

## **ORDINANCE NO. 21-2217**

**AN ORDINANCE AMENDING CH. 14 BUILDINGS TO ADD REGULATIONS FOR SWIMMING POOLS AND SPAS; TO DELETE DUPLICATE OR OUTDATED WORDING IN CH. 51 PUBLIC SWIMMING POOLS AND SPAS; TO MAKE AMENDMENTS TO THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE; AND TO ADD A SECTION CLARIFYING THE PENALTY FOR VIOLATING THE REGULATIONS IN CH. 14 BUILDINGS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FIVE DAYS AFTER PUBLICATION**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAKE JACKSON, TEXAS:**

**Section 1:** That Section 14-10 is added to read as follows:

**Sec. 14-10. Violations.**

Any person found guilty of a violation of any of the provisions of this chapter or neglecting or refusing to comply with any order or notice made pursuant to the provisions of this chapter, shall be punished as set forth in Sec. 1-5 of the Code of Ordinances of the City of Lake Jackson. Each day that a violation of this ordinance shall be considered a separate violation.

**Section 2:** That sections 14-161 (Fences) through 14-164 (Kept fastened or locked) are deleted.

**Section 3:** That Article VI. Swimming Pools shall be amended to read as follows:

### **DIVISION 1. GENERALLY**

**Sec. 14-141. Amendments to code.**

(a) The following parts of the International Swimming Pool and Spa Code are deleted:

- (1) 104.6 *Right of Entry*
- (2) 105.6.1 through 105.6.3 *Fees*
- (3) 107.2 *Notice of Violations*
- (4) 107.3 *Prosecution of Violations*
- (5) 107.4 *Violation Penalties*
- (6) 108.1 through 108.7 *Means of Appeal*

(b) Section 101.1 is amended to read as follows:

- (1) These regulations shall be known as the Swimming Pool and Spa Code of the City of Lake Jackson, hereinafter referred to as “this code.”

(c) Section 107.5 is amended to read as follows:

- (1) 107.5 Stop work orders. Upon notice from the building official, work on any system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be

given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

(d) Section 305 shall be amended to add the following:

- (1) **305.8 Latching of barriers.** Every person in possession of land on which there is situated a swimming pool shall keep all gates, doors and latches securely fastened or latched at all times except whenever such door or gate is being used for entrance to the swimming pool area.

## **DIVISION 2. LICENSES – PUBLIC POOLS AND SPAS**

### **Sec. 14-146. Application; initial inspection.**

- (1) Any person desiring to operate a public pool or spa shall make a written application for a Pool License and pay the nonrefundable fee listed in this article.
- (2) Proof that a Certified Pool and Spa Operator will be supervising the operation and maintenance of the pool or spa must be submitted with the application.
- (3) If a person or entity owns or operates two (2) or more pools or spas, the person shall complete separate applications and pay separate fees each pool and/or spa.
- (4) After the application has been submitted, the city will inspect the pool or spa to determine compliance with the requirements of this article.

### **Sec. 14-147. Posting of License.**

The license shall be posted in a conspicuous place at or near the pool or spa.

### **Sec. 14-148. Transferability of license.**

- (a) The license is valid only for the location specified on the license and it may not be transferred from place to place.
- (b) The license is not transferable upon change of ownership of the pool or spa.

### **Sec. 14-149. Renewals.**

The license must be renewed annually. An application to renew a license shall be renewed no later than May 31 for each year. A renewal shall be issued provided the public pool or spa has paid all renewal fees and has maintained compliance with the provisions of this article. A ten (10) percent late fee will be assessed during a grace period within one (1) to thirty (30) days following the renewal date. In case of failure to renew the license within the grace period, the applicant will be subject to all requirements of obtaining a new license.

### **Sec. 14-150. Fees.**

<b>Description</b>	<b>Fee</b>
Public swimming pool	\$125.00
Public spa	\$125.00

### **DIVISION 3. INSPECTION; SUSPENSION; REVOCATION – PUBLIC POOLS AND SPAS**

#### **Sec. 14-156. - Inspection of public pools and spas.**

- (1) The building official or his designee shall periodically make inspections of public pools and spas.
- (2) Corrections of the violations found during inspection shall be accomplished within the period specified on the inspector's report.
- (3) If an imminent health hazard exists, the public pool or spa shall immediately cease operation. Operations shall not be resumed until authorized.
- (4) All other violations shall be given a period of time for correction of not less than twenty-four (24) hours nor greater than ninety (90) days.

#### **Sec. 14-157. Suspension.**

- (1) The city may suspend the license if the operation of the pool or spa does not comply with the requirements of this article. Suspension is effective upon service of written notice.
- (2) The city may suspend the license immediately if the operation of the pool or spa constitutes a substantial hazard to public health.
- (3) When the license is suspended, the pool or spa shall be secured to prevent access by the public and a notice of the closure shall be placed in a conspicuous location.
- (4) The license holder may appeal the suspension to the city manager within twenty (20) days of notice.
- (5) The city may end the suspension once the reasons for the suspension no longer exist.

#### **Sec. 14-158. Revocation.**

The city may revoke the license for serious or repeated violations of any of the requirements of this article. Prior to revocation, the city shall give written notification to the license holder of the reason for which the license will be revoked. The license holder may appeal the revocation to the city manager within twenty (20) days of notice. If no request for a hearing is filed within the twenty-day period, the revocation will be final.

#### **Sec. 14-159. - Reapplication after revocation.**

The holder whose license was revoked may apply for a new license.

#### **Sec. 14-160. Service of notices.**

A notice provided for in this article is properly served when it is delivered to the license holder in person or is sent by certified mail to the last known address of the license holder.

#### **Sec. 14-161. Hearings.**

The city manager shall appoint a committee to conduct the hearing provided for in this article. Based upon the evidence given in the hearing and the recommendation of the committee, the city manager shall sustain, modify, or rescind the suspension or revocation. The decision of the city manager shall be final.

**Section 4:** That Ch. 51 Public Swimming Pools and Spas is repealed and deleted.

**Section 5:** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

**Section 6:** A violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be as provided for in Sec. 1-5 of the Code of Ordinances of the City of Lake Jackson.

**Section 7:** If any part or portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining portions or provisions of this ordinance.

**Section 8:** The City Secretary shall publish the caption of this ordinance within ten (10) days of final passage in the official newspaper of the City. This ordinance shall take effect and be in force five (5) days after publication in accordance with Section 3-15 of the Charter of the City of Lake Jackson, Texas.

**PASSED** on the first reading this 1st day of February 2021.

**PASSED AND APPROVED** on second reading this 16<sup>th</sup> day of February 2021.

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**Gerald Roznovsky, Mayor**

**ATTEST:**

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**Alice A. Rodgers**  
**City Secretary**

**APPROVED AS TO FORM:**

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**Sherri Russell**  
**City Attorney**