



The City of Bismarck allows different types of child care (day care) facilities, provided certain requirements are met. Child care facilities require a permit from the North Dakota Department of Human Services in addition to any permits required by the City.

The requirements for Child Care Centers may be found in Section 14-03-08(4)(q) and In-Home Child Care in Section 14-03-06(2)(c) of the City Code of Ordinances.

Types of Child Care

The City ordinance recognizes two types of child care:

In-Home Child Care

- Limited to 12 children under the age of 12 in a single or two-family dwelling, or 5 children in a multifamily dwelling unit.
- The operator must live in the dwelling
- The care is provided less than 24 hours per day.

Child Care Center

- More than 12 children under the age of 12
- The care is provided less than 24 hours per day
- Certain facilities are not included, such as elementary schools, religious facilities that offer child care during services, and hospitals caring for children who are ill.

Note that foster care for up to four unrelated children is considered under the definition of “family” and does not require any permits.

In-Home Child Care

In-home child care is a permitted use as a home occupation in any residence.

Opening an in-home childcare does not require a special use permit. However, the owner must obtain a building permit for a change of occupancy. In-home child must also be licensed in North Dakota as a family child care, group child care, or self-declared.

Child Care Centers

Child Care Centers are allowed with a special use permit in any zoning district, except for the RMH – Residential (manufactured homes) and the MB – Industrial zoning districts.

The following requirements must be met prior to approval of a special use permit:

Interior Space

- 35 square feet of interior recreational space is provided per child. This may include any space used for classrooms or indoor activities, but may not include offices or bathrooms.

Exterior Space

- 75 square feet of exterior recreational space is provided per child. If children will be using this space in shifts, only the number of children in the largest shift are counted
- The recreation area must have a minimum width of 20 feet and a minimum depth of 20 feet.
- The recreation area must be entirely behind the building setback line.
- The recreation area must be fenced, and the fence must be non-climbable.

Parking and Access

- One space per employee and one space per ten children must be provided. Shared parking arrangements may be considered if certain conditions are met.
- For larger facilities, the Traffic Engineer may assess the impact of pick-up and drop-off on traffic circulation for nearby public streets.

Health and Sanitation

- Child Care Centers that prepare food onsite, must have a food license with Bismarck/Burleigh Public Health – Environmental Health Division and are routinely inspected twice a year for food service. The food license application, floor plans, equipment list and menu must be approved by the Environmental Health Division, before construction or remodeling of the child care center may occur.
- The North Dakota Department of Human Services requires Bismarck Child Care Centers to have an annual health and sanitation inspection by Bismarck’s Environmental Health Division. For Child Care Centers with a food license, this inspection is performed during a routine food service inspection. For Child Care Centers that do not require a food license, this inspection is generally requested by the Child Care Center when required.

Questions about health/sanitation inspections or food license requirements can be referred to Bismarck’s Environmental Health Division at 701-355-3400 or asattler@bismarcknd.gov.

Fire Code

All new child care facilities must be inspected by the City Fire Marshall before opening. The following are required of both Family Child Care and Child Care Centers prior to conducting an inspection:

- Daycare permit application for fire inspection.
- Egress window in any rooms used as a sleeping area.
- Smoke alarms in any rooms used as sleeping areas, in area adjacent to sleeping rooms, and on each level.
- Carbon monoxide detector on each level of childcare if building has a fuel-fired appliance.

- A minimum of one 2A 10BC fire extinguisher. Additional fire extinguishers may be required based on the layout of the building.
- Electrical outlets must be child proof or have protective plugs.
- Fuel-fired appliances must be shielded from access by the children. Storage must be at least 18 inches away.
- Floor plan must be posted.

Child Care Centers have the following additional requirements:

- Fire sprinkler and/or fire alarm systems, if required, must have current inspection/testing documentation.
- Exit and emergency lighting, if required, must be in good working order.
- All required exits are maintained and clear of obstructions.
- If equipped with a Class I kitchen hood, the hood must have current inspection documentation. The hood suppression system must have current inspection documentation.

Questions about Fire Code can be referred to Bismarck’s Fire Marshal at 701-355-1422 or ofitzsimmons@bismarcknd.gov.

Building Code

All new child care facilities, of any type, require a building permit for a change of occupancy and for any construction of a new building or alteration of an existing building.

Plans and specifications for child care centers must be rendered by a North Dakota registered architect. We suggest that you meet with an architect before you sign a lease or an offer to purchase a building for a child care center. The architect will help you identify any improvements that must be made to the property.

The requirements vary depending on how the occupancy is classified. The following is a list of common Building Code related items that need to be considered.

Occupancy Classification

- Family child care, those that provide care for fewer than twelve (12) children, are classified as part of the primary residential occupancy.

- Education Group (E) Child Care Center: Buildings and structures or portions thereof occupied by more than twelve children older than 2½ years of age who receive educational supervision or personal care services for fewer than 24 hours per day.
- Institutional (I-4) Child Care Center: Buildings and structures or portions thereof occupied by more than 12 persons of any age who receive custodial care for fewer than 24 hours per day.

Exception: A child care center that provides care for more than 12, but not more than 100, children 2 ½ years or less of age, where the rooms in which children are cared for are located on a level of exit discharge (at grade) and each of these child care rooms has an exit door directly to the exterior, is classified as Education Group (E).

Fire Protection Systems

- Child care centers may be required to be provided with an automatic sprinkler system, manual fire alarm system, and smoke detection system installed throughout the building. However, an automatic sprinkler system is not required where child care centers are at the level of exit discharge (at grade) and where every room where care is provided has not fewer than one exterior exit door.

Exits/Emergency Lighting

- Illuminated exit signs are required at each exit door, unless only one exit is required and the exit is obvious. Standby emergency power is required and must serve as a source of electrical power for required exit lights and emergency lighting. When a child care center serves 50 or more children, exit doors must swing in the direction of egress travel.

Accessibility

- Child care centers must be accessible to individuals with disabilities. An accessible route must be provided from the site arrival point to the building and throughout all areas of the building. Child care centers must be provided with accessible bathrooms, sinks, and other plumbing facilities.

Plumbing Facilities

- One toilet and one sink must be provided for every 15 occupants, including children and staff. One service sink and one bathtub or shower must be provided.

Questions about Building Codes can be referred to the Building Inspections Division at 701-355-1851 or jsayler@bismarcknd.gov

How to Apply

Special Use Permit Required for Child Care Centers

Any Child Care Center requires approval of a special use permit by the Planning and Zoning Commission prior to construction. Staff and Planning Commissioners will evaluate the application for compliance with all ordinance requirements. Special conditions may be added to your permit, on a case-by-case basis.

A public hearing will be held and neighbors within the vicinity of the proposal will be notified. We encourage the applicant to communicate with neighbors in advance of the hearing and attend the hearing to answer questions. Allow up to 45 days for the process to be completed. Standard permit fees apply.

Documents Needed

Along with a signed application, the following materials are required:

- A site plan showing the amount of parking provided and outdoor recreational space.
- A floorplan showing the areas of the building designated for child care, with age and number of children per room, and total number of employees.

Building Permit Required

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For additional information, contact the City of Bismarck Planning Division at 355-1840 or visit the City-County Office Building 221 N. 5th Street during standard office hours.