

00497

ORDINANCE NO. 3051

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY DELETING THE CURRENT SECTION 5-408 AND ADDING A NEW SECTION 5-408, THEREBY CHANGING THE SWIMMING POOL FENCE REQUIREMENTS; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 5 of the Code of the City of Mesquite, Texas is hereby amended by deleting the current section 5-408 in its entirety and adding a new Section 5-408 to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

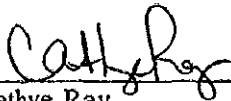
- (a) Every person in possession of land within the corporate limits of the City, as owner, purchaser under contract, lessee, tenant, licensee, agent, manager, or otherwise in control of the property upon which a swimming pool is located, shall at all times maintain upon the lot or premises on which the swimming pool is located a fence, wall or other structure designed to prevent small children from inadvertently wandering into the pool.
- (b) The required fencing or other structure shall measure not less than five (5) feet in height, except a fence for an above ground pool that is 42 inches or less in depth may be constructed at a minimum height of four (4) feet. No opening in the required fence, wall, or structure, other than openings in which a door or gate is located, may exceed four (4) inches measured in a horizontal direction, or three inches as measured between the bottom of the fence, wall, or other structure and the ground or supporting surface abutting the ground.
- (c) All doors or gates opening into a swimming pool 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 being used for entry to or exit from the swimming pool enclosure. The required self latching device shall be attached to the upper quarter of any such door or gate. The requirements for self closing and self latching devices shall not apply to the door of a dwelling that forms part of the swimming pool enclosure if the door is transparent.
- (d) It shall be unlawful to maintain any swimming pool in the corporate limits of the City that is not fenced in accordance with the requirements of this section.

SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional the remaining provisions of this ordinance 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.

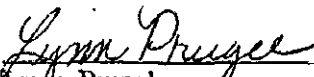
SECTION 4. That the present ordinances of the City of Mesquite are inadequate to adequately regulate swimming pool fencing creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 18th day of September, 1995.




Cathye Ray
Mayor

ATTEST:



Lynn Prugel
City Secretary

APPROVED:



B.J. Smith
City Attorney