

ORDINANCE NO. ORD-2013-9477

AN ORDINANCE READOPTING SECTION 13-16 OF CHAPTER 13 OF THE CODE OF CIVIL AND CRIMINAL ORDINANCES OF THE CITY OF IRVING, TEXAS, REGARDING REGULATIONS FOR CITY OPERATED CHILDCARE FACILITIES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING A SAVINGS CLAUSE.

WHEREAS, the Parks and Recreation Department of the City of Irving, Texas, operates youth recreation programs for elementary age (5-13 years) children; and

WHEREAS, Chapter 42 of the Texas Human Resources Code allows youth recreation programs operated by a municipality to be exempt from State licensing if certain requirements are met; and

WHEREAS, one of the State requirements is that the City Council annually adopt standards of care for youth recreation programs by ordinance after a public hearing; and

WHEREAS, Section 13-16 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, provides standards of care for youth recreation programs; and

WHEREAS, the City Council of the City of Irving, Texas, has held a public hearing on Thursday, July 11, 2013, relating to re-adoption of the standards of care for youth recreation programs;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That all matters stated herein above are found to be true and correct and are incorporated by reference as if copied in their entirety.

SECTION 2. That Section 13-16 of Chapter 13 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is readopted to read as follows:

**Sec. 13-16. Childcare regulations for youth programs operated by the City of Irving.**

(a) The purpose of youth program regulations is to provide childcare regulations for certain youth programs operated by the City of Irving in order to exempt said programs from the requirements of the Texas Human Resources Code.

(b) The following childcare regulations will be employed in the operation of certain youth programs operated by the City of Irving:

- (1) *Staffing ratios.* In a recreation center program the number of children may not exceed staff by a minimum ratio of one (1) staff per twenty (20) children five (5) years to thirteen (13) years of age. Children in the program will be divided into age groups.
- (2) *Staff qualifications.* Staff working in City of Irving parks and recreation programs must adhere to the personnel qualifications, which are required for the position. Job specifications will be available through the Human Resources Department. The two levels of personnel to be utilized in the programs are: recreation specialist and part-time recreation leader. In accordance with the job qualifications staff will also:

- a. Participate in staff orientation and training program.
- b. Exhibit competency, good judgment, and self-control in working with children.
- c. Relate to children with courtesy, respect, acceptance, and patience.
- d. Not abuse, neglect, or sexually molest children.
- e. Not have been convicted of any of the following offenses:
  - 1. Felony or misdemeanor classified as an offense in the Texas Penal Code under Title 5 “Offenses Against the Person” or Title 6 “Offenses Against the Family.”
  - 2. Felony or misdemeanor classified as public indecency.
- f. Must not have behavior or health problems that might endanger the health, safety, or well-being of children.

(3) *Facility health and safety standards.*

- a. Nutrition. Children may be encouraged but not required to eat.
- b. Required postings.
  - 1. Emergency evacuation and relocation plans shall be posted at each facility.
  - 2. City childcare permit shall be posted in a conspicuous place.
- c. Emergency communication. The numbers for the following shall be posted:
  - 1. Emergency medical services (911).
  - 2. Law enforcement (911).
  - 3. Fire department (911).
- d. Enrollment information and other records shall be maintained and shall contain:
  - 1. The child’s name, birth date, home address, and the home telephone number.
  - 2. Date of admission.
  - 3. Name and address of parents and telephone numbers at which parents can be reached while the child is in care.
  - 4. Names, drivers’ license numbers, and telephone numbers of persons to whom the child may be released.
  - 5. Completed parental field trip release form as needed.

e. Parental communication.

1. Staff shall immediately notify the parent or other person authorized by the parent when the child is injured or has been involved in any situation which placed the child at risk.
2. Staff shall notify parents or authorized persons of children in the facility when there is an outbreak of a communicable disease in the facility required to be reported to the county department of health. Staff must notify parents of children in a group when there is an outbreak of lice or other infestation in the group.
3. Staff shall notify parents regarding planned field trips.

f. Discipline and guidance.

1. Discipline and guidance of children must be consistent and based on an understanding of individual needs and development.
2. There shall be no harsh, cruel, or unusual treatment. Staff may not use corporal punishment and threats of corporal punishment are prohibited. Children shall not be shaken, bitten, hit, or have anything put in or on their mouth as punishment. Staff may not humiliate, yell at, or reject any child. The children shall not be subjected to abusive or profane language. The staff's punishment of any child shall not be associated with food. Staff may use brief, supervised separation from the group if necessary, but staff shall not place children in a locked room or in a dark room with the door closed.

g. Activities.

1. Activities appropriate to each child's developmental needs will be provided.
2. All children shall have time outdoors each day depending on weather conditions or program scheduling.

h. Physical health and well-being; illness, and injury.

1. Participants shall have and maintain immunizations in accordance with those required by the department of state health services for public school attendance according to age.
2. The City of Irving shall not be responsible for pre-existing medical conditions of participants who register in a municipal recreation program.
3. Parents shall be notified in cases of illness and injury.
4. An ill child will not be allowed to participate if one or more of the following exists:
  - A. The illness prevents the child from participating comfortably in facility activities.
  - B. The illness results in a greater need for care than the staff can provide without compromising the health, safety, and supervision of the other children.
  - C. The child has any of the following:

- (i) Oral temperature 100.4 degrees or greater; armpit temperature 99.4 degrees or greater; accompanied by behavior changes or other signs or symptoms of illness until medical evaluation indicates that the child can be included in the facility's activities.
- (ii) Symptoms and signs of possible severe illness or other unusual signs until medical evaluation indicates that the child can be included in the facility's activities.

5. In the event an injury cannot be administered through basic first aid, staff shall notify paramedic.

(4) *Monitoring and enforcement.* Standards of care established by the City of Irving will be monitored and enforced by city departments responsible for their respective areas as identified. Health and safety standards will be monitored and enforced by the Irving Fire Department, Irving Police Department, and the Code Enforcement Department. Staff and program issues will be monitored and enforced by the Irving Parks and Recreation Department or the department responsible for the program development and implementation.

SECTION 3. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

SECTION 4. That nothing in this ordinance or in the Minimum Standards hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, nor shall any legal right or remedy of any character be lost, impaired or affected by this ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,  
on July 11, 2013.

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BETH VAN DUYNE  
MAYOR

ATTEST:

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Shanae Jennings  
City Secretary

APPROVED AS TO FORM:

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Charles R. Anderson  
City Attorney

## AGENDA ITEM SUMMARY

**Meeting:** 7/11/2013

**Recommending Department:** Parks & Recreation

**DOC ID:** 5371

**LSR No:** 14966

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### **Ordinance -- Public Hearing and Ordinance Re-Adopting Section 13-16 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, Relating to Childcare Regulations for City Operated Youth Programs**

#### **Administrative Comments**

1. This item supports Strategic Goal No. 7: Promote Excellence in Cultural, Recreational and Educational Environments.
2. **Impact:** Re-adoption of the standards of care (Section 13-16 of The Code of Civil and Criminal Ordinances) would allow the City to ensure the safety and well-being of youth recreation program participants.
3. Irving Parks and Recreation Department operates youth recreation programs for elementary age (5-13 years) children and is required by the State of Texas to adopt standards of care for youth recreation programs, by ordinance.
4. Chapter 42 of the Texas Human Resources Code allows youth recreation programs operated by a municipality to be exempt from State licensing if certain requirements are met.

#### **Recommendation**

The ordinance be adopted.

#### **ADDITIONAL COMMENTS:**

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**Contract Required:** No  
**Previous Action:** Adopted

**Review Completed By:** Carrie Morris  
**Council Action:**

#### **CURRENT YEAR FINANCIAL IMPACT:**

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NONE

#### **REVISION INFORMATION:**

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Prepared: 5/8/2013 03:01 PM by Durenda Pena  
Last Updated: 7/2/2013 08:49 AM by Belinda Rowlett