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- 27 (8) VOLUNTEER means a person assisting without remuneration in the care or
28 supervision of participants.

29 **PART 3. PROGRAM ADMINISTRATION.**

- 30 (A) The department shall operate recreational programs in compliance with
31 appropriate state law, this ordinance, and the department's rules adopted by this
32 ordinance.

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

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

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

- 38 (B) The director shall monitor the programs to ensure compliance with the standards
39 adopted by this ordinance and the rules.

40 **PART 5. REQUIRED SUPERVISION FOR NON-AQUATIC RECREATIONAL**
41 **PROGRAMS.**

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

- 45 (1) one activity leader for each 12 participants between the ages of five and
46 nine years old; and
47 (2) one activity leader for each 15 participants between the ages of ten and 13
48 years old.

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

- 51 (1) one activity leader for each four participants between the ages of five and
52 12 years old; and

- 53 (2) one activity leader for each eight participants between the ages of 12 and
54 13 years old.

55 **PART 6. REQUIRED SUPERVISION FOR AQUATIC RECREATIONAL**
56 **PROGRAMS.**

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

60 (1) one activity leader for each eight participants between the ages of five and
61 seven years old; and

62 (2) one activity leader for each 12 participants eight to 13 years old.

63 (B) Except as provided in Subsection (C), the department shall provide activity
64 leaders during a recreational program that includes swimming in a wading pool
65 at a minimum as follows:

66 (1) one activity leader for each five participants of five years in age; and

67 (2) one activity leader for each 12 participants six to 13 years old.

68 (C) During a recreational program designed for participants with a disability that
69 includes swimming in a swimming pool or wading pool, the department shall
70 provide one activity leader for each eight participants five to 13 years old.

71 (D) The department may not conduct a recreational program at a swimming pool or
72 wading pool outside a City park unless the use of the pool has been approved by
73 the director.

74 **PART 7. REQUIREMENTS FOR ACTIVITY LEADERS.**

75 (A) The department shall provide a minimum of one activity leader for each class or
76 group enrolled in a recreational program.

77 (B) An activity leader must be at least:

78 (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.

PART 8. STAFF AND VOLUNTEER TRAINING REQUIREMENTS.

(A) The director shall establish training requirements for all staff and volunteers who provide direct care or supervision to participants.

(B) At least one staff member at each facility must have current training in first aid, automated external defibrillator, and cardiopulmonary resuscitation for adults, children, and infants from a nationally recognized program that has been approved by the director.

(C) Each staff member who supervises children in swimming or other water activities shall be trained in basic water rescue, or equivalent, as approved by the director. A person who is not counted in the minimum staff-to-participant ratio is not required to meet these requirements.

PART 9. PERSONNEL RESTRICTION.

(A) A person may not be employed or serve as a volunteer in a recreational program if:

(1) the person would be permanently barred from being present at a child care operation while children are in care under the Texas Administrative Code Title 40, Part 19, Chapter 745 (*Licensing*); or

(2) the director determines that, based on the criminal history and other relevant and credible information, the person poses a risk to the safety or health of participants.

(B) The director may obtain a criminal history record of any employee or volunteer working or applying to work in a recreational program.

PART 10. FACILITY OPERATION; PHYSICAL ENVIRONMENT.

(A) The department may not operate a recreational program at a facility unless the facility meets the following requirements:

- (1) The facility and equipment used in the program do not present fire, health, or safety hazards and are kept free of refuse and debris.
- (2) The facility is inspected annually for safety by the department.
- (3) The facility is kept free of insects, rodents, and stray animals.
- (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 kits 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) cardiopulmonary 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 behavioral changes or other signs or symptoms of illness.

(D) Staff may not admit or readmit a participant whose illness or medical condition prevents the participant from comfortably participating in program activities or in places where other participants may be put at risk for the duration of the illness or condition.

(E) In the case of an acute illness or injury to a participant, staff shall call for an emergency vehicle to transport the participant to an authorized medical facility.

PART 12. MEDICATION STANDARDS.

(A) A staff member may not administer medication to a participant without a parental medication authorization. Staff may not administer medication that is not in its original container or past the expiration date on the container.

- 160 (B) A staff member may not administer an injection or an amount of medication that
161 is inconsistent with the prescribed dosage. A staff member may administer an
162 epinephrine auto-injector device if the staff member has completed training
163 approved by the department.
- 164 (C) A staff member may not accept more than a one-week supply of medication for
165 a participant and the member shall return the unused medication to the parent on
166 the last program day of the week.
- 167 (D) Staff must keep medication in a secured location that is not accessible by
168 participants.
- 169 (E) A staff member shall maintain a medication log that includes the name of the
170 child to whom the medication is administered, the time the medication is
171 dispensed, and the name of the person dispensing the medication.
172

173 **PART 13. DISTRIBUTION OF STANDARDS.**

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

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

180 Not later than April 1 of each year the director shall recommend to the Council the
181 adoption of the local standards.

182 **PART 15. APPLICABILITY.**

183 This ordinance supersedes Chapter 8-2 (*Swimming Pool Use*) of the Code to the extent
184 of conflict.

185 **PART 16. EXPIRATION.**

186 This ordinance expires one year after its effective date.

187 **PART 17.** This ordinance takes effect on February 15, 2018.

PASSED AND APPROVED

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_____, 2018

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Steve Adler
Mayor

APPROVED: _____

Anne L. Morgan
City Attorney

ATTEST: _____

Jannette S. Goodall
City Clerk