

ORDINANCE NO. 2008- 17

AN ORDINANCE AMENDING ORDINANCE NO. 2007-12 REGULATING THE OPERATION AND MAINTENANCE OF SWIMMING POOLS IN THE CITY OF BROOKLAND, ARKANSAS, AND PRESCRIBING PENALTIES FOR THE VIOLATION HEREOF, AND FOR OTHER PURPOSES.

BE IT ORDAINED AND ENACTED by the City Council of the City of Brookland, Arkansas, that:

SECTION 1: Definitions.

1. "Family pool" is an in-ground or above-ground swimming pool used or intended to be used solely by the owner, operator, or lessee thereof and his/her family, and friends invited to use it without payment of any fee.
2. "Swimming pool" is a body of water 15 inches or more in depth in an artificial or semi-artificial receptacle or container located indoors or outdoors, in-ground or above-ground, used or intended to be used for public, semi-public, or private swimming by adults or children, or both adults and children, whether or not any charge or fee is imposed upon such adults and children, and shall include all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels and community associations.

The word "shall" as used herein is mandatory and not merely directory.

SECTION 2: ENCLOSURE OF SWIMMING POOL. Every above-ground outdoor family pool without decking or partial decking used to access the pool shall be completely surrounded by a fence or wall not less than four feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than two inches in any horizontal dimension, nor four inches in any vertical dimension, except for doors and gates when open; and, if a picket fence is erected or maintained, the horizontal dimensions shall not exceed two inches. A dwelling house or accessory building may be used as part of such enclosure. Said enclosure shall be a minimum of four (4) feet from any edge of the pool.

Every in-ground outdoor family pool shall be completely surrounded by a fence or wall not less than six feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than two inches in any horizontal dimension, nor four inches in any vertical dimension, except for doors and gates when open; and, if a picket fence is erected or maintained, the horizontal dimensions shall not exceed two inches. A dwelling house or accessory building may be used as part of such enclosure. Said enclosure shall be a minimum of four (4) feet from any edge of the pool.

All gates or door openings through such enclosures shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

Every above-ground family pool with decking or partial decking shall have a gate or door with a self-

closing and self-latching device for keeping the gate or door to said decking securely closed at all times when not in actual use. All decking or partial decking around the above-ground family pool shall have railing on said decking that does not have openings, holes or gaps larger than two inches in any horizontal dimension nor four inches in any vertical dimension, except for doors and gates when open.

This requirement shall be applicable to all new swimming pools or family pools hereafter constructed, other than indoor pools, and shall apply to all existing pools.

Any outdoor spa or hot tub shall have a locking enclosure or cover securely fastened to the spa or hot tub at all times when not in actual use.

SECTION 3: BATHERS WITH COMMUNICABLE DISEASES. No person having any skin eruptions or abrasions, sore or infected eyes, a cold, nasal or ear discharge, or any communicable disease shall be permitted to use a swimming pool or family pool, spitting, spouting water or blowing the nose in the swimming pool shall be strictly prohibited. The operator of a commercial swimming pool shall post suitable placards involving such personal regulations and instructions.

SECTION 4: PENALTY. Any person, firm, or corporations violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any amount not exceeding \$25.00. Each day, such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 5: REPEALING CLAUSE. The provisions of this Ordinance are in addition to the provisions and regulations set forth in the rules and regulations of the State Board of Health heretofore adopted by Ordinance No. 2008-17 of the City of Brookland, Arkansas.

SECTION 6: EFFECTIVE DATE. Any person, firm, or corporation owning or operating an existing swimming pool in the City of Brookland shall be allowed thirty days from the effective date of this Ordinance in which to comply with the requirements herein; otherwise, this Ordinance to take effect immediately upon its passage and adoption.

SECTION 7: PERMIT REQUIRED. Any person, firm or corporation will be required to obtain a permit from the City of Brookland before the installation of any family pool or swimming pool.

SECTION 8: EMERGENCY CLAUSE. It is hereby found and declared by the City Council of the City of Brookland, Arkansas, that a swimming pool is a dangerous instrumentality of a character liable to attract children, and when exposed in a place liable to be frequented by children might result in the injury, drowning, or death of a child; therefore, an emergency is hereby declared to exist and this Ordinance being necessary for the preservation of public peace, health and safety, the Ordinance shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 9 day of December, 2008.

11-11-2008 Reading 1 Passed 6-0
11-11-2008 Reading 2 Passed 6-0
12-9-2008 Reading 3 Passed 6-0

ATTEST:

Johna Davis
JOHNA DAVIS, RECORDER

Kenneth D. Jones, Mayor
KENNETH JONES, MAYOR