

TITLE 18

TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS

BUSINESS REGULATIONS & LICENSES

2012

**TITLE 18
BUSINESS REGULATIONS AND LICENSES
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**TITLE 18
BUSINESS REGULATIONS AND LICENSES**

**CHAPTER 18.01
Administration and Enforcement**

18.0101 General.

The administration and enforcement of this Title is vested in and shall be exercised by the Director of the "Tribal Employment Rights Ordinance" (TERO). All payments and fees regarding business shall be made to the Director of TERO.

18.0102 Regulatory license.

If any other title, ordinance or law of the Turtle Mountain Band of Chippewa requires a person or business license under this Title to obtain a license or permit for regulatory purposes, no license or permit under this Title shall be issued until the business has obtained the required license or permit.

18.0103 Business license.

Unless otherwise specifically provided in this Title, all persons, association, companies, firms or corporations conducting or engaged in any business or trade within the Turtle Mountain Band of Chippewa (reservation) jurisdiction must obtain a license or permit. Application for, issuance, termination, and revocation of such license shall be governed by the terms of this Title.

18.0104 License; Application.

Any person desiring a license or permit shall make a written application to the Director of TERO therefore upon completion of a blank application furnished by the TERO Commission and upon filing the same with the Director of TERO stating a description of the business, the name and address of the business, the purpose for which the same is desired, for what length of time, and specifying the place where the business is to be carried on; if required to file a bond before being licensed the person shall also name the proposed sureties on the bond in his application.

18.0105 License; Granting.

1. The TERO Director shall receive applications for licenses and permits, and upon approval grant the same in all cases where expressly authorized upon the terms and conditions specified by this Title. The Director will refer any applications for any purpose not named by this Title to the TERO Commission for a determination of the Director's authority to grant any license or permit.
2. Upon receipt of each application the TERO Director shall conduct such investigation of the applicant's business and moral character, as he deems necessary for the protection of the public good. If an investigation is conducted and the applicant's character or business responsibility is found to be unsatisfactory, the TERO Director shall notify the applicant that his application is disapproved and that no license will be issued; or the TERO Director at his discretion may issue a temporary license and allow the applicant time to clear any questions of the TERO Director concerning the applicant that may exist. If the character and business responsibility of the applicant are found to be satisfactory, the TERO Director shall recommend approval to the TERO Commission. If approved by the TERO Commission, the TERO Director shall endorse the license and deliver it to the applicant.
3. Upon approval of the application by the TERO Commission and payment of the fee, a business license shall be issued to the applicant on a form approved by the TERO Commission. The license shall be signed by the TERO Director or his authorized representative. The license shall specifically

describe the business or trade to be conducted, the name of the business, and the name of the owner or principal owners, and the location at which the business or trade will be conducted.

4. If an application for a license or permit is denied, the applicant is entitled to a hearing within ten (10) days of the denial. The hearing will be informal and with the TERO Director. If the denial is not reversed the applicant may appeal the denial through Title 22, Tribal Administrative Procedures Act.

18.0106 **Persons engaging in more than one business.**

Persons who engage in more than one business shall pay a fee and obtain a business license for each type of business. The TERO Director will have full discretion to determine if each business is non-integrated or separate and apart from the other, or if each business is one and the same.

18.0107 **Jurisdiction.**

All persons subject to the provisions of this Title shall be deemed to have consented to the full and exclusive jurisdiction of the Turtle Mountain Court as a condition of doing business within the boundaries of the Turtle Mountain Band of Chippewa jurisdiction. In any action in which the Tribal Court determines that the position of the TERO Director is substantially upheld, the licensee shall be liable for costs incurred by the Tribe including reasonable attorneys fees.

18.0108 **License; Term.**

1. Annual business license. No License or permit shall be granted for a longer period than one (1) year.
2. All annual business licenses are issued annually and must be renewed before due date of each calendar year.
3. Short term (temporary) Business License: A short term or temporary business license is any license issued for a period not to exceed three months.
4. Permit: A permit may be issued on a daily basis and for contractors as provided for in Section 18.0203 of this Title.
5. No license or permit shall be valid until signed and sealed, nor shall any person be deemed licensed until a license is duly issued to him by the TERO Director.
6. Each license shall be dated the day of issuance thereof, but if the applicant or applicants shall have been acting without a license, the license shall commence with the date business commenced; if the business calls for a yearly license then the license shall commence on the date of approval of the business for which the license shall be issued.
7. The date of issuance of the license, together with the time of commencing and expiration shall be specifically set forth by the license and license record.

18.0109 **Transacting a business without a license.**

1. A person, company, association, firm partnership or corporation conducting or engaging in any business within the Turtle Mountain jurisdiction without a valid business license shall be notified of their liability for the business license fee and shall be sent a notice for the amount due. The notice shall inform the person that no further business may be conducted on the Turtle Mountain Tribal land unless the person obtained a business license. There shall also be imposed a penalty of twenty-five dollars (\$25.00) per day, exclusive of any other provisions of this Title, upon any person for each day that his business is conducted without a valid tribal license. The TERO Director will determine when the business first started without a license.
2. If a person continues to conduct or engage in a business or trade without a business license, in addition to any other rights accorded by this Title

or Tribal Code, The TERO Director may institute an action in the Turtle Mountain Tribal Court to enjoin the activity until a business license is obtained. The court may also take such other action as is necessary to enforce the provisions of this Title, including imposing a penalty equal to the business license fee due along with costs and expenses.

18.0110 Complying with laws and regulations.

Any person or business operating within the jurisdiction of the Turtle Mountain Band of Chippewa shall comply with all laws and regulations of the Turtle Mountain Tribal Community.

18.0111 License; Not transferable.

No License or permit shall be assignable or transferable except by permission of the TERO Commission. No person other than the person to whom the license is granted shall be authorized to do business or act under such license at any other than the place specified therein. The TERO Commission may grant the continuance of the business licensed to any other portion of the Reservation, such permission to be certified on the license by the TERO Director. No license shall authorize any person to act under it at more than one (1) place at the same time, or at any other place than is therein specified. Whoever shall violate any of the provisions of this section shall be deemed to be acting without a license and shall be subject to the same penalty as prescribed for acting without a license.

18.0112 Licenses; Revocation.

1. All licenses granted shall be subject to laws and regulations in force at the time of issuing thereof or which may be subsequently passed by the Tribal Council or TERO Commission. Any person who shall violate any provision of this Title relating to his license may be processed against for any fine or penalty imposed thereby, and his license may be revoked or forfeited in the discretion of the TERO Director, the TERO Commission or the Tribal Court if an action is brought for the recovery of any fine or penalty.

Where not otherwise provided, any license may be terminated or revoked by the TERO Director or the TERO Commission at any time for cause. "Cause" shall include, but not be limited to, the following:

- a. Violation of the Turtle Mountain Tribal Code dealing with or pertaining to the business or trade licensed;
- b. The willful making of any false statement or misrepresentation as to a material fact in the application for license;
- c. The death of a licensee;
- d. When the licensee ceases business at the location licensed;
- e. Conviction of any crime; or
- f. Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to the health, safety, or general welfare of the Tribe, or permitting any disorderly or immoral practices upon the premises where the licensee is licensed to carry on the business or trade.

When the license is terminated or revoked for cause, the licensee or those claiming under him shall not be entitled to any return of any portion of the license fee previously paid to the TERO Commission.

2. When a license is terminated or revoked it will be effective immediately, and the licensee is entitled to a hearing with the TERO Director within ten (10) days of termination or revocation.
3. Notice of the hearing for revocation of a license shall be given by the TERO Director in writing setting forth specifically the grounds for complaint and the time and place for hearing. Such notice shall be mailed to the licensee at his last known address at least forty-eight (48) hours prior to the date set for the hearing, or shall be delivered by a law enforcement officer in the same manner as a summons at least forty-eight

(48) hours prior to the date set for the hearing. The hearing will be informal and with the TERO Director. If the termination or revocation is not reversed, the licensee can appeal the decision through Title 22, Tribal Administrative Procedures Act.

18.0113 Licenses; Posting of.

All licenses and permits issued by the TERO Director for the operation of any business establishment, trade, or any part of the operation thereof, shall be posted in a conspicuous place in the main business area of the business establishment; where badges representing permits or licenses are issued to be worn by an individual, such licensee shall wear such badge during the normal course of employment for which said badge was issued.

18.0114 Licenses; Enforcement.

All Tribal officials having duties to perform with reference to licensed premises, including all police officers, shall have authority to enter the license premises with or without a search warrant to check for violations of Tribal laws by the licensee.

18.0115 License fee; Deposition of.

All license fees collected under this Title shall be transferable to the Finance Dept. of the Tribe and credited to the general fund of the Turtle Mountain Band of Chippewa Indians, unless otherwise provided in this Title.

18.0116 Violations; Criminal; Indian.

Unless otherwise provided in this Title, any person violating any of the provisions of this Title shall be guilty of an offense and shall be punished pursuant to Section 26.0601 of the Tribal Code.

18.0117 Violation; Punishment; Persons not subject to Turtle Mountain criminal jurisdiction.

Unless otherwise provided in this Title, persons determined not to be subject to Turtle Mountain Criminal jurisdiction violating any of the provisions of this Title shall be removed from the Reservation pursuant to Article IX, Section 4 of the Constitution and Bylaws of the Turtle Mountain Band of Chippewa Indians.

18.0118 Civil penalty.

Instead of proceeding under Sections 18.0116 or 18.0117 of this, or any other provisions provided by this Title, the TERO Director may assess a civil penalty against any person who he shall have probable cause to believe is in violation of this Title. Said civil penalty shall not be less than twenty-five dollars (\$25.00) per violation or per day of violation.

18.0119 License fees.

Every person or business issued or reissued a business license shall pay a license fee as follows:

1. Annual business license - \$150.00 per year;
2. Short term or temporary business license fee for members of Turtle Mountain - \$50.00 for any period up to 3 months;
3. Short term or temporary business license fee for non-members of Turtle Mountain - \$75.00 for any period up to 3 months; and
4. Short term or temporary business license fee for a period of one (1) day or less would be \$25.00 per day.

18.0120 Authorization for inspection of customer records.

1. Except as otherwise specifically provided by tribal law, any tribal governmental body (other than the Tribe itself), board, bureau, commission, utility, or agency, or any political subdivision of the Tribe, or organizations or agencies supported, in whole or in part, by tribal

funds or expending tribal funds, may not disclose customer information to any other person, tribal agency, or law enforcement agency unless disclosure is made in accordance with any of the following:

- a. Consent is granted by the customer in writing and signed by the customer;
- b. To a tribal agency, other governmental agency, or law enforcement agency pursuant to valid legal process.
- c. To any other person pursuant to valid legal process; or
- d. For the purposes of reporting a suspected violation of the law when the tribal entity reasonably believes that the customer is engaged in unlawful activity.

Customer information refers to any information derived from a customer's records.

2. Intentional violations of this section by a tribal agency or any other person, or a willful failure by the tribal agency or any other person to make these records available within ten (10) days after written authorization, or within the time limits prescribed by legal process, may result in a liability for an amount up to two hundred fifty dollars (\$250.00), plus attorneys fees incurred in any proceeding to enforce this section. Any tribal agency, or other person acting in good faith on any provision in this Section, may not be held liable to the customer or any other person.
3. Any agency or person requiring or requesting access to customer information shall make such request in writing, and pay to the tribal entity that assembles or provides the customer information reasonable costs incurred for supplying the information.

CHAPTER 18.02

Definitions

18.0201

Definitions.

1. "Business" includes all activities or acts, personal or corporate, engaged in with the object of gain, benefit, or advantage, either direct or indirect. For the purposes of this definition business does not include occasional or casual activities and sales. An occasional or casual activity occurs when a person engages in an isolated transaction that is not conducted with such frequency or is not one of a series of activities as to be sufficient to consider the person as regularly conducting the activity. "Business" shall include, but not be limited to:
 - a. Construction companies, contractors, repair services, or installation services;
 - b. manufacturing or industrial concerns;
 - c. retail and mercantile merchants;
 - d. Automobile service stations, garages, repair or body shops;
 - e. Retailer, wholesaler, manufacturer, contractors or any other business not located or having a place of business on the Turtle Mountain Reservation, but making sales and deliveries or providing services within the jurisdiction of the (Turtle Mountain Band of Chippewa Indians);
 - f. a farming or agricultural operation making use of land belonging to the Turtle Mountain Band of Chippewa, but shall not include such an operation primarily owned and operated by a tribal member of the Turtle Mountain Band of Chippewa;
 - g. Any casino, enterprise, amusement park, sports arena, or center which is open to the public and conducted for profit;
 - h. A motel, hotel, rooming house, trailer court, mobile home park, bowling alley, or Laundromat;
 - i. A restaurant, bar, café, or snack bar; or
 - j. Traveling merchants, food vendors, or peddlers.

2. "Contractor" means a person, firm, partnership, corporation, limited liability company or any of them, who undertakes to, or does himself, or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, irrigation system, excavation or other structure, project, development or improvement, or to do any part thereof, including the erecting of scaffolding, or other structure or works in connection therewith, and includes subcontractors.
3. "Person" includes an individual, officer, agent, company firm, partnership, joint venue, association, corporation, state, trust, or any other group or combination acting as unit, and shall include the singular and the plural.
4. "Short term or temporary business" shall include the same definition as under "business," but the business is only intended to be conducted for a limited duration of time, not to exceed three (3) months, and the person does not intend to become an annual yearly business.

18.0202 **Bond.**

As a condition of transacting business within the Turtle Mountain jurisdiction, the TERO Director may require a person or business to give a bond to TERO to secure the license provided for herein payable in the event that such a person fails to abide under the terms of this Title. Such bond shall be in the sum of not less than one hundred dollars (\$100), and not more than one thousand (\$1,000) with sureties to be approved by the TERO Commission.

18.0203 **Contractor.**

1. Any person desiring a permit as a contractor shall pay to the TERO Director a fee of twenty-five dollars (\$25.00). In the case of a construction contract, such permit shall be valid only for those construction contractors for which the permit was issued. The performance of an additional construction contract shall require an additional permit.
2. In the alternative, an applicant may apply for an annual contractor's license, and shall upon receipt of such license, pay to the TERO Director a fee of one hundred and fifty dollars (\$150.00). Such annual license permits the applicant to operate within the Turtle Mountain jurisdiction as a contractor for the period for which such license is issued, and shall permit the applicant to perform any number of construction contracts during such period.

CHAPTER 18.05

Licensure and Regulations of Child Care Centers

18.0501 **Purposes and definition.**

1. The purpose of this chapter is to secure the safety and well being of the children residing on the reservation or within Indian country who are under the supervision of a childcare center. This purpose shall be achieved by establishing standards for the licensure and regulation of all childcare centers operating within the jurisdiction of the Turtle Mountain Band of Chippewa Indians.
2. Definitions:
 - a. "Child Care Center" means an early childhood facility where early childhood services are provided to four (4) or more children for a fee.
 - b. "Parent" as used for the purposes of this Chapter only, means the natural parent, step-parent, grandparents, or legal guardian or temporary or permanent custodian of a minor child.

18.0502 **Application form.**

1. Application for an unrestricted license to operate a childcare center shall be made through the TERO office and in accordance with the

- reasonable requirements of that office. The fee for such license shall be established by TERO, subject to approval of the TERO Commission.
2. The TERO office shall develop and make available a standardized application for licensure. Such applications must include the following information at a minimum:
 - a. Business name, address, and phone number of child care center.
 - b. Statement of tribal fire authorities that center is in compliance with applicable fire code regulations;
 - c. Name, address, and telephone number of child care center operator;
 - d. Name, address, and telephone number of child care center director; and
 - e. Total area of childcare center measured in square feet.
 3. Should a licensed child care center or applicant for a child care license change ownership or location, a new application for licensure must be filed within thirty (30) days.

18.0503 **Review of application.**

1. The TERO office shall review all applications for childcare licensure. A representative of the TERO office shall visit the childcare center to view the facility, and interview the director and operator of the center. During such interview, such representative shall inquire about and determine that the minimum standards for licensure under this chapter are met by the center.
2. Within sixty (60) days after receipt of an application for licensure by TERO, the TERO Director shall recommend approval to the TERO Commission. If approved by the TERO Commission, the TERO Director shall endorse the license and deliver it to the applicant.
3. All decisions of the TERO Commission are final. No person denied a license shall be eligible to reapply for a period of three (3) months.

18.0504 **Unrestricted child care license.**

- An Unrestricted Child Care License shall contain the following information:
1. Name of center and operation;
 2. Date of issuance and signature of the designated tribal licensing office;
 3. The maximum number of children which may be cared for by the center;
 4. The center is in compliance with the minimum licensing requirements for child care centers set out under this Title; and
 5. The term of the license.

18.0505 **Provisional license.**

1. In the event the designated tribal licensing office determines that a childcare center has had inadequate time to comply with the requirements set out in this chapter, it may, in its discretion, issue a provisional child care license.
2. The Provisional License shall contain the following information:
 - a. Name of center and operator;
 - b. Date of issuance and signature of representative of designated tribal licensing office;
 - c. The center has failed to meet the minimum licensing requirements set out under Section 18.0130, but has been granted a one (1) year period of time in which to bring the center into compliance;
 - d. The maximum number of children which may be cared for by the center;
 - e. Each area of noncompliance has been documented by the designated tribal licensing office and a copy may be obtained by contacting the designated tribal licensing office;
 - f. The license expires automatically upon one year from the date of issuance; and
 - g. Upon proof of compliance with the minimum licensing requirements set out under Chapter 18, the center shall be issued an unrestricted child care license.

18.0506

Rights of provisional licensee.

1. An applicant receiving a provisional license has the right to:
 - a. Receive a written statement of all areas of the center, which are presently in noncompliance;
 - b. Receive a written statement of the rationale of the designated tribal licensing office for the denial of an unrestricted child care license; and
 - c. Appeal the denial of an unrestricted license to the TERO Commission within fifteen (15) days of the denial. The TERO Commission shall provide the applicant with notice and an informal hearing on the licensure before at least three (3) members of the TERO Commission within fifteen (15) days of receipt of the request for appeal.
2. A provisional license, subject to the exceptions contained in this chapter, entitles the licensee to all rights and privileges afforded the holder of an unrestricted childcare license. Receipt of a provisional license will be recognized by the Tribe as evidence of compliance with licensure requirements of this chapter.
3. The licensee must publicly post or display the provisional license in clear view of patrons of the childcare center.

18.0507

Minimum qualifications and duties of the operator of a child care center.

The operator shall be at least twenty-one (21) years of age.

1. The operator may be any person, firm, partnership, corporation, limited liability company or any entity as designated by the TERO Commission.
2. The operator must:
 - a. Ensure that the center is in compliance with all licensure standards set out in this Chapter;
 - b. Establish a child care program;
 - c. Apply for a child care license;
 - d. Develop and make available to parents, staff and the designated tribal licensing office, upon request, a plan for operation of the center, a policy of enrollment for children, and a statement of the rights and responsibilities of staff and parents;
 - e. Maintain records of enrollment, attendance, and health of the children and all other records required to be maintained under this Chapter;
3. The operator shall be responsible for all center staff volunteers and others providing services within the center.
4. Ensure that parents of children enrolled in the center are informed of the center's policies and procedures, including the center schedule and content of the child care programming, policy on discipline, and policy in the case of a child's illness or accident.
5. Develop a written agreement to govern the center's relationship with parents of children enrolled in the center which shall contain the amount of fees to be charged for care, the method of payment of those fees, and the center's policy, if any, on payment of delinquent fees. This written agreement should include information on any governmental or other childcare program in which the parent is enrolled. Examples of such programs include the Childcare Block Grant, the Cross Roads Program, and T.A.N.F. childcare program. The written agreement shall include the percentage of fees, which are paid for by the governmental or other program and the amount, which is the parent's responsibility.
6. Develop written policies governing the emergency medical care and treatment of children enrolled in the program, and policies providing for the care of children with special physical, emotional, or psychological needs.
7. Develop a written policy for assuring the care and safety of personal property of children enrolled in the center.
8. Comply with all North Dakota requirements for the mandatory reporting of suspected child abuse or neglect made applicable by this Title, and

develop a policy and procedure for the reporting of suspected abuse or neglect by staff.

9. Develop a schedule for employees of the center which ensures that a staff member with current C.P.R. certification, in accordance with the Turtle Mountain Tribal Code or North Dakota certification requirements, made applicable by this Title, is present in the center at all times when children are receiving care in the center.

18.0508

Minimum requirements for care givers employed in a licensed child care center.

1. The child care center shall maintain a record of all employees and volunteers of the center which shall contain the person's name, address, and phone number, and shall provide a copy of such to the designated tribal licensing office upon request.
2. All care givers employed or volunteering at a child care center shall certify to the designated tribal licensing office, within thirty (30) days of employment with a center, that he or she does not have a health problem which will interfere with the ability to provide adequate child care, or would be detrimental to the health of the children or center staff.
3. Any care giver or applicant for a position as a care giver with access to children enrolled at the center who has been arrested for, charged civilly or criminally with, or been convicted of child abuse or neglect of his or her own children, or those of another person, shall disclose that fact to the designated tribal licensing office and furnish, upon request, information demonstrating that the individual has the ability to provide satisfactory care to children enrolled in the center. The designated tribal licensing office may, at its discretion, require the caregiver or applicant provide it with copies of criminal and civil records, medical records, and other documentation normally accorded privilege or confidential status. If the designated tribal licensing office determines that the caregiver or applicant presents a potential threat to the safety or well being of the children enrolled in the center, it may prohibit that person from working in a licensed childcare center.

18.0509

Minimum standards for records maintained by center on children enrolled in center.

1. The following information shall be obtained and maintained for each child enrolled in the center, and shall be updated as necessary, and at least once annually:
 - a. Child's full name, birth date, and current address;
 - b. Name, address, phone number, place of employment, and business phone number of parent.
 - c. Names, addresses, phone numbers of all persons able to assume responsibility for the child in the event the parent cannot be reached in an emergency;
 - d. Written consent form signed by parent permitting emergency medical treatment of the child;
 - e. Signed authorization of the parent listing the names, addresses and telephone numbers of all persons authorized to take the child off the premises of the center.
 - f. Copies of written authorizations signed by the child's parent, which permit the center to dispense or administer medication, prescription or otherwise. The child's name must be printed on all prescription medication, and the container must bear written instructions containing dosage amount and frequency; and
 - g. Verification that the child's immunizations are current.
2. All information pertaining to the admission, progress, health, finances and discharge of the child care enrollee shall be confidential, and release of that information limited to the parent, the designated representative of the parent, and the child care center.

18.0510

Emergency plan requirement.

A center must have a plan demonstrating the ability to respond to emergency events, which must include the following:

1. Annual fire inspection completed by the tribal fire authorities;
2. Emergency response procedures, including a plan for emergency evacuation in the event of fire or other disaster, conspicuously posted in the center;
3. At least one (1) staff member present at all times when care is being provided to children, who has completed a minimum of five (5) hours of first-aid training;
4. At least one (1) approved first-aid kit maintained and kept in a designated location, which is inaccessible to children, yet readily accessible to staff.
5. Storage facility for medicine, which is inaccessible to children, yet readily accessible to staff, and appropriate for the storage of medicine.
6. Provision for transportation by an adult to a hospital or other facility in the event of an emergency, which adult must remain at the hospital or other facility until such time as the parent or other responsible adult designated by the parent can be reached to supervise the child's medical or other treatment.

18.0511

Sanitation and safety requirements.

1. The facility must have an annual health and sanitation inspection completed by an environmental health practitioner. All reports of such inspection shall be filed with the TERO office including a written explanation of how any problems identified in such report are to be corrected by the center.
2. The center's building, grounds and equipment must be maintained in a sanitary, safe and reasonable manner, and if located near a busy street, the yard must be fenced to protect the health and safety of children.
3. All center buildings erected prior to 1970 must be stripped and resurfaced so surfaces do not contain lead-bearing paint.
4. Indoor floors must not be slippery, and all steps and walkways must be kept clean and free from snow and ice. Stairs and/or porches must have rails.
5. There must be adequate ventilation and proper humidity, and a HVAC system capable of maintaining a temperature of not less than 68 degrees Fahrenheit, and not more than 20 degrees less than the outside temperature when such outside temperatures exceeds 88 degrees Fahrenheit.
6. Childcare center must be cleaned daily, and personal items such as toys, pacifiers, and combs must be stored in a sanitary manner.
7. Hazardous or poisonous substances must be kept in locked storage, and inaccessible to children.
8. Caregivers and staff shall wash hands before preparing or serving meals, after diapering, and after using bathroom facilities.
9. When food is prepared, served or stored in a childcare center, it will be done in a sanitary and safe manner.
10. Drinking water must be accessible to children, and hot water temperature in bathrooms must be no greater than one hundred twenty (120°) degrees Fahrenheit.
11. Bathroom must be cleaned daily, and located in separate rooms from those used for cooking, eating, and sleeping.
12. Centers shall take steps to keep the facility free of insects and rodents. Chemicals for insects and rodent control may not be available in areas accessible to children.
13. The minimum ratio of care givers or programs staff to children in child care centers shall be:
 - a. If all children in care are less than twenty-four (24) months of age, one (1) staff member per four (4) children.

- b. If all children in care are twenty-four (24) months of age to thirty-six (36) months of age, one (1) staff member per five (5) children.
 - c. If all children in care are three (3) years of age to four (4) years of age, one (1) staff member per seven (7) children.
 - d. If all children in care are four (4) years of age to five (5) years of age, one (1) staff member per ten (10) children.
 - e. If all children in care are five (5) years of age to six (6) years of age, one (1) staff member per twelve (12) children.
 - f. If all children in care are six (6) years of age to twelve (12) years of age, one (1) staff member per eighteen (18) children.
 - g. If children in care are of mixed age categories, the minimum ratio of care givers or staff to children shall be determined by calculating the average age of the children, and applying the corresponding ratio; however, in no event shall a single (1) care giver or staff member care for more than two (2) children twenty-four (24) months of age or younger, or more than four (4) thirty-six (36) months or younger at any one time.
14. These ratios shall apply to the total number of children present at the center at any one time and not the total number of children enrolled.

18.0512 **Minimum standards for food and nutrition.**

1. Food suppliers must be properly prepared, sufficient in amount, varied according to child's diet, and served at appropriate hours.
2. Staff must discuss with parents child's habits, activities, and special concerns about their children.
3. Each facility shall have a designated area where a child can sit quietly or lie down to rest.
4. No child shall be confined to a crib or playpen during the entire time at center.
5. Children shall never be shaken or jostled.
6. At no time shall infants be left unattended while feeding.
7. Physical discipline shall not be used by any staff or volunteer on the children. Children may not be locked in any room for disciplinary action.

18.0513 **Other regulations.**

Rules and regulations as defined in this document may be changed or added to according to need.

18.0514 **Revocation of a child care license.**

The TERO office may revoke a childcare center's license for noncompliance with any of the regulations set out in this chapter. The revocation of a childcare license, provisional or temporary, may be appealed to the TERO Commission. The child care center may continue to operate the child care center pending a determination by the TERO Commission, or until such time as the license expires of its own accord, whichever occurs first. A center may not appeal the expiration of a provisional license.