

ORDINANCE NO.

AN ORDINANCE ADOPTING LOCAL STANDARDS OF CARE FOR YOUTH RECREATIONAL PROGRAMS OPERATED BY AUSTIN PARKS AND RECREATION AND AUSTIN ARTS, CULTURE, MUSIC; AND DECLARING AN EMERGENCY.

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

PART 1. AUTHORITY. The Council adopts these local standards of care for Austin Parks and Recreation's and Austin Arts, Culture, Music, and Entertainment's youth recreational programs pursuant to Texas Human Resources Code Section 42.041 (*Required License*) and the City's 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) **DEPARTMENTS** means Austin Parks and Recreation and Austin Arts, Culture, Music, and Entertainment.
- (3) **DIRECTOR** means the director of Austin Parks and Recreation or Austin Arts, Culture, Music, and Entertainment.
- (4) **DIRECTORS** means both directors.
- (5) **DESIGNEE** means a person appointed by the director to act on the director's behalf.
- (6) **FACILITY** means a building or improvement operated or used by the departments in conducting a recreational program.
- (7) **PARTICIPANT** means a child aged five to 13 years old who is enrolled in a recreational program and is under the supervision of department staff.

40 (8) RECREATIONAL PROGRAM means a fee-based children's program or activity
41 offered and supervised by the departments that requires a participant to enroll or
42 register to participate.

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44 (9) VOLUNTEER means a person assisting without remuneration in the care or
45 supervision of participants.

46 **PART 3. PROGRAM ADMINISTRATION.**

47 (A) The departments will operate recreational programs in compliance with
48 appropriate state law, this ordinance, and the departments' rules adopted by this
49 ordinance.

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51 (B) The directors or their designees will administer the programs.

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

53 (A) The director of Austin Parks and Recreation will adopt rules relating to the
54 operation of the programs operated by the departments. A rule adopted under this
55 ordinance may be more restrictive than the minimum standards adopted by this
56 ordinance.

57 (B) The directors will monitor the programs to ensure compliance with the standards
58 adopted by this ordinance and the rules.

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

61 (A) Except as provided in Subsection (B) and Part 6 below, the departments will
62 provide activity leaders during a recreational program at a minimum as follows:

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

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

65 (B) The departments will provide activity leaders during a recreational program
66 designed for participants with a disability at a minimum as follows:

67 (1) one activity leader for each four participants five to 11 years old; and

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

69 **PART 6. REQUIRED SUPERVISION FOR AQUATIC RECREATIONAL**
70 **PROGRAMS.**

- 71 (A) Except as provided in Subsection (C) below, the departments will provide
72 activity leaders during a recreational program that includes swimming in a
73 swimming pool at a minimum as follows:
- 74 (1) one activity leader for each eight participants five to seven years old; and
75 (2) one activity leader for each 12 participants eight to 13 years old.
- 76 (B) Except as provided in Subsection (C) below, the departments will provide
77 activity leaders during a recreational program that includes swimming in a
78 wading pool at a minimum as follows:
- 79 (1) one activity leader for each eight participants of five to seven years of age;
80 and
81 (2) one activity leader for each 12 participants eight to 13 years old.
- 82 (C) During a recreational program designed for participants with a disability that
83 includes swimming in a swimming pool or wading pool, the departments will
84 provide:
- 85 (1) one activity leader for each four participants five to 11 years old; and
86 (2) one activity leader for each eight participants 12 to 13 years old.
- 87 (D) The departments may not conduct a recreational program at a swimming pool or
88 wading pool outside a City park unless the use of the pool has been approved by
89 the director.
- 90 (E) Except when actively participating in swim instruction, a child who is unable to
91 swim competently, or who is at risk of injury or death when swimming as
92 determined by the parent or guardian on the approved participant waiver, must be
93 provided with a Type I, II, or III United States Coast Guard approved personal
94 flotation device (PFD) by the department. Staff must ensure the child is wearing
95 the PFD and that it is properly fitted and fastened when swimming in a
96 swimming pool or wading pool.

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

- 98 (A) The departments will provide a minimum of one activity leader for each class or
99 group enrolled in a recreational program.
- 100 (B) An activity leader must be at least:

- 101 (1) 18 years old; or
- 102 (2) 15 years old if supervised by another activity leader who is at least 18
- 103 years old.
- 104 (C) An activity leader must retain the following certification from a nationally
- 105 recognized organization approved by the directors:
- 106 (1) basic water rescue, or equivalent, as approved by the directors, if
- 107 supervising a recreational program that includes swimming;
- 108 (2) cardiopulmonary resuscitation for adults, children, and infants;
- 109 (3) use of an automated external defibrillator; and
- 110 (4) first aid.

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

- 112 (A) The director of Austin Parks and Recreation will establish training requirements
- 113 for all staff and volunteers who provide direct care or supervision to participants.
- 114 (B) At least one staff member at each facility must have current training in first aid,
- 115 automated external defibrillator, and cardiopulmonary resuscitation for adults,
- 116 children, and infants from a nationally recognized program that has been
- 117 approved by the directors.
- 118 (C) Each staff member who supervises children in swimming or other water activities
- 119 will be trained in basic water rescue, or equivalent, as approved by the directors.
- 120 A person who is not counted in the minimum staff-to-participant ratio is not
- 121 required to meet these requirements.

122 **PART 9. PERSONNEL RESTRICTIONS.**

- 123 (A) A person may not be employed or serve as a volunteer in a recreational program
- 124 if:
- 125 (1) the person would be permanently barred from being present at a childcare
- 126 operation while children are in care under Texas Administrative Code Title
- 127 40, Part 19, Chapter 745 (*Licensing*); or
- 128 (2) the departments determine that, based on criminal history and other
- 129 relevant and credible information, the person poses a risk to the safety or
- 130 health of participants.

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

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

- 134 (A) The departments may not operate a recreational program at a facility unless the
135 facility meets the following requirements:
- 136 (1) The facility and equipment used in the program do not present fire, health,
137 or safety hazards and are kept free of refuse and debris.
 - 138 (2) The facility is inspected annually for safety by the departments.
 - 139 (3) The facility is kept free of insects, rodents, and stray animals.
 - 140 (4) The facility has clearly marked emergency exits.
 - 141 (5) The facility has a disaster and evacuation procedure posted in a visible
142 location.
 - 143 (6) The facility is used and maintained in accordance with the fire prevention
144 requirements of City Code Chapter 25-12 (*Technical Codes*) and the fire
145 chief's directives, including not fewer than four fire drills each year.
 - 146 (7) First aid and infection control kits are kept at the facility, including
147 sufficient additional kits to be taken to other locations at which participants
148 engage in a program activity.
 - 149 (8) First aid guidelines are on file and visibly posted at the facility, including:
 - 150 (a) cardiopulmonary resuscitation and rescue breathing sequence
151 guidelines;
 - 152 (b) first aid review; and
 - 153 (c) emergency action plans.
 - 154 (9) The facility has a sufficient number of restrooms that are equipped for
155 independent use by children and that are designed to permit staff
156 supervision if necessary.
- 157 (B) The departments will maintain a campground or primitive facility used for a
158 recreation program in compliance with the requirements of Subsection (A) to the
159 extent possible.

- 160 (C) The departments will maintain equipment used in the programs in good
161 condition. Department staff will remove a defective tool, machinery, appliance,
162 or other equipment and report the defective item to a supervisor. Unauthorized
163 staff may not repair defective equipment.

164 **PART 11. PHYSICAL HEALTH STANDARDS.**

- 165 (A) A staff member will supervise a participant who is ill or injured until a parent or
166 other authorized adult removes the participant from the facility.
- 167 (B) Staff will keep a participant whose illness or medical condition would
168 compromise the health or safety of the others separate from the others until the
169 child is removed from the facility.
- 170 (C) Staff will call a participant's parent or guardian if the participant has an oral
171 temperature of 100.4 degrees Fahrenheit or greater, accompanied by behavioral
172 changes or other signs or symptoms of illness.
- 173 (D) Staff may not admit or readmit a participant whose illness or medical condition
174 prevents the participant from comfortably participating in program activities or in
175 places where other participants may be put at risk for the duration of the illness or
176 condition.
- 177 (E) In the case of an acute illness or injury to a participant, staff will call for an
178 emergency vehicle to transport the participant to an authorized medical facility.

179 **PART 12. MEDICATION STANDARDS.**

- 180 (A) A staff member may not administer medication to a participant without parental
181 authorization. Staff may not administer medication that is not in its original
182 container or past the expiration date on the container.
- 183 (B) A staff member may not administer an injection or an amount of medication that
184 is inconsistent with the prescribed dosage. A staff member may administer an
185 epinephrine auto-injector device if the staff member has completed training
186 approved by the departments.
- 187 (C) A staff member may not accept more than a one-week supply of medication for a
188 participant, and the staff member will return the unused medication to the parent
189 on the last program day of the week.
- 190 (D) Staff must keep medication in a secured location that cannot be accessed by
191 participants.

