



Legislation Text

File #: O-485-21, **Version:** 3

Councilwoman Dr. Adams - Amendment

Amending the Toledo Municipal Code by enacting a new Section 953.21, Youth Programs, requiring organizations providing Youth Programs and utilizing City Parks or Facilities or receiving funding from the City to meet minimum safety requirements; and declaring an emergency.

SUMMARY & BACKGROUND:

In the Fall of 2018, the Mayor's Recreation Task Force concluded its report on policy recommendations regarding the City's parks and recreation services. Included in this report was the recommendation that any person or organization working with youth as a coach or volunteer to meet minimum safety requirements, should that person or party be using City of Toledo parks or facilities. Toledo City Council recognizes the need to inspire changes in youth programming to make the experience safe, positive and fun for everyone involved. In order to realize the true value of youth programming and sports participation and to provide a safe, positive and fun environment for youth and their families to participate, we must raise the standards among the users of our City's facilities and those programs supported by funding from the City.

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 Requesting Permit to Utilize City Parks or Facilities for Youth Programs or Receiving Funding from the City

(a) Definitions:

- (1) "Youth Program" means any organized program that allows for participation in activities by those persons under 18 years of age. Activities may include, but are not limited to, sporting activities, recreation groups, clubs or camps and trips or other activities whereby some control and responsibility for children is assigned to some person other than a parent or caregiver.
- (2) "Youth Sports Organization" means a public or nonpublic entity that organizes an athletic activity in which the athletes are under the age of 18.
- (3) "Unsupervised Access to a Child" means that the person in question has access to a person under 18 who is not their child or ward and that either of the following applies:
 - A. No other person eighteen years of age or older is present in the same room with the child.
 - B. 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 Youth Programs utilizing City of Toledo parks or facilities or receiving

funding from the City must certify the following to the City of Toledo in order to obtain a permit or receive funds:

- (1) That all adults, those persons 18 years of age or older, in any way assisting in the function of the Youth Program, 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 Youth Program. 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 year 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 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 more strict than this policy, no additional action is necessary on the part of the organization other than completion of the certification of compliance.

(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 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.

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