:

Chris Engels, City Clerk