

ORDINANCE NO. 001-018

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18, ARTICLE XII, OF THE CODE OF ORDINANCES OF THE TOWN OF ADDISON, TEXAS, TO PROVIDE MINIMUM STANDARDS TO SAFEGUARD LIFE OR LIMB, PROPERTY, AND PUBLIC WELFARE BY REGULATING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, USE AND OCCUPANCY, LOCATION AND MAINTENANCE OF SWIMMING POOLS AND SPAS. PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR A REPEAL CLAUSE.

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

SECTION 1. That the Code of Ordinances of the Town of Addison be amended by rewriting Chapter 18, Article XII, in its entirety to read as follows:

ARTICLE XII. SWIMMING POOLS AND SPAS

DIVISION 1. GENERALLY.

Sec. 18-681. Adopted.

For the purpose of providing minimum standards to safe guarding life and limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials used, use and occupancy, location and maintenance of all public and semipublic pools and spas within the city and certain equipment specifically regulated herein, the Texas Department of Health Standards for Public Swimming Pool and Spa (a copy of which, authenticated by the signature of the mayor and the city secretary, and made a public record by ordinance, is on file in the city secretary's office), is hereby adopted as the swimming pool and spa code of the city as fully as if copied at length in this article, but with the changes and additions thereto to provided in this article.

Sec. 18-682. Deletions, amendments, and additions generally.

The Texas Department of Health Standards for Public Swimming Pool and Spa as adopted in this article, is hereby modified by deletions, amendments and additions provided herein.

Sec. 18-683. Definitions.

The Texas Department of Health Standards for Public Swimming Pool and Spa is amended by adding the following definitions to Section 265.182:

(65.1) Inspector- A representative of the development services department authorized to make pool inspections.

(99.1) Private pool- A swimming pool or spa appurtenant to a single family or duplex residence, and used only by the occupants or their guests.

(100.1) Public pool- A swimming pool or spa to which the general public has access.

(111.1) Semipublic pool- A swimming pool that is privately owned and only open to an identifiable class of persons, including, but not limited to, hotel guests, apartment residents and club members.

(125.1) Swimming pool or pool- A structure that is used for swimming, bathing or water play, including all equipment and appurtenant facilities.

Secs. 18-683-18-700. Reserved.

Sec. 18-701. Inspections.

The inspector may inspect a public or semipublic swimming pool or spa at any reasonable time and has the authority to enter upon the premises where a pool is located to the extent necessary to make a full examination. Water samples from a pool may be taken.

Secs. 18-702-18-720. Reserved.

Subsection II. Operating Permit

Sec. 18-721. Required.

A person shall not operate a public pool or semipublic pool or spa without a permit. This section does not apply to pools owned by the Town.

Sec. 18-722. Application; manager

To obtain a permit to operate a pool or spa, an applicant must complete a form provided by the Town of Addison. An applicant must designate a manager of operations of each pool for which a permit is sought. A person designated as manager of operations of a pool must reside in the town or be employed on the premises where the pool is located. If a manager of operations of a pool ceases that function for any reason, the owner of the pool shall designate a new manager within a reasonable amount of time.

Sec. 18-723. Insurance; fee.

The inspector shall issue a swimming pool permit to an applicant if a qualified manager of operations has been designated and the fee has been paid. The amount of the fee is \$80.00 for the first pool owned by the applicant at one location, plus \$40.00 for each additional pool or spa owned by the applicant at the same location. The fee is due on or before March 1 of a calendar year. If a permit is initially issued after March 1 of a calendar year, the fee for the year will be prorated according to the number of whole months remaining in the year. No refunds will be made.

Sec. 18-724. Suspension.

- (a) The code official shall suspend a permit to operate a public or semipublic pool if:
- (1) The annual permit fee is not paid;
 - (2) An owner fails to designate and retain a certified manager of operations as specified in this article;
 - (3) The condition of a pool is hazardous to the health or safety of swimmers or the general public; or
 - (4) The owner fails to keep all pool equipment and devices working properly.

Sec. 18-725. Board of Appeals.

There is hereby created a board of appeals consisting of three (3) members and two (2) alternates appointed by the city council. The building official shall be an ex officio member and shall act as secretary of the board. The board of appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing. The powers of the board of appeals shall be as follows:

- (1) To hear appeals from decisions of the building official.
- (2) To hear requests for the use of a material or method of construction not prescribed by the code and to authorize the use when, in the board's judgment, the material or method of construction is at least equivalent to that prescribed.
- (3) To hear complaints from the building official arising against any person, firm, or corporation licensed by the town to perform construction work or operate a pool and shall have the power, after hearing to revoke or suspend said license for the following reasons:
 - a. Chronic violation of the code
 - b. Misrepresentation of material facts in obtaining said license or renewal thereof
 - c. Chronic failure to secure permits inspections, or approvals as required by the code, or
 - d. Use of said license to obtain a permit for another person, firm, or corporation.

SECTION 2. All other ordinances and parts of ordinances in conflict with this ordinance shall be, and the same is hereby repealed, but the repeal of such ordinances or parts of ordinances shall not affect any right, property or claim which was or is vested in the Town of Addison, Texas, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this ordinance shall take effect, nor shall said repeals, amendments or changes effect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this ordinance shall take effect under any of the ordinances or sections thereof repealed.

SECTION 3. In the event that any section, paragraph, subdivision, clause, phrase, or provision of this ordinance or the Texas Department of Health Standards for Public Swimming Pool and Spa, or revisions thereof, adopted herein shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance or of the Texas Department of Health Standards for Public Swimming Pool and Spa, or revisions thereof as a whole or any part of provision other than the part so decided to be invalid or unconstitutional.

SECTION 4. Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount not to exceed five hundred dollars (\$500.00), and each and every day that the prohibited condition remains shall constitute a separate offense.

SECTION 5. That this ordinance shall become effective from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this the 26th day of June, 2001.



MAYOR

ATTEST:


CITY SECRETARY

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