

**ORDINANCE NO. 1107-09-16**

**AN ORDINANCE AMENDING CHAPTER 14: ZONING BY ADDING SECTION 25.301.171.1 TO DEFINE REGISTERED FAMILY HOME; AMENDING USE TABLE TO INCLUDE REGISTERED FAMILY HOME; AMENDING SECTIONS 25.505(b), 25.605(b), 25.705(b) and 25.805(b) TO ALLOW SUCH NUMBER OF CHILDREN AS ALLOWED UNDER STATE LAW IN IN-HOME DAYCARE; ADDING SECTION 25.1607 TO ESTABLISH PROCEDURES FOR REGISTRATION OF FAMILY HOME CHILDCARE FACILITIES.**

**WHEREAS**, the City of Hondo, Texas is a Home-Rule municipality operating pursuant to its City Charter and the laws of the State of Texas; and

**WHEREAS**, the City of Hondo has authority to enforce any law that is reasonably necessary to protect public health, including fire safety standards at registered family homes; and

**WHEREAS**, the City of Hondo has established zoning regulations providing for the operation of Customary Home Occupations, including registered family home daycare in certain residential districts; and

**WHEREAS**, the City Council finds that the public would be better served by revising the City's regulations to increase the number of children allowed in registered family home daycare facilities and establishing new procedures for registering such facilities;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HONDO TEXAS:**

**SECTION 1.** Chapter 14 (Zoning), Section 25.301.171.1 (General Definitions – Registered Family Home) is added to read as follows:

Registered Family Home:

A home licensed or registered with the State of Texas to provide regular child care in the caretaker's own residence for such number of children as allowed under applicable state law or regulation. The term does not include a home that provides care exclusively for any number of children who are related to the caretaker.

**SECTION 2.** Chapter 14 (Zoning), Section 25.404 (Use Table – B. Educational & Institutional – 14. Day Care (in the Home)) is amended to read as follows:

“Day Care (in the Home)” is deleted and replaced with “Registered Family Home.”

**SECTION 3.** Chapter 14 (Zoning), Section 25.301.104 (General Definitions - Home Occupation) is deleted in its entirety and replaced with the following:

A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building or neighborhood or significantly increase the volume of traffic (Examples: architect, lawyer, seamstress, artist, physician, dentist, Registered Family Home).

**SECTION 4.** Chapter 14 (Zoning), Section 25.505(b) (“RE” Residential Estate District - Customary Home Occupations); Section 25.605(b) (“R1” Residential – Customary Home Occupations); 25.705(b) (“R2” Residential Two District – Customary Home Occupations); and 25.805(b) (“R3” Residential Three District) are deleted in their entirety and replaced with the following:

Operation of a Registered Family Home;

**SECTION 3.** Chapter 14 (Zoning), Section 25.1607 (Special Area and Use Regulations - Registration Permit for Registered Family Home) is added to read as follows:

#### Section 25.1607.1 Registration

Any person desiring to operate a Registered Family Home within the City shall obtain a registration permit by submitting a written application provided by City. The application will require the applicant to provide information concerning the operation of the childcare facility, including but not limited to the following:

- a. name and age of the caregiver
- b. hours of operation
- c. address and telephone number for registered family home
- d. copy of current license or registration issued by the State of Texas
- e. general statement as to past experience in child care activities

There is no fee for the registration permit or application. The term of the registration permit is for one year and will not automatically renew. City may deny a registration application if the facility is unlicensed or unregistered as a child care facility with the State of Texas.

#### Section 25.1607.2 Compliance

A Registered Family Home is responsible for complying with all applicable zoning, building, fire and health requirements and applicable ordinances of the City and State of Texas.

#### Section 25.1607.3 Enforcement

City shall have the authority to inspect or visit a Registered Family Home at all reasonable times and as it determines reasonably necessary to verify that the facility is being conducted in conformity with this ordinance or if any conditions exist therein which require correction.

#### Section 25.1607.4 Suspension and Revocation

City may suspend a registration permit upon written notice if it ascertains violations of immediate danger regarding the premises, fire prevention and safety, toilet facilities, sanitation, food preparation, storage and handling, storage of chemical or any harmful solution, child neglect, potential for injury or death, health requirements for infectious diseases, hazards with outdoor play areas, and failure to comply with applicable city ordinances. Suspension of the permit shall require the operator to cease all activities immediately and to bring the Registered Family Home into compliance within a prescribed time period. Failure to rectify designated problems shall lead to revocation of the registration permit.

## Section 25.1607.5 No Vested Rights

No permit issued under this ordinance shall be deemed to grant a vested or property right, but such permit shall remain subject to the terms and provisions of this ordinance and subject to such future regulations as shall be promulgated by the city council by ordinance and any investment made by an applicant or permittee shall be made subject to this ordinance.

## Section 25.1607.6 Display of Registration Permit

All registration permits, when granted and issued under this ordinance, shall be displayed in a place readily accessible for the inspection by any city official.

## Section 25.1607.7 Non-transferable

Registration permits issued under this ordinance shall be deemed personal to the permittee and specific to the registered family home. The permit shall not be assignable and may not be gifted, transferred, sold or conveyed to another person or another location or residence.

**SECTION 4. INCORPORATION OF RECITALS.** The City Council finds the recitals contained in the preamble to this ordinance are true and correct and incorporates them as findings of fact.

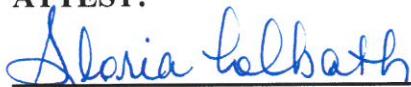
**SECTION 5. REPEALING ORDINANCES IN CONFLICT.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 6. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

**PASSED AND APPROVED** this 12<sup>th</sup> day of September 2016.

ATTEST:



GLORIA COLBATH, CITY SECRETARY

