

A Guide to Addressing Local Child Care Needs: Local Codes & Ordinances FAQ

Below are some of the most commonly asked questions by child care providers across the state of Kansas. Each question will provide information and the necessary contacts if you have further questions.

Q: What is the difference between Kansas Department of Health and Environment (KDHE) child care regulations and city and/or county codes and ordinances?

A: KDHE Child Care Licensing (CCL) laws and regulations are requirements that apply to facilities in all counties and cities across the state. To learn more about child care licensing application requirements, regulations, and how to apply, visit the [KDHE CCL website](#) or [contact the local licensing specialist](#). City and/or county codes and ordinances are rules that apply to the residents within the city or county limits. Codes and ordinances pertaining to the operation of businesses such as child care may not violate or fall below requirements set by state or federal laws; however, they can be more restrictive (exceed state or federal requirements). To learn more about local zoning requirements that apply to operating a child care business, visit your city or county government's website or contact a local government official. If you need help getting connected, contact the local licensing specialist or local child care coalition.

Q: I have been told I am only allowed to have 10 children in my Group Day Care Home, but my KDHE license shows 12. Is this a county/city code or a KDHE regulation?

A: This is a city or county code limitation. In many locations, local zoning limits the number of children allowed in a home setting to less than the total allowed by KDHE regulation and licensing. KDHE does not restrict license capacity due to local zoning; however, it is the applicant or licensee's responsibility to know and comply with the local zoning codes and ordinances pertaining to child care businesses.

If your local city or county government have passed zoning rules that do not allow the maximum number of children allowed by licensing regulations, we encourage you to collaborate with your local child care coalition and local city or county government to propose changes. Please refer to our "Guide to Addressing Local Child Care Needs" document to learn the steps that must be taken to put your plan into action.

Q: I have been told I have to live in the residence/home to be able to operate a child care business on the premises. Why is this?

A: This is a city or county code requirement. Child care regulations do not require an operator or staff to live in any type of licensed facility. To learn more, contact a local government official or the local licensing specialist.

Q: I have been told I need to expand my driveway. Is this a licensing or local zoning requirement?

A: This requirement is a city or county code. Always refer to the set of [KDHE child care regulations](#) applicable to your facility type. Child care regulations do not require certain specifications related to driveways or parking areas. To learn more, contact a local government official or the local licensing specialist.

Q: How do I know if my property is zoned as a business/commercial or zoned residential?

A: Property zoning falls under applicable city or county codes. To learn more, visit your city or county government's website or contact the local zoning official. Facilities operating in a commercial setting may require additional requirements beyond local zoning with KDHE and the Kansas State Fire Marshal (KSFM). To learn more, contact the local licensing specialist and visit the [KSFM child care website](#) or contact KSFM staff directly at 785-296-3401.

Q: What if my property is not connected to a public sewage source?

A: Local city or county codes and ordinances are the source for applicable sewer requirements. Kansas child care licensing law K.S.A. 65-508(a) requires facilities be properly heated, plumbed, lighted, ventilated and have plumbing, water, and sewerage systems which conform to all applicable codes. Additionally, KDHE requires written approval from a local sanitarian to be submitted with an application for licensure if a child care facility is not connected to public water or sewer. To learn more, contact a local government official and the local licensing specialist.

Q: If I am in a commercial family child care program am I still able to participate in the Child and Adult Care Food Program (CACFP)?

A: Possibly. A family child care program zoned as a commercial child care may be able to participate in the CACFP food program. They may be able to participate as a child care center program not a family child care. In order to participate as a center, if not a non-profit center, then at least 25% of the children enrolled would have to qualify for free or reduced meal benefits. Contact Child *Nutrition and Wellness* to learn more. 785-296-2276