

ARTICLE 48-A
YEAR ROUND AFTER-SCHOOL & YOUTH

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§48-A.01 Scope.

The provisions of this Article apply to all year-round after-school and youth centers located in the City.

§48-A.03 Definitions.

A year-round after-school center or youth center means a recreational, educational or cultural program meeting on a daily basis for less than 24 hours a day and providing care for five or more enrolled children between the ages of six (6) and eighteen (18) years on a year-round or perennial basis. Such centers shall include but not be limited to such programs operated by settlement house, community, church or religious school, and other similar public and private organizations, firms, groups and associations.

§48-A.05 Permit required; exceptions.

No person shall operate or hold himself out as operating a year-round after-school center or youth center without a permit issued by the Commissioner, except that a permit shall not be required for such center operated by the government of the United States, the State of New York or the City or any agency thereof. A center operated by such government or agency shall, however, comply with all other provisions of this Article. The fee for and the expiration date of a permit issued pursuant to this section shall be prescribed by §5.07 of this Code.

§48-A.07 Permit; application, issuance and renewal.

- (a) An application for a permit to conduct or operate a year-round after-school center or youth center shall be made by the person proposing to operate the center and on a form furnished by the Department.

- (b) A permit shall not be issued unless the center is operated in a building or structure having the space, equipment and supplies suitable for its program including nearby outdoor facilities.
- (c) A permit shall not be issued unless the center's program has been observed in operation by the Department and unless the Department is satisfied, upon inspection, that all applicable requirements of this Code have been met.

§48-A.09 Personnel; qualifications; ratios; records.

- (a) A director shall be in charge of the staff and program at a year-round after-school or youth center who shall have a degree from a four year college or university or its equivalent as determined by the Department, shall be twenty-one (21) years of age or older, and shall have satisfactory experience in recreational, educational, cultural, child development or community organization programs for children or youth or equivalent experience acceptable to the Department.
- (b) Group leaders in year-round after-school or youth centers shall be at least nineteen (19) years of age, shall have at least one year of college or university education, and shall have at least six months satisfactory experience in recreational, educational, cultural, child development or community organization programs for children or youths or equivalent experience acceptable to the Department.
- (c) Satisfactory experience for the purposes of this section shall include at least 24 months of satisfactory experience in an area related to the kinds of programs operated by year-round after-school or youth centers and shall include experience in leadership, supervision or administration of children or youths in a group setting.
- (d) An auxiliary assistant shall be at least sixteen (16) years of age, shall assist the director and group leaders, and shall not function in a group leader's role.
- (e) There shall be at least one group leader for every 10 children 6 to 10 years of age, 1 group leader for every 15 children or youths 11 to 14 years of age and 1 group leader for every 20 youths 15 to 18 years.
- (f) Centers with swimming pools or other waterfront facilities shall have a water safety instructor in charge for each group of not more than twenty-five (25) children bathing at any given time. The water safety instructor shall be at least twenty-one (21) years of age, hold a current American Red Cross Water Safety Instructor's Certificate or an equivalent certificate issued by another organization with equivalent standards, and shall have at least one year of previous experience as a lifeguard or water safety instructor.

The water safety instructor shall be assisted by a senior lifeguard who shall be at least seventeen (17) years of age and hold a current American Red Cross Senior Lifesaving Certificate or an equivalent certificate issued by another organization with equivalent standards. A senior lifeguard may supervise the pool or waterfront activity provided there are not more than ten (10) children or youths bathing at the time. However, there shall also be a combined staff-child or youth ratio of 1:4 at the pool or other waterfront facility at all times while the children or youths are bathing.

- (g) Centers providing gymnastic activities shall have a gymnastic instructor who shall be twenty-one (21) years of age, with a degree in physical education from a four year college or university or its equivalent as determined by the Department. He shall be proficient in every phase of gymnastic activities and shall be responsible for the health and safety of the children and youths in the use of gymnastic equipment.
- (h) Each staff member's application shall be kept on file by the center's director which shall contain information including character references, ages, education, experience, relevant physical and mental conditions and handicaps, abilities and certifications. Proof of educational qualifications and experiences shall be maintained in the center's file for verification by the Department.

§48-A.11 Program.

- (a) The director or owner shall develop in writing and implement a safety training program and other relevant information in programmatics for the staff of the center. Topics covered in the staff training program shall include program planning and development, site hazards, first aid and health, policies for handling emergencies and fire safety, safety in transportation, and means of implementing a "buddy system" for swimming, field trips and other group activities.
- (b) No enrolled child or youth or group of children or youths shall be allowed to be unsupervised at any time.
- (c) Program operation shall reflect an on-going process of parent-staff cooperation in the development and implementation of program goals and should provide for experiences in harmony with the life style and cultural background of the community served by the center.
- (d) The director shall keep on file statements indicating that the safety programs were properly conducted as well as reports on parent-staff conferences.

§48-A.13 Safety standards.

- (a) Arts and crafts, electronics, gymnastics, sports, swimming and other activities of the center's program shall be supervised by qualified and certified specialists where applicable and necessary for safeguarding the children and youths participating in the program.
- (b) The areas, equipment and supplies used in the program's activities shall be inspected daily to ensure their safety for use by the children and youths.
- (c) *Swimming or other waterfront activities.*
 - (1) All swimming or waterfront areas, facilities and equipment shall be maintained in a clean and safe condition, free from hazards and in compliance with related provisions of this Code. Any known nearby hazards shall be properly safeguarded and posted.
 - (2) Swimming and waterfront procedures, practices and equipment shall comply with American Red Cross standards or those of another organization with equivalent standards. Appropriate life saving equipment shall be available at all times at the swimming or waterfront areas.
 - (3) A water safety instructor shall be in attendance and supervise the swimming and waterfront activities when they are in progress. Entrance doors shall be

kept locked except during periods when a water safety instructor or senior lifeguard is on duty.

- (4) At the first swimming or waterfront session, swimming proficiency tests shall be given to determine each child's or youth's swimming ability. The standards used shall be of the American Red Cross or those of another organization with equivalent standards.
 - (5) Children and youths shall be confined to swimming areas requiring abilities consistent with the limits of their swimming skills or to swimming areas requiring lesser skills for which they have been classified.
 - (6) A method of supervising and checking bathers shall be established and enforced. Recommended methods are the "check" or "buddy board", the "buddy system", the "colored" system or any combination of these systems. The system used shall be supervised during swimming or waterfront activities by the water safety instructor or senior lifeguard and checks shall be conducted at least once every 15 minutes.
 - (7) A written "lost swimmer" plan shall be established and all staff shall know exactly what their duties are in case of an emergency at the pool or waterfront.
 - (8) There shall be no swimming or waterfront activity without prior approval of the center's director. Swimming or other waterfront activities shall be prohibited at sites other than the center's swimming or waterfront facilities without the prior approval of the center's director and water safety instructor.
- (d) *Arts and crafts.*
- (1) All safety regulations peculiar to the needs of the arts and crafts programs shall be well formulated and carefully enforced and supervised.
 - (2) Equipment used for arts and crafts shall be in good repair, of safe design and properly installed and maintained.
- (e) *Gymnastic and sports activities.*
- (1) The gymnastic instructor shall determine the gymnastic experience and level of skills of the children or youths at their first gymnastic session.
 - (2) The gymnastic instructor shall supervise the activities of a gymnastics activity group not exceeding fifteen (15) children or youths and shall be responsible for their safety and well-being. If the group enrolled for the gymnastics activity exceeds fifteen (15) children or youths, an auxiliary assistant shall be provided to assist the gymnastic instructor.
 - (3) Sufficient facilities and equipment appropriate to each sports activity and designed to protect the participants in such activity, such as masks, guards for eye glasses, shin-guards, chest-protectors and nonhazardous playing fields shall be available and supplied.
 - (4) Basketball, volleyball and other strenuous competitive sports shall be properly refereed and supervised.
- (f) *Fire protection.*
- (1) The director shall be responsible for the regular inspection of all fire protection facilities and equipment of the center.
 - (2) Emergency procedures for fire drill or any other potential disaster shall be practiced at least once a month.

- (3) Fire extinguishers and other suitable fire-fighting equipment, as required by the Fire Commissioner's regulations, shall be provided at strategic and accessible points.
- (4) All electric wiring and lighting fixtures shall be installed in accordance with the City's Electrical Code and by a licensed electrician.
- (5) Containers of gasoline, kerosene and other inflammable materials shall be properly marked or labelled and stored in a properly vented, locked and fire-proof building or facility not occupied by the center's children or youths and staff at a safe distance from program buildings or facilities. Such materials shall be used only under qualified supervision.
- (g) If the center includes other activities regulated under Article 48 of this Code in its program, such activities shall comply with the requirements and safety standards applicable thereto in such Article.

§48-A.15 Health and Medical Care.

- (a) A center health program shall be maintained under the supervision of the director and shall include the keeping of comprehensive health records including records of physical examinations of each child, youth or staff member; adequacy of nutrition; arrangements for emergency medical services; first aid procedures; plan for reported accidents; daily check of food service and food service facilities, if any; and adequate cleanliness and maintenance of all facilities.
- (b) At least one adult staff member shall have a certificate indicating completion of an advanced course in first aid from an accredited training program such as the American Red Cross or equivalent.
- (c) Centers which predominantly serve handicapped children or youths shall include in their health program files their written plan for treating with the special physical and/or mental problems of such children or youths.
- (d) Every child or youth enrolled in the center shall have a record of a thorough medical examination by a licensed physician within one year prior to admission. Such record shall include a statement signed by the physician containing a summary of the results of the examination, the past medical history, ability to participate in strenuous activities, and, if a disease or abnormal condition is found, recommendations for exclusion or treatment of the child or youth, or modification of his activities, or plans for the health supervision of a handicapped child.
- (e) If there is a bona fide religious objection to physical examination or immunization with respect to any child or youth, there shall be submitted a written statement signed by the parent or legal guardian to the effect that his child or youth is in good health and that the parent or legal guardian assumes the health responsibility for the child or youth while in the center with the understanding that immediate notification will be sent to the parent or legal guardian if any health emergency involving their child or youth occurs. Such statement shall include a provision that if the center is unable or does not have the opportunity to locate the persons designated therein to be notified in case of emergency, the center's authorities may take such emergency measures as they deem appropriate.
- (f) All parents or legal guardians shall be requested to sign a statement providing that in the event of the center's inability to promptly locate a person designated

thereon to be notified in case of emergency, center authorities may take such emergency measures as they deem appropriate and shall notify the parent or legal guardian as soon as possible.

- (g) A record shall be kept containing information permitting immediate notification of the families of children, youths or staff members in case of emergency and shall include full name, age, home and work addresses and phone numbers of parents, guardians, or other family members or persons to be notified.
- (h) Written arrangements for emergency medical services shall be made with a hospital, clinic or physician's office, as close as possible to the center where children and youths can be taken in case of serious injury or illness.
- (i) All injuries and illnesses at the center shall be reported to the director and a record shall be kept in a bound ledger including the date and time of injury or illness, nature of complaint, diagnosis, treatment, disposition of case, area where accident occurred, activity in which accident victim was engaged and item or program equipment, or tool, or other object causing injury.
- (j) Every staff member, including food services personnel, if any, shall have annual medical examinations and, at intervals prescribed by the Department, testing for tuberculosis.
- (k) Centers shall be equipped with a first aid cabinet the contents of which shall be appropriate for the size of its operations and activities, and shall be provided with a telephone system for emergency communications.
- (l) Serious illness or accidents shall be reported to the Bureau for Day Camps and Recreation in the Department within 24 hours.

§48-A.17 Compliance with other laws.

- (a) The center's premises shall comply with all applicable provisions of the Building Code (Administrative Code) of the City and the City's zoning resolutions and regulations.
- (b) No center shall be operated or maintained unless the operator of the premises has obtained (1) a certificate of occupancy; or when such certificate is not required by the Building Code of the City, a statement from the Department of Buildings that the Premises comply with all applicable laws enforced by such Department; and (2) a statement from the City's Fire Department that the premises comply with all applicable laws and regulations pertaining to fire control and the fire prevention directives of such Department.
- (c) All electrical services shall comply with the Administrative Code of the City and the rules and regulations of the City's Department of Public Works, Bureau of Gas and Electricity. Swimming pool facilities shall comply with the applicable provisions of Article 165 of this Code and the City's Building Code and zoning resolutions and regulations.
- (d) Drinking water facilities shall comply with Article 141 of this Code.
- (e) Kitchens, dining areas and food service facilities and operations, if any, shall comply with the applicable provisions of Articles 81 and 87 and other applicable provisions of this Code.

- (f) In the event that food is provided to the children and youths at the center, such food shall be in sufficient quantity, of good quality and serve the nutritional needs of the child or youth.
- (g) The means of egress for center areas shall be maintained and free from any obstructions.
- (h) All assembly areas shall have at least two means of egress. Doors shall comply with the requirements of all applicable laws enforced by the Department of Buildings and Fire Department.
- (i) At year-round after-school and youth centers, the ratio of toilets shall be one to 30 for each female and one toilet and one urinal for each 60 males.

§48-A.19 Insurance.

- (a) Adequate insurance shall be obtained by the center and shall include workmen's compensation for the staff and comprehensive liability insurance providing coverage for the staff and the children and youths served by this center.
- (b) Motor vehicles, if any, owned, leased or used by the center for transportation of staff and children or youths shall be covered by minimum liability insurance of \$100,000 for death or injury to any one person and \$500,000 for two or more persons.
- (c) All year-round after-school and youth centers shall provide the Department with the names, addresses, and telephone numbers of their insurance companies, including the amount of coverage for participants and staff.

§48-A.21 Transportation.

- (a) All motor vehicles and their equipment, if any, owned, leased or used by the center to transport children or youths and staff; shall be maintained in safe operating condition, inspected annually, and meet all safety tests required by federal, state and local laws, regulations and ordinances.
- (b) Operators of buses used by the centers shall have a current, valid chauffeur's license, be physically capable of handling the equipment and have driving records free from serious accidents and violations.
- (c) Operators of motor vehicles, other than buses, used by the center shall be at least nineteen (19) years of age and have at least one year's experience as licensed operators.
- (d) While the center's children or youths are being transported, they shall be under constant, responsible and competent supervision of a member or members of the staff.
- (e) The center shall provide a continuous program of transportation education for its staff and enrolled children or youths.
- (f) Every motor vehicle used for transporting the center's children or youths and staff shall be equipped with a recently stocked first aid kit and emergency accessories such as fire extinguishers, tools and flares or reflectors.
- (g) Drivers of the vehicles shall not be counted as staff members and shall not be used to supervise the children or youth during transportation.

§48-A.23 Modification by Department.

When the Department determines that the strict application of any provision of this Article presents practical difficulties, the Commissioner or their designee may, in a specific instance, modify the application of such provision consistent with the general purpose of this Article and upon such condition(s) the Department deems necessary to protect life and health. Failure to comply with the terms of a modification may render such modification null and void and result in enforcement by the Department. The denial by the Commissioner of a request for modification shall be deemed a final agency determination.