

ORDINANCE NO. 2021-O-204

AN ORDINANCE OF THE CITY OF LAREDO, TEXAS AMENDING CHAPTER 15, ARTICLE IX (SWIMMING POOLS), OF THE CODE OF ORDINANCES FOR PURPOSES OF PROVIDING SPECIFIC PERMIT REQUIREMENTS FOR PRIVATELY OWNED SWIMMING POOLS WHICH ARE OPEN TO THE GENERAL PUBLIC FOR A FEE, TO INCLUDE LANGUAGE PROHIBITING SUCH USE IN ANY RESIDENTIAL REA, AS WELL AS THE IMMEDIATE DISQUALIFICATION FROM CONSIDERATION OF ANY APPLICATION FOR A ZONE CHANGE OR CONDITIONAL USE PERMIT THAT RELATES TO THIS INTENDED USE IN ANY RESIDENTIAL DISTRICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Laredo continues to see an increase in the number of semipublic and private pools rented out for commercial purposes; and

WHEREAS, the City Council is concerned about the safety of individuals renting semipublic and private pools in residential zones; and

WHEREAS, whereas the City Council deems it necessary for the purposes of promoting the health, safety, morals, and general welfare of the City and its residences to adopt regulations prohibiting the rental of semipublic and private pools in residential zones.

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

Section 1. The City of Laredo Code of Ordinances, Chapter 15, Health and Sanitation, Article IX, Swimming Pools is hereby amended as follows:

Sec. 15-135. Definitions.

As used in this article, the following words shall have the meaning ascribed to them:

Health director shall mean the person designated as being director of the health department of the city or authorized representative(s), who are empowered to enforce the provisions of this article.

Building official shall mean the person designated as being official of the building department of the city or authorized representative(s), who are empowered to enforce the provisions of this article.

Private swimming pool shall mean any swimming pool located at a private residence or private club or similar facility, such as a condominium regime, used and intended to be used not by the public but solely by the owner or occupant of such premises or the family of such owner or occupant, or membership or guests of such owner or occupant.

Public swimming pool shall mean any swimming pool other than a private residential swimming pool contained or located on a one-family dwelling.

Semipublic swimming pool shall mean:

- (1) Any privately owned swimming pool which is open to the general public for a fee; or
- (2) Any swimming or wading pool serving a private club, motel, hotel, apartment building, school, child care facility, institution, or other similar activity or structure, the use of which is limited to members or residents and their guest.

Private, public, or semipublic swimming pool or spa shall mean any structure or excavation either indoors or outdoors, used or suitable to be used for bathing or swimming purposes, together with buildings, equipment and appurtenances used in connection therewith, which is privately owned and not opened to the general public.

Private residential pool means a swimming pool at a private residence used only by the owner, members of the owner's family and their non-paying guests.

Spa shall mean a tub for relaxation or invigoration, usually including a device for raising whirlpools in the water.

Swimming pool operator shall mean an owner, manager, operator, or other attendant in charge of the swimming pool.

Sec. 15-136. - Swimming pool permit required.

(a) Effective October 1, 2002, all public and semipublic swimming pools must obtain a swimming pool permit issued by the health director or his authorized representative(s).

(b) No person shall operate a public or semipublic swimming pool without a valid swimming pool permit. Each and every swimming pool as defined will be considered a separate and individual entity requiring a swimming pool permit.

(c) It shall be unlawful for any person to establish, maintain, or operate a public or semipublic swimming pool within the city limits without a swimming pool permit, therefore or to continue to maintain, or operate a swimming pool for which a swimming pool permit has been suspended or revoked by the health director.

(d) Effective May 19, 2007, all private swimming pools and spas must obtain a building permit issued by the city building official or his authorized representative(s).

(e) Electrical permits for a private swimming pool or spa shall only be issued to a master electrical contractor licensed with the state.

(f) Rentals prohibited. Private pools, semipublic swimming pools, and residential pools shall not be rented out for any commercial purposes. The renting of pools in any private residential zoning is prohibited.

Sec. 15-137. - Application for a swimming pool or spa permit.

(a) All public or semipublic swimming pool operator(s) desiring a swimming pool permit to maintain or operate public or a semipublic swimming pool within the city limits shall make a written application to the health director or designee stating the name and residence of the applicant if an individual, or all members of the firm if an association or partnership, or the name and residence of the applicant and its officers, if a corporation, and the location of the premises where such swimming pool is located. The application shall be made on forms prescribed by the health director. Each swimming pool will be required an application.

(b) No application will be granted for private pools, semipublic pools, and private residential pools that list the intended use of the property for pool rentals.

~~(b)~~ (c) All constructions for a private pool or spa shall make a written application to the city building official or designee which at a minimum shall include all of the following information:

- (1) Two (2) complete drawings of swimming pool or spa construction plans.

- (2) Drawings must be drawn to scale, (one (1) inch equals twenty (20) feet) dimensioned and of sufficient clarity.
- (3) Drawings must be submitted with a completed swimming pool/spa permit application form.
- (4) A site plan which shall include all dimensions, including location of pool in reference to the property line and all building locations and fence barrier. All easements must be shown on site plan.
- (5) Section through pool structure must include all depth dimensions.
- (6) Equipment drawings' diagrams must include dimension in reference to property line.
- (7) All decking is required to be shown on the swimming pool or spa plans. Decking is prohibited in utility easements.
- (8) Manufacturer's brochure of details of swimming pool or spa is required for above ground pools or spas.
- (9) Diving pools require completed diving board (residential) checklist.

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Sec. 15-140. - Duration of private, public or semipublic swimming pool permit.

(a) A permit for public or semipublic swimming pool or for a spa shall expire one (1) year from date of issuance. When a permit is issued, construction must start within six (6) months of date of issuance and such construction must be completed within one (1) year after date of issuance; otherwise the permit becomes void and applicant must reapply for a new permit in order to construct or complete construction of the pool or spa.

(b) Operators of public and semipublic swimming pools shall meet minimum requirements for operation of a swimming pool as follows:

(1) A minimum free residual chlorine of two (2.0) parts for each one million (1,000,000) units of water in a spa and a minimum of free residual chlorine of one (1.0) part for each million (1,000,000) units of water in other swimming pools, or any other method of disinfectant approved by the Texas Department of Health, must be maintained in a public or semipublic swimming pool.

(2) Water in a public and semipublic swimming pool may not show an acid reaction to a standard pH test.

(3) The surface of the public and semipublic swimming pool water shall be kept free [of] scum and forcing matter. The bottom and sides of the swimming pool shall be maintained free of sediment, dirt, slime and algae.

(4) Areas surrounding public or semipublic swimming pools, including bathhouses, dressing rooms, toilets, showers stalls and lounging areas, shall at all times be kept clean, well drained, and in a state of proper repair.

(5) Swimming pools that are not in use shall be closed to restrict their use. Signs advising all that said swimming pool is closed shall be posted while the swimming pool is closed.

(6) Where no lifeguard service is provided, a warning sign shall be placed in plain view and shall state "WARNING—NO LIFEGUARD ON DUTY" with clearly legible letter at least four (4) inches high. In addition, the sign shall also state, "NO CHILDREN ALLOWED WITHOUT AN ADULT PRESENT".

(7) Rentals of semipublic swimming pools, private swimming pools, and private residential swimming pools that are located in residential zones shall not be allowed.

Sec. 15-142. - Revocation, denial, or suspension of a public or semipublic swimming pool/spa permit.

(a) The health director may refuse to issue or renew a swimming pool permit or may suspend or revoke a swimming pool permit if the applicant or holder;

(1) Refuses to permit entry into the swimming pool by the health director or his authorized representative(s) or otherwise willfully obstructs the inspection or sampling of the

swimming pool; or

(2) The operation of said swimming pool is in an unhealthy and sanitary manner in accordance with regulations established by the health director; or

(3) If there is a semipublic swimming pool, private swimming pool, or private residential pool that is being rented out in a residential zone, the permit shall be revoked by the health director.

(b) At time of inspection of a swimming pool, the health director shall notify the permitted swimming pool operator(s), in writing, of the reason(s) for which the swimming pool permit is being suspended, and the date of such suspension. The swimming pool permit shall then be revoked unless within ten (10) days following notice of suspension, the swimming pool operator files a written request for a hearing with the health director. If no request for hearing is filed within the specified period, suspension and revocation of swimming pool permit shall become final.

(c) A swimming pool whose swimming pool permit has been suspended or revoked shall not have it reinstated or granted a new swimming pool permit until the swimming pool operator rectifies all reason(s) for said suspension or revocation.

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Section 15-148. Zone change, conditional use permit or special use permit applications relating to semipublic swimming pools, private swimming pools, or private residential swimming pools.

There shall be no zone changes granted, conditional use permit applications or special use permit applications granted to properties which list out the intended use of property for commercial pool rentals. If the proposed land use is not listed in one of the aforementioned applications and is later revealed to be used for commercial pool rentals, the applicants zoning change or conditional use permit shall be denied and revoked.

Section 2. This ordinance shall be cumulative of all provisions of ordinances of the City of Laredo, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. The publishers of the City Code of Laredo, Texas are authorized to amend said code to reflect the changes adopted herein and to correct typographical errors and to index, format, and number paragraphs to conform to the existing code.

Section 5. This Ordinance shall become effective immediately upon passage.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS
_____ DAY OF _____ 2021.

PETE SAENZ
MAYOR

ATTESTED:

JOSE A. VALDEZ, JR.
CITY SECRETARY

APPROVED AS TO FORM:

ANA SOPHIA GARCIA
INTERIM CITY ATTORNEY