

ORDINANCE NO. 088-035

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 5, BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS, PROVIDING FOR MINIMUM HEIGHT FOR FENCES SURROUNDING SWIMMING POOLS; PROVIDING FOR SELF-CLOSING AND SELF-LATCHING DEVICES ON ALL GATES AND DOORS THAT OPEN DIRECTLY INTO A SWIMMING POOL ENCLOSURE; PROVIDING FOR GRANDFATHER PROVISIONS FOR EXISTING INSTALLATIONS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That Section 5-242 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to read as follows:

Sec. 5-242. Fencing of Swimming Pools.

(a) Fence Required. Every owner, purchaser under contract, lessee, tenant, licensee or other person in possession of land within the corporate limits of the Town of Addison upon which is situated a swimming pool shall at all times maintain upon the tract, lot or premises on which the swimming pool is located a fence, wall or barrier that completely surrounds the swimming pool, tract, lot or premises. The fence, wall or barrier shall be not less than four feet in height with no openings, holes or gaps large enough for a sphere four inches in diameter to pass through.

EXCEPTION: Swimming pools existing before August 1, 1988, may continue to be enclosed by fences, walls or barriers not less than 3 1/2 feet in height, provided the fence, wall or barrier is kept in repair and otherwise maintained in compliance with all other provisions of this code.

(b) Gates and Doors. All gates and doors opening directly into a swimming pool enclosure shall be equipped with self-closing and self-latching devices designed to keep, and capable of keeping, such doors or gates securely closed at all times when not in actual use. The latching device on a gate shall be attached not less than 40 inches above grade and shall be located on the swimming pool side of the enclosure where the latching device is not readily accessible to small children from outside the enclosure. The latching device on a door shall be attached not less than 36 inches above floor level when a separate locking device is provided on the door and not less than 40 inches above floor level when no locking device is provided on the door.

EXCEPTION: Self-closing and self-latching devices are not required on gates or doors which provide the only access into non-inhabitable storage or equipment buildings, rooms or enclosures.

(c) New Installations. A person who, on or after August 15, 1988, shall be made to fully comply with the self-closing and self-latching provisions of subsection (b) before January 1, 1992, or whenever the valuation of an addition, remodelling or repair made to any structure on the same tract, lot or premises exceeds \$10,000, whichever occurs first.

SECTION 2. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

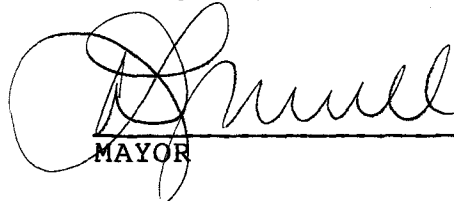
SECTION 3. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 4. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty of fine only not to exceed the sum of Two Thousand and no/100 Dollars (\$2,000.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 5. The fact that the present code of Ordinances does not provide for minimum height for fences surrounding pools and therefore, is inadequate to properly safeguard the general public health and safety, creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

SECTION 6. This ordinance shall take effect August 15, 1988.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY

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