

ORDINANCE NO. 1500-09-2021

AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 8 – HEALTH, CREATING ARTICLE V. PUBLIC AND SEMIPUBLIC SWIMMING POOLS AND SPAS FOR THE REGULATION OF PUBLIC & SEMI-PRIVATE POOLS AND PUBLIC INTERACTIVE WATER FEATURES; PROVIDING FOR A FINDINGS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE, PROVIDING FOR A SAVINGS CLAUSE, PROVIDING FOR A CUMULATIVE REPEALER; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Gainesville, Texas, is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Gainesville desires to update and amend its ordinance regarding the construction, operations, and maintenance of public and semi-public pools and spas, and make the ordinance applicable to interactive water features and fountains, to be consistent with the most recent state laws; and

WHEREAS, the City of Gainesville is responsible for the inspection and permitting of public swimming pools, spas, and public interactive water features and fountains in the City to protect the health and safety of the public, and;

WHEREAS, the City Council hereby finds and determines that the regulations and amendments set forth herein are in the best interest of the public and are adopted in furtherance of the public health, safety, morals, and general welfare.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAINESVILLE, COOKE COUNTY, TEXAS, THAT:

**SECTION 1
FINDINGS**

The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the amending or addition of rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

SECTION 2

Amend the City of Gainesville, Texas Code of Ordinances, Chapter 8 – Health, creating Article V. Swimming Pools to read as follows:

ARTICLE V. Public and Semipublic Pools and Spas

Sec. 8-336. - Standards and requirements adopted.

- (a) All provisions of Texas Administrative Code, Title 25 "Health Services" Part 1; Texas Department of State Public Health Services, Chapter 265, Subchapter L (Standards for Public Swimming Pools and Spas), as amended.
- (b) All provisions of Texas Administrative Code, Title 25 "Health Services" Part 1; Texas Department of State Public Health Services, Chapter 265, Subchapter M (Standards for Public Interactive Water Features and Fountains), as amended.
- (c) V.T.C.A., Health and Safety Code Title 5; Sanitation and Environmental Quality, Subtitle A, Sanitation, Subsection 341.064 "Swimming Pools and Bathhouses;" and Subsection 341.0645 "Pool Safety;" and Subsection 341.0695 "Interactive Water Features and Fountains," (Minimum Standards of Sanitation and Health Protection), as amended.
- (d) V.T.C.A., Health and Safety Code, Title 9; Safety; Subtitle A, Public Safety; Chapter 757 Pool Yard Enclosures, as amended.

Sec. 8-337. - Definitions.

As used in this article, the following words and terms shall mean the following, unless the context should clearly indicate a different meaning:

Certified pool operator. One who has received training and certification by completion of one of the following courses or their equivalent:

- (1) The NRPA, "Aquatic Facility Operator" (A.F.O.);
- (2) The NSPF, "Certified Pool-Spa Operator" (C.P.O.);
- (3) YMCA, "Pool Operator on Location" (P.O.O.L.);
- (4) The NSPI, "Professional Pool and Spa Operator" (P.P.S.O.); or
- (5) The ASPSA, "Licensed Aquatic Facility Technician" (L.A.F.T.).

Class A pool. Any pool used, with or without a fee, for accredited competitive aquatic events such as Federation Internationale De Natation Amateur (FINA), United States Swimming, United States Diving, National Collegiate Athletic Association (NCAA), National Federation of State High School Associations (NFSHSA), events. A Class A pool may also be used for recreation.

Class B pool. Any pool used for public recreation and open to the general public with or without a fee.

Class C pool. Any pool operated for and in conjunction with: (i) lodging such as hotels, motels, apartments, condominiums, or mobile home parks; (ii) property owner associations, private organizations, or clubs; (iii) a school, college or university while being operated for academic or continuing education classes. The use of such a pool would be open to occupants, members or students, etc., and their guests but not open to the general public.

Class D pool. A wading pool with a maximum water depth of 24 inches at any point.

Public interactive water feature and fountain (PIWF). Any indoor or outdoor installation maintained for public recreation that includes water sprays, dancing water jets, waterfalls, dumping buckets, or shooting water cannons in various arrays for the purpose of wetting the persons playing in the sprays streams: PIWFs:

- (1) May be stand-alone PIWFs or may share a water supply, disinfection system, filtration system, circulation system, or other treatment system that allows water to comingle with a pool;
- (2) May be publicly or privately owned;