

1 **BY AUTHORITY**

2 ORDINANCE NO. _____

COUNCIL BILL NO. CB26-0852

3 SERIES OF 2026

COMMITTEE OF REFERENCE:

4 Health and Safety

5 **A BILL**

6 **For an ordinance amending Chapter 11 and Chapter 32 of the Denver Revised**
7 **Municipal Code repealing outdated provisions of the regulations around child**
8 **care establishments and to align with state law and regulation.**

9 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10 **Section 1.** Section 11-2 of the Denver Revised Municipal Code is hereby amended by
11 removing the language stricken and adding the language underlined to read as follows:

12 **Sec. 11-2. Definitions.**

13 For purposes of this chapter, the definitions set forth in the Child Care Licensing Act and
14 the Foster Care, Kinship Care, Residential, Day Treatment, and Child Place Agency Licensing
15 and Certification Act shall apply equally to this chapter, and the following words and phrases,
16 when used in this chapter, shall have the meanings respectively assigned to them: ascribed to
17 them in this section:

18 (1) *Child care establishment* ~~shall mean~~ means any of the following:

19 (a) *Child care center* means a facility, by whatever name known, that is maintained for
20 the whole or part of a day for the care of five or more children, unless otherwise specified in this
21 subsection (3), who are eighteen years of age or younger and who are not related to the owner,
22 operator, or manager thereof, whether the facility is operated with or without compensation for
23 such care and with or without stated educational purposes and that is required to be licensed
24 under the Child Care Licensing Act. The term includes, but is not limited to, facilities commonly
25 known as child care centers, school-age child care centers, before- and after-school programs,
26 kindergartens, preschools, outdoor nature-based preschool programs, day camps, and summer
27 camps, and includes those facilities for children under six years of age with stated educational
28 purposes operated in conjunction with a public, private, or parochial college or a private or
29 parochial school; except that the term does not apply to any kindergarten maintained in
30 connection with a public, private, or parochial elementary school system of at least six grades.
31 ~~shall mean a facility, by whatever name known, which is maintained for the whole or part of a day~~
32 ~~but for less than twenty-four-hour care of five (5) or more children from the ages of six (6) weeks~~
33 ~~through sixteen (16) years, and not related to the owner, operator or manager thereof, whether~~

1 such facility is operated with or without compensation for such care, and with or without stated
2 educational purposes. The term includes facilities commonly known as a "child care centers,"
3 "child nurseries," "nursery schools," "kindergartens," "preschools," "play groups," "school age
4 programs," "centers for developmentally disabled children," "day treatment centers," "extended
5 day programs," and "summer playground programs."

6 (b) Child care facility means a facility, by whatever name known, that is maintained for
7 twenty-four-hour care for five or more children who are not related to the owner, operator, or
8 manager of the facility, whether the facility is operated with or without compensation for such care
9 and with or without stated educational purposes and that is required to be licensed under the
10 Foster Care, Kinship Foster Care, Residential, Day Treatment, and Child Place Agency Licensing
11 and Certification Act. The term includes, but is not limited to, facilities commonly known as
12 residential child care facilities, day treatment facilities, specialized group facilities, secure
13 residential treatment centers, and respite child care facilities. ~~Child care home, small shall mean a~~
14 ~~private residence in a single unit dwelling or dwelling unit in a multiple unit dwelling providing the~~
15 ~~care and education for periods of less than twenty-four (24) hours of not more than six (6)~~
16 ~~children, plus two (2) additional children under the age of seventeen (17) who attend before and/or~~
17 ~~after school hours. The maximum number of children shall include the caregiver's children under~~
18 ~~the age of seventeen (17) years who are receiving care in the home.~~

19 (c) ~~Child care home, large shall mean a private residence in a single unit dwelling or~~
20 ~~dwelling unit in a multiple unit dwelling providing care and education for periods of less than~~
21 ~~twenty four (24) hours of seven (7) to twelve (12) children subject to the licensing requirements of~~
22 ~~the state and the city. The maximum number of children shall include the caregiver's children~~
23 ~~under the age of seventeen (17) years who are receiving care in the home.~~

24 (i) ~~A child care home, large shall only provide care for children from the age of two (2)~~
25 ~~years through sixteen (16) years unless the caregiver qualifies as an experienced caregiver or~~
26 ~~child care provider under regulations established by the state and the department.~~

27 (ii) ~~If the caregiver qualifies as an experienced caregiver or child care provider under~~
28 ~~regulations established by the state and the department, the child care home, large may care for~~
29 ~~children from birth through sixteen (16) years subject to the licensing requirements of the state~~
30 ~~and the city.~~

31 (d) ~~Specialized group center shall mean a facility providing twenty-four-hour care for five~~
32 ~~(5) through twelve (12) people whose special needs can best be met through the medium of a~~
33 ~~small group and who meet one (1) of the following criteria:~~

(i) ~~Children from three (3) years old to sixteen (16) years old;~~

(ii) ~~For children from sixteen (16) to eighteen (18) years old who are placed by court order prior to their eighteenth birthday; and~~

(iii) ~~Those persons to twenty one (21) years old who are placed by court order prior to their eighteenth birthday.~~

(e) ~~Residential child care facility shall mean a facility providing twenty-four hour residential group care and treatment for five (5) or more people whose special needs can best be met through the medium of a small group and who meet one (1) of the following criteria:~~

(i) ~~Children from three (3) years old to sixteen (16) years old;~~

(ii) ~~For children from sixteen (16) to eighteen (18) years old who are placed by court order prior to their eighteenth birthday; and~~

(iii) ~~Those persons to twenty one (21) years old who are placed by court order prior to their eighteenth birthday.~~

(f) ~~Crisis center shall mean a residential child care facility which provides short term twenty-four hour care to five (5) or more children from infancy through twelve (12) years who are abused, suspected of being abused, in danger of being abused, or who are in other immediate danger.~~

(g) ~~Residential camp shall mean a facility operating for three (3) or more consecutive twenty-four hour days during one (1) or more seasons of the year for the care of five (5) or more children.~~

(2) Child Care Licensing Act means Article 5 of Title 26 of the Colorado Revised Statutes, as amended, and any rules or regulations promulgated pursuant thereto.

(3) Department shall mean the department of public health and environment.

(4) Foster Care, Kinship Foster Care, Residential, Day Treatment, and Child Placement Agency Licensing and Certification Act means Article 6 of Title 26 of the Colorado Revised Statutes, as amended, and any rules or regulations promulgated pursuant thereto.

(5) Manager shall mean the manager of public health and environment or the manager's authorized representative.

(6) Operator shall mean any person operating, managing, conducting or maintaining a child care establishment under the provisions of this chapter.

(7) Person or caregiver shall mean a natural person, partnership, association, company, corporation, or manager, agent, servant, officer or employee of any of them taking care of children in a private residence.

(8) Relative means any of the following relationships by blood, marriage, or adoption: parent, grandparent, son, daughter, grandson, granddaughter, brother, sister, stepparent, stepbrother, stepsister, stepson, stepdaughter, uncle, aunt, niece, nephew, or cousin. ~~Related shall mean any of the following relationships by blood, marriage, or adoption: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, niece, nephew, or cousin.~~

Section 2. Section 11-3 of the Denver Revised Municipal Code is hereby amended by removing the language stricken and adding the language underlined to read as follows:

Sec. 11-3. Enforcement and compliance. ~~License required.~~

(a) To enforce the provisions of the Child Care Licensing Act and the Foster Care, Kinship Care, Residential, Day Treatment, and Child Place Agency Licensing and Certification Act, the manager shall have the right of entry into the premises of any child care establishment during all hours of operation or when activity is in evidence for the purposes of determining compliance with public health and sanitation standards.

(b) The manager shall have full power and authority to enforce the provisions of the Child Care Licensing Act, the Foster Care, Kinship Care, Residential, Day Treatment, and Child Place Agency Licensing and Certification Act, and the Health and Sanitation of Child Care Facilities regulations promulgated by the Colorado Department of Public Health and Environment Health and to conduct compliance inspections upon the premises of any child care establishment.

(c) It shall be unlawful for any person to refuse entry into a child care establishment by the manager or any employee or agent of the department of public health and environment, or to interfere with the performance of their duties to enforce or inspect child care establishments under this chapter or any rules or regulations promulgated pursuant thereto.

~~It shall be unlawful for any person to engage in the business of operating a child care establishment without first obtaining a license to engage in such business as provided in this chapter. Federally funded and/or operated programs may be exempted.~~

Section 3. Section 11-4 of the Denver Revised Municipal Code is hereby amended by removing the language stricken and adding the language underlined to read as follows:

Sec. 11-4. Reserved. ~~Issuance or denial of license.~~

~~The director of excise and licenses shall submit all applications for licenses under this chapter to the manager who shall inspect the establishment of the applicant and determine the fitness of the applicant in accordance with this chapter and the rules and regulations promulgated~~

1 ~~hereunder. The manager shall return the application to the director of excise and licenses with his~~
2 ~~or her endorsement of approval or disapproval and the director of excise and licenses shall issue~~
3 ~~or deny the license in accordance with chapter 32.~~

4
5 **Section 4.** Section 11-5 of the Denver Revised Municipal Code is hereby amended by
6 removing the language stricken and adding the language underlined to read as follows:

7 **Sec. 11-5. Reserved. Fees.**

8 ~~Application and license fees under this chapter are prescribed in section 32-57.~~

9
10 **Section 5.** Section 11-6 of the Denver Revised Municipal Code is hereby amended by
11 removing the language stricken and adding the language underlined to read as follows:

12 **Sec. 11-6. Reserved. Zoning.**

13 ~~Child care establishments meeting the requirements of this chapter may be permitted in~~
14 ~~zones as specified in chapter 59.~~

15
16 **Section 6.** Section 11-7 of the Denver Revised Municipal Code is hereby amended by
17 removing the language stricken and adding the language underlined to read as follows:

18 **Sec. 11-7. Reserved. Notification of director of excise and licenses.**

19 ~~In the manner provided in chapter 32, the manager shall forthwith certify to the director of~~
20 ~~excise and licenses all instances of violations of this article.~~

21
22 **Section 7.** Section 11-16 of the Denver Revised Municipal Code is hereby amended by
23 removing the language stricken and adding the language underlined to read as follows:

24 **Sec. 11-16. Rules and regulations.**

25 (a) In order to carry out the intent of this chapter, the manager may promulgate upon the
26 recommendation of the board of public health and environment rules and regulations pertaining to
27 the requirements for sanitation, cleanliness, adequacy of facilities, equipment, structure,
28 programs, operation and personnel practices of child care establishments. Such rules and
29 regulations shall be consistent with the regulations for child care establishments of the state
30 department of human services, the state department of early childhood, and/or the state
31 department of public health and environment.

32 (b) Such rules and regulations shall provide for the regular inspection of all child care
33 establishments by the manager, and shall establish criteria designed to protect the health and

safety of children and employees of child care establishments, including the manager's ability to enforce state rules and regulations.

~~(c) — The manager and the board of public health and environment shall adopt and promulgate rules to regulate wooden structures accessible to children in licensed child care facilities to reduce children's exposure to arsenic and other toxicants.~~

Section 8. Section 11-22 of the Denver Revised Municipal Code is hereby amended by removing the language stricken to read as follows:

Sec. 11-22. Program requirements to be included in contract.

Any contract between the city and a non-profit corporation for disbursement of the Denver preschool tax revenues shall include the following provisions and requirements:

(e) In order to be qualified for the use of tuition credits and for the receipt of technical assistance or direct grants, a preschool provider shall meet the following minimum requirements:

(1) The preschool shall be duly licensed under the Colorado Child Care Licensing Act, C.R.S. § 26-6-101 et seq., as amended, ~~and the provisions of this chapter 11,~~ or shall be an early childhood education program administered by Denver Public Schools pursuant to the Colorado Preschool Program Act, C.R.S. § 22-28-101 et seq., as amended.

Section 9. Section 32-57 of the Denver Revised Municipal Code is hereby amended by removing the language stricken to read as follows:

Sec. 32-57. Reserved. ~~Child care establishments' fees.~~

~~Child care establishments shall pay the following fees:~~

~~(1) — The application fee shall be:~~

~~(a) — 1 to 8 children \$25.00~~

~~(b) — 9 to 25 children 100.00~~

~~(c) — More than 25 children 200.00~~

~~(2) — The annual license fee shall be:~~

~~(a) — 1 to 8 children \$25.00~~

~~(b) — 9 to 25 children 100.00~~

~~(c) — More than 25 children 200.00~~

1 COMMITTEE APPROVAL DATE: June 17, 2026

2 MAYOR-COUNCIL DATE: June 23, 2026

3 PASSED BY THE COUNCIL: _____

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

10 PREPARED BY: Marley Bordovsky, Assistant City Attorney DATE: June 23, 2024

11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.

15 Miko Ando Brown, Denver City Attorney

16 BY: _____, Assistant City Attorney DATE: _____