

ORDINANCE NO. 2018-008

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF COCONUT CREEK BY REPEALING CHAPTER 7, "CHILD CARE CENTERS," IN ITS ENTIRETY IN ORDER TO REMOVE OBSOLETE AND OUTDATED STANDARDS AND REGULATIONS OF SAME TO COMPLY WITH COUNTY, STATE, AND FEDERAL LAWS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to repeal Chapter 7 of the City's Code of Ordinances, "Child Care Centers," in its entirety in order to remove obsolete and outdated standards; and

WHEREAS, the subject is regulated by the State, with a delegation of power to the County to create more stringent regulations, oversee licensure, and provide enforcement; and

WHEREAS, child care facilities located in Broward County are exclusively regulated and monitored by the Broward County Division of Child Care Licensing and Enforcement; and

WHEREAS, the City Commission has determined that it is in the City's best interest to remove language from its Code pertaining to Child Care Centers because it is outdated and inconsistent with County and State laws.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AS FOLLOWS:

Section 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: That the City's Code of Ordinances shall be amended by repealing Chapter 7, "Child Care Centers," in its entirety as follows:

Chapter 7 - Reserved. ~~CHILD CARE CENTERS~~

~~ARTICLE I. - IN GENERAL~~

~~Sec. 7-1. - Operator to provide list of employees to director of community development.~~

~~The operator of a child care center within the city shall also provide to the director of community development a list of all employees working at that center, including but not limited to, their names, home addresses and home telephone numbers. This list shall be updated as is warranted by any change in the individuals employed at that center.~~

~~Sec. 7-2. - Annual inspections.~~

~~All structures utilized as child care centers within the city shall be inspected annually by the community development department with regard to compliance with all applicable structural, plumbing, electrical, and mechanical requirements.~~

~~Secs. 7-3—7-25. - Reserved.~~

~~ARTICLE II. - LICENSE~~

~~Sec. 7-26. - Compliance with state and county law; effective date.~~

~~This license shall not be in effect for a period of thirty (30) days following the date of issuance. During this thirty-day period, the operator of the child care center shall provide evidence to the director of community development that all provisions of applicable state statutes and county ordinances related to licensing of child care centers have been met. If the operator does not provide evidence of compliance, the license shall be considered null and void. Upon providing evidence of compliance, the license shall immediately become effective.~~

~~Sec. 7-27. - Compliance with occupational license ordinance.~~

~~An operator of a child care center shall be issued a license upon showing compliance with all applicable provisions of the occupational license ordinance in article II of chapter 48.~~

~~Sec. 7-28. - Building and location regulations.~~

~~Prior to the issuance of a license for the operation of a child care center, it shall be the duty of the applicant to obtain, if applicable, all necessary certificates and permits related to the use of land and the use of buildings, as follows:~~

- ~~(1) Construction. All construction of child care centers within the city shall comply with the applicable provisions of the city land development code and the South Florida Building Code.~~
- ~~(2) Permits for new use of land. No land heretofore vacant shall hereafter be put to use as a child care center nor shall an existing use of land be hereafter changed so as to be used as a child care center, unless a building permit is first obtained from the community development department.~~
- ~~(3) Permits for new use of buildings. No building, structure, or part thereof shall be changed from an existing use to a use as, or for occupation by, a child care center, unless a building permit is first obtained from the community development department.~~
- ~~(4) Certificates required. No building or structure, or part thereof, or any land, which is hereafter erected, altered or changed in occupancy to a child care center shall be occupied or used until a certificate of occupancy shall have been issued therefor by the community development department.~~
- ~~(5) Certificates for existing uses. Zoning certificates shall be issued for existing buildings, structures or parts thereof, or for any existing use of land if, after inspection, it is found that these buildings, structures or uses of land as child care centers are in conformity with the applicable provisions of this section.~~
- ~~(6) Certificate for nonconforming uses. No nonconforming use as a child care center shall be maintained, continued, renewed, extended or changed unless a zoning certificate therefor shall have been issued by the community development department.~~

~~Sec. 7-29. - Revocation.~~

~~Any occupational license issued for a child care center shall be revoked if the center's license issued by the Broward County Social Services Agency is revoked or if any provision contained in this chapter is violated. The city code enforcement board shall have jurisdiction to hear cases involving such alleged violations. The procedures set forth in chapter 2, article V, division 3, creating the code enforcement board shall be complied with prior to revocation of any license referred to in this chapter.~~

Section 3: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4: Severability. That should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 5: Codification. That the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 6: Effective Date. That this Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED FIRST READING THIS 22ND DAY OF FEBRUARY, 2018.

PASSED SECOND READING THIS 8TH DAY OF MARCH, 2018.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>