

ORDINANCE NO.

**AN ORDINANCE ADOPTING LOCAL STANDARDS OF CARE FOR THE CITY
PARKS AND RECREATION DEPARTMENT'S YOUTH RECREATION
PROGRAMS.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. AUTHORITY.

The Council adopts these local standards of care for the Parks and Recreation Department children's recreational programs under Texas Human Resources Code Section 42.041(b)(14) (*Required License and Accreditation*) and its home rule authority.

PART 2. DEFINITIONS.

In this ordinance:

- (1) **ACTIVITY LEADER** means a person responsible for the direct care or supervision of participants. The term excludes a person whose primary duties include administration, clerical support, food preparation, or facility maintenance.
- (2) **DEPARTMENT** means the Parks and Recreation Department.
- (3) **DIRECTOR** means the director of the Parks and Recreation Department.
- (4) **DESIGNEE** means a person appointed by the director to act on the director's behalf.
- (5) **FACILITY** means a building or improvement operated or used by the department in conducting a recreational program.
- (6) **PARTICIPANT** means a child age five to 13 years old who is enrolled in a recreational program and is under the supervision of department staff.
- (7) **RECREATIONAL PROGRAM OR PROGRAM** means a fee-based children's program or activity offered and supervised by the department that requires a participant to enroll or register to participate.
- (8) **STAFF** means a person who is employed by the department to work in a recreational program.
- (9) **VOLUNTEER** means a person assisting without remuneration in the care or supervision of participants.

1 **PART 3. PROGRAM ADMINISTRATION.**

2 (A) The department shall operate recreational programs in compliance with this
3 ordinance and the department's rules adopted under this ordinance.

4 (B) The director, or designee, shall administer the programs.

5 **PART 4. PROGRAM RULES; MONITORING.**

6 (A) The director shall adopt rules relating to the operation of the programs. A
7 rule adopted under this ordinance may be more restrictive than the minimum
8 standards adopted by this ordinance.

9 (B) The director shall monitor the programs to ensure compliance with the
10 standards adopted in this ordinance and the rules.

11 **PART 5. REQUIRED SUPERVISION FOR NON-AQUATIC RECREATIONAL**
12 **PROGRAMS.**

13 (A) Except as provided in Subsection (B) and Part 6 (*Required Supervision for*
14 *Aquatic Recreational Programs*), the department shall provide activity
15 leaders during a recreational program at a minimum as follows:

16 (1) one activity leader for each 12 participants between the ages of five
17 and nine years old; and

18 (2) one activity leader for each 15 participants between the ages of ten
19 and 13 years old.

20 (B) The department shall provide activity leaders during a recreational program
21 designed for participants with a disability at a minimum as follows:

22 (1) one activity leader for each four participants between the ages of five
23 and 12; and

24 (2) one activity leader for each eight participants between the ages of 12
25 and 13 years old.

26 **PART 6. REQUIRED SUPERVISION FOR AQUATIC RECREATIONAL**
27 **PROGRAMS.**

28 (A) Except as provided in Subsection (C), the department shall provide activity
29 leaders during a recreational program that includes swimming in a
30 swimming pool at a minimum as follows:

- (1) one activity leader for each eight participants between the ages of five and seven years old; and
 - (2) one activity leader for each 12 participants eight to 13 years.
- (B) Except as provided in Subsection (C), the department shall provide activity leaders during a recreational program that includes swimming in a wading pool at a minimum as follows:
- (1) one activity leader for each five participants of five years in age; and
 - (2) one activity leader for each 12 participants six to 13 years old.
- (C) During a recreational program designed for participants with a disability that includes recreational swimming in a swimming pool or a wading pool, the department shall provide one activity leader for each eight participants five to 13 years old.
- (D) The department may not conduct a recreational program at a swimming pool or wading pool outside a City park unless the use of the pool has been approved by the director.

PART 7. REQUIREMENTS FOR ACTIVITY LEADERS.

- (A) The department shall provide a minimum of one activity leader for each class or group enrolled in a recreational program.
- (B) An activity leader must be at least:
- (1) 18 years old; or
 - (2) 15 years old if supervised by another activity leader who is at least 18 years old.
- (C) An activity leader must retain the following certification from a nationally recognized organization approved by the director:
- (1) basic water rescue, or equivalent, as approved by the director, if supervising a recreational program that includes swimming;
 - (2) cardiopulmonary resuscitation for adults, children and infants;
 - (3) use of an automated external defibrillator; and
 - (4) first aid.

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2 **PART 8. STAFF AND VOLUNTEER TRAINING REQUIREMENTS.**

- 3 (A) The director shall establish training requirements for all staff and volunteers
4 who provide direct care or supervision to participants.
- 5 (B) At least one staff member at each facility must have current training in first
6 aid, automated external defibrillator, and cardiopulmonary resuscitation for
7 adults, children and infants from a nationally recognized program that has
8 been approved by the director.
- 9 (C) Each staff member who supervises children in swimming or other water
10 activities shall be trained in basic water rescue, or equivalent, as approved
11 by the director. A person who is not counted in the minimum staff-to-
12 participant ratio is not required to meet these requirements.

13 **PART 9. PERSONNEL RESTRICTION.**

- 14 (A) A person may not be employed or serve as a volunteer in a recreational
15 program if:
- 16 (1) the person would be permanently barred from being present at a child
17 care operation while children are in care under the Texas
18 Administrative Code Title 40, Part 19, Chapter 745 (*Licensing*); or
- 19 (2) the director determines that, based on the criminal history and other
20 relevant and credible information, the person poses a risk to the safety
21 or health of participants.
- 22 (B) The director may obtain a criminal history record of any employee or
23 volunteer working or applying to work in a recreational program.

24 **PART 10. FACILITY OPERATION; PHYSICAL ENVIRONMENT.**

- 25 (A) The department may not operate a recreational program at a facility unless
26 the facility meets the following requirements:
- 27 (1) The facility and equipment used in the program do not present fire,
28 health, or safety hazards and are kept free of refuse and debris.
- 29 (2) The facility is inspected annually for safety by the department.
- 30 (3) The facility is kept free of insects, rodents, and stray animals.
- 31 (4) The facility has clearly marked emergency exits.

- (5) The facility has a disaster and evacuation procedure posted in a visible location.
- (6) The facility is used and maintained in accordance with the fire prevention requirements of Chapter 25-12 (*Technical Codes*) and the fire chief's directives, including not fewer than four fire drills each year.
- (7) First aid and infection control kit are kept at the facility, including sufficient additional kits to be taken to other locations at which participants engage in a program activity.
- (8) First aid guidelines are on file and visibly posted at the facility, including:
- (a) cardio pulmonary resuscitation and rescue breathing sequence guidelines;
 - (b) first aid review; and
 - (c) emergency action plans.
- (9) The facility has a sufficient number of restrooms that are equipped for independent use by children and that are designed to permit staff supervision if necessary.
- (B) The department shall maintain a campground or primitive facility used for a recreation program in compliance with the requirements of Subsection (A) to the extent possible.
- (C) The department shall maintain equipment used in the programs in good condition. Department staff shall remove a defective tool, machinery, appliance, or other equipment and report the defective item to a supervisor. Unauthorized staff may not repair defective equipment.

PART 11. PHYSICAL HEALTH STANDARDS.

- (A) A staff member shall supervise a participant who is ill or injured until a parent or other authorized adult removes the participant from the facility.
- (B) Staff shall keep a participant whose illness or medical condition would compromise the health or safety of the others separate from the others until the child is removed from the facility.
- (C) Staff shall call a participant's parent or guardian if participant has an oral temperature of 100.4 degrees Fahrenheit or greater, accompanied by behavior changes or other signs or symptoms of illness.

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- 2 (D) Staff may not admit or readmit a participant whose illness or medical
- 3 condition prevents the participant from comfortably participating in program
- 4 activities or places other participants at risk to the facility for the duration of
- 5 the illness or condition.
- 6 (E) In the case of an acute illness or injury to a participant, staff shall call for an
- 7 emergency vehicle to transport the participant to an authorized medical
- 8 facility.

9 **PART 12. MEDICATION STANDARDS.**

- 10 (A) A staff member may not administer medication to a participant without a
- 11 parental medication authorization. Staff may not administer medication that
- 12 is not in its original container or past the expiration date on the container.
- 13 (B) A staff member may not administer an injection or an amount of medication
- 14 that is inconsistent with the prescribed dosage. A staff member may
- 15 administer an epinephrine auto-injector device if the staff member has
- 16 completed training approved by the department.
- 17 (C) A staff member may not accept more than a one-week supply of medication
- 18 for a participant and the member shall return the unused medication to the
- 19 parent on the last program day of the week.
- 20 (D) Staff must keep medication in a secured location that is not accessible by
- 21 participants.
- 22 (E) A staff member shall maintain a medication log that includes the name of the
- 23 child to whom the medication is administered, the time the medication is
- 24 dispensed, and the name of the person dispensing the medication.

25 **PART 13. DISTRIBUTION OF STANDARDS.**

- 26 (A) The department shall post and make available copies of the standards
- 27 adopted in this ordinance or by rules adopted under this ordinance.
- 28 (B) The department shall inform parents or guardians of each participant that the
- 29 recreational programs are not licensed by the state. The programs may not be
- 30 advertised as child-care facilities.

31 **PART 14. RECOMMENDATION FOR AMENDMENT OR RE-ADOPTION.**

32 Not later than February 1 of each year the director shall recommend to the Council

33 the adoption of the local standards.

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PART 16. EXPIRATION.

PART 17. This ordinance takes effect on _____, 2012.

PASSED AND APPROVED

APPROVED: _____ **ATTEST:** _____
Karen M. Kennard Shirley A. Gentry
City Attorney City Clerk