ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, SETTING FORTH THE STANDARDS OF CARE FOR THE RECREATION DEPARTMENT'S KIDS ZONE PROGRAM FOR THE CITY OF MANSFIELD; PROVIDING FOR THE OPERATIONAL STANDARDS OF THE ADMINISTRATION FOR THE PROGRAM; PROVIDING FOR THE INSPECTING, MONITORING, AND ENFORCEMENT OF THE STANDARDS OF CARE; PROVIDING FOR THE STAFFING LEVELS, TRAINING AND RESPONSIBILITIES FOR THOSE WORKING IN THE PROGRAM; PROVIDING FOR FACILITY STANDARDS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Mansfield, Texas, (the "City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, a home rule municipality may exercise its police power authority to safeguard the health, comfort and general welfare of its citizens, and may regulate the standards of care for the City's Kids Zone program; and

WHEREAS, Section 42.041 (b)(14) of the Texas Human Resources Code provides an exception for a municipality from the requirements of obtaining a license to operate an elementary-age recreation program provided the municipality annually adopts standards of care by ordinance after a public hearing for such programs; and

WHEREAS, the City Council desires to adopt "Standards of Care" for the City's Recreation Department's Summer Youth Program.

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

SECTION 1.

These Standards of Care as referenced herein as "Exhibit A" are intended to be minimum standards by which the City of Mansfield Parks and Recreation Department will operate the City's Kids Zone Program. The program operated by the City is recreational in nature and is not a day care program. The following Standards of Care are hereby adopted by the City Council of the City of Mansfield, Texas in order to comply with Section 42.041 (b)(14) of the Texas Human Resources Code.

SECTION 2.

CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of ordinances of the City of Mansfield, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3.

SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage as required by law, and it is so ordained.

DULY PASSED AND ADOPTED on first reading the 11th day of February, 2019.

DULY PASSED AND ADOPTED on second reading the 25th day of February, 2019.

DULY PASSED AND ADOPTED on third and final reading the 4th day of March, 2019.

_____
David L. Cook, Mayor

ATTEST:

_____
Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

_____
City Attorney