

CITY OF BATH, MAINE

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DAYCARES

Daycares are subject to local and state laws and regulations. If someone takes care of more than two children that are not related to them, State and local approvals are required. The state requirements are administered by the State Department of Human Services. Contact them at 287-5060 for details of their requirements. The local requirements are administered by the City Codes Enforcement Office. For local zoning purposes, there are two types of daycares, a “day-care home” and a “day-care facility”, as defined below:

Day-care Home. A house or other place in which there is maintained or otherwise carried out by the occupants of the dwelling unit on the lot, a regular program, for consideration, for any part of a day, care and protection, and possibly instruction, for 3 but not more than 12 children under the age of 16 or adults who cannot care for themselves.

Day-care Facility. A house or other place in which there is maintained or otherwise carried out, a regular program, for consideration, for any part of a day, care and protection, and possibly instruction, for children under the age of 16 or adults who cannot care for themselves.

New daycares are allowed in certain zoning districts. The Codes Officer can advise you if daycares are allowed at a particular site. Establishment of a daycare requires a permit. The process to acquire the permit depends on the type of daycare being established, as described in sections 11.09 A and B of the text below. All new daycares must meet the standards in section 11.09 C. Day-care facilities (as opposed to day-care homes) must meet lot size requirements, which depend on the zoning district in which the facility is located.

SECTION 11.09 DAY-CARE HOMES AND DAY-CARE FACILITIES FOR CHILDREN OR ADULTS [amended June 30, 2010]

In addition to all other requirements of the Code, day-care homes and day-care facilities are subject to the following standards.

A. Approval of Day-care Homes

A day-care home is allowed, as per the Land Use Table in Section 9.02, only if it has received a permit in accordance with requirements of this section. Upon receipt of a permit application, the CEO must notify by regular mail the abutters of the subject parcel

of the pending application. The notice must advise the abutters that the permit will be issued if the application conforms to the standards in Item C following, and that the abutter can provide written information as to the conformance of the request with these standards within 30 days of mailing the notice. If the CEO finds that the application conforms to the standards and no information to the contrary is received during the 30-day period, the permit is to be issued.

1. If the CEO receives information that the application may not conform to the standards, the CEO will:
 - (a) notify the applicant
 - (b) refer the applicant to the Planning Board for consideration
 - (c) notify the parties providing the information of the referral
2. The Planning Board must hold a meeting in accordance with Site Plan Review requirements to consider the application for a day-care home within 45 days of the referral from the CEO. The Planning Board must determine if the applicant meets the requirements of Item C following. If the Planning Board finds that the application does meet the requirements, it will direct the CEO to issue the permit.

B. Approval of Day-care Facilities

A day-care facility is allowed only after Site Plan Approval from the Planning Board, and it must meet the requirements in Item C following.

C. Requirements for Day-care Homes and Day-care Facilities

All day-care homes and day-care facilities must conform to the following requirements:

1. A fenced outdoor play area must be provided with a minimum of 75 square feet per child. The fence must be at least 4 feet in height.
2. Outside play may not be allowed before 9 a.m. or after 8 p.m. on Saturdays, Sundays, and holidays and before 7 a.m. or after 8 p.m. other days.
3. Adequate lighting must be provided. If the day-care home or day-care facility is in or abuts a residential zone, security lighting must be turned off when the day-care home or day-care facility is not operating.
4. Hazardous traffic conditions may not be created when the day-care facility traffic is added to existing and foreseeable future traffic in its vicinity.
5. An adequate drop-off and pick-up site must be established for a day-care facility.

6. The design and external appearance of any building must constitute a compatible addition to its neighborhood, although it need not have a similar design, appearance, or architecture.

D. Denial of Application

If the CEO finds that the application for a day-care home does not conform to the standards, the application must be denied and the applicant notified in writing of the reasons for the denial. If the Planning Board finds that the application referred to it for a day-care home or a day-care facility does not conform to the standards, it must be denied and the applicant notified in writing of the reasons for the denial.

E. Minimum Lot Size Requirement

If located in a single-family dwelling, a day-care home is not required to meet the minimum lot size for both the day-care home and the single-family dwelling, only for the latter. A day-care home in a 2-family or multi-family dwelling, or a day-care facility located in a single-family dwelling, must meet the minimum lot area for both the day-care home or facility and the dwelling unit.

Permit applications for day-care homes must include

- a complete application form
- a site plan showing property lines, buildings, parking areas, the fenced play area, and any other pertinent site features such as pools, gullies, ledge outcroppings, etc.
- a cover letter addressing how your project will meet the requirements in 11.09 C above
- the application fee

Day-care facilities (as opposed to day-care homes) require Planning Board approval. Contact Andrew Deci, City Planner at 443-8363 for details on this process.

Daycares must meet certain State and local fire and building code requirements, the specifics of which depend on how many occupants the day-care houses. DHS will help you with the State requirements. The Codes Office will help you determine the local requirements for your facility.

We hope you find this information useful. If you have questions or need more information, let us know.

2-25-2015