



STATE OF ARKANSAS
City of Brookland

ORDINANCE 2007-12

AN ORDINANCE 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 a 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, 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 outdoor pool or family pool shall be completely surrounded by a fence or wall of non-climbable type or construction 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; 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.

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.

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.

The Mayor and/or City Inspector may take modifications in individual cases of existing pools, upon a showing of good cause with respect to the nature or location of the fence, wall, gates or latches, provided the protection as sought hereunder is not reduced thereby. The Mayor and/or City Inspector may permit, in cases of existing pools, other protective devices or structures used so long as the degree of protection afforded by the substitute device or structure is not less than the protection afforded by the wall, fence, gate and latch described herein.

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 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.

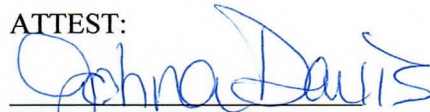
SECTION 5: REPEALING CLAUSE. The provisions of this Ordinance are in addition to the provisions and regulations set forth in the rules and regulations of the State Board of Health.

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: EMERGENCY CLAUSE. It is hereby found and declared by the City Council of the City of Brookland, Arkansas, that a swimming pool is 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 11th day of December, 2007.


Kenneth D. Jones, Mayor

ATTEST:

Johna Davis, Recorder