



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERS BRANCH, CHAPTER 34 ARTICLE VIII “SWIMMING POOLS”, BY AMENDING SECTION 34-352 TO ADD DEFINITIONS OF “CONFINED SPACE ENTRY” AND “UNDERGROUND VALUT”; BY AMENDING SECTION 34-353(b) AND BY ADDING SUBSECTION (c) REGARDING PERMITS AND PLAN REVIEW; AND BY AMENDING SECTION 34-356(c)(1) REGARDING POOL OPERATION AND MAINTENANCE; 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 DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Farmers Branch finds it to be in the public interest and necessary for the preservation of public health and safety within the City of Farmers Branch to amend the Code of Ordinances as follows.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** Chapter 34, Article VIII “Swimming Pools” of the Code of Ordinances of the City of Farmers Branch is amended by amending Section 34-352 “Definitions” by adding definitions for “Confined space entry” and “Underground vault”, to read in part as follows:

**“Sec. 34-352. - Definitions.**

...

*Confined space entry* means a space that is not designed for continuous occupancy, has limited and restricted means for entry and exit. These spaces can present physical and atmospheric hazards to people as well as pose an increased risk of corrosion and accelerated degradation of metal based equipment because of the increase in moisture and humidity that frequently accumulates in confined spaces.

...

*Underground vault* means space, chamber, or passage enclosed by a vault or vault-like structure, that is located underground.”

**SECTION 2.** Chapter 34, Article VIII “Swimming Pools” of the Code of Ordinances of the City of Farmers Branch is amended by amending Section 34-353 “Building permit required” by amending subsection (b), and by adding subsection (c), to read in part as follows:

**“Sec. 34-353. – Building permit required.**

...

- (b) A plan review that meets The Texas Administrative Code, Chapter 265, and Subchapters (L) Standards for Public Pools and Spas, and (M) Interactive Water Features and Fountains is required for new construction, remodeling, or renovation and shall be submitted to and approved by the building official and the city sanitarian. Before any construction, can occur after the approved plan review, any changes, modifications, or additions of the original design plans must be approved by the building official and city sanitarian.
- (c) In addition, to the above requirements for obtaining a building permit, all swimming pool and spa pump rooms that are constructed for the purpose of housing swimming pool and or spa operating equipment such as pool plumbing lines, pumps, motors, electrical panels, measuring devices such as gauges and flow meters, and or other design equipment, and also includes pool water chemicals must be located in an above ground structure. Swimming pool and or spa operating equipment cannot be housed in a confined space or underground vault structure. ”

**SECTION 3.** Chapter 34, Article VIII “Swimming Pools” of the Code of Ordinances of the City of Farmers Branch is amended by amending Section 34-356 “Maintenance and operation” by amending subsection (c)(1), to read in part as follows:

**“Sec. 34-356. - Maintenance and operation.**

...

- (1) Every pool shall maintain a minimum disinfection concentration equivalent to a free chlorine residual of 1.0 mg/l and a maximum disinfectant concentration equivalent to 8.0 mg/l. Every spa shall maintain a minimum disinfection concentration equivalent to a free chlorine residual of 2.0 mg/l and a maximum disinfection concentration equivalent to 8.0 mg/l.

...”

**SECTION 4.** All provisions of the Ordinances of the City of Farmers Branch, Texas, 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 not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 5.** 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 6.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance, which shall remain in full force and effect.

**SECTION 7.** Any person violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Farmers Branch as heretofore amended and, upon conviction, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00).

**SECTION 8.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,  
TEXAS, ON THE \_\_\_\_\_ OF \_\_\_\_\_, 2017.**

ATTEST:

APPROVED:

\_\_\_\_\_  
Amy Piukana, City Secretary

\_\_\_\_\_  
Bob Phelps, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Peter G. Smith, City Attorney  
(PGS:12-7-16:TM 82064)