## ARTICLE XVII. SWIMMING POOLS AND SPAS

**Section 13-436. Definitions.**

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this article, have the meanings indicated in this section.

*Authorized representative of the owner:*
(1) If the owner is a corporation: The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.

(2) If the owner is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the owner is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

*DPD (dimethyl-p-phenylenediamine) test method* – a test kit that utilizes the preferred reagent to measure and indicate free available chlorine.

*Extensively remodeled* are those pools and spas that require breaking into the surface of the pool or spa for repairs and/or replacement of equipment.

*Public swimming pool* – (Class A, B, C, D) – any man-made permanently installed or non-portable structure, basin, chamber, or tank containing an artificial body of water for swimming, diving, or recreational bathing and having a depth of at least 18 inches at any point, other than a single or double family (duplex) residential swimming pool, which is operated by an owner, lessee, operator, licensee or concessionaire, regardless of whether a fee is charged for use. The term does not include decorative fountains, which are not used as a wading or swimming pool.
*Public spa* means a constructed permanent or portable structure that is two feet or more in depth and that has a surface area of 250 square feet or less or a volume of 3250 gallons or less which is intended to be used for bathing or other recreational and is not drained and refilled after each use. It may include, but not limited to, hydro-jet circulation, hot water, cold water, mineral baths, air induction bubbles, or any combination thereof. Industry terminology for a spa includes, but is not limited to, “hydrotherapy pool,” “whirlpool, “hot tub,” etc.

*Regulatory authority* means any municipal officer or department of the City of Grand Prairie appointed by the city manager to administer this article.

*State of Texas regulatory agency* means the department or state official that has been appointed by the State of Texas to enforce the Texas Standards for Public Swimming Pools and Spas.

*Trained pool operator* means a person who has successfully completed a certified training course of at least eight (8) classroom hours with an exam and administered by a certified pool operator.

**Section 13-437. Texas Standards for Public Swimming Pool and Spa Rules Adopted.**

The Texas Standards for Public Swimming Pool and Spa are hereby adopted as the minimum standards for public swimming pools and spas within the corporate city limits of the City of Grand Prairie.

**Section 13-438. Statement of Purpose.**

The intent and purpose of this article is to provide for the inspection of public swimming pools and spas in the City of Grand Prairie, Texas, or its police jurisdiction, and to provide for the issuance, suspension or revocation of permits for the operations of public swimming pools and spas. The enforcement of this ordinance and penalties shall be regulated in accordance with this chapter and the terms of the unabridged Texas Standards for Public Swimming Pool and Spa, a copy of which is on file in the Office of the City Secretary.

**Section 13-439. Plan review for construction of public swimming pools and spas.**

(a) A set of plans must be submitted to the regulatory authority for approval before construction begins on any new or extensively remodeled swimming pool or spa. The plan review fee for a new or extensively remodeled swimming pool or spa is three hundred dollars ($300.00). This fee shall be in addition to any building permit fees.

(b) The regulatory authority shall inspect all new or extensively remodeled swimming pools and spas to determine compliance with all applicable rules prior to the issuance of a permit.

(c) The applicant is responsible for complying with all zoning, building, fire and health ordinances of the City of Grand Prairie.

(d) A registered professional engineer or registered architect licensed by the State of Texas shall provide assurance that a pool or spa is designed and built in compliance with these rules and applicable to federal, state, and/ or local regulatory requirements. The engineer's or architect's professional seal shall be affixed to the plans and the City of Grand Prairie pre and post certification letters shall be completed and submitted to the plans examiner for review.

(e) The structural design and materials used for new pools and spas shall be in accordance with generally accepted industry engineering practices and methods prevailing at the time of original construction.

**Section 13-440. Public Swimming Pools and Spas – Permit Requirements.**

(a) Every person, association, institution, or corporation, whether for profit or non-profit, who shall operate or manage a swimming pool or spa shall obtain a permit from the regulatory authority.

(b) No permits shall be deemed to grant a vested or property right, but such permit shall be promulgated by the City Council by ordinance and any investment made by an applicant or permittee shall be made subject to this article.

(c) Permits issued hereunder shall be deemed personal to the permittee and shall not be assigned and may not be transferred from one location or from one place of business to another.

(d) The regulatory authority may approve or deny a permit to operate a swimming pool or spa. Upon approval, the regulatory authority shall collect the appropriate annual fee from the applicant and issue a permit, which will remain in effect unless suspended or revoked as herein provided.

(e) In the event the regulatory authority shall refuse to grant a permit to any applicant, the provisions of this article shall govern any appeal of such denial. The reason(s) for such action shall be provided to the applicant in writing and details provided to correct the problems(s), if possible, which caused denial of the permit request.

(f) The permit application and application fee(s) must be submitted by the owner to the regulatory authority before operations may begin in new facilities. The application must be submitted on the forms provided by the regulatory authority to the owner or, if the applicant is a corporation, to a duly authorized representative of said corporation.

(g) Swimming pools and spa permits shall expire on April 30 of each year unless the annual swimming pool/spa permit fee is paid or unless the permit is suspended for cause before the expiration date. All permits when granted and issued shall be displayed in a place readily accessible for inspection by the regulatory authority.

Annually, the authorized representative of the owner shall submit a notarized form, provided by the regulatory authority. The information to be provided on this notarized form shall include name, address, driver's license information, date of birth, and other information required by the regulatory authority. This notarized form shall be submitted by April 30$^{th}$ of each year. The failure to provide complete, accurate information, or to provide updated information upon any changes, shall be considered a violation of this article and may cause the permit to be denied, suspended, or revoked. The regulatory authority may also apply the enforcement remedies afforded under Section 13-449.

(h) The annual permit fee for each swimming pool and for each spa shall be two hundred dollars ($200.00). There shall be a one hundred dollar ($100.00) change of owner fee.

(i) Replacement (duplicate) fee for lost permits shall be fifteen dollars ($15.00).

(j) An additional late charge fee of fifty dollars ($50.00) shall be added to the permit fee for each thirty-day period the account is delinquent.

(k) All fees are nonrefundable and will not be prorated.

**Section 13-441. Trained Personnel – Requirements.**

(a) After April 1, 2004, the permit holder or person-in-charge of every new and existing Class C swimming pool/spa shall ensure that the swimming pool/spa is maintained by a Trained Pool Operator who has successfully completed an eight (8) hour classroom training with certification. A certificate of completion within the last two (2) years of issue date must be provided for review upon request by the regulatory authority.

(b) The permit holder or person-in-charge of a Class C swimming pool/spa whose trained swimming pool operator is no longer employed shall have thirty (30) days to comply with the requirements of this section.

(c) A permit holder or person-in-charge is in compliance with the provisions of this section if they employ a swimming pool service company whose employees servicing the swimming pool/spa have a valid swimming pool/spa training certificate.

**Section 13-442. Public Swimming Pools and Spas – General Requirements.**

(a) Swimming pools and spas shall have a regular sanitation inspection by the regulatory authority with a written report outlining any deficiencies and providing a reasonable time for correction. Any corrections called for in the report shall be made within the time provided.

(b) After April 1, 2004, an annual testing of ground fault circuit interrupter (GFCI) for wet niche fixture must be confirmed with a written letter from a licensed Grand Prairie electrician. By April 30$^{th}$ of each succeeding year, a letter indicating the results of the most recent test must be available on the premise at all times for inspection. Any such operator whose swimming pool/spa fails a GFCI test shall immediately close the swimming pool/spa until proper repairs can be made and passing test result obtained.

(c) For existing and new Class C pools, the transition point of the shallow area to the deep area (five foot deep) shall be visually set apart with one of the following:

(1) Rope and floats spaced at not greater than seven foot intervals; or

(2) A four-inch minimum width row of floor tile, a painted line, or similar means using a color contrasting with the bottom.

**Section 13-443. Public Swimming Pools and Spas – Water Quality and Testing Requirements.**

(a) A reliable means of testing for free chlorine/bromine, pH, and cyanuric acid shall be maintained for swimming pools and spas. The test reagents shall be properly stored and changed at frequencies recommended by the manufacturer to assure accuracy of testing.

(b) Water quality shall be maintained in accordance with the following table:

| Parameter | SWIMMING POOLS | | SPAS | |
|---|---|---|---|---|
| | **Minimum** | **Maximum** | **Minimum** | **Maximum** |
| Chlorine | 1.0 ppm | 8.0 ppm | 2.0 ppm | 8.0 ppm |
| Bromine | 2.5 ppm | 12.0 ppm | 4.5 ppm | 12.0 ppm |
| pH | 7.0 | 7.8 | 7.0 | 7.0 – 7.8 |
| Cyanuric acid | | 100 ppm | | 100 ppm |
| Temperature | | | | 104º F |

(c) The method used in determining free chlorine/bromine shall be diethyl-p-phenylenediamine (DPD) test method. Maximum levels for chlorine/bromine may be adjusted per product manufacturer's label directions.

(d) Water clarity shall be sufficient such that the main drain at its deepest point is clearly visible.

(e) Testing for chemicals shall be conducted as necessary, but not less than once per day, to assure proper chemical control. The test method shall be capable of measuring chemical ranges in accordance with the table in Section 13-443(b).

(f) Operational records of the chemical tests shall be recorded daily, kept for two years and made available during the time of inspection.

**Section 13-444. Public Swimming Pools and Spas – Water Supply and Waste Water Discharge.**

(a) In a new and existing swimming pool/spa, there shall be no direct mechanical connection between the potable water supply and the swimming pool/spa, chlorinating system, or the system of piping for the swimming pool/spa, unless it is protected against cross connection as required by local and state backflow/back siphonage requirements.

(b) In a new and existing swimming pool/spa, there shall be no direct physical connection between a wastewater disposal system and a drain or recirculation system. Backwash water shall be discharged through a plumbing system that includes an air gap meeting local and state backflow/back siphonage requirements. Splash screening barriers are allowed as long as they do not destroy the air gap effectiveness.

(c) All discharges from swimming pools and spas must be discharged into the sanitary sewer system. Any discharges onto the ground are prohibited.

**Section 13-445. Public Swimming Pools and Spas – Enclosures.**

All public swimming pool and spa enclosures must be in compliance with the applicable sections of the Texas Standards for Public Pools and Spas and the Texas Health and

Safety Code. Additionally, all public swimming pools and spas within the city that have been constructed since November 1, 1983, shall be completely enclosed by a fence, or other structure adequate to prohibit ingress and egress, at least six (6) feet above grade measured on the side of the fence or wall which faces away from the swimming pool/spa.

**Section 13-446. Enforcement.**

The regulatory authority shall have the authority and responsibility to enforce the provisions of this and the state statutes when applicable regarding swimming pools and spas that are hereby adopted.

(a) Rights of the regulatory authority

(1) The regulatory authority shall have the authority to regularly inspect all swimming pools and spas embraced within the provisions of this article, whether permitted or unpermitted, at all reasonable times necessary to ascertain if swimming pool and spa operations are being conducted in conformity with this article, or if any conditions exist therein which require correction.

(2) The regulatory authority shall have the authority to give written notice, on the premises, to the operators of permitted or unpermitted swimming pools and spas, pertaining to violation of and/or requirement to comply with the provisions of this article.

(b) Authority to temporarily close a swimming pool or spa

(1) Failure to comply with any section of this ordinance may result in the immediate closure of the swimming pool/spa and/or the initiation of legal action.

(2) Upon determination that the swimming pool/spa does not comply with the provisions of this ordinance, the regulatory authority shall notify the operator of the existing violations.

(3) If the regulatory authority determines that the condition of the swimming pool/spa is hazardous to the health or safety of the swimmers or of the general public, the swimming pool/spa shall be immediately closed.

(4) Signs shall be posted at all entrances to the swimming pool/spa. Said sign shall be clearly visible to a reasonably observant person.

(5) Signs posted by the regulatory authority shall not be altered or removed unless authorized by the regulatory authority.

(6) A re-inspection of the swimming pool/spa will be conducted during the regular working hours of the regulatory authority at the request of the swimming pool/spa manager. If compliance has been achieved, the operator shall be notified that the swimming pool/spa may be opened.

(c) Authority to Suspend Permit-Written Notice Required.

(1) The regulatory authority shall have the authority, after giving written notice, to suspend any permit if it is determined that violations of immediate danger regarding construction of facility or on-premises buildings; sanitation; storage and handling of chemicals; water chemistry; failure to pay required fees; and failure to comply with all fire, zoning, building, and health codes; exist at the swimming pool/spa facility.

(2) Suspension of the permit shall require the operator to cease all activities immediately and to bring the swimming pool or spa into compliance with directives from the regulatory authority within a prescribed time period. Failure to rectify designated problems at the facility shall lead to revocation of the permit.

(d) Authority to Revoke Permit-Written Notice Required.

(1) The regulatory authority shall have the authority to revoke any permit if it is determined that there is failure to comply with the provisions of this article, providing that the following procedure is followed:

(A) The regulatory authority, in writing by certified mail, shall call to the attention of the permittee the particulars and areas in which the facility failed to comply with the provisions of this article, and shall specify a reasonable time, not to exceed one (1) year, by which it is possible that the permittee can remedy said failure.

(B) If the permittee fails to comply with the provisions of this article within the time specified, the regulatory authority shall give notice in writing to the operator, permittee, manager, or other person(s) in control of said facility that the permit issued for the operation of said facility is revoked.

(e) Appeal-Notice Required.

(1) The notice of revocation or denial of a permit shall become a final revocation after the expiration of ten (10) days from the date of service upon the permittee, operator, manager, or other person in charge of the facility in question, unless on or before the expiration of ten (10) calendar days the permittee or a duly authorized agent shall file with the regulatory authority a written appeal addressed to the city manager in which it is requested that the city manager grant a hearing upon the questions of whether or not the permit shall be revoked.

(2) Such appeal, if made and filed as prescribed in this section, shall operate as a stay or postponement of the revocation of the permit until such time as the city manager shall grant a hearing and make a final adjudication.

(3) The hearing shall be held after the date of filing of such appeal. The action and judgment of the city manager, after hearing all the evidence and facts, shall be the final and conclusive administrative decision as to all parties.

(4) Following revocation of the permit and support thereof by the city manager, the cited operator, manager, or other person(s) shall not be eligible to apply for a swimming pool or spa permit for a period of one (1) calendar year.

**SECTION 13-447. Other Violations.**

A person commits an offense if she/he:

(a) Allows an animal under her/his control to enter or remain within the swimming pool/spa area or enclosure, except that service animals may be allowed in the swimming pool area or enclosure and not in the water; or

(b) Has skin abrasions, open sores, skin disease, nasal or ear discharge or a communicable disease and swims in a swimming pool/spa; or

(c) Works at a swimming pool/spa while infected with a communicable disease; or

(d) Alters or removes safety equipment from a swimming pool/spa except in an emergency; or

(e) Bring glass within a swimming pool/spa area or enclosure; or

(f) Enters a closed swimming pool or spa unless for reasons of making required repairs.

**Sec. 13-448. Show Cause Hearing.**

The Regulatory Authority may order a user which has violated or continues to violate any provision of this ordinance, order issued hereunder, or any other local or state standard or requirement, to appear before the Regulatory Authority and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against or prerequisite for taking any other action against the user.

**SECTION 13-449. Punishment - For Violations, Other Remedies.**

(a) Any person, firm, or corporation who violates any provision of this article is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-8 of the Code of Ordinances of the City of Grand Prairie, or any amendment thereto or renumbering thereof, for violations of public health for each act of violation and for each day of violation.

(b) Any person, firm, or corporation who obstructs, impedes, or interferes with a representative of the City, or with a person who has been ordered to abate a situation pursuant to this article and who is lawfully engaged in such abatement is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-8 of the Code of Ordinances of the City of Grand Prairie, or any amendment thereto or renumbering thereof, for violations of public health for each act of violation and for each day of violation.

(c) In addition to proceeding under authority of subsections (a) and (b) of this section, the City is entitled to pursue all other criminal and civil remedies to which it is entitled under

authority of statutes or other ordinances against a person, firm, or corporation that remains in violation of this article.

**SECTION 13-450. Warning and Disclaimer of Liability.**

The degree of protection of the local community's public health is considered reasonable for regulatory purposes and is based on scientific considerations along with best professional judgment. This ordinance shall not create liability on the part of the community or any official or employee thereof for any damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

**SECTION 13-451. Administrative Liability.**

No officer, agent, or employee of the City shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such person's duties under this article.

**SECTION 13-452. Fences enclosing swimming pools required; penalty.**

(a) Every swimming pool, as defined in the Uniform Swimming Pool Code, except public swimming pools, shall be completely enclosed by a fence or other structure adequate to prohibit ingress and egress at least four (4) feet in height.

(b) Any gate provided for ingress and egress to swimming pools shall be self-closing and self-latching.

(c) Any person, firm, or corporation who violates any provision of this section is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-8 of the Code of Ordinances of the City of Grand Prairie, or any amendment thereto or renumbering thereof, for violations of public health and safety for each act of violation and for each day of violation.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, THIS THE 1st DAY OF JUNE, 2010.