

ORDINANCE NO. 2633

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING SECTION 15A OF THE CODE OF THE CITY OF MESQUITE RELATING TO SWIMMING POOLS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

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

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

- A. That Section 15-A, Swimming Pools, is hereby deleted.
- B. That a new Section 15A, Swimming Pools, is hereby adopted to read as follows:

CHAPTER 15A

SWIMMING POOLS

Sec. 15A-1. Definition.

A swimming pool for the purposes of these regulations, shall be any pool, hot tub, or spa containing or normally capable of containing water to a depth of one and one-half feet or more. No such swimming pool shall be constructed or operated, unless it complies with the following conditions and requirements.

Sec. 15A-2. Permit Required.

A building permit shall be required for the construction of swimming pools within the limits of the City, and plans for each swimming pool shall show compliance with the requirements of this chapter. Final inspection of such swimming pool shall be withheld until compliance with requirements of this chapter has been obtained. The fee for such permit shall be:

	<u>Permit Fee</u>
Hot Tub or Spa	\$ 30.00
Aboveground Pool (3 feet or less)	\$ 20.00
Above ground Pool	\$ 50.00
Inground Pool	\$100.00

Sec. 15A-3. Fencing Required.

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 a three (3) inch 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.

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Sec. 15A-4. Location of Pool.

A swimming pool may be located anywhere on the premises, except in a required front yard, provided that the following conditions must be satisfied:

- (1) The pool must be within an area of the yard which is permitted to be fenced so as to comply with Sec. 15A-3.
- (2) The edge of the water must be at least five (5) feet from any property line or any existing easement on the property.

Sec. 15A-5. General Requirements.

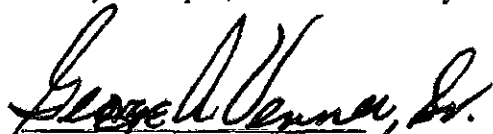
- (1) All pools shall be equipped with a filtration system large enough to completely circulate the water once every six (6) hours.
- (2) All pools shall be equipped with a chlorination system.
- (3) Adequate provision for drainage shall be made to drain the pool into the sanitary sewer system of the City.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provision of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars for each offense.

SECTION 4. The fact that the present ordinances of the City of Mesquite are inadequate to protect the health and welfare of the inhabitants of the City of Mesquite creates an urgency and an emergency and necessitates that this ordinance become effective immediately from and after its date of passage and the publication of its caption as the law in such cases provides.

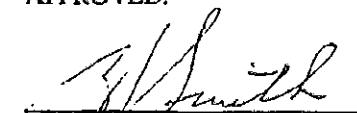
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 2nd day of October, 1989.


George A. Venner, Sr.
Mayor

ATTEST:


Lynn Prugel
City Secretary

APPROVED:


B.J. Smith
City Attorney