

ORDINANCE NO. 2023-15

AN ORDINANCE OF THE CITY OF GEORGETOWN, TEXAS, ADOPTING CHAPTER 8.40 OF THE CODE OF ORDINANCES RELATING TO ESTABLISHING MINIMUM STANDARDS OF CARE FOR YOUTH RECREATION PROGRAMS; PROVIDING A SEVERABILITY CLAUSE; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City's Parks and Recreation Department has determined that certain minimum standards of care are necessary to health, safety, and welfare of individuals participating in youth recreation programs; and

WHEREAS, the State of Texas Human Resources Code Chapter 42 exempts certain after-school and summer recreation programs from state licensing requirements as identified in Subsection 42.041(14) stating "an elementary-age (ages 5-13) recreation program operated by a municipality provided the governing body of the municipality annually adopts standards of care by ordinance after a public hearing for such programs, that such standards are provided to the parents of each program participant, and that the ordinances shall include, at a minimum, staffing ratios, minimum staff qualifications, minimum facility, health, and safety standards, and mechanisms for monitoring and enforcing the adopted local standards; and further provided that parents be informed that the program is not licensed by the state and the program may not be advertised as a child-care facility;" and

WHEREAS, the City Council, at a meeting on March 14, 2023 held a public hearing prior to adopting Chapter 8.40 of the Code of Ordinances regarding Standards of Care for Youth Recreation Programs; and

WHEREAS, the City Council of the City of Georgetown finds it to be in the best interest of the citizens of Georgetown to adopt Chapter 8.40 of the Code of Ordinances regarding Standards of Care for Youth Recreation Programs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GEORGETOWN, THAT:

SECTION 1. The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim. The City Council hereby

finds that this Ordinance implements the vision, goals, and policies of the Georgetown 2030 Comprehensive Plan and further finds that the enactment of this ordinance is not inconsistent or in conflict with any other policies or provisions of the 2030 Comprehensive Plan.

SECTION 2. It is hereby determined upon the basis of requirements set forth in the Texas Human Resource Code, the City of Georgetown shall be exempt from Texas Child Care Services regulations.

SECTION 3. Chapter 8.40 of the Code of Ordinance of the City of Georgetown is hereby amended in its entirety and shall provide as shown in Exhibit "A."

SECTION 4. All ordinances and parts of ordinances that are in conflict with this ordinance are hereby repealed, and are no longer of any force and effect.


SECTION 5. If any provision of this ordinance or application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION 6. The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This ordinance shall become effective in accordance with the provisions of state law and the City Charter of the City of Georgetown.

PASSED AND APPROVED on FIRST READING on this 14th day of March, 2023.

PASSED AND APPROVED on SECOND READING on this 28th day of March, 2023.

ATTEST:


Robyn Densmore, City Secretary

CITY OF GEORGETOWN, TEXAS

By: 
Josh Schroeder, Mayor

APPROVED AS TO FORM:


Skye Masson, City Attorney

Exhibit A

*Code of Ordinances
Adopting Chapter 8.40*

Sec. 8.40. - Standards of Care for Youth Recreation Programs.

Sec. 8.40.010. - Definitions.

- A. "Camp Program Staff" means a person responsible for the direct care or supervision of participants, including volunteers and contractors. The term excludes a person whose primary duties include administration, clerical support, or facility maintenance.
- B. "Department" means the Parks and Recreation Department.
- C. "Director" means the director of the Parks and Recreation Department.
- D. "Designee" means a person appointed by the director to act on the director's behalf.
- E. "Facility" means a building or improvement operated or used by the department in conducting a recreational program.
- F. "Participant" means a child age 5 to 13 years old that is enrolled in a recreational program and is under the supervision of department staff.
- G. "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.
- H. "Staff" means a person who is employed by the department to work in a recreational program.
- I. "Parent" means legal guardian of a participant.

Sec. 8.40.020. - Purpose.

The purpose of the standards of care established in this chapter is to protect children who participate in City of Georgetown after-school and summer recreation programs. The standards of care set forth in this chapter are intended to be the minimum standards by which the Georgetown Parks and Recreation Department will operate its youth recreation programs which are recreational in nature and not designated as child care programs.

Sec. 8.40.030. - Participant and Camp Program Staff Ratios.

- A. Camp programs shall have no greater than a 10/1 ratio of participant to camp program staff for children 0-4 years of age.

- B. Camp programs shall have no greater than a 15/1 ratio of participant to camp program staff for children 5-9 years of age.
- C. Camp programs shall have no greater than a 17/1 ratio of participants to camp program staff for children 10-13 years of age.
- D. Each participant should have a program employee who is responsible for him or her and who is aware of details of the participant's habits, interests, and any special problems as identified by the participant's parents during the registration process.

Sec. 8.40.040. - Minimum Camp Program Staff Qualifications.

- A. Camp program staff must be at least 16 years of age.
- B. At least 50% of camp program staff must possess certification from a nationally recognized body in
 - 1. First Aid; and
 - 2. Community CPR or equivalent
- C. Camp program staff must complete a camp program staff orientation including but not limited to:
 - 1. An overview of the City of Georgetown's Standards of Care; and
 - 2. Policies including discipline, guidance, and the release of participants; and
 - 3. An overview of symptoms of child abuse, neglect, and sexual abuse and the responsibility of reporting these; and
 - 4. The procedures to follow in handling emergencies including but are not limited to: fire, explosion, tornado, toxic fumes, volatile persons, and severe injury or illness of a child or adult; and
 - 5. The use and locations of fire extinguishers and first aid equipment.

Sec. 8.40.050. - Employment Restrictions

- A. Criminal background checks will be conducted on prospective camp program staff. The following convictions, including deferred adjudication and pretrial diversions, regardless of when the conviction occurred will render applicants ineligible for participation with Georgetown Parks and Recreation Camp Programs:
 - 1. Any drug distribution activity, including misdemeanor or felony
 - 2. Rape
 - 3. Aggravated Assault
 - 4. Child Abuse or Molestation
 - 5. Murder
 - 6. Kidnapping
 - 7. Or any other felony or crime involving moral turpitude, which involves acts of physical violence
- B. The following convictions within 10 years from the date of application for employment will render applicants ineligible for participation with Georgetown Parks and Recreation Camp Programs:

1. Any drug related activity, including misdemeanor or felony
2. Assault
3. Any other felony or crime involving moral turpitude which does not involve acts of physical violence

Sec. 8.40.060. - Minimum Building Standards.

- A. The facility and equipment used do not present any known fire, health, or safety hazards and are kept free of accumulations of objectionable debris.
- B. The facility shall be subject to an annual safety inspection.
- C. The facility shall reasonably be kept free of insects, rodents, and stray animals.
- D. Facility buildings shall maintain clearly marked emergency exits.
- E. A disaster and evacuation procedure shall be posted at the facility.
- F. First-aid kits and infection control kits shall be available at the facility and taken to other locations at which the participants are engaged in program activities.
- G. First-aid guidelines shall be on file and available at the facility.
- H. The facility shall have a sufficient number of restrooms maintained in good repair and equipped for independent use by children and designed to permit staff supervision as needed.

Sec. 8.40.070. - Minimum Health and Safety Standards.

- A. A participant who is ill or injured shall be supervised until the participant is released to a parent or other authorized person.
- B. A participant whose illness or medical condition requires a degree of supervision by staff that would compromise the health or safety of the other participants shall be kept separate from the other participants until the participant is removed from the facility.
- C. A participant whose illness or medical condition prevents the participant from comfortably participating in program activities or places other participants at risk may not be admitted or readmitted to the facility for the duration of the illness or condition.
- D. A staff member may not administer medication to a participant without a written parental medication authorization. Staff may not knowingly administer medication that is not in its original container or that is past the expiration date on the container.
- E. A staff member may not administer an amount of medication that is inconsistent with the prescribed dosage and parental direction. A staff member shall return the unused medication to the parent on the last program day.

F. Medication should be kept in a secured location that is not accessible by participants.

G. A staff member shall maintain a medication and first aid log.

Sec. 8.40.080. - Mechanisms for Monitoring and Enforcing Standards.

The director or designee shall monitor the camp programs for performance. Compliance with these standards will be a factor in rating the performance of the youth program.

Sec. 8.40.090. - Review.

This Chapter will expire one year after its effective date.

Sec. 8.40.100. - Recommendation for Amendment or Re-Adoption.

No later than April 1 of each year the director or designee shall recommend to the City Council adoption of the local standards of care.