

Legislation Details (With Text)

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**File #:** 1682      **Version:** 1      **Name:** Swimming Pool Ordinance  
**Type:** Ordinances      **Status:** Passed  
**File created:** 3/11/2015      **In control:** City Council  
**On agenda:** 3/17/2015      **Final action:** 3/17/2015

**Title:** Consider An Ordinance Amending Title IX, Chapter 94, "Swimming Pools", To Regulate Public Swimming Pool, Spa And Interactive Water Feature And Fountain Operations And Maintenance, And Title III, Chapter 31, "Comprehensive Fee Ordinance", Of The City Of Carrollton Code Of Ordinances.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance

Date	Ver.	Action By	Action	Result
3/17/2015	1	City Council	approved	Pass

**CC MEETING:** **March 17, 2015**

**DATE:** March 11, 2015

**TO:** Leonard Martin, City Manager

**FROM:** Scott Hudson, Environmental Services Director

Consider An **Ordinance Amending Title IX, Chapter 94, "Swimming Pools", To Regulate Public Swimming Pool, Spa And Interactive Water Feature And Fountain Operations And Maintenance, And Title III, Chapter 31, "Comprehensive Fee Ordinance", Of The City Of Carrollton Code Of Ordinances.**

**BACKGROUND:**

This item proposes an ordinance amendment to reinstate a swimming pool and spa permitting and inspection program. This follows up an October 2014 City Council worksession and addresses health and safety concerns regarding maintenance and operation of public swimming pools, spas and interactive water features and fountains (IWFFs) in Carrollton. Currently there are virtually no local codes in place relating directly to pool operation and maintenance. Current requirements do not support operational control of water-borne illnesses, in addition to a broad array of safety issues.

In recent years there have been several significant disease outbreaks at public and semi-public pools in Carrollton to which state and county health officials have called on city staff to respond. These have included cryptosporidium, shigella and legionella. As with other health concerns, partnership with these agencies is critical, particularly in view of the fact that they do not have resources to respond at the local level. While city staff has been able to provide limited field support by conducting inspections and investigations, staff has not been able to enforce solid resolutions because of the lack of a local ordinance.

Moreover, the city does not have a proactive effort in place to ensure routine maintenance and prevent such

occurrences. City staff is also not able to provide meaningful response to resident complaints about poorly maintained pools.

### ***Regulatory Framework***

The Texas Department of State Health Services revised their pool and spa regulations in 1999, vastly increasing the scope and detail of construction, operation and maintenance requirements. The city code in place at that time was significantly less stringent than the new state rules. In the context of then-recent city litigation it was deemed prudent to discontinue the pool inspection and permitting program. Subsequently the city formally repealed the swimming pool and spa ordinance (Title IX, Chapter 94).

While most area cities have adopted and enforce the new state provisions, Carrollton has not. Most area cities require permits and annual fees to operate swimming pools, spas and IWFFs and inspect them regularly to ensure compliance. Carrollton has not proactively inspected pools in the last fifteen (15) years.

Regulatory programs typically address public and semi-public pools. These include operations open to the general public such as hotels, those available by membership, like fitness clubs, and those available by residency (apartments and homeowner associations). In total these number close to 190 structures in Carrollton.

Key provisions of the proposed ordinance include:

- Requirement to obtain a permit to operate a public or semi-public pool, spa, or IWFF;
- Defining regulated facilities to include hotels, apartments, homeowner associations, private parks, and city facilities;
- Establishing standards for chemical concentrations and testing frequency;
- Enforcing standards for safety and emergency response equipment, signage and personnel.

The proposed ordinance includes a permitting fee of \$100.00 for the first pool at a facility. Incremental charges would apply to spas, IWFFs and additional pools. This fee structure falls on the low end compared to permitting fees required by area cities.

While current staffing levels would not support a full-scale permitting and inspection program, staff estimates that a seasonal intern and existing Environmental Quality staff should be able to implement a revised ordinance adequately. If the proposed ordinance is adopted, staff will pursue supplementing current intern support with one additional position.

### **IMPACT ON COMMUNITY SUSTAINABILITY:**

Providing for public health and safety is a basic component of a sustainable community. As development continues in Carrollton one consideration is how to ensure that residents and visitors are provided safe and healthy recreational facilities.

### **STAFF RECOMMENDATION/ACTION DESIRED:**

Staff recommends adoption of the proposed ordinance amending Title IX, Chapter 94 to regulate public swimming pool, spa, and interactive water feature and fountain operations and maintenance and Title III, Chapter 31, “Comprehensive Fee Ordinance” of the Carrollton Code of Ordinances.