

AN ORDINANCE AMENDING CHAPTER 29.5, "SWIMMING POOLS AND SPAS", OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; CALLING A PUBLIC HEARING, PROVIDING A SEVERABILITY CLAUSE, AND DECLARING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1. That Chapter 29.5, "Swimming Pools and Spas", of the Abilene Municipal Code be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2. That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3. That any person, firm or corporation violating any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Five Hundred Dollars (\$500). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 26TH day of JUNE, A.D., 1997.

A notice of the time and place where when said ordinance would be given a public hearing considered for final passage, was published in the Abilene Reporter News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 6 day of July, 1997, to permit the public to be heard prior to final consideration of this ordinance.

PASSED ON SECOND AND FINAL READING this 10TH day of JULY, A.D., 1997.

ATTEST:

[Signature]
CITY SECRETARY

[Signature]
MAYOR
APPROVED:

[Signature]
CITY ATTORNEY

SWIMMING POOLS AND SPAS

Chapter 29.5, Swimming Pools and Spas, Article III, Design and Construction Standards, Residential Inground Pools, § 29.5-21

Subsection (e) (Article XV., Safety),

CURRENTLY READS:

- 15.3 Swimming pools and spas which are an accessory use to a single-family residence shall be surrounded by a solid, opaque wall or fence, at least six (6) feet high with self-closing and positive, latching six (6) foot high gates.

Exception: Single family residences on lots containing no less than 2 acres, or on a restricted golf course fairway, or adjacent and open to a lake: may reduce a swimming pool barrier or fence to not less than four (4) feet in height. When fences have horizontal members spaced less than 45 inches apart, the horizontal members shall be placed on the pool side of the fence. Any decorative design work on the side away from the swimming pool, which render the fence easily climbable, is prohibited. The opening spacing of members or framework shall be spaced such that the passage of a 4-inch-diameter sphere is not allowed. Gates may be solid or of the same design requirements of the fence and shall be self-closing and positive latching.

Exceptions to the height and opaque requirements for fences at single family residences other than those specified above, may be considered by the Board of Adjustment but shall not be less than that specified in this section.

AMEND AS FOLLOWS:

- 15.3 Swimming pools and spas which are an accessory use to a single-family residence shall be surrounded by a solid, opaque wall or fence, at least six (6) feet high with self-closing and positive latching six (6) foot high gates.

Exceptions:

1. *Single family residences on lots containing no less than 2 acres, or on a restricted golf course fairway, or adjacent and open to a lake: may reduce a swimming pool barrier or fence to not less than four (4) feet in height. When fences have horizontal members spaced less than 45 inches apart, the horizontal members shall be placed on the pool side of the fence. Any decorative design work on the side away from the swimming pool, which render the fence easily climbable, is prohibited. The opening spacing of members or framework shall be spaced such that the passage of a 4-inch-diameter sphere is not allowed. Gates may be solid or of the same design requirements of the fence and shall be self-closing and positive latching.*
- *2. **Natural barriers, in lieu of fencing, may be considered by the Mechanical, Plumbing, Electrical, and Swimming Pool Board of Appeals, on a case by case basis. The proponent has the burden of proof to clearly identify the character and sufficiency of the natural barrier.**
3. Exceptions to the height and opaque requirements for fences at single family residences other than those specified above, may be considered by the Board of Adjustment but shall not be less than that specified in this section.