

**ORDINANCE NO. 20120426-123**

**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.

### **PART 3. PROGRAM ADMINISTRATION.**

- (A) The department shall operate recreational programs in compliance with this ordinance and the department's rules adopted under this ordinance.
- (B) The director, or designee, shall administer the programs.

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

- (A) The director shall adopt rules relating to the operation of the programs. A rule adopted under this ordinance may be more restrictive than the minimum standards adopted by this ordinance.
- (B) The director shall monitor the programs to ensure compliance with the standards adopted in this ordinance and the rules.

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

- (A) Except as provided in Subsection (B) and Part 6 (*Required Supervision for Aquatic Recreational Programs*), the department shall provide activity leaders during a recreational program at a minimum as follows:
  - (1) one activity leader for each 12 participants between the ages of five and nine years old; and
  - (2) one activity leader for each 15 participants between the ages of ten and 13 years old.
- (B) The department shall provide activity leaders during a recreational program designed for participants with a disability at a minimum as follows:
  - (1) one activity leader for each four participants between the ages of five and 12; and
  - (2) one activity leader for each eight participants between the ages of 12 and 13 years old.

### **PART 6. REQUIRED SUPERVISION FOR AQUATIC RECREATIONAL PROGRAMS.**

- (A) Except as provided in Subsection (C), the department shall provide activity leaders during a recreational program that includes swimming in a 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.

**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) 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.
- (D) Staff may not admit or readmit a participant whose illness or medical condition prevents the participant from comfortably participating in program

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

#### **PART 13. DISTRIBUTION OF STANDARDS.**

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

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

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

#### **PART 15. APPLICABILITY.**

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

**PART 16. EXPIRATION.**

This ordinance expires one year after its effective date.

**PART 17.** This ordinance takes effect on May 7, 2012.

**PASSED AND APPROVED**

\_\_\_\_\_, April 26, 2012      §  
                                         §  
                                         § \_\_\_\_\_ Lee Jeffingwell  
                                         Mayor

**APPROVED:** \_\_\_\_\_  
                                 Karen M. Kennard  
                                 City Attorney

**ATTEST:** \_\_\_\_\_  
                                 Shirley A. Gentry  
                                 City Clerk