

Section 12. Child Care Centers.

12-1. Cots, sleeping mats and cribs.

- A. Any cots or sleeping mats shall be either assigned to an individual child or cleaned and disinfected between uses by different children.
- B. Cots or sleeping mats shall be cleaned and disinfected at least one time per week.
- C. Cots, sleeping mats and cribs shall be maintained in a clean, sanitary condition and in good repair.
- D. Cots, sleeping mats and cribs shall have an aisle that is at least two feet wide between each cot, sleeping mat and crib. Such aisles shall be kept free of obstructions at all times while the cots, sleeping mats and cribs are occupied.

12-2. Physical facilities.

- A. Outdoor trash storage areas and receptacles shall not be located in areas accessible to children or in areas used as play areas.
- B. Indoor trash receptacles shall be lined and covered.
- C. Indoor floor and step surfaces shall not be slippery and shall be maintained free of splinters.
- D. Elevated areas, including stairs and porches, shall have railings and safety gates where necessary to prevent falls.
- E. All exit doors and pathways shall be kept free and shall be easily accessible.
- F. All light bulbs in areas used by children shall be properly shielded or shall be shatterproof.
- G. The license holder shall ensure that potential hazards, including but not limited to, uncovered electrical outlets, guns, chemicals, uninsulated wires, medicines, and poisonous plants are not accessible to children.
- H. Guns and ammunition, if present, shall be kept in locked storage facilities separate from each other. Other weapons and dangerous sporting equipment shall not be accessible to children.
- I. During parts of the year where the temperature is below 65 degrees F, the room temperature in all rooms used by children shall be maintained at a temperature that is from 65 degrees F to 75 degrees F while children are present.
- J. All combustible materials shall be kept away from light bulbs and other heat or ignition sources.
- K. In all buildings erected before January 1, 1970, painted surfaces that are peeling, flaking, chipped or chewed shall be remediated of such condition; or the license holder shall provide evidence to the Department that the paints or finishes on those surfaces do not contain hazardous levels of lead bearing substances. For purposes of this section, hazardous levels of lead in these substances is a level of lead or its compounds in excess of 7/10 mg per square centimeter, or in excess of ½ of one percent in the dried film or coating, when measured by a lead-detecting instrument approved by the state department of health.
- L. Handling, sorting, and washing of soiled linens shall take place in designated areas that are separated by permanent partitioning from food preparation, storage and serving area.

12-3. All indoor and outdoor equipment, toys, and supplies shall be safe, strong, nontoxic and maintained in good repair. All such equipment, toys, and supplies shall be clean and maintained in a sanitary condition. Books and other such items that are not easily cleanable must be cleaned and sanitized to the extent possible without damaging the integrity or educational value of the item.

12-4. Exterior play areas shall be completely enclosed by an approved fence or other barrier sufficient to restrict any children from any unsafe areas. The fence or barrier shall meet the following:

- A. The bottom of the barrier shall be no more than four inches above grade.
- B. Openings in the barrier shall not allow passage of a four inch or larger sphere.
- C. Barriers shall not have indentations or protrusions that would provide hand or foot holds usable to climb the barrier.
- D. The barrier shall be free of any protrusions or indentations that could pose a hazard.
- E. If the barrier is composed of horizontal and vertical elements:
 - 1. The tops of the horizontal members shall be more than 45 inches apart. If the tops are less than 45 inches, then the horizontal elements shall be on the side facing away from the play area.
 - 2. Spacing between the vertical members shall not exceed one and three-quarter inches.
 - 3. Decorative cutouts shall not have spacing in the cutouts greater than one and three-quarter inches.
- F. Maximum mesh size for chain link fences shall not exceed one and three-quarter inches square.
- G. If the barrier has diagonal members, the maximum opening formed by the diagonal members shall be one and three-quarter inches.
- H. Access gates shall be equipped with a lock.
- I. Gates shall open outward away from the play area.
- J. Gates shall be self-closing and self-latching.

12-5. Children's personal items.

- A. All children's personal items, such as pacifiers and toothbrushes, shall be individually identified and stored in a sanitary manner separate from those of other children.
- B. Separate storage shall be provided for personal blankets and coverings used with cots, sleeping mats and cribs.

12-6. Pets and animals.

- A. Only cats, dogs, or animals that are contained in an approved closed container may be present in areas occupied by children. Other indoor animals shall be segregated from children and areas occupied by children by a solid barrier, and may not be accessible to children.
- B. The Department may impose additional restrictions on animals that may be present at a child care center if the animal is deemed to be a health or safety hazard.
- C. All animals present at a child care center shall be in good health, and shall have all current immunizations. Documentation of immunization shall be maintained on premises, and must be issued by a licensed veterinarian.
- D. The parents of all children at a child care center shall be notified of the presence of all animals at the center and to what degree the animal is allowed to interact with the children.
- E. If a child is bitten or scratched by an animal at a child care center, the license holder shall immediately notify the parents of the child and the Department.
- F. All contact or interactions between animals and children at the child care center shall be monitored closely by the license holder or their designate. If the animal shows any signs of distress or aggression, the contact or interaction shall be stopped immediately and the animal removed.

G. No pets or pet paraphernalia may be present in food preparation, food storage, or food serving areas. Food and water dishes, litter boxes and animal wastes may not be present in areas accessible to children.

H. The license holder shall ensure that the child care center is in compliance with all applicable state and local ordinances regarding the number, type, and health status of pets or animals.

12-7. Only swimming pool and spa facilities licensed by the Department may be used by children of a child care center.

12-8. Hygienic practices.

A. Staff members and children shall have unrestricted access to toilet and sink facilities.

B. Staff members and children shall be required to wash their hands, according to recommendations by the federal centers for disease control and prevention, before handling any food, after diapering, after using toilet facilities, and after any other procedure that may involve contact with body fluids.

C. The diapering area shall be an area that is designated for diapering and that is located separately from food preparation and serving areas.

D. The diapering area surface material shall be non-absorbent and easily cleanable and shall be cleaned and disinfected after each diapering.

E. Soiled diapers shall be stored in a sanitary, covered container separate from other garbage and waste and removed from the premises often enough to prevent odors from developing.

12-9. Toilet and sink facilities.

A. In those facilities that are governed by NDCC 75-03-10, there shall be separate male and female restrooms for those children ages six and over. Toilets in these restrooms shall be separated by partitions.

B. Toilet training chairs shall be emptied immediately after use, then cleaned and disinfected.

C. Diapering areas shall be equipped with a handwashing sink used only by caregivers and children as part of the diapering process.

12-10. If common use linens, towels or blankets, or if clothing, towels, or blankets from different children are laundered together, then:

A. The wash water shall be at least 140 degrees F; or

B. Chlorine or other approved disinfectant is used in the laundry process during the rinse cycle; or

C. The center shall use a clothes dryer that reaches a temperature of at least 140 degrees F.