

ORDINANCE NO. _____

**AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL,
AMENDING CHAPTER 10, PARKS AND LEISURE
SERVICES, OF THE LEWISVILLE CITY CODE BY
CREATING ARTICLE VII, "STANDARDS OF CARE FOR
YOUTH RECREATION PROGRAMS"; PROVIDING FOR
A REPEALER; SEVERABILITY; AND AN EFFECTIVE
DATE; AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Lewisville is a home rule municipal corporation organized and existing by virtue of the Constitution and laws of the State of Texas and by its Home Rule Charter; and,

WHEREAS, the City of Lewisville possesses all the rights, powers, and authorities possessed by all home rule municipalities to regulate the fees for services provided; and,

WHEREAS, the City of Lewisville operates a recreation program for elementary age children as a service to residents of the City of Lewisville and surrounding communities; and,

WHEREAS, the State of Texas has adopted licensing requirement and regulations under Chapter 42 of the Texas Human Resources Code for facilities providing care to children, which all facilities must comply with unless an exemption under Section 42.041(b) applies; and,

WHEREAS, Section 42.041(b)(14) of the Texas Human Resources Code provides an exemption from the requirements of Chapter 42 to a municipality operating a recreation program for elementary age children (5-13 years); and,

WHEREAS, in order to qualify for the exemption, the City of Lewisville must establish standards of care through the adoption of an ordinance setting forth the standards of care for the City of Lewisville youth recreation programs; and,

WHEREAS, the City of Lewisville must hold a public hearing on the standards of care ordinance prior to its adoption; and,

WHEREAS, the City of Lewisville standards of care for the youth recreation programs must be adopted annually by the City of Lewisville City Council in order to maintain the exemption; and,

WHEREAS, once an exempt status is established, the Texas Department of Human Services (“TDHS”), or the designated division, will not monitor the youth recreation programs. The TDHS will not be responsible for investigating complaints regarding the City of Lewisville’s youth recreation programs and any complaints shall be made to the Parks and Recreation Department.

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

SECTION 1. INCORPORATION OF PREMISES. All the above premises are found to be true and correct legislative findings and are incorporated herein for all purposes.

SECTION 2. AUTHORITY. The City of Lewisville City Council adopts local standards of care for the Parks and Recreation Department (“Department”) youth recreational programs in compliance with the requirements of Texas Human Resources Code Section 42.041(b)(14) and pursuant to its home rule authority.

SECTION 3. ADOPTION. The local standards of care (“Standards of Care”), as set forth in Exhibit “A” which is attached hereto and incorporated by reference herein for all purposes as if written word for word herein, are hereby adopted by the City of Lewisville City

Council as the Standards of Care for the Parks and Recreation Department of the City of Lewisville.

SECTION 4. PROGRAM ADMINISTRATION.

- (A) The Department shall operate all youth recreational programs (“Youth Programs”) in compliance with the Standards of Care.
- (B) The Department director, or designee (collectively or singly referred to herein as “Director”), shall administer the Youth Programs and ensure compliance with the Standards of Care.

SECTION 5. PROGRAM RULES; MONITORING.

- (A) The Director may adopt rules relating to the operation of the Youth Programs. A rule adopted by the Director may be more restrictive than the minimum standards adopted under the Standards of Care, after notice is provided to Youth Programs participants.
- (B) The Director shall monitor the Youth Programs to ensure compliance with the Standards of Care.
- (C) The Texas Department of Human Services will not regulate the Youth Programs nor be involved in any complaint investigation related to the Youth Programs.

SECTION 6. DISTRIBUTION OF STANDARDS.

- (A) The Department shall post and make available copies of the Standards of Care in this ordinance or by rules adopted under this ordinance.

- (B) The Department shall inform parents or guardians of each participant that the Youth Programs are not licensed by the state. The Youth Programs may not be advertised as child-care facilities.

SECTION 8. REQUEST FOR EXEMPTION. The Mayor is authorized to take all necessary actions to request and receive an exemption from the Texas Department of Human Services for the Youth Programs.

SECTION 9. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION 10. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 11. EFFECTIVE DATE. This ordinance shall become effective immediately upon its passage and publication as required by law.

SECTION 12. EMERGENCY. It being for the public welfare that this ordinance be passed creates an emergency and public necessity, and the rule requiring this ordinance be read on three separate occasions be, and the same is hereby waived, and this ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

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**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
LEWISVILLE, TEXAS, BY A VOTE OF _ TO _, ON THIS THE 16 DAY OF MARCH,
2020.**

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Worster, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY