



Legislation Details (With Text)

File #: O-616-21 **Version:** 1 **Name:**
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File created: 12/10/2021 **In control:** City Council
On agenda: 12/21/2021 **Final action:** 12/21/2021

Title: Amending the Toledo Municipal Code (TMC) by enacting a new Section 953.21, entitled, "Youth Program Safety Requirements." This ordinance requires that: any youth organization or entity requesting the use of City Parks and Facilities and receiving funding from the City of Toledo is to provide proof of having met through any practical, verifiable means or appropriate affiliation, compliance with the applicable minimum safety requirements described in this ordinance; with privately funded youth sports organizations and those other organizations and entities providing youth programming in existence prior to December 31, 2021, exempted; and declaring an emergency.

Sponsors: Cecelia Adams

Indexes:

Code sections:

Attachments: 1. PowerPoint, December 14, 2. Compliance for Organizations, 3. Compliance for Programming

| Date | Ver. | Action By | Action | Result |
|------------|------|--------------|------------|--------|
| 12/21/2021 | 1 | City Council | Suspension | Pass |
| 12/21/2021 | 1 | City Council | Emergency | Pass |
| 12/21/2021 | 1 | City Council | Passage | Fail |

Councilwoman Dr. Adams

Amending the Toledo Municipal Code (TMC) by enacting a new Section 953.21, entitled, "Youth Program Safety Requirements." This ordinance requires that: any youth organization or entity requesting the use of City Parks and Facilities and receiving funding from the City of Toledo is to provide proof of having met through any practical, verifiable means or appropriate affiliation, compliance with the applicable minimum safety requirements described in this ordinance; with privately funded youth sports organizations and those other organizations and entities providing youth programming in existence prior to December 31, 2021, exempted; and declaring an emergency.

SUMMARY & BACKGROUND:

Toledo City Council recognizes the need to inspire changes in youth programming to make the experience safe and positive for everyone involved. Our attention should also focus on how users of our City's facilities operate while utilizing them. This aspirational, forward-thinking goal is posited in order for the City of Toledo to realize the true value of youth programming, sports participation and providing a safe and positive environment for young people and their families.

This ordinance fills a glaringly conspicuous void in the TMC and verifies confirmation in public law that the safety of Toledo's youth matters, by creating a new section in the Toledo Municipal Code that specifically affirms the commitment and proactive stance of City government to the municipality's young people and is a positive legislative response to results of a 2021 community survey listing safety as a community priority.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That a new Section 953.21 of the Toledo Municipal Code is enacted as follows:

953.21 Organizations and Entities Receiving City Funding and Requesting A Permit to Utilize City Parks or Facilities for Youth Programs

(a) In terms of this ordinance, definitions are as follows:

- (1) Any “Programming for Youth” means - an organized program allowing participation in activities by young people under the age of 18 years. Their activities are not limited to but may include: tournaments, arts and crafts, performances, sporting activities, recreation groups, clubs, day camps and trips, concerts, festivals, educational experiences, training workshops and workforce development activities, celebrations or other programs whereby some control and responsibility for children is assigned to individuals other than a parent or caregiver. It aligns with the tenets of Ohio Revised Code, Section 109.574 which describes an “Organization or Entity” as a religious, charitable, scientific, educational, athletic, or service institution or organization or local government entity that provides care, treatment, education, training, instruction, supervision, or recreation to children.
- (2) A “Youth Sports Organization” means - a public or nonpublic entity that has structured an athletic activity with the intent of using a City facility; and the athletes are under the age of 18 years, with possible unsupervised access to the children participating.
- (3) The legal term "Unsupervised Access to a Child" is taken directly from the Ohio Revised Code, Section 109.574. It means that the individual in question has access to a person under 18 who is not their child or ward and “No other person eighteen years of age or older is present in the same room with the child or if outdoors, no other person eighteen years of age or older is within a thirty-yard radius of the child or has visual contact with the child.”

(b) Any organization providing Programming for Youth utilizing City of Toledo parks or facilities and receiving funding from the City must certify the following to the City of Toledo:

- (1) That all adults, those persons 18 years of age or older, in any way assisting in the function of the Programming for Youth, including but not limited to coaches, assistant coaches, or similar positions, and who is in a position in which the person on a regular basis has Unsupervised Access to a Child of whom they are not the parent or guardian has completed a criminal records check pursuant to standards established by Ohio Revised Code Sections 109.574 through 109.577.

A. In the event the criminal records check reveals that an individual has either been convicted of or pleaded guilty to one of the offenses listed in division (A)(1) of section 109.572 of the Revised Code, as that section may be amended from time to time, said person

shall not be provided with Unsupervised Access to a Child during any activities of the Programming for Youth. The offenses included in section 109.572 at time of adoption of this ordinance are: aggravated murder; murder; voluntary manslaughter; involuntary manslaughter; felonious assault; aggravated assault; assault; failing to provide for a functionally impaired person; aggravated menacing; patient abuse or neglect; kidnapping; abduction; criminal child enticement; unlawful sexual conduct with minor; rape; sexual battery; gross sexual imposition; sexual imposition; importuning; voyeurism; public indecency; compelling prostitution; promoting prostitution; enticement or solicitation to patronize a prostitute; procurement of a prostitute for another; prostitution after positive HIV test; disseminating matter harmful to juveniles; pandering obscenity; pandering obscenity involving a minor or impaired person; pandering sexually oriented matter involving a minor or impaired person; illegal use of minor or impaired person in nudity-oriented material or performance; aggravated robbery; robbery; aggravated burglary; burglary; unlawful abortion; endangering children; contributing to unruliness or delinquency of a child; domestic violence; carrying a concealed weapon; having weapons while under disability; improperly discharging firearm; corrupting another with drugs; trafficking, aggravated trafficking in drugs; illegal assembly or possession of chemicals for manufacture of drugs; funding, aggravated funding of drug or marihuana trafficking; illegal administration or distribution of anabolic steroids; possession of drugs (that is not a minor drug possession offense); and placing harmful or hazardous objects in food or confection.

- B. The submission of criminal records check findings must be based upon a check performed within three (3) years of the start of use of the City-owned park or facility or receiving City funding. Criminal records checks must be updated every five (5) years.
- C. The cost of the initial criminal records checks required pursuant to this section shall be reimbursed by the City of Toledo within the first year of the effective date of the Ordinance. Thereafter all fees shall be the responsibility of the individual or program with which they are participating.
- D. If an organization has a policy commonly referred to as the “Two Person Rule” in effect, meaning that at least two people 18 years of age or older is in the same room with a child at all times, or if outdoors, within a 30 yard radius or having visual contact with the child, criminal records checks are not required. An organization with a Two Person Rule in place shall be deemed to be in compliance with this section and shall certify compliance in accordance with paragraph (E) herein.
- E. Certification of compliance with this section will be submitted by the organization on a form that has been provided by the City and will indicate that the organization is in compliance with this section. No additional documentation will be required. If the organization’s policy with respect to criminal records checks and Unsupervised Access to a Child is in compliance with this ordinance, no additional action is necessary on the part of

the organization other than completion of the certification of compliance. In the event it is determined by whatever means that the organization is not in compliance, the organization will not be allowed to utilize city parks or facilities until compliance is achieved. The city reserves the right to request documentation of compliance at any time.

(2) Provision of adequate security measures for all activities anticipating over 100 participants or as approved by the Division of Parks, Recreation and Community Involvement.

(c) Additionally, Youth Sports Organizations shall certify to the following prior to receiving a permit to use City parks or facilities:

- (1) Adherence to the City of Toledo Youth Sports Code of Conduct by all administrators, coaches, volunteers and youth participants.
- (2) Completion of a fundamentals of coaching training by all coaches.
- (3) Completion of cardiopulmonary resuscitation (CPR) training by all coaches.
- (4) Completion of a certified concussion response protocol course by all coaches.
- (5) Completion of first aid training by all coaches.
- (6) Completion of Sudden Cardiac Arrest Training provided by the Ohio Department of Health by all coaches.

(d) Any privately funded Youth Sports Organization in existence prior to December 31, 2021, is exempt from the requirements of this ordinance.

SECTION 2. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and property of the City, and for the further reason that this Ordinance is required to be immediately effective in order to require sports organizations serving Youth to meet minimum safety requirements and to improve the welfare of the City and its residents; wherefore, this Ordinance shall be in full force and effect immediately after its passage or at the earliest time allowed by law.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council