

ORDINANCE NO. 4484

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF RICHARDSON, BY AMENDING CHAPTER 10 "HEALTH AND HUMAN SERVICES", ARTICLE VI, "PUBLIC SWIMMING POOL OPERATION AND MAINTENANCE" BY ADOPTING TEXAS DEPARTMENT OF STATE HEALTH SERVICES POOL AND SPA RULES CONTAINED IN CHAPTER 265, SUBCHAPTERS K, M, AND L OF TITLE 25 OF THE TEXAS ADMINISTRATIVE CODE AND AMENDING THE REGULATIONS FOR SWIMMING POOLS AND SPAS; 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 AND NO/100 DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City staff recommends that Chapter 10, Health and Human Services, Article VI Public Swimming Pool Operation and Maintenance be amended to adopt the Texas Department of State Health Services Pool and Spa Rules contained in Chapter 265, Subchapters K, M, and L of Title 25 of the Texas Administrative Code and to amend the regulations governing swimming pools and spas;

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

SECTION 1. That Chapter 10, "Health and Human Services," Article VI, "Swimming Pool Operation and Maintenance be amended to read as follows:

"ARTICLE VI. - PUBLIC SWIMMING POOL OPERATION AND MAINTENANCE

Sec. 10-140. - Adoption and Amendments of the State Health Regulations.

The Texas Department of State Health Services Pool and Spa Rules (the "State Rules"), contained in Chapter 265, Subchapter M and L of Title 25 of the Texas Administrative Code, as they may be amended and replaced from time to time, , except to the extent amended, modified, and deleted by this Article, are hereby adopted as the minimum standards for the construction and operation of public and semi-public swimming pools and spas. The Texas Department of State Health Services Pool and Spa Rules (the "State Rules"), contained in Chapter 265, Subchapters K, M, and L of Title 25 of the Texas Administrative Code, as they may be amended and replaced from time to time, except to the extent amended, modified, and deleted by this Article, are hereby adopted as the minimum standards for the construction and operation and public interactive water features (PIWF).

Sec. 10-141. - Issuance of operating health permit.

- (a) No person shall operate a swimming pool unless a valid health permit to operate such swimming pool has been obtained from the city health department. Such permit shall be valid

for one year for each and every swimming pool unless otherwise revoked for cause as hereinafter prescribed.

- (b) Applications for permit to operate a swimming pool shall be made to the city health department. The applicant shall certify that he or she is knowledgeable about and understands and is capable of operating the swimming pool for which the operating permit is requested.

Sec. 10-142. - Revocation or suspension of operating permit.

- (a) If the health department determines that the operation or maintenance of any swimming pool is such as to constitute an imminent hazard to the health and safety of the public, the operating permit shall be suspended immediately, and the swimming pool shall be closed for use and shall remain closed until the necessary remedial action has been completed.
- (b) An operating permit which has been suspended may be reissued upon presentation of evidence that the deficiencies and/or irregularities which caused the suspension have been corrected.

Sec. 10-143. - Closed swimming pools, spas, PIWFs and lagoons.

- (a) If it is determined by the City Health Department that the operation or maintenance of the public pool, spa, or lagoon facility constitutes a health or safety hazard for the users, the City Health Department shall require the closure of the pool, spa, lagoon, or public interactive water feature immediately.
- (b) A public or semi-public swimming pool, spa lagoon, or public interactive water feature shall be temporarily closed for use whenever any of the following conditions occur. It shall not be reopened for use until the condition has been brought into compliance with the appropriate reinspection fee paid. A re-inspection is conducted by the City Health Department to verify that all hazardous conditions have been eliminated, such as:
 - (1) The amount of a residual disinfectant is less than, or greater than, the minimum and/or maximum amounts specified in 25 TAC 265.
 - (2) The pH of the water does not comply with the provisions in 25 TAC 265.
 - (3) If any of the main drain covers are loose, missing, damaged, and/or of a nonapproved anti-vortex design.
 - (4) The clarity of the water does not comply with the provisions in 25 TAC 265.
 - (5) There is a malfunction or nonfunction of the recirculation system.
 - (6) If the public swimming pool, spa, or lagoon yard enclosure is found to not comply with the provisions of 25 TAC 265
 - (7) There is any other condition that may endanger the health, safety, or welfare of persons using the swimming pool.
 - (8) Failure to pay the required reinspection fees in the instances noted in this subsection of this section will result in the immediate suspension of the public swimming pool or spa's

permit to operate, and the facility is ordered to cease operation immediately. The public swimming pool or spa shall remain closed until the violations are corrected, all required fees are paid, and a reinspection is conducted.

- (c) Once a public or semi-public pool or spa has been closed by the city health department or operator, the immediate exclusion of bathers from the water will be performed. Closing of a facility will constitute the posting of signs at every entrance that is accessible to patrons or at least two signs at opposite ends of the pool or spa that will state "pool closed" or "spa closed" in at least four-inch-high letters.
- (d) Every operator will make reasonable efforts to keep bathers out of the pool or spa until it is re-opened. Reasonable exclusion may include locking gates, taping off an area, draining the facility or the use of other appropriate barriers.
- (e) The city health department shall have the right to lock and/or chain entrances to public and semi-public pools and/or spas if in the city health department's opinion, the facility is dangerous to public health, the operator is not enforcing closure, or bathers are disregarding warnings.
- (f) The city health department shall have the right to post signs at a public or semi-public pool or spa stating that the facility is closed. Removal, covering, or alterations without prior permission from the city health department is prohibited.

Sec. 10-144. - Abandoned, neglected, inoperable, and hazardous public or semi-public pools and spas, fencing requirements.

Any public or semi-public pool or spa permitted or unpermitted shall not remain in a condition so as to create a public health hazard or a nuisance to the general public. Any time a public or semi-public pool or spa contains any amount of water it shall:

- (1) Maintain water clarity so all parts of the pool or spa bottom can be easily seen.
- (2) Maintain a proper fence or barrier that: (a) is at least four feet tall; (b) has no vertical members more than four inches apart; (c) does not apply the bottom of the fence or barrier to be more than four inches above ground grade; and (d) has no general structure that makes the fence or barrier easily climbable or accessible by toddlers.
- (3) Maintain all gates in a manner that they are properly self-closing and self-latching, opening outward away from the pool yard unless in conflict with international building codes.
- (4) Lock and chain all gates if no permit has been issued or if the permit has been suspended.
- (5) The gate latch must be at least three inches below the top of the gate with no opening greater than one-half inch in any direction within 18 inches from the latch (including the space between the gate and gate post)."

Secs. 10-145—10-159. - Reserved.

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

SECTION 3. That 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 thereof decided to be unconstitutional, illegal, or invalid.

SECTION 4. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. That 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 Ordinance of the City of Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand and No/100 Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. That this Ordinance shall take effect immediately from and after its passage, and publication of the caption as the law and Charter in such cases provide.

DULY PASSED by the City Council of the City of Richardson, Texas, on the 12th day of February 2024.



APPROVED:

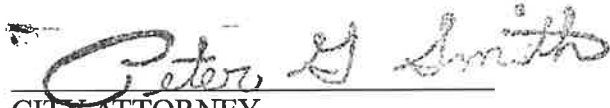
Dr. A. S. Subey
MAYOR

CORRECTLY ENROLLED:



CITY SECRETARY

APPROVED AS TO FORM:



CITY ATTORNEY
(pgs:11-21-23)