



CHAPTER 14. PUBLIC SWIMMING POOLS AND SPA STANDARDS*

Sec. 8-14-1. Adopting of the Texas Swimming Pool and Spa Standards.

(a) The city adopts by reference the provisions of the current rules or rules as amended by the *Texas Board of Health found in the Texas Administrative Code (TAC), Standards for Public Pools and Spas, Sections 265.181--265.207.*

(b) Definitions. For the purposes of this chapter, the following words, terms and phrases and their derivations shall have the following meanings:

The words "*authorized agent or employee*" mean the employees of the regulatory authority.

The word "*pool*" means (same as defined in the standards for public pool and spa).

The word "*spa*" means (same as defined in the standards for public pool and spa).

The words "*standards for public pool and spa*" mean the standards or rules found in the *Texas Administrative Code (TAC) Sections 265.181 through 265.207.*

The words "*regulatory authority*" mean the standards or rules found in the Texas Administrative Code (TAC) Sections 265.181 through 265.207.

The words "*Municipality of Weatherford*" in this chapter shall be understood to refer to the City of Weatherford.

Sec. 8-14-2. Permits and exemptions.

(a) A person commits an offense if the person owns, operates, or manages a public swimming pool and/or a spa without a valid permit issued by the regulatory authority. Permits are not transferable from one person to another or from one location to another location, except as otherwise permitted by this chapter. A valid permit must be posted in a visible location near any pool or spa regulated by this chapter.

(b) The following pools and spas are exempt from this chapter:

(1) A pool or spa serving only one or two dwellings (a single or duplex residential pool), regardless of whether the pool/spa is permanently or temporarily installed in the ground, on the ground or above the ground;

(2) A pool or spa operated exclusively for therapeutic purposes such as medical treatment or physical therapy. **V.T.C.A., Health and Safety Code § 341.064** applies to pools and spas used for therapeutic purposes; and

(3) Class E pools, except the requirements discussed in Section 26.204(a) of the "Standards for Public Pools and Spas".

Sec. 8-14-3. Application for permits and fees.

(a) Any person desiring to operate a public pool and/or spa must make a written application for a permit on forms provided by the regulatory authority. The application must contain the name and address of each applicant, the location and type of public pool and/or spa and the applicable fee. An incomplete application will not be accepted. Failure to provide all required information, or falsifying information required my result in denial or revocation of the permit. Renewals of permits are required on an annual basis and the same information is required for a renewal permit as for an initial permit.

(b) Prior to the approval of an initial permit or the renewal of an existing permit, the regulatory authority shall inspect the proposed public pool/spa to determine compliance with state laws, state rules, and the requirements of this chapter. ***A public pool/spa that does not comply with state laws, state rules, and these requirements will be denied a permit or renewal of a permit.***

(c) A fee schedule shall be adopted from time to time by minute order of the city council and shall apply to all permits issued under this chapter.

Sec. 8-14-4. Review of plans.

(a) Prior to beginning the construction of a new public pool/spa or the extensive remodeling of an existing public pool/spa, the owner shall submit plans and specifications for such construction or remodeling to the regulatory authority, the building department, and fire department.

(b) The plans and specifications shall indicate the ***proposed layout, arrangement, mechanical plans and construction materials of work areas and the type and model of proposed fixed equipment and facilities.***

(c) The plans and specifications shall be ***submitted under the seal of a professional engineer with the statement that they meet the requirements of the Texas "Standards for Public Swimming Pool/Spa".***

(d) No work shall begin until the regulatory authority has reviewed the plans and advised the owner that work may begin, and the owner or the owner's contractor has obtained all required permits for such work from the building official. Work shall commence and conclude within the time allowed by such permits. Deviations from the plans that were approved and sealed by the professional engineer shall not be permitted.

(e) Failure to follow the approved plans and specifications will result in a permit denial, suspension, or revocation.

Sec. 8-14-5. Suspension of permit.

(a) The regulatory authority may, without warning, notice, or hearing suspend any permit to operate a public pool/spa if the operation of such pool/spa constitutes an imminent hazard to public health and safety. Suspension is effective upon service of the notice required by subsection (b) of this section. When a permit is suspended, the holder must close the public pool/spa to the public and not reopen until further authorization from the regulatory authority. Whenever a permit is suspended, the holder of the permit shall be afforded an opportunity for a hearing within **20 days** of receipt of a request for a hearing.

(b) Whenever a permit is suspended, the holder of the permit or person in charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the regulatory authority by the holder of the permit within ten days. If no written request for hearing is filed within ten days, the suspension is sustained. The regulatory authority may end the suspension at any time if reasons for suspension no longer exist.

Sec. 8-14-6. Revocation of permit.

(a) The regulatory authority may, after providing opportunity for a hearing, revoke a permit for serious or repeated violations of any of the requirements of these rules or for interference with the regulatory authority in the performance of its duties. Prior to revocation, the regulatory authority shall notify the holder of the permit or person in charge, in writing, of the reason for which the permit is subject to revocation and that the permit shall be revoked at the end of the ten days following service of such notice unless a written request for a hearing is filed with the regulatory authority by the holder of the permit within such ten-day period.

(b) If no request for hearing is filed within the ten-day period, the revocation of the permit becomes final.

Sec. 8-14-7. Administrative process.

(a) A notice as required in these rules is properly served when it is delivered to the holder of the permit or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the regulatory authority.

(b) The hearings provided for in these rules shall be conducted by the regulatory authority at a time and place designated by it. Based upon the recorded evidence of such hearing, the regulatory authority shall make final findings, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the regulatory authority.

Sec. 8-14-8. Remedies.

(a) Any person who violates a provision of these rules and any person who is the permit holder of or the person in charge of a public pool/spa facility that does not comply with the requirements of these rules and any responsible officer of that permit holder or those persons shall be punishable by a fine not to exceed **\$1,000.00** for all cases involving public health and sanitation and such fine shall not exceed **\$500.00** in all other cases. A person commits a separate offense and distinct offense for each day or portion thereof during which any violation of the provisions of this chapter is continued or permitted.

(b) The regulatory authority may seek to enjoin violations of these rules.



***Texas Board of Health found in the Texas Administrative Code (TAC),
Standards for Public Pools and Spas, Sections 265.181--265.207.***

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