

28 (7) RECREATIONAL PROGRAM or PROGRAM means a fee-based
29 children's program or activity offered and supervised by the
30 department that requires a participant to enroll or register to
31 participate.

32 (8) VOLUNTEER means a person assisting without remuneration in the
33 care or supervision of participants.

34 **PART 3. PROGRAM ADMINISTRATION.**

35 (A) The department shall operate recreational programs in compliance with
36 appropriate State law, this ordinance, and the department's rules
37 adopted by this ordinance.

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

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

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

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

45 **PART 5. REQUIRED SUPERVISION FOR NON-AQUATIC**
46 **RECREATIONAL PROGRAMS.**

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

51 (1) one activity leader for each 12 participants five to nine years old;
52 and

53 (2) one activity leader for each 15 participants ten to 13 years old.

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

57 (1) one activity leader for each four participants five to 12 years old;
58 and

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

60 **PART 6. REQUIRED SUPERVISION FOR AQUATIC RECREATIONAL**
61 **PROGRAMS.**

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

65 (1) one activity leader for each eight participants five to seven years
66 old; and

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

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

71 (1) one activity leader for each five participants of five years of age;
72 and

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

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

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

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

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

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

86 (1) 18 years old; or

87 (2) 15 years old if supervised by another activity leader who is at
88 least 18 years old.

89 (C) An activity leader must retain the following certification from a
90 nationally recognized organization approved by the director:

91 (1) basic water rescue, or equivalent, as approved by the director, if
92 supervising a recreational program that includes swimming;

93 (2) cardiopulmonary resuscitation for adults, children, and infants;

94 (3) use of an automated external defibrillator; and

95 (4) first aid.

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

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

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

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

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109 **PART 9. PERSONNEL RESTRICTION.**

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

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

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

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

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

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

124 (1) The facility and equipment used in the program do not present
125 fire, health, or safety hazards and are kept free of refuse and
126 debris.

127 (2) The facility is inspected annually for safety by the department.

128 (3) The facility is kept free of insects, rodents, and stray animals.

129 (4) The facility has clearly marked emergency exits.

130 (5) The facility has a disaster and evacuation procedure posted in a
131 visible location.

132 (6) The facility is used and maintained in accordance with the fire
133 prevention requirements of City Code Chapter 25-12 (*Technical*
134 *Codes*) and the fire chief's directives, including not fewer than
135 four fire drills each year.

- 136 (7) First aid and infection control kits are kept at the facility,
137 including sufficient additional kits to be taken to other locations
138 at which participants engage in a program activity.
- 139 (8) First aid guidelines are on file and visibly posted at the facility,
140 including:
- 141 (a) cardiopulmonary resuscitation and rescue breathing
142 sequence guidelines;
 - 143 (b) first aid review; and
 - 144 (c) emergency action plans.
- 145 (9) The facility has a sufficient number of restrooms that are
146 equipped for independent use by children and that are designed to
147 permit staff supervision if necessary.
- 148 (B) The department shall maintain a campground or primitive facility used
149 for a recreation program in compliance with the requirements of
150 Subsection (A) to the extent possible.
- 151 (C) The department shall maintain equipment used in the programs in good
152 condition. Department staff shall remove a defective tool, machinery,
153 appliance, or other equipment and report the defective item to a
154 supervisor. Unauthorized staff may not repair defective equipment.

155 **PART 11. PHYSICAL HEALTH STANDARDS.**

- 156 (A) A staff member shall supervise a participant who is ill or injured until a
157 parent or other authorized adult removes the participant from the
158 facility.
- 159 (B) Staff shall keep a participant whose illness or medical condition would
160 compromise the health or safety of the others separate from the others
161 until the child is removed from the facility.

162 (C) Staff shall call a participant's parent or guardian if participant has an
163 oral temperature of 100.4 degrees Fahrenheit or greater, accompanied
164 by behavioral changes or other signs or symptoms of illness.

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

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

172 **PART 12. MEDICATION STANDARDS.**

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

177 (B) A staff member may not administer an injection or an amount of
178 medication that is inconsistent with the prescribed dosage. A staff
179 member may administer an epinephrine auto-injector device if the staff
180 member has completed training approved by the department.

181 (C) A staff member may not accept more than a one-week supply of
182 medication for a participant, and the staff member shall return the
183 unused medication to the parent on the last program day of the week.

184 (D) Staff must keep medication in a secured location that is not accessible
185 by participants.

186 (E) A staff member shall maintain a medication log that includes the name
187 of the child to whom the medication is administered, the time the
188 medication is dispensed, and the name of the person dispensing the
189 medication.

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192 **PART 13. DISTRIBUTION OF STANDARDS.**

193 (A) The department shall post and make available copies of the standards
194 adopted in this ordinance or by rules adopted under this ordinance.

195 (B) The department shall inform parents or guardians of each participant
196 that the recreational programs are not licensed by the State. The
197 programs may not be advertised as childcare facilities.

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

199 Not later than April 1 of each year, the director shall recommend to the
200 Council the adoption of the local standards.

201 **PART 15. APPLICABILITY.**

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

204 **PART 16. EXPIRATION.**

205 This ordinance expires one year after its effective date.

206 **PART 17.** This ordinance takes effect on _____, 2021.

207 **PASSED AND APPROVED**

208 §
209 §
210 _____, 2021 § _____

211 Steve Adler
212 Mayor

213
214
215 **APPROVED:** _____
216 Anne L. Morgan
217 City Attorney

215 **ATTEST:** _____
216 Jannette S. Goodall
217 City Clerk

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