

ORDINANCE NO. 1207

60237

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 15A OF THE CITY CODE BY REPEATING SECTION 15A-1 THEREOF AND SUBSTITUTING A NEW SECTION 15A-1 IN LIEU THEREOF, BY PROVIDING CERTAIN MINIMUM REQUIREMENTS FOR FENCES AROUND SWIMMING POOLS INCLUDING A SIX (6) FEET HEIGHT MINIMUM, BY PROVIDING THAT FENCES IN EXISTANCE AT THE TIME OF THIS ACT SHALL BE EXCEPTED; BY PROVIDING A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 15A of the Code of the City of Mesquite is amended in the following particulars, in all other respects to remain in full force and effect:

Section 15A-1 is hereby repealed. A new Section 15A-1 is substituted in lieu thereof to read as follows:

"Section 15A-1. Fence, wall, etc., required around swimming pool.

"Every person in possession of land within the corporate limits of the city, 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 is located a fence, wall or other solid structure designated to prevent small children from inadvertently wandering into the pool. Such fence or other solid structure shall be not less than six (6) feet in height with no openings therein other than doors or gates larger than two (2) inches measured in a horizontal direction and designed and constructed so as not to be easily climbable. 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 and gates securely closed at all times when not in actual use, such latching device to be attached to the upper quarter of such door or gate; provided, however,

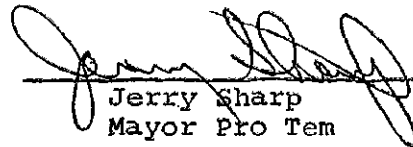
"that the door of any dwelling occupied by human beings and forming any part of the enclosure herein required need not be so equipped. Provided, further, that swimming pools in existence on the effective date of this chapter¹ shall be fenced in accordance with the requirements of this section on or before the effective date of this ordinance and thereafter it shall be unlawful to maintain any swimming pool in the corporate limits of the city which is not fenced in accordance with the requirements of this section."

SECTION 2. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional.

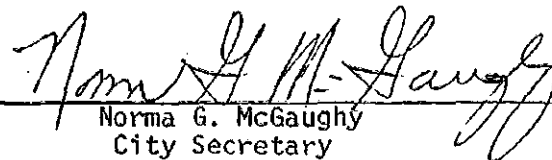
SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 4. The fact that the fencing requirements for swimming pools in the City of Mesquite are inadequate to preserve lives creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires 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 City Council of the City of Mesquite, Texas, on the 19 day of August A.D., 1974.


Jerry Sharp
Mayor Pro Tem

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney