

ORDINANCE NO. 1876

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 15A, SECTION 1, BY PROVIDING CERTAIN REQUIREMENTS FOR FENCING OF SWIMMING POOLS; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 15A, Section 1, Code of the City of Mesquite is hereby amended to read as follows; in all other respects to said Code to remain in full force and effect:

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 structure designed to prevent small children from inadvertently wandering into the pool. Such fence or other structure shall be not less than five (5) feet in height with no openings therein other than doors or gates larger than four (4) inches measured in a horizontal direction and not more than three (3) inches opening between the ground or surface and the bottom of said fence, wall or structure 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 if transparent. 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. Should any word, phrase, sentence, paragraph or section of this ordinance be held to be invalid or unconstitutional the remaining provisions of this ordinance shall remain in full force and effect.

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SECTION 3. Any person, firm, corporation violating any of the provisions of this ordinance shall be deemed to be guilty of a Class C misdemeanor and upon conviction in the Municipal Court shall be subject to a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 4. The fact that the present ordinances of the City of Mesquite are inadequate to protect the health, safety and welfare of the inhabitants thereof creates an urgency and emergency and requires that this ordinance shall take effect immediately from its passage and publication as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 2nd day of May, A.D., 1983.

Mrs. Brunhilde Nystrom

MRS. BRUNHILDE NYSTROM
MAYOR

ATTEST:

APPROVED AS TO FORM:

Norma G. McGaughy

Norma G. McGaughy
City Secretary

Elland Archer
City Attorney