

CITY OF ROLLINGWOOD, TEXAS

ORDINANCE NO. 2016-03-16 (B)

AN ORDINANCE OF THE CITY OF ROLLINGWOOD, TEXAS, AMENDING SECTION 14.02.126 OF THE CITY CODE OF ORDINANCES TO ADOPT NEW REGULATIONS PERTAINING TO SWIMMING POOL FENCES; PROVIDING FOR AN EFFECTIVE DATE, AND SEVERABILITY

WHEREAS, the City Council finds that the maintenance of fencing around swimming pools are necessary for the safety of the public and that such fencing is not always properly maintained

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD, TEXAS:

Section 1. Subsections (g), (h), and (i) of Section 14.02.126 of the City Code of Ordinances are amended and/or added to provide as follows:

(g) Each outdoor swimming pool erected, constructed or substantially altered after March 1, 1988, shall be completely enclosed by a fence in compliance with all applicable regulations then adopted by the city and in effect from time to time. From and after April 20, 2016 all such new or substantially altered fences shall comply with the requirements of Appendix G, Section AG 105.1 of the 2012 International Residential Code, except that no building material may be used in the construction of a fence except as permitted by this Code of Ordinances.

(h) Following the issuance of a certificate of occupancy for a swimming pool or other improvements that include a swimming pool, the swimming pool fence required by subsection (g) of this Section 14.02.126 shall be maintained in reasonably good condition and in the manner and configuration required by the applicable regulations of the building code adopted by the city and in effect at the time of the original installation of such fencing. Such obligation to maintain shall continue at all times that the swimming pool is in usable condition and/or holds water. On an annual basis or such other frequency reasonably determined by the responsible city official, a designated agent of the city may require a visual inspection of a swimming pool and related fencing for which a certificate of occupancy has been issued. Any such inspection shall be conducted only after reasonable written or verbal advance notice has been provided to the owner or occupant of the affected property. If a swimming pool fence is found not to comply with applicable regulations, the designated official shall provide written notice of non-compliance by certified mail forwarded to the address where the swimming pool is located. The owner shall make all repairs and corrections to make the fencing fully compliant not later than 30 days after the date written notice of non-compliance is forwarded as provided in this subsection (h). The designated official shall conduct an inspection to verify timely compliance.


(i) A failure to timely correct each non-compliance in a swimming pool fence following notice of non-compliance forwarded as provided in subsection (h) shall constitute a class

C misdemeanor. An offense shall be punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) per day the non-compliance continues. The penalty provided in this subsection (i) shall be cumulative and not exclusive of any other civil or injunctive remedy provided by applicable law.

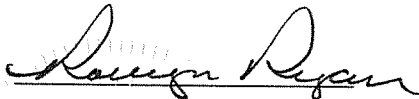
Section 2. This Ordinance shall be effective immediately upon adoption.

Section 3. If any provision of this Ordinance is found by a court of competent jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed as though it never formed a part of this Ordinance, and all other provisions hereof shall remain in full force and effect.

PASSED AND APPROVED BY THE CITY COUNCIL OF ROLLINGWOOD, TEXAS,
on the 16th day of March, 2016.


Thom Farrell, Mayor

ATTEST:


Robyn Ryan, City Secretary

