

ORDINANCE NO. 423

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REQUIRING ALL SWIMMING POOLS TO BE ENCLOSED WITH A FENCE, WALL OR OTHER SOLID STRUCTURE NOT LESS THAN FOUR (4) FEET IN HEIGHT, WITH NO OPENINGS LARGER THAN FOUR INCHES SQUARE, AND REQUIRING ALL DOORS AND GATES TO BE EQUIPPED WITH SELF-CLOSING AND SELF-LATCHING DEVICES; MAKING SAID ORDINANCE APPLICABLE TO EXISTING SWIMMING POOLS AND REQUIRING THAT EXISTING SWIMMING POOLS COMPLY WITH SAID ORDINANCE BY JULY 1, 1962; REQUIRING ALL FUTURE PLANS FOR SWIMMING POOLS TO SHOW COMPLIANCE WITH SUCH ORDINANCE AND WITHHOLDING FINAL INSPECTION UNTIL COMPLIANCE OBTAINED; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) OF EACH OFFENSE AND MAKING EACH DAY OF VIOLATION A SEPARATE OFFENSE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That every person in possession of land within the corporate limits of the City of Mesquite, either as owner, purchaser under contract, lessee, tenant or licensee, upon which is situated a swimming pool shall at all times maintain upon the lot or premises on which the swimming pool, lot or premises, a fence, wall or other solid structure designated to prevent small children from inadvertently wandering into the pool, said fence or other solid structure shall not be less than four (4) feet in height, with no openings therein other than doors or gates larger than four inches square, measured in any direction except that measurement for a picket fence or picket type fence (one composed primarily of vertical members) shall be measured in a horizontal direction between members. All such doors opening directly into such enclosure shall be equipped with self-closing and self-latching devices designed to keep and capable of keeping such doors or gates securely closed at all times when not in actual use, said latching device to be attached to the upper quarter of said door or gate; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure herein required need not be so equipped. Provided, further, that swimming pools in existence on the effective date of this ordinance shall be fenced in accordance with the requirements of this ordinance on or before July 1, 1962, and thereafter it shall be unlawful to maintain any swimming pool in the corporate limits of the City of Mesquite which is not fenced in accordance with the requirements of this ordinance.

SECTION 2. That a building permit shall be required for the construction of swimming pools within the limits of the City of Mesquite, and plans for each swimming pool shall show compliance with the requirements of this ordinance, and final inspection

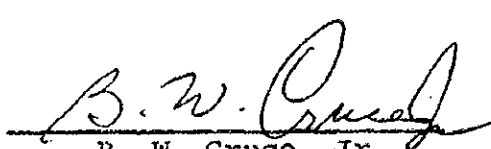
of such swimming pool shall be withheld until compliance with the requirements of this ordinance has been obtained.

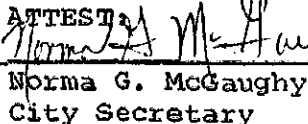
SECTION 3. That if any word, clause, sentence, paragraph, section or portion of this ordinance is held to be void or unconstitutional, the remaining provisions of said ordinance shall remain in full force and effect. It being the intention of the City Council in this case to pass such remaining portion of said ordinance and have the same effect regardless of the fact that a portion of said ordinance may be held to be void and unconstitutional.

SECTION 4. That any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not to exceed Two Hundred Dollars (\$200.00) for each offense, and each and every date of violation of this ordinance by failure to comply therewith shall constitute a separate offense.

SECTION 5. The fact that there exist swimming pools within the City of Mesquite which are not enclosed with fences, and the fact that such swimming pools now in existence and which may be hereafter constructed constitute a dangerous hazard to children within the limits of the City, create an urgency and an emergency in the preservation of the public health, safety and welfare and require that this ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance, as the law in such cases provides.

DULY PASSED by the governing body of the City of Mesquite, Texas, on the 7th day of May, 1962.


B. W. Cruce, Jr.
Mayor

ATTEST:

Norma G. McGaughy
City Secretary

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