

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 17-2022

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 11 “HEALTH AND SANITATION”, BY ADDING ARTICLE 11.05 “PUBLIC AND SEMI-PUBLIC SWIMMING POOLS AND SPAS”; PROVIDING FOR DEFINITIONS, MAINTENANCE AND OPERATION, SAFETY REQUIREMENTS, PERMITS, AND A CERTIFIED POOL OPERATOR; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City establishes rules and regulations that protect the health, safety and welfare of its citizens as well as those who visit the City; and,

WHEREAS, public and semi-public swimming pools and spas which are not properly maintained may contain contaminants and pollutants causing recreational water illnesses as well as creating safety issues for its users; and

WHEREAS, to ensure that any and all public and/or semi-public swimming pools and spas located within the City are properly maintained and safety measures are in place, the City hereby establishes rules and regulations for the same;

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

SECTION 1. The Code of Ordinances of the City of Seagoville, Texas are hereby amended by amending Chapter 11 “HEALTH AND SANITATION”, by adding ARTICLE 11.05 “PUBLIC AND SEMI-PUBLIC SWIMMING POOLS AND SPAS”, which shall read as follows:

**“CHAPTER 11
HEALTH AND SANITATION**

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ARTICLE 11.05 PUBLIC AND SEMI-PUBLIC SWIMMING POOLS AND SPAS

Sec. 11.05.001 Definitions

For the purpose of this article, the following words and phrases have the meanings ascribed to them:

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Fecal Coliform Organisms. Shall mean bacteria, through lab analysis, that are indicative of fecal pollution.

Free Chlorine Residual. Shall mean the chlorine concentration, in milligrams per liter (mg/l) of water, available for rapid and effective biocidal action. This is chlorine which remains uncombined with nitrogenous compounds after the initial chlorine demand of the water has been satisfied.

Health Inspector. Shall mean the registered sanitarian of the City of Seagoville or the designated representative.

Lifeguard. Shall mean an individual certified in an approved course of instruction in life saving and water safety offered by the American Red Cross or its equivalent.

Operator. Shall mean the person who is in control of the property upon which a public or semi-public swimming pool is located.

Person. Shall mean an individual, partnership, company, corporation, association, firm, or organization, institution or similar entity.

Pool Enclosure. Shall mean the area immediately around a swimming pool enclosed by a fence, wall, or other solid structure in compliance with the Uniform Swimming Pool, Spa and Hot Tub Code, 1988 Edition.

Public Swimming Pool. Shall mean a swimming pool in which the general public has access.

Semi-Public Swimming Pool. Shall mean a swimming pool that is privately owned and open only to an identifiable class of persons, including, but not limited to, motel guests, apartment resident, and club members.

Spa. Shall mean any structure, basin, chamber, or tank containing an artificial body of water for swimming, diving, physical fitness, or recreational bathing and having a depth of two feet (2') or more at any point. A spa is a swimming pool.

Sec. 11.05.002 Inspections

The health inspector may inspect a public or semi-public swimming pool or spa at any reasonable time and shall have the authority to enter upon the premises where such swimming pool or spa is located to conduct such inspection. The health inspector shall have the authority to collect water samples for purposes of determining water quality.

Sec. 11.05.003 Maintenance and Operation

All public and semi-public swimming pools and spas shall be chemically treated and maintained in accordance with the following standards by the operator:

- (1) Free residual chlorine for swimming pool shall be maintained between 1.0 part per million and 8.0 parts per million (ppm) by an automatic chlorine feeder. Free residual chlorine in spas shall be maintained between 2.0 and 8.0 parts per million. The use of any disinfectant other than chlorine must be approved by the health inspector. The use of chlorine gas is prohibited.
- (2) Pool and spa water must be maintained in an alkaline condition, so that the pH of the water is not less than 7.2 and not more than 7.8.
- (3) No water sample shall show a positive test (confirmed) for fecal coliform organisms of human pathogenic bacteria.
- (4) Pool and spa water must be maintained with sufficient clarity to permit a distinct view of the main drain from outside the pool. Spa water shall have sufficient clarity to permit a distinct view of the bottom while the aeration is turned off.
- (5) Every pool and spa shall be kept free of scum, sediment, dirt, slime, algae, and all other foreign matter.
- (6) An air gap or anti-siphon device must be installed on any pipe or hose bib leading to the pool and spa.
- (7) Water temperature in any heated pool or spa shall never exceed 104 degrees Fahrenheit. A thermometer shall be available to measure water temperature in the range of 80 to 120 degrees Fahrenheit. Water temperature controls shall only be accessible to the operator.
- (8) The operator of the pool and/or spa shall be required to provide and maintain a test kit which is capable of detecting disinfectant residual as well as the pH.
- (9) All public or semi-public swimming pools and spas shall be equipped with either an erosion type disinfectant feeder or an automated O.R.P. meter and pH control device.
- (10) Drainage from all public and semi-public swimming pools and spas must go to the sanitary sewer system. Any swimming pool or spa not now in compliance on the adoption date of this article must correct the violation within three (3) months of adoption of this article.
- (11) All public and semi-public swimming pools and spas shall have operational flow meters installed on the discharge site of the pump. These meters will be listed in gallons per minute and shall be maintained in good repair.

Sec. 11.05.004 Safety Requirements

Anytime a public or semi-public swimming pool and/or spa is open or otherwise available for use, the following safety equipment shall be readily available and in

good working condition by the operator unless the health inspector has otherwise granted an exception in writing:

- (1) A life pole or shepherd's crook pole capable of reaching every part of the pool.
- (2) A guard line rope separating the shallow portion (less than four feet (4') in depth) of the pool from the deep portion at the break point depth. Pools with a maximum depth of five feet (5') are exempt from this requirement.
- (3) Depth marker number shall be minimum of 4" in height and have permanent colors for the numbers and background of the markers. Depth markers for pre 10/01/99 pools shall be at max. and min. points depth, at breakpoint and at 2' increments of depth change on deck and sidewalls. Depth markers in post 10/01/99 pools shall be no further than 25-foot intervals apart on deck and sidewalls.
- (4) Public and semi-public swimming pools and spa, where no lifeguard service is provided, must post in plain view a warning sign with legible letters at least four inches (4") in height which states:

"WARNING - NO LIFEGUARD ON DUTY" OR

"NO LIFEGUARD ON DUTY"

- (5) A placard listing swimming pool and spa rules shall be provided and placed in clear view of swimmers and persons entering the swimming pool enclosure. In addition, this list shall include emergency number "911."
- (6) Chemical drums, barrels, bottles and other containers shall be properly closed or sealed when chemicals are not being properly dispensed. Swimming pool and spa chemicals shall not remain stored on decks or openly adjacent to the swimming pool or spa. All swimming pool and/or spa chemicals shall be stored under lock and key and shall be stored per the directions on the container label. No disinfectant tablets shall be placed anywhere in a swimming pool or spa where they are directly accessible to swimmers.

Sec. 11.05.005 Permit

- (a) Any person desiring to operate a public or semi-public swimming pool or spa shall make written application for an annual permit from the health inspector on forms provided by the city. Such application shall include:
 - (1) Operator's full name and address.
 - (2) Whether the operator is an individual, firm, corporation, or partnership.
 - (3) Location of the swimming pool or spa, size in gallons, type of filter equipment, automatic disinfectant in use, and such other information as may be required by the health inspector.

(b) No person shall operate a public or semi-public swimming pool or spa within the city without first having obtained an annual permit issued by the health inspector.

(c) The application shall be accompanied by a nonrefundable annual permit fee established by resolution of the city council from time to time to compensate the city for the cost of administering this article, and no permit hereunder shall be issued until such fee has been paid by the applicant.

(d) The permit shall not be transferable and shall be available for inspection by the health inspector at all times.

(e) A permit issued under this section shall be valid for one year from its issue date.

Sec. 11.05.006 Certified Pool Operator

(a) Any person who operates a public or semi-public swimming pool and spas shall employ at least one (1) person with a current certified pool operator registration issued by the health inspector. A person in compliance with the provision if there is at least one (1) employee on the premises who is responsible for the maintenance of any swimming pool(s) present on the premises who has a current certified pool operator's registration; provided, however, semi-public swimming pools owned by off-premises management companies may utilize swimming pool maintenance companies whose field employees are registered certified pool operators.

(b) A person desiring a certified pool operator registration shall make application to the health inspector, accompanied with a non-refundable fee established by resolution of the city council from time to time. No registration shall be issued until the applicant provides written evidence of successful completion of a certified pool operator's course approved by the health inspector and meeting the requirements set forth in subsection (c) below.

(c) An approved certified pool operator course shall meet the following conditions;

(1) The course must have been completed within the previous three (3) years;

(2) The course shall be taught by a person adequately trained in swimming pool sanitation, such as a public health official, a person trained in the life sciences, a biologist, or a chemist;

(3) The course curriculum shall include: swimming pool design, disinfection, circulation, filtration, swimming pool chemistry, and safety procedures and

(4) Persons successfully completing the course shall be given a written document of certification by the course provider.

(e) Unless sooner revoked by the health inspector, a certified pool operator registration expires three (3) years after the date of issuance.

(f) Any person operating a public or semi-public swimming pool and spas must make available for inspection by health inspector evidence that a registered certified pool operator is employed on the premises at any time a swimming pool is open or otherwise available for use.

(g) A certified pool operator registration is nontransferable.”

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

SECTION 3. All ordinances of the City of Seagoville in conflict with the provisions of this ordinance are hereby repealed and all other ordinances of the City of Seagoville not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or 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, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Seagoville, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 6. This ordinance shall take effect from and after its passage publication.

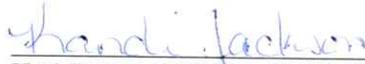
DULY PASSED by the City Council of the City of Seagoville, Texas, this the 18th day of July, 2022.

APPROVED:



DENNIS K. CHILDRESS, MAYOR

ATTEST:



KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:



VICTORIA W. THOMAS, CITY ATTORNEY
(/cdb 06.30.22)



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DULY PASSED by the City Council of the City of Seagoville, Texas, this the 16th day of July, 2022.

APPROVED:



DENNIS K. CHILDRESS, MAYOR

ATTEST:



KANDI JACKSON, CITY SECRETARY

