



City of Rowlett

Official Copy

Ordinance: ORD-031-21

4000 Main Street
Rowlett, TX 75088
www.rowlett.com

AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF ROWLETT, BY AMENDING ARTICLE IX ("PUBLIC SWIMMING POOLS AND SPAS") OF CHAPTER 22 ("ENVIRONMENT") TO REPEAL AND REPLACE SECTIONS 22-301 THROUGH 22-314 AND TO ADOPT NEW SECTIONS 22-301 THROUGH 22-306; PROVIDING MINIMUM STANDARDS FOR THE USE, OPERATION AND MAINTENANCE OF PUBLIC SWIMMING POOLS, SPAS, INTERACTIVE WATER FEATURES AND ARTIFICIAL SWIMMING LAGOONS; PROVIDING FOR PERMITTING, INSPECTIONS AND ENFORCEMENT; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Texas has adopted regulations regarding public swimming pools and spas, interactive water features and fountains, and artificial swimming lagoons; and

WHEREAS, the City Council of the City of Rowlett, Texas, finds and determines that the Council has previously adopted the provisions of the 2006 Texas Administrative Code, Title 25, Chapter 265, to provide regulations regarding the construction, sanitation, and operation of public swimming pools and spas and finds that the adoption of a more recent edition will provide greater uniformity in the enforcement of and compliance with the code, to reduce to a practical minimum the possibility of drowning or of injury to users, and is in the best interest of the public health, safety and welfare of the citizens of the City.

WHEREAS, the City Council of the City of Rowlett, Texas ("City Council") has determined that it would be advantageous and beneficial to the citizens of the City to implement the rules and regulations of the Texas Administrative Code, and to adopt additional more stringent rules regulating public swimming pools, spas, interactive water features and fountains, and artificial swimming lagoons, and that such rules and regulations would be in the best interest of the citizens of the City.

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

SECTION 1: That Article IX ("Public Swimming Pools and Spas") of Chapter 22 ("Environment") of the Code of Ordinances, City of Rowlett, Texas, be and is hereby amended by repealing Sections 22-301 through 22-314 and replacing said sections with new Sections 22-301 through 22-306, such that Article IX and Sections 22-301 through 22-306 shall read in their entirety as follows:

**"CHAPTER 22
ENVIRONMENT**

...

ARTICLE IX. PUBLIC SWIMMING POOL, SPA, PIWF AND LAGOON RULES

Sec. 22-301. Adopted by reference.

a. The provisions of the rules, as amended, found in the Texas Administrative Code, Title 25, Chapter 265, Subchapter K, L and M, ("Artificial Swimming Lagoons," "Public Swimming Pools and Spas," "Interactive Water Features and Fountains") are herein adopted together with the additions, deletions, and amendments hereinafter contained. The intent and purpose of this section is to provide for the inspection of public swimming pools, spas, public interactive water features and fountains (PIWFs), and artificial swimming lagoons in the City of Rowlett, Texas and to provide for the issuance, suspension or revocation of permits for the operations of public pools, spas, public interactive water features and fountains, and artificial swimming lagoons. The enforcement of this article and the penalties for violations shall be in accordance with this article, the provisions of subchapters K, L, and M of Chapter 25, Title 25, of the Texas Administrative Code, and the provisions of state law. In the event of a conflict between any provision of the Texas Administrative Code and any provision of this article, this article shall control.

(b) Private swimming pools and spas are regulated under Chapter 78 of this code; this article is not intended to repeal or amend the applicable provisions of chapter 78 of this Code.

22.302. Definitions.

For the purposes of this article, the following words or abbreviations shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

The word "owner" shall refer to any person or entity owning, managing, or having supervisory control over the facility.

The abbreviation "PIWF" shall mean public interactive water features and/or fountains and shall coincide with the meaning of that abbreviation in the Texas Administrative Code.

The phrase "regulatory authority" shall mean the City of Rowlett, Texas.

Sec. 22-303. Permit required.

a. No person shall operate or open to the public a public swimming pool, spa, PIWF or artificial swimming lagoon without first obtaining a valid permit from the City. If more than one public swimming pool, spa, PIWF or artificial swimming lagoon is located on one tract of property, each body of water requires a separate permit.

b. Applications for a permit to operate a public swimming pool, spa, PIWF or artificial swimming lagoon shall be made to the City on forms prescribed and provided by the City.

c. If required by this article to install a safety vacuum release system (SVRS) or automatic pump shut-off system (APSS), the applicant shall provide testing of the SVRS or APSS system on a form provided by the City or an equivalent form.

d. Permits shall expire on March 1st of each year unless otherwise revoked or suspended as provided in this article.

e. Prior to the issuance of a permit, the applicant shall pay a permit fee in accordance with the City's fee schedule, as amended. Permits that lapse for non-payment of the annual fee will be reinstated upon payment. Late charges may apply.

f. Permits and Certified Pool Operator's Certifications shall be displayed at all times in public view when pool is in operation.

Sec 22-304. Review of plans.

(a) Whenever a public swimming pool, spa, PIWF or artificial swimming lagoon is constructed or extensively remodeled, properly prepared plans and specifications for such construction or remodeling according to current regulations, along with the application fee, shall be submitted to the City for review and approval before construction or remodeling is commenced.

(b) Whenever plans and specifications are required to be submitted to the City, the City shall inspect the pool, spa, PIWF or artificial swimming lagoon, prior to commencement of operations to determine compliance with the approved plans and specifications and with the requirements of this article.

Sec. 22-305. Inspections.

The City Manager or designee is authorized to conduct such inspections as is deemed necessary to determine compliance with provisions of this article and shall have the right of entry for such purposes.

Sec. 22-306. Maintenance and operation.

The owner or person-in-charge of every public swimming pool, spa, PIWF or artificial swimming lagoon shall be responsible for compliance with all parts of this article relating to maintenance, operation, and safety of swimmers.

Sec. 22-307. Enforcement.

a. The City Manager or designee shall have enforcement responsibility for this article.

b. The City may enforce the provisions of this article through criminal enforcement, injunctive relief, the revocation or suspension of permits or certificates of occupancy, or any means available by law. The remedies provided for in this article are cumulative of each other and of any other remedy provided for and allowed by law. In addition to any other remedy allowed by law, the City may seek injunctive relief in any court of proper jurisdiction to restrain or enjoin a violation of any provision of this article.

c. The revocation or suspension of a permit may be appealed to the City Manager whose decision to affirm, reverse or modify shall be final and binding.

(d) If a public swimming pool, spa, PIWF or artificial swimming lagoon is closed voluntarily or by order or requirement of the City, public access to the facility shall be restricted and a notice posted on the entry gates and/or doors. Public access to the facility shall remain restricted or closed during any period of suspension or pending any appeals.

(e) If closure is required by the City due to violations of this article or based on unsafe or unsanitary conditions as determined by the City Manager or designee, the facility may not reopen until authorized by the City.

(f) It shall be an offense under this article if any person makes available to public use a public swimming pool, spa, PIWF or artificial swimming lagoon without

first having a valid permit or in violation of any requirement or order pertaining to restricting public access.

- (g) An offense under this article shall be deemed a misdemeanor and, upon conviction, punishable by a fine not to exceed \$2,000.00 for each offense. Each day such an offense occurs shall be deemed a separate offense. Unless otherwise expressly provided for herein, no intent need be pleaded or proven in the prosecution of an offense under this article, and a person in violation shall be strictly liable, regardless of intent.”

SECTION 2: That all ordinances of the City of Rowlett, Texas, 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 the ordinance shall remain in full force and effect.

SECTION 3: That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances and ordinances of the City, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 4: That should any section, paragraph, sentence, subdivision, clause, phrase or provision 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 hereof other than the part so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of this ordinance or any other provision of the Code of Ordinances of the City.

SECTION 5: That any person, firm or corporation violating any of the provisions or terms of this ordinance or the codes adopted hereby, as same may be amended, shall be deemed guilty of a misdemeanor and subject to a penalty as provided for in this ordinance, and upon conviction shall be punished by fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense. Unless otherwise expressly provided for herein, no intent need be pleaded or proven in the prosecution of an offense under this article, and a person in violation shall be strictly liable, regardless of intent.

SECTION 6: That this ordinance shall take effect immediately upon its passage and adoption and the publication of the caption as the law and charter in such cases provide.

At a meeting of the City Council on July 20, 2021 this Ordinance be adopted. The motion carried by the following vote:

Ayes: 7 Mayor Dana-Bashian, Mayor Pro Tem Grubisich, Deputy Mayor Pro Tem Bell, Councilmember Margolis, Councilmember Sherrill, Councilmember Laning and Councilmember Brown

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Approved by Tommy Lee Basham Date July 20, 2021
Mayor Pro Tem

Approved to form by [Signature] Date July 20, 2021
City Attorney

Certified by Laura Neal Omark Date July 20, 2021
City Secretary

