

Building Matters

SETTING-UP CHILD CARE SERVICES

What you should know about Daycares

Sherry Sparks

This column on Day Cares is the third part of a three-part column on home-based businesses. The 1st article outlined basic information with respect to proper zoning, permits, types of businesses and general approval. The second article dealt with building requirements, building codes and fines.

We informed readers that home-based businesses needed to apply for a Development zoning permit (PC) and a Building permit (BI). There are however specific exceptions that fall into a category of their own such as daycares, as they need to meet additional regulatory requirements.

This article will focus on the three types of "child care services" that must meet the requirements of the Regulation 83-85 of the Family Services Act.

WHAT REQUIREMENTS MUST BE MET?

1st type) Family Day Care Home (Babysitting Services): an individual can provide child care to the following number and ages **without requiring Department of Social Development's approval.**

- (a) two infants; or
- (b) four children age two to four years; or
- (c) eight children six years of age and older; or
- (d) five children age five years and younger and six years and older (there cannot be more than one infant below twenty-four months of age in this group and there must be at least one school age child). The operator's own children must be included in each of these categories.

2nd type) Community Day Care Home: When a person surpasses any one of the above categories by one child, the service is considered to be a Community Day Care Home and it **requires the approval of the Department of Social Development.**

- (a) three infants; or
- (b) five children age two to four years; or
- (c) nine children six years of age and older; or
- (d) six children age five years and younger and six years and older (including those of the operator)

However, the Department of Social Development does not require any written confirmation of approval by the municipality for a community day care home application. The Department **recommends** that they consult with their local municipal zoning office for any information regarding by-laws and regulations, but the applicant is not required to provide any proof of municipal contact or approval.

The Department of Social Development does not have a legislative mandate to require Zoning Certificates of babysitting services or community day care homes.

3rd type) Day Care Center: When the number and age of children exceeds that which is stipulated as a community day care home, the service is defined as a day care center under the Regulation 83-85. Every day care center must receive the **recommendation of the following key stakeholders** in the application process:

- Fire Prevention Officer (Fire Inspection Report)
- Regional Public Health Inspector (Public Health Inspection Report)
- Greater Moncton Planning District Commission (Zoning Letter)
- Department of Social Development (Child Day Care Facilities Inspection Form)

Also contact local Municipal Building Inspection to confirm if a building and/or plumbing permit is required.

Day care centers applicants are **required to provide a Zoning Certificate** as their proof of approval by their local municipal authority. The Department of Social Development considers the Zoning Letter to be a municipality's confirmation that the application meets the terms and conditions of the municipality's by-laws and regulations. It is the only document within our policy and protocols that we have the authority to enforce with our day care applicants.

WHEN SHOULD I CONTACT THE BUILDING INSPECTION DEPARTMENT?

Building permit is required for all renovation work outlined in the Building By-law #409 which is located on the City of Moncton website www.moncton.ca. and renovation must be completed in accordance with the latest adopted edition of the National Building Code of Canada (NBCC).

HOW WILL I OBTAIN A ZONING CERTIFICATE AND A ZONING COMPLIANCES LETTER?

The Greater Moncton Planning District Commission issues "Zoning Certificates" and "Zoning Compliance Letter's" for daycare operations, but not until the applicant has successfully completed the Commission review process (when required) and has been issued a building permit by the City of Moncton Building Inspection Department (when required).

REQUIREMENTS OF THE OFFICE OF THE FIRE MARSHAL

The following requirements of the Office of the Fire Marshal need to be followed otherwise the Province can decline or discontinue a license:

- 1) Day care requires an AC/DC fire alarm system
- 2) Rooms containing infants or cribs require a smoke detector connected to the fire alarm system.
- 3) A room or hall directly outside any room containing infants or cribs also requires a smoke detector connected to the fire alarm system.
- 4) Rooms containing infants or cribs are to be located on an exterior wall of the building and require an exterior window operable from the interior and must meet the latest adopted edition of the NBCC. Window services as a means of rescue and is not considered as an exit.

The City of Moncton's Building Inspection department is responsible for safeguarding life, property, and public welfare by ensuring compliance to property and zoning by-laws, whether it is in the area of design, construction, or alteration of buildings.

Sherry Sparks is the director of Building Inspection for the City of Moncton. She holds a diploma in Civil Engineering Technology and a Bachelor of Science in Civil Engineering. Sherry has been working in the field for 27 years, is currently President of the New Brunswick Building Officials Association and became a fellow of Engineers Canada in 2008. For more information on building guidelines and permits, visit the Housing and Building section of our website (moncton.ca), e-mail questions to info@moncton.ca, or call 856-4375.