

Municipal Code of Chicago

CHAPTER 4-75
CHILDREN'S SERVICES FACILITY

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4-75-010 Definitions.

“Amusement(s)” shall have the meaning ascribed to the term in Section 4-156-010.

“Automatic amusement device” shall have the meaning ascribed to the term in Section 4-156-150.

“Children” or “child” means any natural person seventeen years of age or younger.

“Children's play center” means any institution or place, regardless of nomenclature, where the primary business activity is to provide recreational activities to children who are apart from their parent or guardian. The term “children's play center” does not include the following: (1) any

program operated by private entities on the grounds of public or private elementary schools or secondary schools; (2) any program operated by a public or private school or secondary level school; (3) any program operated by the State Board of Education or the Board of Education of Chicago; (4) any program operated by government agencies or conducted on government premises; (5) any program operated by or conducted on the premises of a college or university; (6) any program operated primarily for religious instruction; (7) any program operated by a hospital or other health care facility; (8) any entity, location or place licensed or required to be licensed as a public place of amusement pursuant to Chapter 4-156 of this Code; or (9) any person providing one-on-one recreational, cognitive or educational activities to a child in a dwelling unit, as defined in Section 17-17-0248, in which the person or child resides.

“Children's services facility” means a “day care center” or “children's play center” as those terms are defined in this section.

“Day care center” means any institution or place, regardless of nomenclature and with or without a stated educational purpose, including, but not limited to, any day care center, where three or more children six years of age or younger, who are not of common parentage and who are apart from their parent or guardian, are cared for during all or part of the day. The term “day care center” does not include the following: (1) any “day care home”, “group day care home” or “foster family home” as those terms are defined in this section; (2) any center for the intellectually or developmentally disabled licensed by the State of Illinois; (3) any bona fide kindergarten or day nursery school serving children three years of age or older and established in connection with grade schools supervised or operated by a private or public board of education or approved by the State Board of Education; or (4) any daytime program for senior citizens.

“Day care home” means any family unit which receives four or more children, up to a maximum of 12 children, for less than 24 hours per day. The number of children counted shall include the family's natural or adopted children and all other persons under the age of 12. The term “day care home” does not include facilities which receive only children from a single household.

“Group day care home” means any family home which receives four or more children, up to a maximum of sixteen children, for less than 24 hours per day. The number of children counted shall include the family's natural or adopted children and all persons under the age of twelve.

“Foster family home” means a facility for child care in residences of families who receive no more than eight children unrelated to them, unless all of the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, and as further defined in Section 2.17 of the Child Care Act of 1969, codified at 225 ILCS 10/1 et seq.

“Private event” means a party or similar type of event held primarily for children, such as a birthday party or holiday party for children. Such private event may include food, non-alcoholic beverages and entertainment.

“Primary business activity” means an activity that constitutes at least 51 percent of the gross receipts of a business.

(Added Coun. J. 5-9-12, p. 27485, § 41; Amend Coun. J. 11-8-12, p. 38872, § 89)

4-75-020 License – Required.

No person shall engage in the business of children's services facility without first having obtained a license under this chapter.

(Added Coun. J. 5-9-12, p. 27485, § 41)

4-75-030 License – Application.

(a) In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a license to engage in the business of children's services facility shall be accompanied by the following information:

- (1) the location of the facility for which a license is sought;
 - (2) whether the facility is a day care center, and if so, (i) the total number of children to be cared for; (ii) the number of children under two years of age to be cared for; (iii) the number of children two to six years of age to be cared for; and (iv) the number of employees, and information related to their experience and training as deemed necessary by the board of health;
 - (3) the hours of operation of the facility;
 - (4) the name of the person(s) charged with responsibility for day-to-day management or supervision of the facility;
 - (5) the name of each manager who has or will have contact with children;
 - (6) a statement as to whether the applicant, any controlling person, any manager, any person charged with responsibility for day-to-day management or supervision of the facility or any existing employee or staff member of the facility has ever (i) been declared a sexually dangerous person under the Sexually Dangerous Persons Act, codified at 725 ILCS 205/1.01 et seq.; or (ii) admitted guilt or liability or been found guilty or liable in any judicial proceeding of committing or attempting to commit any offense set forth in Section 10/4.2(b) or (c) of the Child Care Act, codified at 225 ILCS 10/1 et seq., or in Article 11 of the Criminal Code, Sex Offenses, codified at 720 ILCS 5/Article 11;
 - (7) a statement as to whether, within ten years prior to the date of application or renewal, the applicant, any controlling person, any manager, any person charged with responsibility for day-to-day management or supervision of the facility or any existing employee or staff member of the facility has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony of any type other than those felonies required to be disclosed under paragraph (6) of this subsection or of a misdemeanor offense involving drugs or narcotics;
 - (8) a statement as to whether, within four years prior to the date of application or renewal, the applicant has ever had a day care center license, children's activities facilities license, children's services facility license or its equivalent in any jurisdiction revoked for cause;
 - (9) a statement as to whether, within one year prior to the date of application or renewal, the applicant has ever had a day care center license, children's activities facilities license, children's services facility license or its equivalent revoked for any cause for the location identified in the license application;
 - (10) proof of insurance, as required under Section 4-75-080;
 - (11) whether the applicant is seeking to obtain a night care privilege under Section 4-75-150;
 - (12) any other information that the commissioner may reasonably require.
- (b) The applicant and every manager identified or required to be identified pursuant to subsection (a)(5) of this section shall submit to fingerprinting by the department in accordance

with the requirements set forth in Section 4-4-307.

(c) It is a condition of the license that all information in the license application shall be kept current. Any change in required information shall be reported to the commissioner, on a form provided by the department, no later than ten days after the change has occurred, excluding Saturdays, Sundays and legal holidays.

(Added Coun. J. 5-9-12, p. 27485, § 41; Amend Coun. J. 11-8-12, p. 38872, § 90)

4-75-040 License issuance and renewal – Prohibited when.

(a) No license under this chapter shall be issued to the following persons:

- (1) any applicant or licensee, as applicable, who is under the age of 18;
- (2) any applicant or licensee, as applicable, if such applicant or licensee, any controlling person, any manager, any person charged with responsibility for day-to-day management or supervision of the facility, or any existing employee or staff member (i) been declared a sexually dangerous person under the Sexually Dangerous Persons Act, codified at 725 ILCS 205/1.01 et seq.; or (ii) admitted guilt or liability or been found guilty or liable in any judicial proceeding of committing or attempting to commit any offense set forth in Section 10/4.2(b) or (c) of the Child Care Act, codified at 225 ILCS 10/1 et seq., or in Article 11 of the Criminal Code, Sex Offenses, codified at 720 ILCS 5/Article 11;
- (3) any applicant or licensee, as applicable, if, within ten years prior to the date of application or renewal, such applicant or licensee or any controlling person or any person charged with responsibility for day-to-day management or supervision of the facility or any existing employee of the facility has ever been convicted, in custody, under parole or under any other noncustodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony of any type other than those felonies required to be disclosed under paragraph (2) of subsection (a) of this section or of a misdemeanor offense involving drugs or narcotics; unless, upon the request of such person, the commissioner determines that such person has been substantially rehabilitated to warrant the public trust. The burden of proof of substantial rehabilitation shall be on the person seeking such rehabilitation;
- (4) any applicant or licensee, as applicable, if, within four years prior to the date of application or renewal, such person has ever had a day care center license, children's activities facilities license, children's services facility license or its equivalent in any jurisdiction revoked for cause; and if so, the circumstances surrounding such revocation;
- (5) any applicant or licensee, as applicable, if, within one year prior to the date of application or renewal, such person has ever had a day care center license, children's activities facilities license, children's services facility license or its equivalent revoked for any cause for the location identified in the license application;
- (6) In the case of an initial application for a license under this chapter, any applicant or licensee, as applicable, unless the bureau of fire prevention and the department of buildings inspect the premises identified in the license application and determine that such premises are in compliance with all applicable requirements of this Code. If the facility identified in the license application is a day care center or child care facility, the department of health shall also inspect such facility for compliance with the requirements of this Code;
- (7) any applicant or licensee, as applicable, for any location that is licensed under Chapter 4-156 of this Code as a public place of amusement;

(8) any applicant or licensee, as applicable, that holds a liquor license under Chapter 4-60 of this Code for the sale of alcohol at the licensed facility or a license under Chapter 4-64 of this Code for the sale of tobacco products at the licensed facility;

(9) any applicant or licensee, as applicable, that is seeking a night care privilege within the meaning of Section 4-75-150 unless all applicable requirements set forth in Section 4-75-150 have been met.

(b) Eligibility for issuance of a license under this chapter shall be a continuing requirement for maintaining a license under this chapter. Failure to maintain eligibility for issuance of a license under this chapter may result in license suspension or revocation in accordance with the requirements set forth in Section 4-4-280 of this Code.

(Added Coun. J. 5-9-12, p. 27485, § 41; Amend Coun. J. 11-8-12, p. 38872, § 91)

4-75-050 License renewal.

All licenses issued under this chapter shall be renewed in accordance with the requirements set forth in Chapter 4-4 of this Code.

(Added Coun. J. 5-9-12, p. 27485, § 41)

4-75-060 License fee.

The fee for a license under this chapter shall be as set forth in Section 4-5-010 of this Code. Provided, however, that day care centers which are operated without a charge being made for the care of children shall be exempt from payment of the license fee.

(Added Coun. J. 5-9-12, p. 27485, § 41)

4-75-070 License – Posting – Nontransferability.

Each license issued under this chapter shall be posted in a conspicuous place near the main entrance of the licensed facility. Such license shall not be subject to sale, assignment or transfer, whether voluntary or involuntary, and shall be valid only for the location identified in the license application.

(Added Coun. J. 5-9-12, p. 27485, § 41; Amend Coun. J. 11-8-12, p. 38872, § 92)

4-75-080 Insurance – Required.

Each licensee under this chapter shall furnish a certificate of insurance, evidencing commercial general liability insurance, with limits of not less than \$300,000.00 per occurrence, combined single limit, for bodily injury, personal injury, and property damage arising in any way from the issuance of a license under this chapter. Each policy of insurance required under this section shall be (1) issued by an insurer authorized to insure in the State of Illinois; (2) name the City of Chicago as an additional insured; and (3) include a provision requiring 30 days' advance notice to the commissioner prior to cancellation or lapse of the policy. The licensee shall maintain the insurance required under this section in full force and effect throughout the duration of the license period. Upon request by any authorized city official, a copy of such certificate of insurance shall be made available for inspection by such city official.

(Added Coun. J. 5-9-12, p. 27485, § 41)

4-75-090 Permitted amusements and other activities – Exceptions.

(a) If an amusement, as set forth in items (1) through (4) of this subsection, is incidental or secondary to the primary activity of the children's services facility, and such children's services facility is not a day care center as defined in Section 4-75-010, then, a licensee under this chapter may conduct any amusement described in items (1) through (4) of this subsection on the licensed premises without the need to obtain a public place of amusement license or indoor special events license or performing arts venue license under Chapter 4-156 of this Code, as follows:

(1) Such licensee is permitted to have no more than three automatic amusement devices in the facility, which shall only be used by children at the facility;

(2) Such licensee is permitted to hold recitals, performances or tournaments in which children at the facility are the participants;

(3) Such licensee is permitted to hold performances for children at the facility, including, but not limited to, theatrical, dramatic or musical performances;

(4) Such licensee is permitted to hold private events at the licensed facility.

(b) A licensee under this chapter may obtain a retail food license to serve food or beverages at the facility, if (i) the service of food or beverages at the facility is incidental or secondary to the primary activity of the facility; and (ii) the facility is not a day care center as defined in Section 4-75-010.

(Added Coun. J. 5-9-12, p. 27485, § 41; Amend Coun. J. 11-8-12, p. 38872, § 93)

4-75-100 Prohibited activities and amusements.

No licensee under this chapter shall:

(1) Hold a liquor license for the sale of alcohol at the licensed facility;

(2) Hold a license for the sale of tobacco products at the licensed facility;

(3) Permit the consumption of alcohol at the licensed facility; or

(4) Hold or conduct any amusement at the licensed facility, other than those amusements authorized under Section 4-75-090.

(Added Coun. J. 5-9-12, p. 27485, § 41)

4-75-110 Legal duties – All licensees.

In addition to complying with all applicable requirements set forth in Chapter 4-4 of this Code, each licensee under this chapter shall have a duty to:

(1) make such reports to the department as the department may from time to time require in duly promulgated rules and regulations;

(2) prior to hiring any manager, employee or other staff personnel who have or will have contact with children at the licensed facility, to conduct a State of Illinois and Federal Bureau of Investigation ("FBI") fingerprint-based record search to determine whether such person has a criminal background of the type prohibited under paragraphs (2) and (3) of subsection (a) of Section 4-75-040. The fingerprints and any information regarding the background checks shall be kept on file at the facility and shall be open to inspection by any authorized city official at all times.

(Added Coun. J. 5-9-12, p. 27485, § 41; Amend Coun. J. 11-8-12, p. 38872, § 94)

4-75-120 Prohibited acts – All licensees.

It shall be unlawful for any licensee under this chapter to:

(1) hire or otherwise employ any manager, employee or other staff personnel who has or will have contact with children at the licensed facility if such person has a criminal background of the type prohibited under paragraphs (2) and (3) of subsection (a) of Section 4-75-040. Provided, however, that it shall be an affirmative defense to the imposition of any fine under this chapter and to license suspension or revocation if, prior to hiring or employing any such manager, employee or other staff personnel: (1) the licensee initiated, pursuant to the Illinois Uniform Conviction Information Act, codified at 20 ILCS 2635/1 et seq., a state and FBI fingerprint-based record search of the person so hired or employed; and (2) such fingerprint-based record search indicated that the person so hired or employed did not have a criminal background of the type prohibited under paragraphs (2) and (3) of subsection (a) of Section 4-75-040; and (3) the licensee did not acquire any subsequent or independent knowledge that the person so hired or employed had a criminal background of the type prohibited under paragraphs (2) and (3) of subsection (a) of Section 4-75-040;

(2) make any false, misleading or fraudulent statement in such person's license application or to misrepresent any fact in such license application;

(3) use any scheme or subterfuge for the purpose of evading any requirement of this chapter;

(4) be cruel to a child or indifferent to the welfare of a child;

(5) misappropriate the property of a child or other occupant of the licensed facility;

(6) convert the property of a child or other occupant of the licensed facility.

(Added Coun. J. 5-9-12, p. 27485, § 41; Amend Coun. J. 11-8-12, p. 38872, § 95)

4-75-130 Additional legal duties for day care centers.

If the children's service facility is a day care center, the licensee of such facility shall also have a duty to:

(1) provide personnel sufficient in number and qualified by training or experience to provide proper and adequate supervision for the number of children to be cared for at the licensed facility;

(2) comply with all applicable building, health, zoning and fire provisions of this Code;

(3) comply with all applicable rules, regulations and minimum standards for licensed day care centers promulgated by the board of health or State of Illinois;

(4) comply with (i) all applicable requirements pertaining to school vehicles as set forth in Chapter 9-116 of this Code, including, but not limited to, any registration requirement for such vehicle; and (ii) the State of Illinois' "Transportation Standards", codified at 89 Ill. Adm. Code § 407.280, if any vehicle is used to transport children on behalf of the day care center;

(5) If care will be provided to any child under the age of two, locate the day care center two feet above or two feet below or level with the sidewalk, public way or other open space at least 30 feet wide.

(Added Coun. J. 5-9-12, p. 27485, § 41)

4-75-150 Night care privilege.

If the children's service facility is a day care center and the licensee desires to provide night care at such facility, the following requirements shall apply:

(a) No licensee shall operate a day care center between the hours of 9:00 p.m. and 6:00 a.m. without a night care privilege granted under this section;

(b) An application for a night care privilege may be filed with the department as part of an initial or renewal application for a license under this chapter;

(c) In addition to the other requirements for a children's service facility license, every applicant for a night care privilege shall comply with the following:

(1) The day care center shall comply with the State of Illinois' "Night Care Standards", codified at 89 Ill. Adm. Code § 407.240;

(2) The day care center shall provide a cot with at least three inches of dense padding for use by each child who sleeps longer than two hours and who is not required to sleep in a crib;

(3) Any day care center required to provide a fire alarm system under Section 13-196-200 or Section 15-16-110 of this Code shall either be directly connected to a city fire alarm box as provided in Section 15-16-1430 or connected to a central station service as provided in Section 15-16-1460 when operating between the hours of 9:00 p.m. and 6:00 a.m. All day care centers located on a floor that is above or below ground level shall comply with the fire resistive separation requirements for institutional occupancies that are day care centers serving children under two years of age, as set forth in Chapter 13-56 of this Code;

(4) The exterior of all entrances and exits of the building in which the day care center is located shall be adequately lighted at all times;

(5) Every window of the day care center which is operable and which is located within 20 feet of ground level or within ten feet of an adjacent roof or within ten feet of an exterior stairway, fire escape, ramp, porch or other structure accessible from the ground level shall be (i) equipped with a lock which, when in a locked position, will prevent the window from being operated; and (ii) equipped with a motion detector or other detection device which sounds when the window is operated while in a locked position; and (iii) capable of being opened without a key from the inside of the building;

(6) All doors of the day care center used in connection with exits, as defined in Section 13-160-020, shall comply with the hardware requirements set forth in Section 13-160-260 of this Code;

(7) Each door that permits direct access to the day care center shall be equipped with an alarm or other detection device that sounds whenever a locked door is opened;

(8) The emergency system and exit lighting system of the day care center shall comply with Chapter 18-27 of this Code;

(9) During the hours of 9:00 p.m. and 6:00 a.m., access to the day care center shall be permitted only from a single door which is equipped with a security system consisting of: (i) an intercom system that permits communication between an employee of the day care center located in a secure reception area and all persons seeking access to the center; and (ii) an electronic lock that is activated by a release button located within a secure reception area but can be opened manually from the inside of the center.

(d) The department of business affairs and consumer protection shall notify the departments of police, fire, health, family and support services and buildings of the name and address of every children's service facility licensee who has been granted a night care privilege under this section.

(e) A night care privilege granted pursuant to this section shall be subject to suspension or revocation upon a finding that the children's service facility operating as a day care center is not in compliance with the requirements of this chapter.

(Added Coun. J. 5-9-12, p. 27485, § 41; Amend Coun. J. 11-8-12, p. 38872, § 96)

4-75-160 Departmental duties – Annual inspection – Required.

Every facility licensed under this chapter shall be inspected annually by the fire department's bureau of fire prevention and the department of buildings. Day care centers may also be inspected by the department of health.

(Added Coun. J. 5-9-12, p. 27485, § 41)

4-75-170 License – Suspension or revocation.

The violation of any provision of this chapter may result in license suspension or revocation in accordance with the requirements set forth in Section 4-4-280.

(Added Coun. J. 5-9-12, p. 27485, § 41)

4-75-180 License revocation – Four year wait for new license.

No person whose license under this chapter is revoked for any cause shall be granted a children's services facility license, under the same or different name, for a period of four years from the date of revocation.

(Added Coun. J. 5-9-12, p. 27485, § 41)

4-75-190 Violation – Penalty.

(a) In addition to any other penalty provided by law, any person who violates any provision of this chapter or any rule or regulation promulgated thereunder shall be subject to a fine of not less than \$200.00 nor more than \$1000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(b) In addition to any other penalty provided by law, the license of any person who violates Section 4-75-090 three or more times within any twelve-month period shall be revoked.

(Added Coun. J. 5-9-12, p. 27485, § 41; Amend Coun. J. 11-8-12, p. 38872, § 97)

4-75-200 Summary closure.

(a) In addition to any other penalty provided by law, if an inspection indicates that the condition of a licensee's operation or premises creates an imminent hazard to the public health or safety or to the health or safety of any child within the children's services facility, the commissioner may immediately close the facility until such time that the condition(s) causing the hazard is corrected. Upon closure of the licensed facility, all operations related to the license shall immediately cease. The commissioner may cause a "notice of closure" sign to be conspicuously placed upon the closed licensee's premises. It shall be unlawful for any person to remove a "notice of closure" sign placed on the licensee's premises unless authorized to do so by

the commissioner. Upon closure, a licensee may, at any time, apply for restoration of the license. Within 48 hours after the commissioner receives an application for restoration of the license, which shall be accompanied by a statement, signed by the licensee, certifying that the conditions giving rise to the imminent hazard have been corrected and that the facility is in compliance with all applicable requirements of the Code, the commissioner shall cause a reinspection of the licensed premises to determine whether the conditions that caused the hazard have been corrected. A reinspection fee in the amount set forth in Section 4-4-135 shall be assessed against the licensee for each necessary or appropriate inspection conducted by or caused to be conducted by the commissioner to address the previously identified Code violation(s). In addition to any penalties provided by law, the licensee shall be liable for the actual costs incurred by the City to abate, remediate, repair or remove the conditions that gave rise to the violation.

(b) For purposes of this section, the term "children's services facility" shall include any institution or place, regardless of nomenclature, which provides recreational, educational or cognitive activities to children who are apart from their parent or guardian.

(Added Coun. J. 5-9-12, p. 27485, § 41)

4-75-210 Regulations.

The commissioner of business affairs and consumer protection and the board of health are authorized to promulgate rules and regulations necessary to implement the requirements of this chapter.

(Added Coun. J. 5-9-12, p. 27485, § 41; Amend Coun. J. 11-8-12, p. 38872, § 98)