

MECKLENBURG COUNTY BOARD OF HEALTH RULE

GOVERNING ~~CHILD DAY CARE~~FAMILY CHILD CARE HOMES

Be it ordained by the Mecklenburg County Board of County Commissioners (while exercising the power of the Board of Health, which powers it has assumed and conferred upon itself by action taken pursuant to G.S. 153A-77), that the following rule for the protection of the public health and safety are hereby adopted pursuant to Chapter 130A-39(a) of the General Statutes of North Carolina, and shall apply throughout Mecklenburg County, North Carolina, including, but not limited to, all cities and towns, whether incorporated or unincorporated.

SECTION 1: PURPOSE

The following rule is enacted for the purpose of protecting the health and safety of children receiving child care away from their own homes in Mecklenburg County. This is accomplished by establishing minimum health and safety standards to be met by individuals providing care for ~~up to 5~~ children in ~~residential settings~~Family Child Care Homes that are not inspected under 15 NCAC 18A.2800. The information contained in the inspection reports will also be useful to parents seeking to make informed decisions about ~~new~~ childcare arrangements.

SECTION 2: DEFINITIONS

- (a) "**Approved**" means determined by the Director to be in compliance with this Rule.
- (b) "**Board of Health**" or "Board" means the Mecklenburg County Board of County Commissioners acting as the Board of Health pursuant to North Carolina General Statute 153A-77.
- (c) "**Child Day Care**" means ~~as defined in NC General Statute 110-86 (2) any child care facility, except seasonal recreational programs operated for less than four consecutive months in a year, wherein three or more children less than 13 years old receive care away from their own home by persons other than their parents, step parents, grandparents, great grandparents, aunts, uncles, great aunts, great uncles, brothers, sisters, first cousins, guardians, or full-time custodians, or in the child's own home where other unrelated children are in care. Child day care does not include facilities that provide only drop-in or short-term child care for parents participating in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term child care offered in health spas, bowling alleys, shopping malls, resort hotels, and churches.~~
- (d) "~~Child Day Care Home~~**Family Child Care Home**" means ~~a Child Care Facility as defined in NC General Statute 110-86 (3)(b). any day care program or child care facility wherein any person not excluded in Section 2(c) provides day care on a regular basis of at least once per week for more than four hours per day for more than two children under 13 years of age but not to exceed a maximum of eight children at any one time, wherever operated, and whether or not operated for profit. Of the children present at any one time, no more than five children shall be pre-school aged. The four hour time limit applies regardless of the time of day and regardless of whether the same or different~~

~~children attend. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment are not included. To determine whether a child care facility is a child day care home, all children shall be counted except the operator's own school-aged children and school-aged children who reside at the location of the child day care home.~~

~~(e) **"Designated Emergency Medication"** means a medication needed to immediately treat a life-threatening medical event that is administered in accordance with 10A NCAC 09 .0803(10) and G.S. 110-102.1A.~~

~~(ef) **"Director"** means the Health Director for Mecklenburg County. The term also means the authorized representative of the Director.~~

~~(g) **"Disinfect"** means a non-sporicidal process of using an approved disinfectant on inanimate surfaces to destroy or irreversibly inactivate fungi, viruses, and bacteria.~~

~~(h) **"Disinfectant"** means a chlorine solution containing 500 to 800 parts per million (ppm) of chlorine or a disinfectant as defined at 40 C.F.R. 158.2203 that is registered with the United States Environmental Protection Agency (EPA) in accordance with 40 C.F.R. 152 with use indicated in schools and child care settings and that is prepared and maintained in accordance with this ordinance.~~

~~(fi) **"Locked"** means locked with a key that is stored in a location separate from the lock, magnetic lock, or with a combination lock.~~

~~(g) **"Preschool-aged child"** means ~~any child who has not reached the age of five years on or before October 16 of the current school year and who is not eligible to attend a public or private grade school or kindergarten based on the State's age requirement.~~~~

~~(hj) **"Potentially hazardous food"** means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including Clostridium botulinum. This term includes raw or heat treated food of animal origin, raw seed sprouts, and treated foods of plant origin. The term does not include foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.~~

~~(k) **"Sanitize"** means a process of using a sanitizing solution on inanimate surfaces or dish washing machine to destroy or irreversibly inactivate bacteria.~~

~~(l) **"Sanitizing Solution"** means a solution containing 50 to 200 parts per million (ppm) of chlorine or a sanitizer as defined at 40 C.F.R. 158.2203 that is registered with the EPA in accordance with 40 C.F.R. 152 that is approved by the EPA for use on food-contact surfaces, does not require a final rinse step, and has a testing method that can be used by child care personnel to confirm that the prescribed chemical concentrations are met and that is prepared and maintained in accordance with this ordinance.~~

~~(im) **"Single-service article"** means tableware, including flatware and hollowware, carry-out utensils and other items such as bags, containers, stirrers, straws, toothpicks, and wrappers which are designed, fabricated, and intended by the manufacturer for one-time use.~~

~~(jn) **"Single-use article"** means bulk food containers and utensils intended by the manufacturer to be used once and discarded. The term includes items such as formed buckets, bread wrappers, pickle barrels, and tin cans. The term does not include single-service articles as defined in this Section.~~

(k) "Solid waste" means any garbage, rubbish, refuse, or other material resulting as a by-product of some process or activity. The term does not include sewage or waste classified as hazardous.

(p) "Water Play Center" means water tables or containers that allow children to scoop, splash, pour, and play with water to explore their senses.

SECTION 3: REGISTRATION/OPERATION PERMIT

(a) All ~~child day care homes~~ family child care homes as defined in Section 2 of this Rule shall be in compliance with applicable state and local regulations, including registration with the North Carolina Department of Health and Human Services Division of Child Development and Early Education if applicable, and shall obtain a permit to operate from the Mecklenburg County Health Department prior to beginning operation. An operation permit shall be valid for 12 months from the first day of the month the permit is issued.

(b) Each ~~child day care~~ family child care home provider shall make application for an operation permit with the Mecklenburg County Health Department on an annual basis. Application shall be on forms provided by the Director. A fee in an amount determined by the Board ~~sh all~~ shall be submitted with the application.

(c) Each registered family child care home shall allow representatives of the Mecklenburg County Health Department and any other appropriate governmental agency to inspect its facilities to ensure compliance with the provisions of this Rule. Each provider shall allow access to the home, staff, and records at reasonable times during the provider's regular business hours. If the time selected for inspection by the director proves to interfere with the normal operation of the home, the inspection may take place, but the provider may have the option of requesting an appointment at another time for discussion of possible deficiencies and inspection of records.

(d) Proper registration shall be completed and a permit obtained prior to advertising the center as a ~~child day care home~~ family child care home.

SECTION 4: BUILDING CODE REQUIREMENTS

~~(a) The operator shall maintain written documentation indicating the facility complies with the North Carolina State Building Code, Volume I – General Construction (1996 edition), Section 418, and Volume VII – Residential, One and Two Family Dwelling; or, that the facility is a manufactured home bearing a third party inspection label certifying compliance with the Federal Manufactured Home Construction and Safety Standards or certifying compliance with construction standards adopted and enforced by the State of North Carolina.~~

~~(b) Manufactured homes shall be installed in accordance with North Carolina Manufactured/Mobile Home Regulations published by the North Carolina Department of Insurance.~~

~~(c) Child day care homes operated in single-wide manufactured homes will be limited to a maximum of three preschool-aged children (not more than two may be two years of age or less) and two school-aged children.~~

SECTION 5: ZONING REQUIREMENTS

~~The operator shall maintain written documentation indicating the facility complies with all applicable zoning requirements for its intended use.~~

SECTION 64: FOOD SUPPLIES AND PROTECTION

(a) Food shall be wholesome; free from spoilage, filth or other contamination; and safe for human consumption. ~~Family child care homes that receive and provide children with prepared meals or snacks from sources outside the family child care home, other than meals or snacks sent from an enrolled child's home, shall use meals and snacks obtained from food establishments that are permitted by a local health department.~~

(b) If milk is provided for drinking it shall be Grade A pasteurized fluid milk. Reconstituted, powdered milk may be used only for cooking purposes and flavored hot beverages, unless otherwise prescribed by a physician.

~~(c) Formula and mother's milk served in baby bottles shall be prepared and labeled with the individual child's name at the child's home and provided daily to the care giver by the parents or guardians.~~

(c) All human milk, formula, and other bottled beverages, including beverages in sippy cups and water bottles, that are sent from home shall be fully prepared and labeled with the date received at the child care center and the name of the child to whom the milk, formula, or beverage belongs before being brought to the family child care home. All human milk, formula, and other bottled beverages shall be sent home with the child whose name is on the label or discarded at the end of each day. Formula and other beverages that require refrigeration, and human milk shall be labeled with the name of the child to whom the beverage, or milk belongs and shall be refrigerated at 45 degrees Fahrenheit or below. Formula provided by the family child care home shall be commercial ready-to-feed formula that is pre-packaged in single-use containers. Formula that does not meet these requirements and human milk may be provided to a child by family child care home employees as prescribed by the child's health care provider or as instructed, in writing, by the child's parent or guardian. Nothing in this ordinance shall prohibit human milk from being sent home at the end of the day with the child whose name is on the label for the human milk instead of being discarded when the child's parent or guardian has given the child care center written permission to send the human milk home.

(d) Baby food shall be labeled with the individual child's name and the date opened. All unused, opened baby food shall be discarded 48 hours after opening. Baby food and juice shall be refrigerated after opening. ~~All unused formula, mother's milk, and juice sent from home shall be returned to the parent at the end of each day and shall not be reused by the child day care home operator.~~

(e) All foods shall be protected from contamination while being stored, prepared, served, or during transportation. Containers of food shall be stored above the floor and in such a manner as to be protected from splash and other contamination. ~~Food and containers of food shall not be stored under exposed sewer lines.~~

(f) All perishable foods shall be stored at such temperature as will protect against spoilage. All potentially hazardous foods shall be maintained at safe temperatures (45° F or below, or ~~140~~ 135° F or above) except during brief periods of preparation and serving.

(g) Frozen foods shall be kept at such temperatures as to remain frozen, except when being thawed for preparation or use. Potentially hazardous foods shall be thawed at refrigerator temperatures of 45° F or below or under running water no warmer than 70° F ~~70° F~~, quick-thawed as part of the cooking process, or thawed by other methods approved by the Director.

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(h) An indicating air temperature thermometer shall be located in warmest part of each refrigerator.

(i) Lunches, snacks, and other meals that a child brings from home to the child care center shall be labeled with the date on which the food is brought to the child care center and the name of the child to whom the food belongs at the child's home and shall be returned to the child's home or discarded at the end of each day. Lunches, snacks, and other meals containing potentially hazardous foods shall be refrigerated at 45 degrees Fahrenheit or below and stored in the child care center kitchen or approved food preparation area. Hot foods that a child brings from home to the child care center in double-walled, insulated thermos containers may be stored outside of refrigeration at the child care center with the written permission of the child's parent or guardian.

(i) Raw fruits and vegetables shall be washed thoroughly before use.

(j) Stuffings, poultry, stuffed meats and poultry, and pork and pork products shall be thoroughly cooked before being served. Salads made from meat, poultry, potatoes, fish, shellfish, or eggs, and other potentially hazardous foods shall be prepared, preferably from chilled products, with a minimum of manual contact and on clean surfaces and with clean utensils.

(k) Individual portions of food once served shall not be served again.

SECTION 75: PROVIDERS FOOD PREPARATION AND SERVICE

Providers shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty. They shall wash their hands thoroughly before starting work, after diaper changing activity, before beginning food preparation, and as often as may be necessary to remove soil and contamination. No provider shall resume work after visiting the toilet without first washing his/her hands.

(a) In family child care homes, the preparation of food shall take place only in the kitchen. The kitchen shall be made inaccessible to children when it is not in use by personnel.

(b) Food shall be prepared using utensils, deli paper, or disposable gloves to prevent exposed, ready-to-eat-food from coming into direct contact with an employee's bare hands or exposed skin. Food shall be prepared on food-contact surfaces that have been cleaned, rinsed, and sanitized prior to use. Food-contact surfaces and utensils that are exposed to bacterial, viral, fungal, or hazard contaminants during use shall be made clean, free from hazards, and sanitized before continued use.

(c) Raw fruits and raw vegetables shall be washed with potable water before being cooked or served.

(d) Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 145 ° F, except that:

(1) poultry, poultry stuffings, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165 degrees Fahrenheit with no interruption of the cooking process;

(2) ground beef, other ground or comminuted meat or fish, and eggs pooled and cooked for hot storage shall be cooked to an internal temperature of at least 155 degrees Fahrenheit with no interruption in the cooking process; and

(3) roast beef shall be cooked to an internal temperature of at least 130 degrees Fahrenheit with no interruption in the cooking process.

(e) Potentially hazardous foods that require cooking prior to consumption and cooked in a microwave oven shall be heated to an internal temperature of at least 165 ° F.

(g) Potentially hazardous foods that have been cooked and then refrigerated, if served above 45 ° F, shall be reheated to an internal temperature of 165 ° F or higher before being served, except that commercially packaged food in intact packages may initially be reheated to 135 ° F. Potentially hazardous foods reheated in a microwave oven shall be heated to an internal temperature of at least 165 degrees Fahrenheit.

(h) Metal stem-type, thin probe, numerically scaled indicating product thermometers, accurate to ± 3 degrees Fahrenheit shall be used to ensure the maintenance of the internal cooking temperatures of all potentially hazardous foods required in this ordinance.

(i) Potentially hazardous foods that are frozen shall be thawed using one of the following methods:

(1) in refrigerated units at a temperature not to exceed 45 ° F ;

(2) submerged under potable water of a temperature of 70 ° F or below, with sufficient water velocity to agitate and float off loose food particles into the overflow;

(3) in a microwave oven only when the food will be immediately transferred to conventional cooking equipment as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or

(4) as part of the uninterrupted cooking process.

(j) Food that is leftover after serving shall not be served again unless the original package is unopened and the food is not a potentially hazardous food.

(k) Potentially hazardous food requiring refrigeration after preparation shall be cooled to an internal temperature of 45° F or below within 6 hours. Cooling of potentially hazardous foods shall be initiated upon completion of the food preparation or hot storage. Methods such as pouring into uncovered shallow pans, agitation, and chilling with ice or water circulation external to the food containers shall be used to cool potentially hazardous food.

SECTION 86: FOOD SERVICE UTENSILS AND EQUIPMENT

(a) All food service and eating and drinking utensils and equipment shall be in good repair, free of corrosion, ~~and~~ kept clean, made of nonabsorbent material, washed after each use, and sanitized. Multi-service utensils used by children must be washed in a domestic dishwashing machine between each use when provided by the family child care home.

(b) Clean utensils shall be stored in a clean place.

(c) Single-service articles shall be properly stored in a clean place or sealed container, handled in a sanitary manner, and discarded after initial use.

(d) Single-use articles may be re-used for food storage after being thoroughly cleaned, but shall not be used for heating foods. Single-service articles shall be used in lieu of multi-service utensils, when a home does not have a domestic dishwashing machine.

(e) Each child shall have a clean drinking cup properly identified by label, color, or other method approved by the Director. Common drinking cups shall not be used.

(f) If bottles are warmed, bottles shall be warmed in the family child care home's kitchen. Bottle warming equipment, including attached electrical cords, shall be kept out of reach of children.

Microwaves and slow cookers shall not be used to thaw or warm human milk, baby food, formula, or other bottled beverages meant for consumption by children. Bottles shall be warmed by placing bottles under running potable water or in containers of potable water or by using bottle warming equipment that is used in accordance with the manufacturer's instructions. Temperature restrictions listed in Section 7 do not apply to equipment manufactured specifically for bottle warming.

SECTION 97: WATER SUPPLIES

(a) The ~~home-family child care home~~ shall use either a public water supply or a water supply that is located, constructed, maintained, and operated in accordance with the Mecklenburg County Groundwater Well Regulations. Title 15A North Carolina Administrative Code, 18A .1700 "Protection of Water Supplies" which is adopted by reference and includes subsequent changes or additions.

(b) A water sample from a private water supply shall be collected by the Director and submitted to an approved laboratory for bacteriological examination at least once per year. Private water supply water quality standards shall be maintained in accordance with Chapter V of the Mecklenburg County Groundwater Well Regulations.

(c) Each home shall have hot and cold running water under pressure piped to all points of use; however, hot water shall not be required at hose bibs. Hot water used for cleaning and sanitizing utensils and laundry shall be provided at a minimum temperature of 120 ° F at the point of use. Hot water to those areas at hand washing sinks accessible to children shall not be less than 9080° /FONT-F and shall not exceed 110° F. Water shall be tempered at handwashing sinks to the temperature range by manually tempering the faucet before use by each child or by installing a mixing valve on each individual handwashing sink accessible to children. At no time are children allowed to use tubs, showers, kitchen sinks, or other sources with water temperatures that exceed 110° F.

(d) Plumbing shall be kept in good working condition.

SECTION 108: LIQUID WASTES

Sewage shall be disposed of in an approved, properly operated sanitary sewage system.

SECTION 119: SOLID WASTES

(a) Solid wastes containing food scraps or other decaying food materials shall be kept in durable, rust-resistant, nonabsorbent, water-tight, rodent-proof, containers. Containers shall be covered with tight lids when filled or stored or not in continuous use. Lids are not required for garbage containers in use indoors, unless a garbage container is used for soiled diapers. Refuse including scrap paper, cardboard boxes and similar items shall be stored in containers or designated areas approved by the Director.

(b) Solid wastes shall be discarded with sufficient frequency and in such a manner as to prevent insect breeding and public health nuisance.

SECTION 1210: TOILETS

(a) All toilet fixtures shall be clean and in good repair. Toilet rooms shall be kept free of storage.

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(b) Training toilet chairs, if used, shall be emptied through the sewage system, cleaned, and sanitized-disinfected after each use.

SECTION 4311: LAVATORIES

(a) Lavatories shall be located to comply with the appropriate handwashing requirements of this Rule, easily cleanable, clean, in good repair, and kept free of storage. Lavatories shall be mounted at an appropriate height to accommodate the children, or otherwise made accessible.

(b) All lavatories shall be equipped with hot and cold running water through mixing faucets. Hot water at faucets accessible to children shall not be less than 90° F nor greater than 110° F in compliance with Section 7 of this ordinance.

(c) An antibacterial liquid soap shall be provided at each handwash lavatory area.

(d) Each child shall have a clean disposable paper towel available for hand drying.

SECTION 4412: DIAPERING AND DIAPER CHANGING FACILITIES

(a) Each child in diapers shall be changed while the child is in his/her own crib or bed or on a smooth, nonabsorbent, easily cleanable surface. Diapering surfaces shall be kept clean and free of storage. A solution of 100-500-800 ppm (parts per million) chlorine, or other equivalent method-EPA Registered Disinfectant approved by the Director, shall be used for sanitizing disinfecting common changing surfaces after each diaper change. A suitable testing method or kit shall be available, convenient, and used daily to insure compliance with the minimum prescribed sanitizer-disinfectant strength. This sanitizer-disinfectant shall be used from a labeled spray bottle.

(b) The use of disposable latex gloves by care givers during the diaper changing process is required if the worker has cuts or sores on hands or burned or bandaged hands. Gloves used while changing a child's diaper shall not be used for subsequent diaper changes with that or any other child, but shall be discarded immediately in a covered, plastic-lined receptacle.

(c) Care givers shall not rinse soiled cloth diapers. Soiled cloth diapers shall be placed in a tightly closed plastic bag or other container approved by the Director and sent daily to the child's home or a diaper service to be laundered.

(d) Pre-moistened disposable towelettes or disposable towels shall be used for cleaning the children during the diaper changing process. Soiled disposable diapers and disposable towels or towelettes used while changing a child's diaper shall not be used for subsequent diaper changes with that or any other child, but shall be discarded immediately in a covered, plastic-lined receptacle.

(e) Caregivers shall wash their hands vigorously for at least 15 seconds using an antibacterial soap liquid soap, and running tempered water after changing any child's diaper and disinfecting the diaper changing surface.

(f) The child's hands shall be washed after each diaper change.

(g) Diaper changing surface cleaning procedure shall include:

(1) Spraying entire diapering surface with detergent solution and wipe clean, using disposable paper towels;

(2) Spraying entire diapering surface with approved disinfectant solution and allowing to remain on the surface for two minutes, or as specified by the Director, or air dry.

SECTION 4513: ANIMAL & VERMIN CONTROL: PREMISES

- (a) Pets shall not be allowed in any room or area in which food is prepared or stored during child care hours. Pets, unless caged and restricted from the immediate eating area, shall not be allowed in any room or area in which food is served during child care hours.
- (b) All household pets and animals shall have current rabies vaccinations as required by state law and local ordinances; documentation shall be maintained by the operator and provided to the Director upon request.
- (c) Effective measures shall be taken to keep insects, rodents, and other vermin out of the ~~child day-care home~~family child care home~~facility~~ and to prevent their breeding or presence on the premises.
- (d) Only those pesticides which have been properly registered with the appropriate federal regulatory agency and the North Carolina Department of Agriculture shall be used. Pesticides shall be used in accordance with the direction on the label and shall be stored in a locked storage room or cabinet separate from foods and medications.
- (e) The premises, including the outdoor play area, shall be kept clean, drained and free of litter and hazardous materials. Grass and other vegetation shall be maintained in a manner which does not encourage the harborage of vermin.
- (f) All food for pets and animals shall be stored inside the home, or in a water-tight, rodent proof container with a tight fitting lid.

SECTION 4614: STORAGE; MISCELLANEOUS

- (a) Rooms or spaces shall be provided for the storage of necessary equipment, furniture, toys, clothes, beds, cots, mats, and supplies and shall be kept clean.
- (b) All corrosive agents, insecticides, rodenticides, herbicides, bleaches, detergents, polishes, items containing petroleum products, any product which is under pressure in an aerosol dispensing can, and any substance which may be hazardous to a child if ingested, inhaled, or handled (skin contact) shall be stored in a locked storage room or locked cabinet. Cigarette lighters, matches, and similar items which could pose a fire hazard shall be kept ~~where children cannot reach them~~locked in a storage room, cabinet, or non-child care space in the home.
- (c) All medications shall be stored in a locked cabinet or box separate from other items required to be kept locked. Designated emergency medications, such as EpiPens and Inhalers, shall be kept inaccessible to children, but are not required to be in locked storage.
- (d) Non-prescription diaper creams and sunscreen shall be kept inaccessible to children when not in use, but are not required to be in locked storage.
- (e) Non-aerosol sanitizing, disinfecting, and detergent solutions, hand sanitizers, and hand lotions shall be kept out of reach of children when not in use but are not required to be in locked storage. These solutions shall be labeled as sanitizing, disinfecting, or detergent (soapy water) solutions. Hand soap other than that which is in bulk containers is not required to be kept out of reach of children or in locked storage. Non-aerosol sanitizing, disinfecting, and detergent solutions, hand sanitizers, hand lotions and bulk containers of soap shall be considered inaccessible to children when stored on a shelf or in an unlocked cabinet that is mounted a minimum vertical distance of five feet above the finished floor.

(d) Equipment and supplies such as lawnmowers, power tools, firearms, ammunition, and nails shall be stored in an area where children are not allowed to play.

(e) ~~Plants determined to be poisonous by North Carolina Poison Control Toxic plants~~ shall be stored out of reach of children or in locked storage when pre-school aged children are in care and shall not be allowed to grow in any outdoor play area used by the children.

(f) Rags, paper, and other flammable materials shall be kept away from heat.

(g) Rooms or areas which are not to be used by children shall be locked, or otherwise separated by use of an effective barrier.

(h) All family day care homes shall be equipped with a smoke detector and carbon monoxide detector. The smoke and carbon monoxide detectors shall be maintained in working order at all times.

~~(i) There shall be a five pound dry chemical fire extinguisher (Type ABC), approved by Underwriters Laboratories, in the home day care facility at all times. The fire extinguisher shall be maintained in good working condition.~~

SECTION 1715: BEDS, LINEN, AND FURNITURE, AND OTHER EQUIPMENT

(a) A separate bed, cot, playpen or mat, equipped with individual linen, shall be assigned and labeled for each child in care for more than four hours to use during rest periods; if a mat is used, it shall be of a waterproof, washable material at least two inches thick and shall be folded so that the floor side does not touch the sleeping side when not in use. Beds and linen used by members of the household of the operator shall not be used for children receiving care in the ~~child day care home~~family child care home. Placement of beds, cots, or mats shall allow a reasonable distance between children's heads and a walking space between beds, cots, or mats to allow access by staff members to each individual child.

(b) If beds, cots, mats, and linens are provided for school children who are cared for only during after-school hours, individual linen and a separate labeled bed, cot, or mat shall be provided for each child.

(c) All beds, cots, and mats shall be in good repair, properly handled and stored, and kept clean.

(d) Each child under 12 months of age shall be provided with a crib or other approved equipment.

(e) Furniture shall be kept clean and in good repair.

(f) Equipment and toys provided by the facility shall be kept clean and in good repair. Mouth-contact surfaces shall be cleaned and sanitized at least daily and more frequently if necessary.

(g) Toys, furniture, cribs, or other items accessible to children, shall be free of peeling, flaking, or chalking paint.

(h) Individual cubicles, lockers, or coat hooks shall be provided for storage of coats, hats, bags, or other items and accessories. A child's coats, hats, bags, and other items or accessories belonging to a child that are stored using cubicles, lockers, or coat hooks shall not come into contact with stored items belonging to other children.

(i) Combs shall be labeled with the name of the child to whom the comb belongs and stored separately from combs or other items that belong to a different child.

(j) Toothbrushes shall be labeled with the name of the child to whom the toothbrush belongs, allowed to air dry after use, protected from contamination, and stored in a designated area. When a container of toothpaste is used for multiple children, the toothpaste shall be dispensed

onto an intermediate surface such as waxed paper and shall not be dispensed directly onto each child's toothbrush.

(k) Wash cloths, bibs, and burping cloths shall be laundered after each use. Each time a wash cloth, bib, or burping cloth is used, it shall be used for only one child.

(l) Linens shall be laundered between users, when soiled, and otherwise once per week. Linens used in rooms where the children in care are less than 12 months old shall be changed and laundered when soiled and otherwise at least daily.

(m) Water play centers shall be filled with potable water immediately before children begin a water play session. Water shall be emptied after each play session and at a minimum each morning and afternoon, or more often if no longer clean. The water play centers, including toys, shall be cleaned and sanitized at least daily or more often if no longer clean. Water play is prohibited during the outbreak and investigation of a communicable disease or condition at the child care center.

SECTION 1816: FLOORS, WALLS, AND CEILINGS, AND THERMAL ENVIRONMENT

(a) All floors shall be kept clean and in good repair.

(b) Floors in areas accessible to children shall be free of peeling, flaking, or chalking paint.

(c) The walls and ceilings of all rooms and areas shall be kept clean and in good repair.

(d) Walls and ceilings, including doors and windows, in areas accessible to children shall be free of peeling, flaking, or chalking paint.

(e) All rooms used by children shall be heated, cooled, and ventilated to maintain a temperature between 65°F and 85°F.

(f) Ventilation may be in the form of operable windows, which are screened, or by means of mechanical ventilation to the outside. Windows and window treatments shall be kept clean and in good repair. All ventilation equipment, including air supply diffusers (heating and cooling vents) and return grilles, fans, and all other ventilation equipment, shall be kept clean and in good repair.

SECTION 19: SWIMMING AND WADING POOLS

~~(a) Swimming and wading pools if used by children receiving care in the home day care center, shall be designed, constructed, operated, and maintained in accordance with the North Carolina Rule Governing Swimming Pools, 15A North Carolina Administrative Code 18A .2500 which are incorporated herein by reference, including future changes and modifications.~~

~~(b) Any swimming pool or wading pool installed at the child day care home facility shall be separated from the playground area used for the child day care home by a fence, or other effective barrier as determined by the director. A residence shall not comprise any portion of the barrier unless all doors and windows that a child could use to access the pool area are self-closing and positive latching.~~

~~(c) Unfiltered and nondisinfected containments of water shall not be utilized for water recreation activities. Swimming and wading pools, if present, shall be permanent structural features of the facility.~~

Section 18: LEAD POISONING HAZARDS IN FAMILY CHILD CARE HOMES

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(a) In family child care homes, areas accessible to children shall be free of identified lead poisoning hazards as defined under G.S. 130A-131.7(7).

SECTION 19: PERSONNEL:

(a) In family child care homes, personnel shall wear clean clothing while at work. Personnel shall keep their fingernails clean.

(b) Tobacco use in any form is prohibited in any part of a family child care home.

(c) Volunteer personnel shall adhere to the same requirements as family child care home personnel, as specified in this ordinance.

(d) Personnel with a communicable disease or a communicable condition shall be excluded from work or subject to restrictions to prevent transmission in accordance with the Rules in Section 10A NCAC 41A .0200. Any personnel with boils, sores, burns, infected wounds, or other draining lesions on exposed skin shall bandage the affected area to avoid exposing others to drainage

(e) Personnel shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty. They shall wash their hands thoroughly before starting work, after diaper changing activity, before beginning food preparation/service, and as often as may be necessary to remove soil and contamination. No personnel shall resume work after visiting the toilet without first washing his/her hands. If such bandaging obstructs hand washing or if the exposure to drainage cannot be eliminated, then the personnel shall be excluded from food preparation and caregiving while the condition exists.

(f) Personnel shall ensure children wash their hands thoroughly after each diaper change or visit to the toilet, before eating meals or snacks, before and after water play, and as often as necessary to remove soil and contamination, or, if a child is unable to support her or his head, the provider can clean the child's hands with a disposable towelette or moistened disposable towel.

SECTION 20: INSPECTIONS AND COMPLIANCE

(a) The Director shall conduct an inspection of any ~~child day care home~~ family child care home at least once per year.

~~(b) The Director shall indicate on the Sanitation Evaluation Form for Child Day Care Homes the total number of demerits the facility received during the inspection. This inspection form shall be maintained on the premises of the facility and shown to current or prospective clients upon request.~~

(b) The Director shall indicate on the Sanitation Evaluation Form for Family Child Care Homes the parts of this ordinance that were IN or OUT of compliance during the inspection. This inspection form shall be maintained on the premises of the facility and shown to current or prospective clients upon request. The most recent inspection form completed by the Department shall be posted at the entrance to the child care area.

SECTION 21: FALSE INFORMATION

It shall be unlawful for any provider, employee, or assistant of any provider to knowingly and intentionally provide false information or to knowingly and intentionally fail to provide information pursuant to the terms of this Rule.

SECTION 22: PENALTIES AND REMEDIES

(a) Any person who ~~violates~~ any provision of this Rule shall be guilty of a misdemeanor in accordance with NCGS 130A-25.

(b) The Director may bring a civil proceeding in the Mecklenburg County Superior Court to seek an injunction or otherwise enforce the provisions of this Rule in accordance with Article 1 Part 2 of Chapter 130A of the General Statutes of the State of North Carolina.

~~(c) The Director may suspend or revoke the operating permit of any family child care home that fails to comply with these Rules.~~

SECTION 23: APPEALS

Any action to enforce this Rule may be appealed pursuant to the procedure set forth in NCGS 130A-24.

SECTION 24: SEVERABILITY

If any provision or clause of this Rule shall be declared invalid, such declaration shall not invalidate any other provisions or clause of this Rule.

SECTION 25: PRIOR RULES REPEALED

All ordinances, rules and regulations adopted heretofore ~~by~~ the Mecklenburg County Board of Health regulating child day care homes ~~and inconsistent with the rules contained herein~~ ~~are~~ hereby repealed.

SECTION 26: EFFECTIVE DATE

This Rule shall be in full force and effect ~~ten days~~ from and after ~~March 17, 2026~~ ~~May 2, 2023~~.