

DATE: June 12, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Mark F. Miller, Planning Director

SUBJECT: Agenda Item – Announcement of Public Hearing (July 10, 2006) – Zoning Ordinance Text Amendment (File No: ZOTA 214) – Article X, Group Child Care Homes in the R-1A through R-1E Districts

RECOMMENDATION

City Management has not taken a position on the issue of group child care homes, based on an understanding that the regulation of group child care homes within single-family residential neighborhoods is a community values issue. Decisions regarding community values should be made by City Council, following consideration of a recommendation by the Planning Commission and considerable input from City Council, providers and residents. City Management has a responsibility to identify options, issues and primary and secondary impacts on the surrounding environment.

BACKGROUND

On March 27, 2006, City Council recommended that group child care homes be permitted by right subject to special conditions. Furthermore, City Council directed City Administration to prepare draft ordinance language for group child care homes in the R-1A through R-1E districts that incorporates City Council, City staff and group child care home comments.

On April 24, 2006, City staff conducted a meeting with group and family child care home providers. The purpose of the meeting was to get input from the child care providers in the drafting of an ordinance that will permit group child care homes in the R-1A through R-1E districts within the City of Troy. On May 1, 2006, City staff conducted a meeting with neighbors of family and group child care homes to obtain their input. Input from the two meetings is attached.

The fee structure for Group Child Care Home registration will be included in Chapter 60 and can be determined at a later date. City Management recommends a fee of \$150 for initial registration and \$75 for annual re-registration.

Attachments:

1. City Council Consensus Version Public Hearing Draft.
2. Neighbor comments from May 1, 2006 meeting.
3. Provider comments from April 24, 2006 meeting.
4. Admincode R 400.1801-R.400.1963, Licensing Rules for Family and Group Child Care Homes.
5. Miscellaneous correspondence (8).

Prepared by RBS/MFM

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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY

CITY COUNCIL CONSENSUS VERSION
PUBLIC HEARING DRAFT

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39 of the Code of the City of Troy.

Section 2. Amendment to Article X of Chapter 39

Article X of Chapter 39 of the Code of the City of Troy is amended to permit group child care homes by special condition in the R-1A through R-1E One Family Residential Districts subject to specific standards.

(Underlining, except for major section titles, denotes changes.)

10.25.05 Group Child Care Homes, as defined in Section 04.20.69, subject to the following conditions:

- A) The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed twelve (12).
- B) The resident-operator of the Group Child Care Home shall be licensed in accordance with applicable State Law.
- C) No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
- D) No sign shall be used on the premises to identify the Group Child Care Home.
- E) Group Child Care Homes with vehicular access on a major thoroughfare shall be required to have a circular drive or an unobstructed turnaround area to allow for the safe egress of vehicles.

- F) Licensed providers shall register with the City on or before September 1, 2006 or prior to commencement of operation and on an annual basis each January thereafter, and the licensed premises shall be subject to a fire and building department inspection and shall otherwise comply with applicable building and fire codes.
- G) The applicant shall identify the entrance(s) for drop-offs and pickups. The parking and drop-off areas shall be designed to maximize safety and privacy for the neighboring properties.
- H) The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01, shall not apply to Group Child Care Homes, provided:
 - 1. A nuisance to the surrounding neighborhood is not created, pursuant to Chapter 88.
 - 2. The operator of the Group Child Care Home shall reside within the home.
 - 3. The use as a Group Child Care Home is incidental to the principal use as a single family residence.
- I) The state licensed child care home shall not be located closer than 750 feet from another licensed child care home. This requirement shall not apply to any state licensed day care home existing as of the date of enactment of this ordinance.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on August 1, 2006.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2006.

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

**POTENTIAL GROUP CHILD CARE HOME PROVISIONS
RECOMMENDED BY CITY COUNCIL**

NEIGHBOR COMMENTS

<p>(1) The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed twelve (12). <i>Current State of Michigan requirement.</i></p>	<ul style="list-style-type: none"> • Excessive. • Too many.
<p>(2) The resident-operator of the Group Child Care Home shall be licensed in accordance with applicable State Law. <i>Current State of Michigan requirement.</i></p>	<p>No comment.</p>
<p>(3) No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.</p>	<ul style="list-style-type: none"> • Excessive play equipment. • No more than one swing set (2 to 3 swings per) or playscape or sandbox or etc.
<p>(4) No sign shall be used on the premises to identify the Group Child Care Home. <i>Current Zoning Ordinance requirement – no action necessary.</i></p>	<p>Agree.</p>
<p>(5) Group Child Care Homes with vehicular access on a major thoroughfare shall be required to have a circular drive or an unobstructed turnaround area to allow for the safe egress of vehicles.</p>	<p>Agree.</p>

**POTENTIAL GROUP CHILD CARE HOME PROVISIONS
RECOMMENDED BY CITY COUNCIL**

NEIGHBOR COMMENTS

<p>(7) The licensee shall register with the City upon commencing operation and on an annual basis each January thereafter, and the licensed premises shall be subject to a fire and building department inspection and shall provide a smoke detector in all daytime sleeping areas and otherwise comply with applicable building and fire codes.</p>	<ul style="list-style-type: none"> • Agree. • Carbon monoxide detector needed.
<p>(8) The applicant shall identify the entrance(s) for drop-offs and pickups. The parking and drop-off areas shall be designed to maximize safety and privacy for the neighboring properties.</p>	<p>Agree.</p>
<p>(9) The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01, shall not apply to Group Child Care Homes, provided:</p> <ul style="list-style-type: none"> • A nuisance to the surrounding neighborhood is not created. • The use of the dwelling for residential purposes is not more than an incidental function. 	<ul style="list-style-type: none"> • Unacceptable to exempt GCCH from home occupation rules. • Noise is a potential nuisance.
<p>(10) The state licensed child care home shall not be located closer than 750 feet from another licensed child care home. This requirement shall not apply to any state licensed day care home existing as of the date of enactment of this ordinance.</p>	<ul style="list-style-type: none"> • Traffic and parking will impact neighborhood. • Should be 1,500 feet like State law. • Should apply to existing GCCH. • No grandfathering.

**POTENTIAL GROUP CHILD CARE HOME PROVISIONS
NO CONCURRENCE BY CITY COUNCIL**

NEIGHBOR COMMENTS

<p>(1) For homes that have side yards on main roads, require 4-foot chain link fence.</p>	<p>Good idea, perhaps a taller fence.</p>
<p>(2) Fence and screening same as required for pools.</p>	<p>(Comments split)</p> <p>6 foot solid fences. No privacy fence requirement.</p> <p>Like fencing. Like pool requirements. Play area within containment.</p>
<p>(3) Grandfather all existing day care homes in Troy as currently operating.</p>	<p>No grandfathering.</p>
<p>(4) Location of children’s play equipment should be the furthest area from neighbors.</p>	<p>Agree.</p>
<p>(5) Hours of operation.</p> <ul style="list-style-type: none"> • Hours of operation shall be between 6 AM to 10 PM. • The group child care home shall not operate for more than 16 hours in a 24-hour period. 	<p>Should be a limitation of hours. 6 am to 10 pm, too late in the evening. Suggest 6 am to 8 pm, or 14 or 16 hours within 24-hour period.</p>

POTENTIAL GROUP CHILD CARE HOMES PROVISIONS

NEIGHBOR COMMENTS

Additional comments:	<ol style="list-style-type: none">1) Parking will use up the on-street parking.2) Blocking of sidewalks at pick-up and drop-off times.3) Parking should have sufficient spaces located on GCCH property.4) GCCH is a business.5) Neighbor notification greater than 300 feet or up to 1,500 feet.6) Commercial business in single family will reduce property values.7) GCCH adhere to Troy Zoning Ordinance Section 10.30.03 B.8) Do not locate within internal residential blocks. Locate next to office, business and multi-family zoning districts.
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G:\ZOTAs\ZOTA 214 Group Day Care Homes\GCCH Neighbor Checklist Chart.doc

All neighbors of residential child care providers in Troy (Group Child Care Homes and Family Child Care Homes) were notified by mail of the meeting. A total of 3,468 notices were mailed.

Attendees at May 1, 2006 Neighbors of Child Care Providers Meeting:

1. Mark Miller, Planning Director, City of Troy
2. Sandra Cyplik, 3375 Alpine, Troy
3. Elfridie Hobgood, 2259 Cumberland, Troy
4. Gerald Rosicky, 2232 Rutgers Drive, Troy
5. Fernando Quattro, 5145 Bayside Drive, Troy
6. Mary Ann Donnelly, 1844 Flemington, Troy
7. Tom Krent, 3184 Alpine, Troy
8. Britt Anderson, 1525 Heatherwood, Troy
9. Janet Marshall, 2049 Burdic Drive, Troy
10. Leah Williams, 1040 Norwich Drive, Troy
11. Mary Steinhilper, 1807 Fleetwood, Troy

**POTENTIAL GROUP CHILD CARE HOME PROVISIONS
RECOMMENDED BY CITY COUNCIL**

PROVIDER COMMENTS

<p>(1) The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed twelve (12). <i>Current State of Michigan requirement.</i></p>	<p>No problem.</p>
<p>(2) The resident-operator of the Group Child Care Home shall be licensed in accordance with applicable State Law. <i>Current State of Michigan requirement.</i></p>	<p>No problem.</p>
<p>(3) No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.</p>	<p>No problem.</p>
<p>(4) No sign shall be used on the premises to identify the Group Child Care Home. <i>Current Zoning Ordinance requirement – no action necessary.</i></p>	<p>No problem.</p>
<p>(5) Group Child Care Homes with vehicular access on a major thoroughfare shall be required to have a circular drive or an unobstructed turnaround area to allow for the safe egress of vehicles.</p>	<p>Expense, minor opinion.</p>
<p>(6) The Planning Director may waive any required site plan information provided it can be determined that the application meets the Group Child Care Home requirements of Section 10.30.10 and the general Special Use Approval standards of Section 03.31.05. <i>Not applicable because a public hearing is not required.</i></p>	<ul style="list-style-type: none"> • Not applicable. • No problem.

**POTENTIAL GROUP CHILD CARE HOME PROVISIONS
RECOMMENDED BY CITY COUNCIL**

PROVIDER COMMENTS

<p>(7) The licensee shall register with the City upon commencing operation and on an annual basis each January thereafter, and the licensed premises shall be subject to a fire and building department inspection and shall provide a smoke detector in all daytime sleeping areas and otherwise comply with applicable building and fire codes.</p>	<ul style="list-style-type: none"> • Cost of registration and inspection. • MI Building Code enforcement. • Fire code enforcement. • Fees. • Lack of certainty of how this would really effect. • Expense for inspection. • Don't want fire code inspection duplication. • Duplication of inspection. • Duplication of rules. • Very few businesses are singled out for registration and inspection. • One of the smallest of small businesses. • Inspections are unnecessary cost to city and provider. • Don't want the MI Building Code to apply to GCCH/FCCH.
<p>(8) The applicant shall identify the entrance(s) for drop-offs and pickups. The parking and drop-off areas shall be designed to maximize safety and privacy for the neighboring properties.</p>	<ul style="list-style-type: none"> • Focus should hone in on safety of children and parents who are dropping off. • Not necessary because of R 400.1932 of the Licensing Rules for Family and Group Child Care Homes.
<p>(9) The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01, shall not apply to Group Child Care Homes, provided:</p> <ul style="list-style-type: none"> • A nuisance to the surrounding neighborhood is not created. • The use of the dwelling for residential purposes is not more than an incidental function. 	<ul style="list-style-type: none"> • Generally okay. • Should address a major nuisance. • Clarify what is a nuisance. • Residential change to "GCCH".
<p>(10) The state licensed child care home shall not be located closer than 750 feet from another licensed child care home. This requirement shall not apply to any state licensed day care home existing as of the date of enactment of this ordinance.</p>	<ul style="list-style-type: none"> • Group. • Clarify measure, crow flies or along street. • Prefer along street. • Clarify spacing.

**POTENTIAL GROUP CHILD CARE HOME PROVISIONS
NO CONCURRENCE BY CITY COUNCIL**

PROVIDER COMMENTS

<p>(1) For homes that have side yards on main roads, require 4-foot chain link fence.</p>	<ul style="list-style-type: none"> • Not needed always. • Why, especially no play area. • Parents decide and choose provider with safe play area. • What about other fence material. • What about a landscape buffer. • Homeowners / subdivision / condo association does not permit fence.
<p>(2) Fence and screening same as required for pools.</p>	<ul style="list-style-type: none"> • Why. • What about existing fences, cost. • Same as provision item #1. • Overkill of provision item #1.
<p>(3) Grandfather all existing day care homes in Troy as currently operating.</p>	<p>Yes. All in favor.</p> <ul style="list-style-type: none"> • Existing inspections by State, would it be yearly inspection requirement. • What would be required.
<p>(4) Location of children’s play equipment should be the furthest area from neighbors.</p>	<ul style="list-style-type: none"> • Which neighbors. • Create safety issue, not necessary on larger lot. • Impractical for lawn maintenance, unsafe. • Better with space between them. • Normal, can have playground such as toys, sandbox, tables with no restrictions. • Leave it to provider to decide safety. • State requires unobstructed areas between equipment. • Emphasis on children. • Position of equipment for safety of child and proximity to neighbors.
<p>(5) Hours of operation.</p> <ul style="list-style-type: none"> • Hours of operation shall be between 6 AM to 10 PM. • The group child care home shall not operate for more than 16 hours in a 24-hour period. 	<ul style="list-style-type: none"> • They are licensed to 24 hours. • Very few children between 10 pm and 6 am, very rare. • What’s the point. • Why regulate if no problem. • What about vacation. • Emergencies.

**POTENTIAL GROUP CHILD CARE HOME PROVISIONS
NO CONCURRENCE BY CITY COUNCIL**

PROVIDER COMMENTS

Grandfather	<ul style="list-style-type: none">• There was consensus to provide full and complete grandfathering to provision items #3, #5, #7, and #10.
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All residential child care providers in Troy were notified by mail of the meeting. This includes 20 Group Child Care Home providers and 43 Family Child Care Home providers.

Attendees at April 24, 2006 Child Care Provider Meeting

1. Mark Miller, Planning Director, City of Troy
2. Dave and Sharon Schafer, 5593 Mandale Drive, Troy 48085 (group)
3. Jim and Caroline Dunleavy, 1866 Sutton Place Drive, Troy 48098 (family)
4. Syed and Talat Haque, 1033 Redding Drive, Troy 48098 (group)
5. Nichol Childs, 1931 Atlas Court, Troy 48083 (group)
6. Judith M. Collins, 5410 Hertford Drive, Troy 48085 (group)
7. Kathleen Peterson, 1175 Garwood Drive, Troy 48085 (group)
8. Bonnie and John Johnston, 1510 Boulan, Troy 48084 (group)
9. Karen and John Krisconick-Mukalla, 3784 Forge Drive, Troy 48083 (group)
10. Sharon Manning, 2651 E. Square Lake, Troy 48085 (group)
11. Barb Webb, 787 Marengo Drive, Troy 48085 (family)
12. Joyce Doyle, 1834 Farmbrook, Troy 48098 (group)



DEPARTMENT OF HUMAN SERVICES

DIRECTOR'S OFFICE

LICENSING RULES FOR FAMILY AND GROUP CHILD CARE HOMES

(By authority conferred on the director of the Department of Human Services by Section 2 of 1973 PA 116, Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, and 2004-4, MCL 722.112, 330.3101, 445.2001, 445.2011, and 400.226.)

PART 1. GENERAL PROVISIONS

R 400.1801 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1802 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1803 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1804 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1805 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1806 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1807 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1808 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1809 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1810 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1811 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1812 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1813 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1814 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1815 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1816 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1817 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1818 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1819 Rescission.

Rule 19. R 400.1301 to R 400.1321 of the Michigan Administrative Code, appearing on pages 3051 to 3056 of the 1979 Michigan Administrative Code, are rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989.

R 400.1821 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1822 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1831 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1832 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1833 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1834 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1835 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1841 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1842 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1851 Rescinded.

History: 1989 MR 9, Eff. Oct. 3, 1989; rescinded 2005 MR 19, Eff. Jan. 1, 2006.

R 400.1901 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means 1973 PA 116, MCL 722.111.

- (b) "Adult" means a person 18 years of age and older.
- (c) "Approved" means having been reviewed and accepted by a designated inspecting authority or an agency that has jurisdiction.
- (d) "Assistant caregiver" means a person or family member who is under the supervision of the caregiver and who provides direct care, supervision, and protection to children in care.
- (e) "Basement" means a story of a building or structure having $\frac{1}{2}$ or more of its clear height below average grade for at least 50% of the perimeter.
- (f) "Caregiver" means the family child care home registrant or group child care home licensee who provides direct care, supervision, and protection of children in care.
- (g) "Caregiving staff" means the caregiver and any assistant caregiver.
- (h) "Child care home family" means all persons, including minors, living, on an ongoing or intermittent basis, in the family or group child care home.
- (i) "Child passenger restraint device" means a device that is used to restrain a child weighing 50 pounds or less that meets the requirements of federal motor vehicle safety standard no. 213, child seating systems, 49 C.F.R. 571, which is hereby adopted by reference.
- (j) "Child-use space" means the rooms and floor levels of the home approved by the department for child care.
- (k) "Combustible" means materials that will ignite and burn when subjected to a fire or excessive heat.
- (l) "Department" means the department of human services that is the organizational unit of Michigan government responsible for the enforcement of these rules.
- (m) "Field trip" means children and caregiving staff leaving the child care family or group home premises for an excursion, trip, or program activity.
- (n) "Fire alarm" means a device that is used to alert all persons in the home of fire conditions. The device shall be heard in all parts of the home that are used by children.
- (o) "Foster child" means a person who resides in a foster home, who was placed in the foster home by a placing agent, who is not living with a parent or legal guardian, who is less than 18 years of age or becomes 18 years of age while residing in the foster home and continues to reside in the foster home as a dependent adult, and who is not related to an adult member of the foster family by blood, adoption, or marriage.
- (p) "Heat detector" means a single or multiple station alarm responsive to heat.
- (q) "Licensee" means an adult who lives in the licensed home and has been issued a license to operate a group child care home for up to 12 unrelated children.
- (r) "Means of egress" means the exit route from any point in the home to the outside at ground level.
- (s) "Minor" means a person less than 18 years of age.
- (t) "Nonprescription medication" means any over-the-counter medication that may be orally ingested or applied to the skin, including, but not limited, to aspirin, acetaminophen, cold and flu medicines, mosquito repellants, antiseptics, ointments, powders, and diaper rash products.
- (u) "Parent" means a child's natural or adoptive parent who is legally responsible for the child or means the child's legal guardian.
- (v) "Premises" means the location of the child care home wherein the caregiver and family reside and includes the attached yard, garage, basement, and any other outbuildings.
- (w) "Registrant" means an adult who lives in the registered home and has been issued a certificate of registration to operate a family child care home for up to 6 unrelated children.
- (x) "Related" means a parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, aunt, great aunt, great uncle, or step-grandparent related to the caregiver by marriage, blood, or adoption. Cousins include those related to the caregiver by marriage, blood, or adoption within the second degree of consanguinity (up to and including second cousins).
- (y) "Safety belt" means an automobile lap belt or lap-shoulder belt combination designed to restrain and protect a passenger or driver of a

vehicle from injury.

(z) "Transportation" means the taking of children by means of a vehicle to or from a family or group child care home and to and from all other activities planned by or through the family or group child care home.

(aa) "Vehicle" means an automobile, truck, or van that transports persons upon a highway.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1902 Caregiver and child care home family.

Rule 2. (1) An applicant shall meet all of the following provisions:

(a) Be 18 years of age or older.

(b) Have a high school diploma, general educational development (GED) certificate, or equivalent. This subdivision applies only to applicants registered/licensed after the effective date of these rules.

(c) Reside in the child care home.

(d) Have proof of valid infant/child/adult cardiopulmonary resuscitation (CPR) and first aid training.

(e) Attend an orientation provided by the department.

(2) An applicant or the caregiver shall be of responsible character and shall be suitable and able to meet the needs of children and provide for their care, supervision, and protection.

(3) All persons, including minors, residing in the child care home shall be of good moral character and be suitable to assure the welfare of children.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1903 Caregiver responsibilities.

Rule 3. (1) A caregiver shall be responsible for all of the following provisions:

(a) Be present in the home on a daily basis and provide direct care and supervision for the majority of time children are in care, except for any of the following circumstances:

(i) When the child care home is in operation, vacation or personal leave shall not exceed 20 days within a calendar year.

(ii) Medical treatment and subsequent recovery.

(b) The exceptions in subrule (1)(a) of this rule do not include other part-time or full-time employment that occurs during the hours of operation of the child care home.

(c) Provide an adult assistant caregiver with valid cpr and first aid to act as the caregiver when the caregiver is unable or unavailable to provide direct care.

(d) Shall inform parents when an assistant caregiver is providing care in the absence of the caregiver.

(e) Maintain a record of the dates of caregiver absences and the full names, addresses and telephone numbers of the assistant caregivers. These records shall be maintained for a minimum of 4 years after the last date of the person's involvement with the child care home.

(f) Have a written and signed agreement with a responsible person who is 18 years of age or older to provide care and supervision for children during an emergency situation.

(g) Post the current license or certificate of registration in a conspicuous place.

(h) Report to the department, within 7 working days, any changes in the household composition or when any new or existing member of the household has any of the following:

(i) Arrests or convictions.

(ii) Involvement in substantiated abuse or neglect of children.

(iii) Court-supervised parole or probation of the caregiver or any member of the household.

(iv) Been admitted to, or released from, a correctional facility, or hospital, institution, or facility for the treatment of an emotional, mental, or substance abuse problem.

(i) Provide the department with a written statement verifying a person's

personal fitness to care for, or to be associated with, children for any person who lives in a home or who cares for children and who has been treated on an inpatient or outpatient basis for an emotional, mental, or substance abuse problem during the last 2 years. Such statement shall be obtained from the medical or mental health professional who is directly involved in the treatment plan or the administrative director of the mental hospital or mental institution.

(j) Shall immediately report to children's protective services any suspected child abuse or neglect.

(2) The caregiver shall assure that a child is released only to persons authorized by the parent.

(3) The caregiver shall permit parents of enrolled children to visit anytime during hours of operation.

(4) The caregiver shall cooperate with the department in connection with an inspection or investigation. Cooperation shall include, but not be limited to, both of the following:

(a) Provide access to the assistant caregivers, all records, and materials, to enable the department to conduct a thorough investigation.

(b) Information provided to the department shall be accurate and truthful.

(5) The caregiver shall assure that all assistant caregivers shall be of good moral character and be suitable to assure the welfare of children.

(6) The caregiver shall have present at all times at least 1 person who can accurately comprehend all of the following information:

(a) In child care home rules, 1973 PA 116, MCL 722.111, and any additional licensing division communications.

(b) On child information cards.

(c) In written directions about the child's care.

(d) On food, cleaning, and chemical labels that can impact a child's well-being.

(e) On written medication directions for any given child.

(f) Needed to effectively implement emergency procedures.

(7) The caregiver shall authorize the department to conduct a criminal history and protective service background check to assess the good moral character and suitability of the child care home family.

(8) The caregiver shall assure that smoking does not occur in the child care home and on the premises while children are in care.

(9) The caregiver shall notify parents if smoking occurs in the child care home and on the premises when children are not in care.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1904 Assistant caregivers.

Rule 4. (1) An assistant caregiver shall meet all of the following requirements:

(a) Be 14 years of age or older.

(b) An assistant caregiver under 18 years of age shall always work under the supervision of the caregiver or adult assistant caregiver at the site where care is being provided.

(c) Have proof of valid infant/child/adult cpr and first aid training within 90 days of hire.

(d) Be of responsible character, suitable, and able to meet the needs of children and provide for their care, supervision, and protection.

(2) An adult assistant caregiver, 18 years of age or older, may substitute for the caregiver in accordance with R 400.1903(1)(c).

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1905 Training.

Rule 5. (1) The caregiver shall complete not less than 10 clock hours of training each year related to child development, program planning, and administrative management for a child care business, not including CPR and first aid training.

(2) Each assistant caregiver shall complete not less than 5 clock hours of training each year related to child development and caring for children, not

including CPR and first aid training.

(3) The caregiver shall assure that assistant caregivers have training that includes information regarding sudden infant death syndrome and shaken baby syndrome.

(4) Training hours may include participation in any of the following:

(a) Sessions offered by community groups, faith-based organizations, and child care home associations.

(b) Trainings, workshops, seminars, and conferences on early childhood, child development or child care administration, and practices offered by early childhood organizations.

(c) Workshops and courses offered by local or intermediate school districts, colleges, and universities.

(d) Online courses.

(5) Verification of participation in the required training, signed by the trainer or an authorized individual, shall be kept on file.

(6) CPR and first aid training shall be maintained in the following manner:

(a) Each year for CPR.

(b) Every 36 months for first aid.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1906 Records of caregiving staff and child care home family; record maintenance.

Rule 6. (1) The caregiver shall maintain a file for the caregiver and each assistant caregiver including all of the following:

(a) The name, address, and telephone number.

(b) A statement signed by a licensed physician or his or her designee and which attests to the individual's mental and physical health.

(i) For the caregiver, within 1 year before issuance of the certificate of registration or initial license and at the time of subsequent renewals.

(ii) For the assistant caregivers, within 1 year prior to caring for children and at the time of subsequent renewals.

(c) Written evidence of freedom from communicable tuberculosis (TB):

(i) For the caregiver, before issuance of the certificate of registration or initial license.

(ii) For the assistant caregivers, prior to caring for children.

(d) Training records, as defined in R 400.1905(5).

(e) A statement signed by each assistant caregiver that he or she has not been convicted of either of the following:

(i) Child abuse or child neglect.

(ii) A felony involving harm or threatened harm to an individual within the 10 years immediately preceding the date of hire.

(f) Documentation from the department of human services that the assistant caregiver has not been involved in substantiated child abuse or neglect.

(g) A written statement signed and dated by the assistant caregiver at the time of hiring indicating all of the following information:

(i) The individual is aware that abuse and neglect of children is unlawful.

(ii) The individual knows that he or she is mandated by law to report child abuse and neglect.

(iii) The individual has received a copy of the discipline policy.

(2) Child care home family members 14 years of age or older shall have written evidence of freedom from communicable TB.

(3) If immunizations, as recommended by the department of community health, have not been given or completed for all minors who live in the home, then the caregiver shall inform the parent of each child in care and all assistant caregivers.

(4) The records in this rule shall be retained for the duration of employment and a minimum of 4 years thereafter.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1907 Children's records.

Rule 7. (1) At the time of initial attendance, the caregiver shall obtain the following documents:

(a) A completed child information card on a form provided by the department or a comparable substitute approved by the department.

(b) A child in care statement/receipt using a form provided by the department and signed by the parent certifying the following:

(i) Receipt of a written discipline policy.

(ii) Condition of the child's health.

(iii) Receipt of a copy of the family and group child care home rules.

(iv) Agreement as to who will provide food for the child.

(v) Acknowledgement that the assistant caregiver is 14 to 17 years of age, if applicable.

(vi) Acknowledgement that firearms are on the premises, if applicable.

(c) Documentation that immunizations and boosters, as recommended by the department of community health, are any of the following:

(i) Have been completed.

(ii) Are in progress.

(iii) Are not being administered due to religious, medical, or other reasons based on a waiver signed by the parent.

(d) If a parent objects to emergency medical treatment on religious grounds, the parent shall provide a signed statement that he or she assumes responsibility for all emergency care.

(2) Records in subrule (1) of this rule shall be reviewed and updated annually or when information changes.

(3) Daily attendance records of children in care shall be maintained and shall include the child's name and the time of arrival and departure.

(4) Children's records required by the department shall be accessible and stored in a location known to all assistant caregivers.

(5) The records in this rule shall be retained for a minimum of 4 years.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1908 Capacity.

Rule 8. (1) The family child care registrant shall assure that the actual number of unrelated children in care at any 1 time does not exceed the number of children for which the home is registered, not to exceed a total of 6.

(2) The group child care licensee shall assure that the actual number of unrelated children in care at any 1 time does not exceed the number of children for which the home is licensed, not to exceed a total of 12.

(3) This rule is not subject to the variance specified in R 400.1963.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1909 Concurrent licensing.

Rule 9. (1) The caregiver who is concurrently licensed as a children's foster home provider shall so inform the parents of the children in care.

(2) The caregiver who provides care for both child care and foster care children shall not care for more than 8 children, including all of the following:

(a) Children who are under 17 years of age and who are related to the caregiver by blood, marriage, adoption, or legal guardianship.

(b) The capacity of foster children identified on the foster care license.

(c) All other children who are cared for on a part-time or full-time basis.

(3) The caregiver shall notify the department when applying for a foster care license.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1910 Ratio of caregiving staff to children.

Rule 10. (1) The ratio of caregiving staff to children present in the home at any 1 time shall be not less than 1 caregiving staff person to 6 children. The ratio shall include all unrelated children in care and any of the following children who are less than 7 years of age:

(a) Children of the caregiver.

(b) Children of the assistant caregiver.

(c) Children related to any member of the child care home family by blood, marriage, or adoption.

(2) For each caregiving staff person, not more than 4 children shall be under the age of 30 months, with not more than 2 of the 4 children under the age of 18 months.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1911 Supervision.

Rule 11. (1) The caregiver shall assure appropriate care and supervision of children at all times.

(2) A caregiver or adult assistant caregiver shall be present in the home at all times when children are in care.

(3) Caregiving staff shall be up and awake at all times when children are in care except as provided in R 400.1922(2) of these rules.

(4) Caregiving staff shall know the location of each child at all times.

(5) Caregiving staff shall never leave a child unattended or with a minor in a vehicle.

(6) A caregiver or adult assistant caregiver shall at all times directly supervise children who are engaged in water activities or are near collections or bodies of water.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1912 Infant supervision and sleeping.

Rule 12. (1) Infants, birth to 12 months of age, shall be placed on their backs for resting and sleeping.

(2) Infants unable to roll from their stomachs to their backs, and from their backs to their stomachs, when found facedown, shall be placed on their backs.

(3) If infants can easily turn over from their backs to their stomachs, then they shall be initially placed on their backs, but allowed to adopt whatever position they prefer for sleeping.

(4) For an infant who cannot rest or sleep on her/his back due to disability or illness, the caregiver shall have written instructions, signed by a physician, detailing an alternative safe sleep position and/or other special sleeping arrangements for the infant. The caregiver/assistant caregiver shall rest/sleep children in accordance with a physician's written instructions.

(5) Caregiving staff shall maintain supervision and monitor infants' breathing, sleep position, bedding, and possible signs of distress except as provided in R 400.1922.

(6) Video surveillance equipment and baby monitors shall not be used in place of subrule (5) of this rule.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1913 Discipline and child handling.

Rule 13. (1) The caregiver shall develop and have on file a written policy regarding the discipline of children.

(2) Developmentally appropriate positive methods of discipline which encourage self-control, self-direction, self-esteem, and cooperation shall be used.

(3) Caregiving staff shall not do any of the following:

(a) Hit, spank, shake, bite, pinch, or inflict other forms of corporal punishment.

(b) Restrict a child's movement by binding or tying him or her.

(c) Inflict mental or emotional stress, such as humiliating, shaming, threatening a child, or using derogatory remarks.

(d) Deprive a child of meals, snacks, rest, or necessary toilet use.

(e) Confine a child in an enclosed area such as a closet, locked room, box, or similar cubicle.

(4) Non-severe and developmentally appropriate discipline or restraint may

be used when reasonably necessary to prevent a child from harming himself or herself, or to prevent a child from harming other persons or property, or to allow a child to gain control of himself or herself excluding those forms of punishment prohibited by subrule (3) of this rule.

(5) This rule is not subject to the variance specified in R 400.1963.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1914 Daily activity program.

Rule 14. (1) Caregiving staff shall engage in positive interactions with children.

(a) For infants and toddlers, interactions may include, but not be limited to, the following:

(i) Nurturing contact, such as talking to, smiling, holding, rocking, cuddling, and giving eye contact throughout the day and during daily routines such as feeding and diapering.

(ii) Promptly responding to a child's cries and other signs of distress.

(2) The caregiver shall plan daily activities so that each child may do the following:

(a) Have opportunities to feel successful and feel good about himself or herself and develop independence.

(b) Develop and use language.

(c) Develop and use large and small muscles.

(d) Use materials and take part in activities which encourage creativity.

(e) Learn new ideas and skills.

(f) Participate in imaginative play.

(g) Rest or sleep, or both.

(3) All of the following developmentally appropriate opportunities shall be provided daily:

(a) A balance of active and quiet play, group, and individual activities.

(b) Indoor and outdoor play, except during inclement or extreme weather, or unless otherwise ordered by a health care provider.

(c) Early language and literacy experiences throughout the day accumulating for not less than 30 minutes.

(d) Early math and science experiences.

(4) Television, video tapes, and movies shall be limited to not more than 2 hours per day and to programs designed for children's education and/or enjoyment. Other activities shall be available to children during television/movie viewing.

(5) Programs/movies with violent or adult content, including soap operas, shall not be permitted in child-use space while children are in care.

(6) The use of electronic devices and computers by children in care shall be suitable to the age of the child in terms of content and length of use.

(7) The caregiver shall, for children with special needs, work with the parents, medical personnel, and/or other relevant professionals to provide care in accordance with the child's identified needs and learning supports.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1915 Indoor space; play equipment and materials.

Rule 15. (1) A child care home shall provide not less than 35 square feet per child of safe, usable, accessible indoor floor space, not including bathrooms and storage areas.

(2) Only space that has received prior approval for child use by the department may be used for child care.

(3) A variety and number of easily accessible activity choices shall be available to the child, shall be safe and appropriate for a child at his or her stage of development, and shall be based on the licensed/ registered number of children. All of the following apply to activity choices available:

(a) Materials may include, books, art supplies, blocks and accessories, large muscle equipment, manipulative toys, musical equipment, and dramatic play materials.

(b) All materials and equipment shall be kept clean and free of hazards.

(c) Toys and other play equipment soiled by secretion or excretion shall

be cleaned with soap and water, rinsed and sanitized before being used by a child.

(4) The caregiver shall not use any equipment, materials, and furnishings recalled or identified by the U.S. Consumer Product Safety Commission (<http://www.cpsc.gov/>) as being hazardous.

(5) All children shall be protected from materials that could be swallowed and/or present a choking hazard. Toys or objects with removable parts less than 1¼ inches in diameter and less than 2¼ inches in length, as well as balls smaller than 1¾ inches in diameter are prohibited for children under 3 years of age.

(6) Trampolines shall not be used indoors by children in care.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1916 Bedding and sleeping equipment.

Rule 16. (1) All bedding and equipment shall be in accordance with U.S. Consumer Product Safety Commission (<http://www.cpsc.gov/>) standards as approved for the age of the child using the equipment and shall be clean, comfortable, safe, and in good repair.

(2) All bedding and sleeping equipment shall be cleaned and sanitized before being used by another person.

(3) All bedding used by children shall be washed when soiled or weekly at a minimum.

(4) All cribs or porta-cribs shall be equipped with a firm, tight-fitting mattress with a waterproof, washable covering, as recommended and approved by the U.S. Consumer Product Safety Commission.

(5) Infants, birth to 12 months of age, shall rest or sleep alone in an approved crib or porta-crib. A crib shall have all of the following:

(a) A firm, tight-fitting mattress.

(b) No loose, missing, or broken hardware or slats.

(c) Not more than 2 3/8" between the slats.

(d) No corner posts over 1/16" high.

(e) No cutout designs in the headboard or footboard.

(f) A tightly fitted bottom sheet shall cover a firm mattress with no additional padding placed between the sheet and mattress.

(6) An infant's head shall remain uncovered during sleep.

(7) Soft objects, bumper pads, stuffed toys, quilts or comforters, pillows, and other objects that could smother an infant shall not be placed with or under a resting or sleeping infant.

(a) Blankets, when used, shall be thin, lightweight, and tucked in along the sides and foot of the mattress and shall not come up higher than the infant's chest.

(8) Blankets shall not be draped over cribs or porta-cribs.

(9) Children 12 to 24 months of age shall rest or sleep alone in an approved crib, porta-crib, or on a cot or mat sufficient for the child's length, size, and movement.

(10) Infant car seats, infant seats, infant swings, bassinets, highchairs, waterbeds, adult beds, soft mattresses, sofas, beanbags, or other soft surfaces are not approved sleeping equipment for children 24 months of age or younger.

(11) Children 24 months or younger who fall asleep in a space that is not approved for sleeping shall be moved to approved sleeping equipment appropriate for their size and age.

(12) Children over 24 months of age shall have an individual, age appropriate, clean, comfortable and safe place to sleep or rest. The floor shall be used only when padded, warm, and free from drafts and when there is a mat, sleeping bag, blanket, or similar piece of bedding between the floor and the child.

(13) If nighttime care is provided, then children shall sleep in age appropriate cribs and beds.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1917 Telephone.

Rule 17. A land-line telephone, excluding a cordless or cell phone, shall be available, operable, and accessible during child care hours. An operable land-line telephone is one that does not require electricity to operate. Cordless or cell phones may be used in addition to the land-line telephone.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1918 Medication; administrative procedures.

Rule 18. (1) Medication, prescription or nonprescription, shall be given to a child in care by adult caregiving staff only.

(2) Medication, prescription or nonprescription, shall be given or applied only with prior written permission from a parent.

(3) All medication shall be in the original container, stored according to instructions, and clearly labeled for a named child.

(4) Prescription medication shall have the pharmacy label indicating the physician's name, child's name, instructions, and name and strength of the medication and shall be given in accordance with those instructions.

(5) All medication shall be kept out of the reach of children and shall be returned to the child's parent when the parent determines it is no longer needed or when it has expired.

(6) Adult caregiving staff shall give or apply prescription or non-prescription medication according to the directions on the original container unless otherwise authorized by a written order of the child's physician.

(7) A record of the date, time, and the amount of all medication given or applied shall be maintained on a form provided by the department or a comparable substitute approved by the department.

(8) Topical nonprescription medication, including but not limited to sunscreen, insect repellent, and diaper rash ointment, shall be exempt from subrule (7) of this rule.

(9) The records required in this rule shall be retained for a minimum of 4 years.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1919 Communicable disease.

Rule 19. A person who lives in a home or cares for children who has a suspected or a confirmed case of a communicable disease shall not come into contact with children in care.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1920 Outdoor play area and equipment.

Rule 20. (1) A child care home shall provide a clean, safe, and hazard free outdoor play area, on the premises or within a reasonable walking distance of the home.

(2) The play area size shall be the following:

(a) Not less than 400 square feet for a family child care home.

(b) Not less than 600 square feet for a group child care home.

(3) A child care home shall provide an adequate and varied supply of outdoor play equipment, materials, and furniture, that is all of the following:

(a) Appropriate to the developmental needs and interests of children.

(b) Appropriate to the number of children.

(c) Safe and in good repair.

(4) The outdoor play area and equipment shall be organized:

(a) To separate active and quiet activities.

(b) For a clear and unobstructed view of the whole play area.

(c) To assure that there are safe distances between equipment.

(5) When swings, climbers, slides, and other similar play equipment with a designated play surface above 30 inches are used, they shall:

(a) Not be placed over concrete, asphalt, or a similar surface, such as hard-packed dirt or grass.

- (b) Be safe, in good repair, and age-appropriate.
- (c) Be placed at least 6 feet from the perimeter of other play structures or obstacles.
- (6) Trampolines shall not be used outdoors by children in care.
- (7) Children in care shall not be permitted to ride all terrain vehicles, motor bikes, go-carts, recreational, and other motorized vehicles.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1921 Water hazards and water activities.

Rule 21. (1) The caregiver shall ensure that barriers exist to prevent children from gaining access to any swimming pool, drainage ditch, well, natural or constructed pond or other body of open water located on or adjacent to the property where the child care home is located. Such barriers shall be of a minimum of 4 feet in height and appropriately secured to prevent children from gaining access to such areas.

(2) Spa pools and hot tubs shall not be used when children are in care.

(3) Hot tubs and spas, whether indoors or outdoors, shall be inaccessible to children in care and have a locked hard cover.

(4) Wading pools may be used when the following requirements are met:

(a) The pools are clean and free of debris.

(b) The pools are emptied and cleaned after each play period or immediately when they become dirty or contaminated.

(c) The pools shall remain empty at all times they are not in use.

(5) Before use of a residential pool or any other body of water by children in care, a caregiver shall assure that the water is clean, safe, and sanitary, and the children will be appropriately and adequately supervised.

(6) Public swimming areas may be used only if a lifeguard is present.

(7) If there are 2 groups of children, 1 group in the water and 1 group out of the water, then the adult/child ratios, as required in R 400.1910, shall be maintained for each group, with the exception that the in-the-water adult/child ratio for children under 3 years of age shall be 1-to-1 at all times.

(8) Rescue equipment shall be readily accessible at all times.

(9) A working telephone shall be immediately accessible in the water activity area.

(10) A caregiver shall obtain, and keep on file, written permission from a child's parent for the child's participation in either of the following:

(a) Before each outdoor water activity at a swimming pool, lake, or other body of water off the child care home premises.

(b) Seasonally for water activities occurring on the child care premises.

(11) The emergency plan in R 400.1945 shall include procedures for water emergencies.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1922 Nighttime care.

Rule 22. (1) In a home where children are in care between the hours of midnight and 6 a.m., not more than 2 adjoining floor levels shall be used at any 1 time to sleep children.

(2) If the caregiving staff and children in care are sleeping, then at least 1 caregiving staff shall be on the same floor level as the sleeping children.

(3) Homes shall not use a third or higher floor as a resting or sleeping area for children in care unless there are 2 stairways to ground level.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1923 Diapering and toilet learning.

Rule 23. (1) Diapering of infants and toddlers shall only occur in a designated changing area.

(2) The designated changing area shall comply with all of the following:

(a) Be used exclusively for changing wet or soiled diapers or underwear.

- (b) Be located away from food preparation and meal service areas.
 - (c) Have access to a hand washing sink that is not used for food preparation.
 - (d) Have a nonabsorbent, easily sanitized surface with a changing pad between the child and the surface.
 - (e) Be cleaned and sanitized after each use.
 - (f) Have diapering/changing supplies within easy reach.
 - (g) Have a plastic-lined, tightly covered container exclusively for disposable diapers and diapering supplies that shall be emptied and sanitized at the end of each day.
- (3) Diapers or training pants shall be changed when wet or soiled.
 - (4) Only single use disposable wipes or other single use cleaning cloths shall be used to clean a child during the diapering or toileting process.
 - (5) If cloth diapers/training pants are provided by the parent, then soiled diapers/training pants shall be placed in an individual, securely tied plastic bag and returned to the parent at the end of the day.
 - (6) Toilet learning shall be planned cooperatively between the parent and the caregiver so that the toilet routine established is consistent.
 - (7) If toilet learning equipment, such as potty chairs and modified toilet seats, are used, then the following shall apply:
 - (a) They shall be able to be easily cleaned and sanitized.
 - (b) Potty chairs shall be emptied, rinsed, and sanitized after each use.
 - (8) If disposable gloves are used, then they shall only be used once for a specific child and be removed and disposed of in a safe and sanitary manner immediately after each diaper change.

History: 2005MR 19, Eff. Jan 1, 2006.

R 400.1924 Hand washing.

Rule 24. (1) All caregiving staff shall wash their hands appropriately and in the following manner:

- (a) Before and after all of the following:
 - (i) Preparing and serving food, eating, and feeding.
 - (ii) Giving medication.
- (b) After all of the following:
 - (i) Diapering.
 - (ii) Using the toilet or helping a child use the toilet.
 - (iii) Handling bodily fluids, such as mucus, blood, vomit, from sneezing, wiping, and blowing noses, from mouths, or from sores.
 - (iv) Handling animals and pets.
 - (v) Cleaning or handling garbage.
- (2) Caregiving staff shall assure that children wash their hands at the following times:
 - (a) Before and after meals, snacks, or food preparation experiences.
 - (b) After toileting or diapering.
 - (c) After contact with any bodily fluids.
 - (d) After playing in sand or water.
 - (e) After handling animals and pets.
 - (f) When soiled.
- (3) Hand sanitizers and wipes may be used as a temporary measure during outings, such as field trips and outdoor activities, until soap and running water are available.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1931 Food preparation and service.

Rule 31. (1) Each child shall be provided with nutritional and sufficient food as required by the minimum meal requirements of the child care food program, as administered by the Michigan department of education, based on the national research council's recommended dietary allowances for appropriate age groups, unless parents provide the food.

- (2) Children shall be offered food at intervals as individually appropriate, but not to exceed more than 4 hours unless the child is asleep.
- (3) Drinking water shall be available at all times.

(4) Food shall be prepared, served, and stored in a safe and sanitary manner.

(a) Food served to children individually or family style shall be discarded at the end of the meal if not eaten.

(b) Prepared food that has not been served to individuals or placed in family-style containers shall be promptly covered after preparation and stored appropriately.

(c) Infants and toddlers shall not be served or allowed to eat foods that may easily cause choking including, but not limited to, popcorn and uncut round foods such as grapes, seeds, nuts, hard candy, and hot dogs.

(5) If a parent has agreed to provide the food, then the caregiver shall have a written agreement from the parent and shall be responsible for providing adequate food if the parent does not.

(6) Food brought by parents shall be labeled with the child's name and, if perishable, shall be refrigerated.

(7) If home canned foods are served, then parents shall be informed.

(8) Unpasteurized products shall not be used.

(9) Children shall be encouraged to taste new foods, but shall not be required to eat anything they do not want.

(10) Bottles used for feeding shall be labeled with the child's name and date, and refrigerated.

(11) The contents of a bottle that has been used for feeding for a period that exceeds 1 hour from the beginning of the feeding, or has been unrefrigerated for 1 hour or more shall be discarded.

(12) Children shall not have beverage containers while they are in bed or while they are walking around or playing. The propping of bottles shall be prohibited.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1932 Home maintenance and safety.

Rule 32. (1) The structure, premises, and furnishings of a child care home shall be in good repair and maintained in a clean, safe, and comfortable condition.

(2) All dangerous and hazardous materials or items shall be stored securely and out of the reach of children.

(3) All steps, stairs, porches, and elevated structures to which children in care have access shall be protected to prevent falls and shall be free of ice and snow accumulation.

(4) Three or more steps, or a total rise of 24 inches or more, shall require a handrail.

(5) Parents shall be notified before pesticide or fertilizer treatments.

(6) There shall be no flaking or deteriorating paint on interior and exterior surfaces, equipment, and toys accessible to children.

(7) Open-flame devices and candles shall not be used, except for birthdays or religious celebrations.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1933 Water supply; sewage disposal; water temperature.

Rule 33. (1) The water supply shall be from an approved source.

(2) All sewage shall be disposed of through a public system or, in the absence thereof, in a manner approved by the environmental health authority.

(3) A child care home shall have a minimum of 1 flush toilet and 1 handwashing sink with hot and cold running water.

(4) Hot water temperature shall not exceed 120 degrees Fahrenheit at water faucets accessible to children.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1934 Heating; ventilation; lighting.

Rule 34. (1) Each room that is used by children in care shall have adequate ventilation and be maintained at a safe and comfortable temperature

so that children do not become overheated, chilled, or cold.

(a) The temperature shall be not less than 65 degrees Fahrenheit at a point 2 feet above the floor.

(b) Measures shall be taken to cool the children when the temperature exceeds 82 degrees Fahrenheit.

(2) Windows and doors that are used for ventilation shall be screened and in good repair.

(3) A carbon monoxide detector, bearing a safety certification mark of a recognized testing laboratory such as UL (Underwriters Laboratories) or ETL (Electrotechnical Laboratory), shall be placed on all levels approved for child care.

(4) All basements approved for child use shall have levels of radon gases not to exceed 4 picocuries per liter of air. Documentation of the results shall be kept on file in the home.

(5) All child-use areas shall have adequate natural and/or artificial lighting.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1935 Firearms.

Rule 35. (1) All firearms shall be unloaded and properly stored in a secure, safe, locked environment inaccessible to children. A secure locked environment shall include a commercially available locked firearms cabinet, gun safe, trigger lock that prevents discharge, or other locking firearm device.

(2) Ammunition shall be stored in a separate locked location inaccessible to children.

(3) Firearms shall not be traded or sold on the premises while child care children are present.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1936 Animals and pets.

Rule 36. (1) Parents shall be notified of the animals and pets in the home.

(2) Animals and pets that are potentially aggressive or in poor health shall be separated from children in care at all times.

(3) Children having contact with animals and pets shall be supervised by a caregiving staff person who is close enough to remove a child immediately if the animal shows signs of distress or the child shows signs of treating the animal inappropriately.

(4) Animals and pets shall not be allowed in food preparation and eating areas during meal or snack time.

(5) Litter boxes, pet food and dishes, and pet toys shall be inaccessible to children.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1941 Heat-producing equipment.

Rule 41. (1) All flame-producing and heat-producing equipment, including, but not limited to the following shall be maintained in a safe condition and shielded to protect against burns:

(a) A furnace.

(b) A water heater.

(c) A fireplace.

(d) A radiator and pipes.

(e) Wood burning equipment.

(2) Combustible materials and equipment shall not be stored within 4 feet of furnaces, other flame or heat-producing equipment, or fuel-fired water heaters.

(3) Portable heating devices shall not be used when children are in care.

(4) Furnaces, other flame or heat-producing equipment used to heat the home, and fuel-fired water heaters shall be inspected by any of the following

entities:

(a) A licensed heating contractor for a fuel-fired furnace.

(b) A licensed heating contractor or licensed plumbing contractor for a fuel-fired water heater.

(5) For group child care homes, the inspection specified in subrule (4) of this rule shall be conducted before the initial license issuance and every 2 years thereafter at the time of license renewal.

(6) For family child care homes, the inspection specified in subrule (4) of this rule shall be conducted before the issuance of the certificate of registration and every 3 years thereafter at the time of renewal.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1942 Electrical service; maintenance.

Rule 42. (1) The electrical service of a child care home shall be maintained in a safe condition. When warranted, an electrical inspection by an electrical inspecting authority may be required.

(2) All electrical outlets accessible to children shall have safety covers.

(3) Electrical cords shall be arranged so they are not hazards to children.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1943 Exit and escape requirements for each floor level used by children.

Rule 43. (1) All child care homes shall have at least 2 remotely located exits for every floor level occupied by children.

(2) At least 1 exit from each floor level shall provide a direct, safe means of unobstructed travel to the outside at street or ground level.

(3) A window may be used as a second exit if it complies with all of the following provisions:

(a) Is accessible to children and caregiving staff.

(b) Is clearly identified.

(c) Can be readily opened.

(d) Is of a size and design to allow for the evacuation of all children and caregiving staff.

(4) If a level of a home that is above the second floor is used for children in care, then the building shall be of 1-hour-fire-resistive construction and shall have 2 stairways to ground level. At least 1 of the required stairways and all other vertical openings shall be enclosed by, at a minimum, 1-hour-fire-resistive construction to provide a protected means of egress direct to the outside at ground level.

(5) All exits shall be unobstructed and accessible at all times.

(6) The means of egress shall be adequately lit at all times that children are in care.

(7) Doors located in a required path of escape may have locks. All locking devices that may impede or prohibit emergency exiting, or that cannot be easily disengaged, shall be prohibited when children are in care. Double cylinder locks, key-operated locks, and similar devices are not allowed on any door in a required path of escape.

(8) Interior door hardware shall be designed to allow opening from the outside during an emergency if locked.

(9) All closet door latches shall be such that children can open the door from inside the closet.

(10) A room or space, including an attic, that is accessible only by a ladder or folding stairway or through a trapdoor shall not be used by children in care.

(11) Steps and platforms used to access a basement window exit shall be permanently secured to the wall or floor. Ladders shall not be used as a means for exiting. Those homes registered or licensed before the effective date of these rules shall have 1 year to comply.

(12) An emergency escape window to the outside is required for basements approved for child use after the effective date of these rules. The following provisions shall apply:

(a) The window shall be not less than 20 inches wide and 24 inches high, with a minimum area of 5 square feet.

(b) The bottom of the opening shall be less than 44 inches above the floor.

(c) If the sill height is below grade, then it shall open into a window well with at least 9 square feet of area, 3 feet in length and width. If the well depth is over 44 inches, then it shall have approved steps.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1944 Smoke detectors; fire extinguishers.

Rule 44. (1) Operable smoke detectors approved by a nationally recognized testing laboratory shall be installed and maintained on each floor of the home, including the basement, and in all sleeping areas and bedrooms used by children in care.

(2) Heat detectors may be utilized in kitchens.

(3) A home shall have at least 1 functioning multipurpose fire extinguisher, with a rating of 2A-10BC or larger, properly mounted not higher than 5 feet from the floor to the top of the fire extinguisher, on each floor level that is used by children in care.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1945 Fire; tornado; serious accident and injury plans.

Rule 45. (1) A written plan for the care of children shall be established and posted for each of the following emergencies:

(a) Fire evacuation.

(b) Tornado watches and warnings.

(c) Serious accident or injury.

(d) Water emergencies, if applicable.

(2) A caregiver shall inform each assistant caregiver and emergency person of the overall evacuation plan and of his or her individual duties and responsibilities in the event of an emergency specified in subrule (1) of this rule.

(3) Fire drills shall be practiced at least once a month and a written record that includes the date and time it takes to evacuate shall be maintained.

(4) Tornado drills shall be practiced once a month, April to October, and a written record that includes the date shall be maintained.

(5) Smoke detectors shall be used as the alarm for fire drills.

(6) The records required in this rule shall be retained for a minimum of 4 years.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1951 Transportation.

Rule 51. (1) A vehicle used to transport children in care shall be maintained in a good, safe working condition.

(2) The caregiver shall assure that the driver of a vehicle transporting children shall be an adult, have a valid driver's license, and proof of no fault insurance.

(3) The caregiver shall notify the parents when drivers other than caregiving staff are used to transport children.

(4) Each child passenger restraint device and each safety belt shall be installed, anchored, and used according to the manufacturer's specifications and shall be maintained in a safe working condition.

(5) The transportation of all children shall be conducted in accordance with existing state law.

(6) Each child transported shall remain seated and properly restrained by the passenger restraint device appropriate for his or her age as defined by Act 300 of 1949, MCL 257.710d(1), MCL 257.710e(3), (4), and the manufacturer's rated seating capacity.

(7) Drivers shall be provided with a copy of the child information card,

or comparable facsimile, for the children being transported in their vehicles.

(8) The driver of each vehicle transporting children shall carry in the vehicle, and be familiar with, the contents of a first aid kit. The first aid kit, excluding antiseptics and ointments, shall contain, at a minimum, all of the following:

- (a) Adhesive tape.
- (b) Bandages (assorted sizes).
- (c) Cold pack.
- (d) Disposable gloves
- (e) Gauze pads and roller gauze (assorted sizes).
- (f) Hand sanitizer.
- (g) Plastic bags.
- (h) Scissors and tweezers.
- (i) Triangular bandage.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1952 Parent permission and notification required; child information cards when off-premises.

Rule 52 (1) The caregiver shall obtain and keep on file written permission from a child's parent before each time a child is transported in a vehicle.

(2) If the caregiver routinely transports children to and from school, then written parent permission shall be given at least annually.

(3) The caregiver shall obtain written permission at the time of initial enrollment of a child to go on field trips not involving a vehicle that includes, but is not limited to, walking to a park or in the neighborhood.

(4) The caregiver shall have a copy of each child's information card and a first aid kit, containing the items listed in R 400.1951 (8), accessible at all times when children leave the premises.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1961 Parent notification of incidents, accidents, illness, or disease required; isolation; sanitation.

Rule 61. (1) Caregiving staff shall promptly report to a parent any incidents, accidents, suspected illness, or other changes observed in the health of a child.

(2) Caregiving staff shall notify a parent of a child who is exposed to a communicable disease so that the child may be observed for symptoms of the disease.

(3) Caregiving staff shall isolate a child who is too ill to remain in the group in an area where the child can be supervised and made as comfortable as possible.

(4) Bedding, toys, utensils, toilets, and lavatories used by an ill individual shall be appropriately cleaned and sanitized before being used by another person.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1962 Department notification of injury, accident, illness, death, or fire.

Rule 62. (1) The caregiver shall make a verbal report to the department within 24 hours of a serious injury, accident, illness, or medical condition of a child, occurring while a child is in care, which results in emergency medical treatment or hospitalization at a health facility, or which results in a death.

(2) The caregiver shall submit a written report, to the department, in a format provided by the department within 72 hours of the incident.

(3) The caregiver shall report to the department within 24 hours after the occurrence of a fire in the registered or licensed home which results in the loss of property or personal injury.

History: 2005 MR 19, Eff. Jan 1, 2006.

R 400.1963 Rule variance.

Rule 63. (1) Upon written request of an applicant or caregiver, the department may grant a variance from an administrative rule if the alternative proposed provides clear and convincing evidence that the health, welfare, and safety of children is protected.

(2) The decision of the department shall be entered upon the records of the department and a signed copy shall be sent to the applicant or caregiver. A variance may remain in effect for as long as the caregiver continues to comply with the conditions of the variance or may be time-limited.

History: 2005 MR 19, Eff. Jan 1, 2006.

Paula P Bratto

From: CJ Chung [chung@LTU.edu]
Sent: Thursday, April 27, 2006 2:15 AM
To: Paula P Bratto
Cc: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; Talk2Cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; Jeanne M. Stine; John M Lamerato; Mark F Miller
Subject: Troy ZOTA 214

Dear Planning Department,

(1)

Thank you so much for planning a meeting with neighbors of family and group child care homes on Monday May 1 from 7pm to 9pm.

However, I think there is a problem to consider the meeting as an official one:

The letter was written on April 19.

Stamped date on the envelope is Apr 25.

I received the letter on Apr. 27, just two office (or 4 calendar) days before the meeting!

Unfortunately, I already scheduled a very important meeting on that day at that time. (I am volunteering for hosting an IEEE chapter meeting)

My suggestion for 8

.... Parking and drop-off areas shall be designed to maximize safety and privacy, "and minimize noise" <-- Please add.

I read 04.20.71 and 10.25.01, but I could not find the bulleted items. Could you explain "9" in plain English? Sorry, I do not quite understand No. 9.

(2)

A childcare "center" at Wattles and Rochester closed after the city's decision to allow group daycare homes. I asked State why? Please see below. It was a voluntary close. The fee for home daycares are much cheaper and flexible. Daycare centers that need to pay rent cannot compete with daycare homes. Troy will lose more official jobs. More disputes between neighbors. Crime rate will increase. Less home buyers: for example, we hired a math professor who is moving from Toronto. He does not want to buy a home in Troy. Anyone can setup the noisy business next door! I firmly believe the decision was wrong in the long run as a whole.

(3)

There were 20 group daycare homes recently in Troy. A group daycare home voluntarily closed in Jan 2006. See below. There were some letters who opposed the group daycare home came from the neighbors at Crimson.

Sincerely,
 CJ Chung
 1189 Garwood Dr.

----- Original Message -----

From: Kennedy, Denise L (FIA)
To: CJ Chung
Sent: Monday, April 10, 2006 8:58 AM
Subject: RE: daycare center and group home

Children's World Learning Center #DC630018605 was a voluntary closure and was closed on April 3, 2006.

Janice Saide #DG630062373 was also a voluntary closure and was closed on January 5, 2006.

-----Original Message-----

From: CJ Chung [mailto:chung@LTU.edu]

6/12/2006

Sent: Monday, April 10, 2006 1:17 AM

To: BFSFOIA

Subject: daycare center and group home

Dear Sir/Madam,

(1)

Could you please let me know why Childcare center
located at
1064 E Wattles Troy, MI 48085 has been closed recently?

(2)

Also, could you tell me why Group daycare home
1865 Crimson Troy, MI has been closed some month ago?

Sincerely,

CJ Chung

1189 Garwood Dr. Troy, MI

Paula P Bratto

From: Kathy Czarnecki
Sent: Friday, April 28, 2006 11:37 AM
To: Paula P Bratto
Subject: FW: Group Child Care Homes-Meeting

Kathy Czarnecki
City of Troy - Planning Department
248.524.3364
czarneckik@ci.troy.mi.us

-----Original Message-----

From: Mark F Miller
Sent: Friday, April 28, 2006 10:12 AM
To: Kathy Czarnecki
Subject: FW: Group Child Care Homes-Meeting

-----Original Message-----

From: Daniel Popplestone [mailto:dan@dancpa.com]
Sent: Thursday, April 27, 2006 4:11 PM
To: Mark F Miller
Subject: Group Child Care Homes-Meeting

Dear Mr. Miller, Planning Director:

As things stand now, neither one of us will be able to make the public meeting schedule for Monday May 1st. We ask that you please allow us to pass along our input with this email.

Our approach here is, whether one agrees or not with the group homes being allowed within residential neighborhood, it has now been allowed by council. This being said, we ask and answer, where should the burden of these home be placed?

We would urge that the process going forward places the burden on the business and not the surrounding homeowners.

Put the burden upon the business to resolve conflicts etc within the existing rules, charter or deed restrictions instead of having it overridden by this process.

Items under the section called-Potential Group Child Care Home Provisions-No Concurrence By City Council:

Items 1 and 2-Fence Issues:

A lot of neighborhoods already have some form of fence rules. Why override it?

Put the burden back on the operator of the home to manage what they got before changing the character of the neighborhood deed restrictions. If they need a fence, then maybe they should take in a lesser number of children that they can comfortably deal with or move the location of the group home.

If you add a fence requirement, for neighborhoods with restrictions against them, add a requirement that it has to be removed once the business is stopped, terminated or moved.

Instead of a chain linked fence, how about a decorative and or natural type?

Regardless of the type of fence, a maintenance requirement should be required. To often metal fences rust and wood fences deteriorates long before homeowners fix them.

Our objective is to minimize the amount of deed restrictions overridden and commercial intrusion to the residential character of the neighborhood.

If safety is the issue here, then put the burden back on the operator and parents to find the solution within the confines of the city code and neighborhood deed restrictions.

Item 3-Grandfather Issues:

For this item and Item 10 under Potential Group Child Care Home Provisions Recommended By City Council seems to just reward those who got away with breaking the law all along. Since this is a new item, why not remove all grandfather clauses?

In cases where two or more homes who would be considered grandfathered and a conflict arises from such items as the 750 feet suggestion, have a lottery or drawing between the affected group home providers.

Item 4-Play Equipment Locations:

If not already part of the code, then maybe a rule that sets minimum set backs for all homes in the city and not just the group homes. We would recommend something along the line of not less than ten feet or more from any lot line.

Along this line, no play equipment allowed in the side yards between homes. In short, it has to be in the back yards with some kind of set-back.

Item 5-Hours Of Operation:

Hours of operation between 6 AM to 10 PM appears to be a bit long for a business that operates within a residential area.

We would suggest taking a look at Chapter 88-Nuisances. We would direct your attention to item 9.5(h).

This section deals with construction noises. This section restricts the activity to the hours of 7:00 AM through 8:00 PM.

A time frame of 7:00 AM through 8:00 PM comes to 13 hours. Even with overtime, most people do not work more than a 10 hour a day. Therefore, we see this as a reasonable time frame and it is already part of the existing code.

Several of the other items under this section has a quiet time through 7:00 AM each day. We would argue the late time associated with these other items would be to late for a business operating within a residential neighborhood.

Given these homes will be operating within a residential area, a start time prior to 7:00 AM would inconvenience a lot of home owners who do not have kids in schools. A stopping time later than 8:00 PM would inconvenience a lot of homeowners with kids in school and ones who have early start times themselves for work.

Potential Group Child Care Home Provisions Recommended By City Council:

Item 3-Structural Changes:

Given that we are dealing with residential neighborhoods, this item should be included. Would it be possible to put a period after the word dwelling?

The thought being, if Michigan law-rules requires a change that causes the home to deviate form being residential in character on the outside or out of character for the neighborhood, then maybe the home should move to a more appropriate area.

Item 7-Registration With The City:

If this is a requirement for other businesses in Troy, then by all means this should be extended to the group home.

Item 9-Conditions Applicable to Group Homes:

If we have read section 10.25.01 right, we fail to see where this section would create a burden upon the group home and accordingly would hope that it not be waived.

Including something about the group home not being a nuisance would not hurt. If you go down this route, then language about being booted for repeat offenses would help a lot. The part about offenses being accumulative verse annually with expirations would be better.

We are still trying to understand what is meant by "the use of the dwelling for residential purposes in not more than an incidental function".

To us, this seems to imply the dwelling is more businesses than private residential home. If this is the case, this concept would seem to create some real issues for the character of the neighbor hood.

Item 10-Distances Between Homes:

As mentioned above, this section seems to reward those who did not follow the law. Again, we would urge the elimination of any grandfathering. In cases of dispute involving existing or future homes due to the 750 feet rule, have a lottery or drawing.

We appreciate the limits being attempted by the 750 feet requirement. We would hope this requirement be kept and made larger if possible.

Items Not Covered By City's Letter:

We are not sure if this is the place or it has to go back to council for these suggestions.

Can something be added when a group home wants to operate within a residential neighborhood like we have with the parking variances? In short, have the home come before council and give the effected neighbors a chance to give their input.

We feel a review process is needed every three to five years. For one, to allow the effected neighbors to petition council for changes and secondly, to allow any future providers within the 750 of a home a chance to replace the existing one.

Given the homes are being allowed, we like the 750 foot requirement between homes. At the same time, we find it objectable due to this rule, just because you are there first that entitles you for what ever time one wants.

Therefore, we would propose this review every three to five year so as to allow others a chance to open. As mentioned earlier, in cases of conflicts there can be a drawing.

This review process will also allow for changes in the neighborhood. Families do move in and out for a variety of reasons.

We would hope that in the end, the rules be done in a manner that benefits Troy and its residents. Rules that seem to accommodate group home customers from outside of Troy at the expense of Troy residents or neighborhoods should be avoided.

Daniel H. Popplestone & Gail B. Popplestone
6612 Woodcrest Drive // Troy, Michigan 48098-6815
Tel: 248.828.1463 // Fax: 248.828.3133 // Email: dan@popplestone.com or gail@popplestone.com

Paula P Bratto

From: HUSSONMJ@aol.com
Sent: Thursday, April 27, 2006 8:05 PM
To: planning@ci.troy.us
Subject: (no subject)

Thank you for your letter dated April 19th 2006, addressed to Mary Ann Husson, received Thursday, April 27th.

With respect to the "no concurrence by City Council" items on page 2 I would offer the following.

In our case (5379 Hertford Drive in the Sylvan Glen subdivision) we live virtually across the street from the Collins residence who runs a group child care home and has done so for a number of years.

She only accepts children of Troy school teachers so her hours are approximately 7 AM to about 5 PM latest during the school year.

We have never had any complaints with any issue relating to her home care operation.

Broadening my thinking to all group child care homes in our city I would concur with some fencing requirement i.e. chain link or stockade as 2 examples to keep children in & any potential threat from an unwanted loose pet or human predator.

In addition I feel that 6 AM to 10 PM is too wide a span of hours & should be more like 7 AM to 6 PM & limited to 10 or 11 hours, but definitely below 16 hours.

Michael J. Husson

Paula P Bratto

From: Kotlusa@aol.com
Sent: Sunday, April 30, 2006 10:40 AM
To: Paula P Bratto
Subject: Re: Drafting of Ordinance Regarding the Group Day Care in R-1A through R-1E

To: Mr. Mark F. Miller - Planning Director

Dear Mr. Miller:

My name is John Bjelobrk and I live at 5581 Mandale Dr., Troy, MI 48085. Unfortunately, I will not be able to attend your meeting scheduled for 5/1/06 at 7:00 p.m. to discuss a draft language of the ordinance. Therefore, I am taking this opportunity to make a few suggestions to the proposed language in the letter dated April 19, 2006:

My position on this issue is well known. Unfortunately, my neighbors -- Mr. and Mrs. Schaefer continue to do exactly the same thing as what they have done before for years. **They are still parking their vehicles in front of my house, even though the curb in front of their house is always clear and available.** If you listen to their testimonies (i.e., how eager they are to work and listen to their neighbors), you would think - "what nice people". Unfortunately, nothing has changed!

These are my proposals regarding the proposed draft language for the GROUP CHILD CARE HOMES:

Item 5: A major thoroughfare in the residential neighborhood should be defined. In my mind, the best definition is: A major thoroughfare in the residential neighborhood is a street an which the SCHOOL BUSES travel.

Item 8: Add the verbiage that the street parking is nor allowed.

Item 9: A nuisance provision **MUST exist** in both draft language provisions for the GROUP and FAMILY Day Care providers.

Items under NO CONCURRENCE BY CITY COUNCIL:

Item 4: Under no circumstance should the existing day care homes be grand fathered. This became a "big issue" because they did not "play" by the established rules and regulations to start with. Perhaps, this is the reason why my neighbors are still parking in front of my house.

By grand fathering their operation, the City would rewarding them. **This action would go directly across the backs of the low abiding neighbors.** This grand fathered issue is not any different from the "illegal citizens" issue that the Congress is dealing with. The "rule" is the "rule" and it should apply to **ALL** period.

Thank you, Mr. Miller for taking these inputs in the consideration of the final language.

John Bjelobrk

Paula P Bratto

From: Lil9838@aol.com
Sent: Friday, April 28, 2006 8:43 AM
To: Paula P Bratto
Subject: Group child care home provisions

Dear Sir:

I would first like to relay my oppositions to running day care in residential areas in the city of Troy. I consider day care as a business.

Do you think allowing 12 kids as a maximum requirement is reasonable. I would hope I would never move into a home with a neighbor that has 12 kids! You must lower the number.

Number seven sounds like a lot of city funds to inspect these places. I do not want to pay.

Number 8 would like entrances, drop-offs & pickups identified. Does this has to mean signs.....All over a home?

POTENTIAL GROUP CHILD CARE HOME PROVISIONS

Number 1. What benefit is a 4 foot chain for a fence?

Number 2 Fence & screening. What happens to your neighbor who really does not like a fence like that.

Number 4 Location of play equipment being at the furthest area from a neighbor. That could still be to close.

Very upsetting getting this letter.

Lillian Karamanian
5388 Breeze Hill
Troy, Mi. 48098

Paula P Bratto

From: Mark F Miller
Sent: Thursday, May 11, 2006 8:44 AM
To: Paula P Bratto
Subject: FW: Group Child Care Homes (GCCH)

-----Original Message-----

From: jerry and barb rosicky [mailto:rosickys@sbcglobal.net]
Sent: Wednesday, May 10, 2006 10:20 PM
To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net
Cc: Cynthia A Stewart; Mark F Miller
Subject: Group Child Care Homes (GCCH)

Dear Council Members:

We were in receipt of Mr. Mark Miller's letter of April 19, 2006 which indicated that City Council directed City Management to prepare an ordinance to permit Group Child Care Homes (GCCH) allowing up to 12 children cared for in R-1A through R-1E districts within the City of Troy.

As an interested citizen, I, Gerald Rosicky, attended the meeting on May 1, 2006 to provide input to the Planning Department. Many thoughtful recommendations were made to Mr. Miller whose job is to provide proposed suggestions to you regarding this matter.

Quite frankly, all of the attendees including myself feel that allowing GCCH in residential areas is excessive in the number of children allowed (up to 12). In fact, this is really the establishment of a **commercial enterprise in a residential neighborhood**. Chapter 39 of the Zoning Ordinance, Article X One Family Residential Districts states in Article 10.10.00 that it is the intent that "The R-1A through R-1E **One-Family (bold added)** Residential Districts are designed to be the most restrictive of the residential Districts as to use. The intent is to provide for environmentally sound areas of predominantly low-density, single family detached dwellings, through the varying of lot sizes and the development options which will accommodate a broad spectrum of house sizes and designs appealing to the widest spectrum of the population."

While you can write an ordinance with restrictive covenants such as proposed for GCCH, it does not abrogate the fact that this ordinance will allow a commercial business in a residential neighborhood and does and will create a myriad of problems for the residents adjacent and near to this type of property (including but not limited to lower property values, parking congestion, excessive noise, etc.).

By proposing this ordinance, you have caved into the commercial interests of the operators of the existing GCCH, which are a minority of the population while not attending to the the majority populace and the intent of the Zoning Laws as written.

Obviously, we are not pleased with the Council's actions thus far and are vehemently opposed to allowing GCCH in the City of Troy. We moved to Troy in 1971 and one of the major factors in making our decision to stay in Troy was the Master Zoning Plan. It seems that your intent is to destroy the residential aspects of many neighborhoods where these establishments (19 of them) are already in place and the future GCCH that would be allowed.

We are requesting that your prior actions on proposing an ordinance allowing GCCH be reconsidered and rescinded.

We would appreciate your written response to our concerns and proposal.

6/12/2006

Gerald and Barbara Rosicky

Paula P Bratto

From: Mark F Miller
Sent: Monday, May 01, 2006 8:29 AM
To: Paula P Bratto
Subject: FW: R-1A-R-1E

-----Original Message-----

From: marcia newton [mailto:okinewtm@yahoo.com]
Sent: Sunday, April 30, 2006 12:17 PM
To: Mark F Miller
Subject: R-1A-R-1E

Mr. Miller,

As a neighbor of Barb & Jerry Rosicky, I am adding my name to their letter submitted to you regarding residential home care, as I share their concerns and opinions.

Sincerely,
 Marcia Newton
 2215 Rutgers
 Troy, MI 48085

Dear Mr. Miller:

We are in receipt of your letter of April 19, 2006 regarding the proposed ordinance to permit group child care homes in residential districts R-1A through R-1E.

You state that there will be a meeting with neighbors of family and group child care centers on May 1, 2006. Does this mean that we are presently a neighbor of this type of facility at this time? If so, where is it located?

In Chapter 39 of the Zoning Ordinance, Article X One Family Residential Districts states in Article 10.10.00 that it is the intent that "The R-1A through R-1E **One-Family (bold added)** Residential Districts are designed to be the most restrictive of the residential Districts as to use. The intent is to provide for environmentally sound areas of predominantly low-density, single family detached dwellings, through the varying of lot sizes and the development options which will accommodate a broad spectrum of house sizes and designs appealing to the widest spectrum of the population."

The proposal by the City Council fails to meet the intent of Article X by virtue of the following:

- A. Allowing up to 12 children of unaffiliated families in one residence is not low density by any stretch of the imagination and is certainly not one family.**
- B. This proposal is not environmentally sound since a significant amount of traffic is created at the residence when parents are dropping off their children and picking them up.**

Furthermore, Article 10.30.00 entitled "USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL" states that "the Planning Commission shall find that: A. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall not be detrimental to the orderly development, property values, environment or use of adjacent land and/or districts.

The proposal by the City Council fails to meet the intent of Article 10.30.00 by virtue of the following:

- A. Property values will certainly be impacted by virtue of a commercial business in a residential neighborhood.**

Allowing commercial enterprises such as group child care or family child care homes in residential districts in not good business. If this is permissible, then an argument could be made to have an

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individual doctor's office in a residential neighborhood as well. The original intent of residential neighborhoods is that they be for single families and not be turned into commercial establishments.

We therefore vehemently oppose City Council's direction and implore you as the Planning Director to uphold the existing intent of residential districts by vetoing their request.

Sincerely,
Gerald and Barbara Rosicky
2232 Rutgers Drive
Troy, MI 48085

Paula P Bratto

From: Qualmannm@aol.com
Sent: Monday, May 01, 2006 8:30 AM
To: Paula P Bratto
Subject: group child care homesAtt:Mark Miller

We are unable to attend the meeting On Monday May 1st, but are very concerned about many aspects. We are more concerned about How permission was given in the first place. Someone has resided in the newly addressed Sussex address when no other owner was allowed to reside there. The Lenox address is used by a State Representative as a mailing address and he does not reside there. Who is going to enforce the rules? A continued child care, although not a problem with a small number could bring many additional related problems with greater numbers, change of ownership, sale of surrounding property, additional homes, or even removal of homes. There are too many unanswered questions. Please be diligent about exploring every aspect as these things are more important to the neighbors than the children. Marge and Carl Qualmann, 2914 Lenox