

Who and Why?



WAYNE STATE
UNIVERSITY

LARA - Licensing and Regulatory Affairs

Licensing provided and mandated for all after school and daycare facilities.

We do not hold a formal license. Only programs with Birth-Age 13 hold licenses.

However, we follow the guidelines and use them to evaluate and mandate our program. These rules are required and constantly regulated.

The following slides are the rules that pertain to C2 Pipeline's program and ones that all of us should follow, ALWAYS.

LICENSING RULES FOR CHILD CARE CENTERS

Effective December 18, 2019



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<https://cf.nearpod.com/neareducation/new/Webpage/498210835/iconoriginal.pdf?AWSAccessKeyId=AKIA5LQSO4AXIHKV2NEC&Expires=2147483647&Signature=i29hkV8YpzW58v1tkp9gJSKKVw%3D>

5R 400.8107 Applicant qualifications. Rule 107.

(1) An applicant shall meet all of the following qualifications:

- (a) Be suitable to meet the needs of children.
- (b) Be able to ensure that the proposed services and facilities are conducive to the welfare of children.
- (c) Act in a manner that is conducive to the welfare of children.
- (d) Demonstrate a willingness and ability to comply with the act and these rules.

R 400.8110 Applicant; licensee; licensee designee; requirements. Rule 110.

(1) The licensee or licensee designee shall do all of the following:

- (a) Act in a manner that is conducive to the welfare of children.
 - (b) Comply with sections 5n and 5q of the act, MCL 722.115n and 722.115q, which requires a comprehensive background check.
 - (c) Be responsible for compliance with the act and these rules.
- (2) The applicant, licensee, and licensee designee shall have the administrative capability to operate the center in order to provide the services and facilities that are conducive to the welfare of children.
- (6) The licensee or licensee designee shall maintain accurate records detailing daily arrival and departure times for each child care staff member, child care aide, and volunteer.
- (7) A child shall only be released to persons authorized by the child's parent or guardian.
- (8) A child shall be released to either parent or the child's guardian, unless a court order prohibits release to a particular parent. A copy of the order prohibiting release must be kept on file at the center.

Cont. R 400.8110 Applicant; licensee; licensee designee; requirements.

(12) The following records must be retained and available to the department:

- (a) The name, address, and telephone number for each child enrolled and each employee for at least 2 years after the individual leaves the center.
- (b) Staff and volunteer health records, as required by R 400.8128, and documentation of qualifications must be retained until the individual leaves the center.

(13) Smoking and vaping must not occur in or during both of the following:

- (a) In the child care center or on real property that is under the control of the center and upon which the center is located.
- (b) On field trips and in vehicles when children are present.

(14) A center shall post a notice in a place accessible and visible to parents, staff, and visitors stating that smoking and vaping are prohibited in the center and on the center's property.

R 400.8112 Comprehensive background check; fingerprinting.

Rule 112.

(1) Pursuant to sections 5n and 5q of the act, MCL 722.115n and 722.115q, before an individual has unsupervised contact with children, the department shall determine the individual's eligibility to be any of the following:

- (a) A licensee.
- (b) A licensee designee.
- (c) A child care staff member.
- (d) A child care aide.
- (e) An unsupervised volunteer.

Cont. R 400.8112 Comprehensive background check; fingerprinting.

(2) An applicant or licensee shall do all of the following:

- (a) Ensure that each individual who requires an eligibility determination under subrule (1) of this rule completes, signs, and submits all of the information required in subrule (5) of this rule, and in subrule (6) of this rule if applicable, on a form prescribed by the department. The forms are available on the department's website for the child care background check system, www.michigan.gov/ccbc. The form or forms must be signed and dated prior to the individual's appointment to be fingerprinted.
 - (b) Maintain a copy of the completed and signed form or forms for each individual entered into the child care background check system under the license.
 - (c) Provide to the department, upon request, a copy of the individual's completed and signed form or forms.
 - (d) Establish and activate an account and accurately enroll each individual listed in subrule (1) of this rule in the child care background check system.
 - (e) Within the department's child care background check system, accurately complete and maintain the connection, disconnection, or withdrawn status of each individual associated with the license.
 - (f) Immediately disconnect each individual from the system once he or she is no longer a licensee, licensee designee, child care staff member, child care aide, or an unsupervised volunteer under the license.
- (3) An individual may serve as a child care staff member pending an eligibility determination by the department under sections 5n(8) and 5q of the act, MCL 722.115n and 722.115q, and shall be supervised at all times by the licensee or a child care staff member who has been determined eligible.

Cont. R 400.8112 Comprehensive background check; fingerprinting.

- (4) For an individual who is determined ineligible by the department, a licensee shall immediately do all of the following:
- (a) Prohibit the individual from being on the premises of the child care center.
 - (b) Prohibit the individual from having any contact with children in care.
- 6) Information necessary to conduct the comprehensive background check, including all of the following:
- (a) Full legal name.
 - (b) All other names used in the past, including any maiden name or alias
 - (c) Suffix, if applicable.
 - (d) Social Security number.
 - (e) Date of birth.
 - (f) Place of birth.
 - (g) Country of citizenship.
 - (h) Height.
 - (i) Weight.
 - (j) Hair color.
 - (k) Eye color.
 - (l) Gender.
 - (m) Race.
 - (n) Current address.
 - (p) Driver's license identification number and state issuing the license or a state identification number and state issuing it, if available.
 - (q) Phone number.
 - (r) Email address, if available.

- (6) The department shall maintain the confidentiality of all personally identifiable information submitted pursuant to this rule to the extent permitted by law.

R 400.8112a Department; information; eligibility determination. Rule 112a.

The department may request information from an applicant, licensee, licensee designee, child care staff member, child care aide, or unsupervised volunteer regarding any of the conditions listed in sections 5n, 5q, 5r, and 11 of the act, MCL 722.115n, 722.115q, 722.115r, and 722.121, and any similar or equivalent conditions that occurred in another state or legal jurisdiction in which the individual resided, on a form prescribed by the department, and limited to information necessary to ascertain whether the individual should be deemed ineligible under the statutory requirements.

R 400.8113 Program director qualifications; responsibilities.

- (1) Before hiring a new program director, a licensee or licensee designee shall submit a completed BCHS-CC 001 form, titled Child Care Licensing Information Request, and the credentials of the proposed program director to the department for review and approval.
- (2) A program director shall be present in the center in the following manner:
 - (a) Full time for programs operating less than 6 continuous hours.
 - (b) At least 50% of the time children are in care but not less than a total of 6 hours per day for programs operating 6 or more continuous hours.
- (3) All program directors are responsible for the general management of the center, including the following minimum responsibilities:
 - (a) Developing, implementing, and evaluating program and center policies.
 - (b) Administering day-to-day operations, including being available to address parent, child, and staff issues.
 - (c) Monitoring staff, including annual evaluations.

Cont. R 400.8113 Program director qualifications; responsibilities.

(4) If absent from the center, the program director shall designate a child care staff member to be in charge.

(5) A substitute program director shall be appointed for a program director who has left employment or has a temporary absence that exceeds 30 consecutive workdays until return or replacement.

(6) A program director shall have all of the following qualifications:

- (a) Be at least 21 years of age.
- (b) Have earned a high school diploma or general equivalency diploma (GED).

R 400.8119 Site supervisor; qualifications; responsibilities. Rule 119.

(2) Site supervisors shall meet all of the following requirements:

- (a) Be at least 19 years of age.
 - (b) Have earned a high school diploma, GED, or equivalent.
 - (c) Have 480 hours of experience working as a child care staff member in a program serving school-age children.
 - (d) Have completed 15 clock hours, 1 semester hour, or 1.5 CEUs of documented school-age training.
- (3) Site supervisors are responsible for the daily operation and implementation of the site program, supervision of the site staff, and overall care and supervision of children.
- (4) Site supervisors shall assist the multi-site school-age program director in all of the following:
- (a) Developing, implementing, and evaluating program and center policies.
 - (b) Administering day-to-day operations, including being available to address parent, child, and staff issues.

(c) Monitoring and overseeing staff.

(5) Verification of the requirements of subrule (2) must be kept on file at the center

R 400.8125 Staff; volunteer; requirements. Rule 125.

- (1) All staff and volunteers shall provide appropriate care and supervision of children at all times.
- (2) All staff and volunteers shall act in a manner that is conducive to the welfare of children.
- (3) All supervised volunteers shall receive a public sex offender registry (PSOR) clearance before having any contact with a child in care. A copy of this clearance must be kept on file at the center.
- (4) A licensee shall have a written policy regarding screening and supervision of staff and volunteers, including volunteers who are parents of a child in care. The policy must include a statement that any individual registered on the public sex offender registry (PSOR) is prohibited from having contact with any child in care.
- (5) A written statement must be signed and dated by staff and volunteers at the time of hiring or before volunteering indicating all of the following information:
 - (a) The individual is aware that abuse and neglect of children is against the law.
 - (b) The individual has been informed of the center's policies on child abuse and neglect.
 - (c) The individual knows that all staff and volunteers are required by law to immediately report suspected abuse and neglect to children's protective services.

R 400.8128 Staff; volunteer; tuberculosis.

Rule 128.

A center shall keep on file at the center evidence to verify that each child care staff member and each volunteer who has contact with children at least 4 hours per week for more than 2 consecutive weeks is free from communicable tuberculosis (TB). Verification of TB status is required within 1 year before employment or volunteering.

R 400.8131 Professional development requirements. Rule 131.

- (1) The center shall provide an orientation about the center's policies and practices and these administrative rules for all personnel hired after the effective date of these rules and before unsupervised contact with children.
- (4) Before unsupervised contact with children, all child care staff members who work directly with children shall complete prevention and control of infectious disease training, including immunizations.
- (5) Within 90 days of being hired, or the first day as an unsupervised volunteer, all child care staff members and unsupervised volunteers who work directly with children shall complete the following trainings, which may count toward annual professional development hours and are available at MiRegistry:
 - (a) Administration of medication.
 - (b) Prevention of and response to emergencies due to food and allergic reactions.
 - (c) Building and physical premises safety.
 - (d) Emergency preparedness and response planning.
 - (e) Handling and storage of hazardous materials and appropriate disposal of bio-contaminants.
 - (f) Precautions in transporting children, if applicable.
 - (g) Child development.
- (6) All child care staff members who work directly with children shall complete 16 clock hours of professional development annually on topics relevant to job responsibilities that include, but are not limited to, any of the following subjects:

Cont. R 400.8131 Professional development requirements.

(a) Child development and learning.

(b) Health, safety, and nutrition.

(c) Family and community collaboration.

(d) Program management.

(e) Teaching and learning.

(f) Observation, documentation, and assessment.

(g) Interactions and guidance.

(h) Child care center administrative rules.

(7) A center may count CPR and first aid training for up to 2 hours of the annual professional development hours in the year taken. Staff may use hours from MiRegistry to meet the professional development requirements in subrule (6) of this rule.

(8) An on-going professional development plan must be developed and implemented to include all the training and professional development required by these rules.

(9) On-line trainings and correspondence courses must have an assessment of learning.

(10) All child care staff members who work directly with children are required to be trained in first aid and pediatric, child, and adult cardiopulmonary resuscitation (CPR) within 90 days of being hired. Prior to issuing a license to operate a child care center, and prior to the renewal of a license, the department shall verify that at least 50% of the child care staff members who work directly with children are currently certified in first aid and pediatric, child, and adult CPR. Each of these child care staff member's first aid and CPR certificates must be valid and retained on file in the center.

(11) Verification of all professional development required by this rule must be kept on file at the center or online at MiRegistry.

R 400.8134 Hand washing. Rule 134.

- (2) All staff and volunteers shall wash their hands at all of the following times:
- (a) Prior to starting the workday at the center.
 - (b) Prior to care of children.
 - (c) Before preparing and serving food and feeding children.
 - (d) Before giving medication.
 - (e) After each diapering.
 - (f) After using the toilet or helping a child use the toilet.
 - (g) After handling bodily fluids.
 - (h) After handling animals and pets and cleaning cages.
 - (i) After handling garbage.
 - (j) When soiled.

R 400.8140 Discipline. Rule 140.

- (1) Positive methods of discipline that encourage self-control, self-direction, self-esteem, and cooperation must be used.
- (2) All of the following means of punishment are prohibited:
- (a) Hitting, spanking, shaking, biting, pinching, or inflicting other forms of corporal punishment.
 - (b) Placing any substances in a child's mouth, including but not limited to, soap, hot sauce, or vinegar.
 - (c) Restricting a child's movement by binding or tying him or her.
 - (d) Inflicting mental or emotional punishment, such as humiliating, shaming, or threatening a child.
 - (e) Depriving a child of meals, snacks, rest, or necessary toilet use.
 - (g) Excluding a child from daily learning experiences.
 - (h) Confining a child in an enclosed area, such as a closet, locked room, box, or similar enclosure.

Cont. R 400.8140 Discipline. Rule 140.

- (3) Non-severe and developmentally appropriate discipline or restraint may be used when reasonably necessary, based on a child's development, to prevent a child from harming himself or herself or to prevent a child from harming other persons or property, excluding those forms of punishment prohibited by subrule (2) of this rule.
- (4) A written policy must be developed and implemented regarding the age appropriate, non-severe discipline of children. The policy must be provided to staff and parents.

R 400.8143 Children's records. Rule 143.

- (1) At the time of a child's initial attendance, a center shall obtain a child information card, using a form provided by the department or a comparable substitute, that is completed and signed by the child's parent. The center shall keep it on file and accessible in the center.
- (10) A center that enrolls a homeless child pursuant to the section 722 of the McKinney-Vento homeless education assistance improvements act of 2001, as amended by section 9102 of the every student succeeds act, 42 USC 11432, shall not be cited for noncompliance when a homeless child is unable to produce health and immunization records. The licensee shall file any documentation of referring a child to the local educational agency liaison for homeless children and youths.
- (11) A center shall maintain an accurate record of daily attendance at the center that includes each child's first and last name and each child's arrival and departure time. Electronic records may be used. If electronic attendance records are used, then they must be available to the department at the time of an inspection.
- (12) A parent's written permission for the child's participation in field trips must be obtained at the time of enrollment or before each field trip, and kept on file at the center.
- (13) Parents shall be notified before each field trip.

R 400.8146 Information provided to parents. Rule 146.

- (1) A center shall provide a written information packet to each parent enrolling a child that includes at least all of the following:
 - (a) Criteria for admission and withdrawal.
 - (b) Schedule of operation, denoting hours, days, and holidays during which the center is open, and services are provided.
 - (c) Fee policy.
 - (d) Discipline policy.
 - (e) Food service policy.
 - (f) Program philosophy.
 - (g) Typical daily routine.
 - (h) Parent notification plan for accidents, injuries, incidents, and illnesses.
 - (i) Transportation policy, if applicable.
 - (j) Medication policy.
 - (k) Exclusion policy for child illnesses.

R 400.8149 Parent permission for transportation. Rule 149.

- (1) A center shall obtain a parent's written permission annually for routine transportation.
- (2) A center shall obtain a parent's written permission for any non-routine transportation before each trip.
- (3) Permission for all transportation must be kept on file at the center.

R 400.8155 Child accidents and incidents; child and staff illness. Rule 155.

- (1) A center shall have a written plan for how and when a parent is notified when personnel observe any of the following:
 - (a) Changes in a child's health.
 - (b) A child experiences an accident, injury, or incident.
 - (c) A child is too ill to remain in the group.
- (2) A center shall ensure that a child who is too ill to remain in the group is placed in a separate area and is cared for and supervised until the parent arrives.
- (3) Items and facilities used by an ill child or adult must not be used by any other individual until washed, rinsed, and sanitized.
- (4) If a center becomes aware that a staff member, volunteer, or child in care has contracted a communicable disease, then the center shall notify parents and provide all of the following information:
 - (a) The name of the communicable disease the children were exposed to.
 - (b) The symptoms of the disease.
 - (c) Prevention measures as recommended by the U.S. Centers for Disease Control and Prevention (CDC) at the following website: <https://www.cdc.gov/DiseasesConditions>.
- (5) A center shall have a written policy detailing when children, staff, and volunteers will be excluded from the center due to illness.

R 400.8161 Emergency procedures. Rule 161.

- (1) Written procedures for the care of children and staff for each of the following emergencies must be developed and implemented:
 - (a) Fire.
 - (b) Tornado.
 - (c) Other natural or man-made disasters.
 - (d) Serious accident, illness, or injury.
 - (e) Crisis management including, but not limited to, intruders, active shooters, bomb threats, and other man-made events.
- (2) The written procedures must include all of the following:
 - (a) A plan for evacuation.
 - (b) A plan for safely moving children to a relocation site.
 - (c) A plan for shelter-in-place.
 - (d) A plan for lockdown.
 - (e) A plan for contacting parents and reuniting families.
 - (f) A plan for how each child with special needs will be accommodated during each type of emergency.
 - (g) A plan for how infants and toddlers will be accommodated during each type of emergency.
 - (h) A plan for how children with chronic medical conditions will be accommodated during each type of emergency.
- (3) The plans required by subrule (1)(a) to (d) of this rule must be posted in a place visible to staff and

Cont. R 400.8161 Emergency procedures.

- (3) The plans required by subrule (1)(a) to (d) of this rule must be posted in a place visible to staff and parents.
- (4) The crisis management plan required by subrule (2) of this rule must be maintained in a place known and easily accessible to all personnel.
- (5) A fire drill program, consisting of at least 1 fire drill quarterly, must be established and implemented.
- (6) A tornado drill program, consisting of at least 2 tornado drills between the months of March through November, must be established and implemented.
- (7) A written log indicating the date and time of fire and tornado drills must be kept on file at the center.
- (8) Each child care staff member shall be trained at least twice a year on his or her duties and responsibilities for all emergency procedures referenced in subrule (1) of this rule.

R 400.8164 Telephone service. Rule 164.

- (1) An operable phone must be available and accessible in the building during the hours the center is in operation.
- (2) During the hours the center is in operation, a phone number known to the public and available to parents to provide immediate access to the center must be provided.
- (3) Emergency phone numbers, including 911, fire, police, and the poison control center, and the facility's physical address and 2 main cross streets, must be conspicuously posted in a place visible to staff.

R 400.8167 Indoor space. Rule 167.

(b) Thirty-five square feet for preschoolers and school-agers.

(2) The following indoor space is excluded from the required square footage:

(a) Hallways.

(b) Bathrooms.

(c) Reception and office areas.

(d) Kitchens.

(e) Storage areas and closets.

R 400.8173 Equipment. Rule 173.

(1) A center shall not use equipment, materials, and furnishings recalled or identified by the United States Consumer Product Safety Commission (CPSC) as being hazardous. This information is available free of charge at the CPSC website, www.cpsc.gov.

(3) Materials that have a warning label indicating they are toxic for children, or to keep out of reach of children, must not be used by children.

(4) Play equipment, materials, and furniture, must be all of the following:

(a) Appropriate to the developmental needs and interests of children as required by R 400.8179(2).

(b) Safe, clean, and in good repair.

(c) Child-sized or appropriately adapted for a child's use.

(d) Easily accessible to the children.

(9) A first aid kit must be readily accessible to staff and securely stored in the center.

R 400.8179 Program. Rule 179.

(1) As used in this rule:

(b) “Media” means use of electronic devices with a screen, including but not limited to: televisions, computers, tablets, multi-touch screens, interactive white boards, mobile devices, cameras, movie players, e-book readers, and electronic game consoles.

(c) “Interactive media” means media designed to facilitate active and creative use by children and to encourage social engagement with other children and adults.

(d) “Non-interactive media” means media that is used passively by children.

(2) A center shall implement a program plan that includes daily learning experiences appropriate to the developmental level of the children. Experiences must be designed to develop all of the following:

(a) Physical development.

(b) Social development.

(c) Emotional development.

(d) Cognitive development.

(3) The program must be planned to provide a flexible balance of all of the following experiences:

(a) Quiet and active.

(b) Individual and group.

(c) Large and small muscle.

(d) Child initiated, and staff initiated.

(5) A school-age program must supplement the areas of development not regularly provided for during the school day.

(6) A typical daily routine must be posted in a place visible to parents.

(12) For children with special needs, care must be provided according to the child’s needs as identified by parents, medical personnel, or other relevant professionals.

R 400.8365 Heating; temperature. Rule 365.

(1) The temperature in child use areas must be maintained at a safe and comfortable level so that children in care do not become overheated or chilled.

(2) The indoor temperature must be at least 65 degrees Fahrenheit in child use areas at a point 2 feet above the floor.

(3) If temperatures exceed 82 degrees Fahrenheit, then a center shall take measures to cool the children.

R 400.8525 Exits. Rule 525.

(1) Except as referenced in R 400.8515(4)(b) and subdivision (c) of this subrule each occupied floor shall have not less than 2 approved exits directly to the outside with proper termination to grade, remote from each other by 50% of the longest dimension of the floor or area served, and occupied rooms within the center shall be located between means of egress, unless a first floor, self-contained, occupied room has an approved exit direct to the outside with proper termination to grade with a maximum travel distance of 50 feet from the most remote point in the room to the exit.

(b) For preschoolers and school-agers, travel shall be 100 feet or less from the door of the occupied room to the exit.

(c) Buildings having complete automatic sprinkler protection may increase their travel distances by 50 feet.

(14) Exit signs shall be internally or externally illuminated at all times. To ensure continued illumination for a duration of not less than 90 minutes, in case of primary power loss, the sign illumination means shall be connected to an emergency power system provided from storage batteries, unit equipment, or an on-site generator.

R 400.8535 Fire alarm. Rule 535.

- (1) In any building used as a center, an approved fire alarm, either electrical or manual, shall be installed.
- (2) In centers of more than 4 child-occupied rooms, excluding bathrooms, or in centers licensed for more than 60 children, an approved fire alarm system shall be installed and maintained in compliance with NFPA-72.
- (3) In new construction, conversions, remodeling, or newly licensed centers, the trouble signal for required fire alarm systems shall be located in an area normally occupied by child care staff members.

R 400.8540 Smoke detectors; carbon monoxide detectors. Rule 540.

- (1) All child care centers shall, at a minimum, be equipped with approved single station smoke detectors covering all use areas and their means of egress. These smoke detectors shall be located and spaced according to NFPA-72.
- (2) Centers with any fuel-fired heating systems shall have a carbon monoxide detector, listed by a nationally recognized testing laboratory, on all levels approved for child care and in each use area covered by a different furnace zone.
- (3) Centers shall properly install and maintain all detectors in operable condition in accordance with manufacturer's recommendations.

R 400.8545 Fire extinguishers. Rule 545.

- (1) Multipurpose fire extinguishers shall be installed in or adjacent to the kitchen or cooking area
- (3) Fire extinguishers shall be properly mounted, inspected, and maintained in accordance with NFPA-10. The fire extinguisher shall bear a tag indicating the last date of inspection or service and the initials of the person who performed the inspection or service.

R 400.8550 Electrical service. Rule 550.

R 400.8555 Open-flame devices; candles. Rule 555.

All open-flame devices, candles, and incense are prohibited, except for religious celebrations.

R 400.8565 Fire safety; exemptions for public and nonpublic school buildings. Rule 565.

The rules with respect to fire prevention and fire safety do not apply to a center established and operated by an intermediate school board, the board of a local school district, or by the board or governing body of a state-approved nonpublic school, or by a person or entity with whom a school contracts for services, if the center is located in a school building that is approved by the state fire marshal or other similar authority for school purposes.

R 400.8710 Transportation. Rule 710.

(1) If transportation other than public transportation or school transportation is provided, contracted, or sponsored by the center, all rules in this part apply.

R 400.8760 Staff and volunteer-to-child ratio and supervision in transit. Rule 760.

(e) For school-agers, there must be 1 staff member or volunteer for 18 children. The driver may count in the staff or volunteer-to-child ratio.

(2) To count in the staff member or volunteer-to-child ratios, staff members or volunteers shall be all of the following:

- (a) At least 16 years of age.
- (b) Seated with the children.
- (c) Responsible for the supervision of the children.

Things your site should do that you should check on:

- R 400.8152 Medication; administrative procedures. - You should be aware of student medication and illnesses, but you shouldn't administer medication.
- R 400.8158 Incident, accident, injury, illness, death, fire reporting. Rule 158. - These are school policies you should follow.
- R 400.8182 Ratio and group size requirements. - Legal Ratio is 1 adult to 25 students, however we prefer a 1 to 18 ratio and a 1 to 10 ratio on field trips.
- R 400.8310 Food preparation areas.; R 400.8315 Food and equipment storage; R 400.8320 Food preparation; R 400.8325 Sanitization; R 400.8330 Food services and nutrition generally. R 400.8335 Food services and nutrition; provided by center.
- R 400.8345 Water supply; plumbing.
- R 400.8350 Toilets; hand washing sinks.
- R 400.8355 Sewage disposal.
- R 400.8360 Garbage and refuse.