

ORDINANCE NO. 95-11-65

AN ORDINANCE OF THE CITY OF ROYSE CITY, TEXAS, REQUIRING SWIMMING POOLS TO BE FENCED; PROVIDING FOR DEFINITIONS; PROVIDING FOR FENCE SPECIFICATIONS; PROVIDING FOR REQUIREMENT FOR BUILDING PERMIT ; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) AND A SEPERATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING FOR REPEAL OF A PREVIOUS SWIMMING POOL ORDINANCE, (NUMBER 128); PROVIDING FOR GENERAL REQUIREMENTS FOR SWIMMING POOLS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. DEFINITIONS:

A swimming pool shall be any pool, hot tub, or spa, either above or below the ground, containing or capable of containing water to a depth of one and one-half feet, or more.

Section 2. POOLS TO BE FENCED

Every person in possession of land within the corporate limits of the City of Royse City, Texas, either an owner, purchaser under contract, lessee, or tenant, 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 (five) 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 climable. 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 of Royse City, which is not fenced in accordance with the requirements of this section.

Section 3. PERMIT REQUIRED

A building permit is required for the construction of swimming pools with the City, and plans for each swimming pool and enclosure therefore shall show compliance with the requirements of this ordinance before a building permit may be issued.

Section 4. REPEALER

Ordinance number 128 of the City of Royse City, is hereby repealed.

Section 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) No pools shall be drained, either partially or completely, except by connection to the sanitary system of the City. If the pool does not have an existing connection to the sanitary system, the owner must contact the building official of the City to arrange for the drainage, which will be done at the owners expense. *water expelled by backwashing of no more than 50 gal is exempted.*
- (4) For pools constructed after the effective date of this ordinance, provision for drainage shall be made to drain the pool into the sanitary system of the City.

Section 6. SEVERABILITY

If any section, article, paragraph, sentence, clause, phrase or word in this ordinance or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portion shall remain in full force and effect.

Section 7. PENALTY

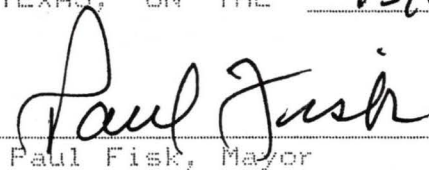
Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to

exceed Five Hundred Dollars (\$500.00), and a separate offense shall be deemed committed upon each day during or on which a violations occurs or continues.

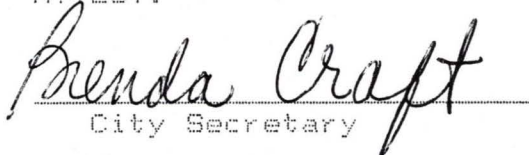
Section 8. DECLARING AN EMERGENCY

The fact that the present ordinances of the City of Royse City are inadequate to protect the health and welfare of the inhabitants of the city of Royse City 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 ROYSE CITY, TEXAS, ON THE 13th DAY OF Nov., 1995.


Paul Fisk, Mayor

ATTEST:


Brenda Craft
City Secretary

APPROVED AS TO FORM:

City Attorney