

# CITY OF ABERNATHY

**DATE:** June 14, 2022  
**TO:** Residents of Abernathy  
**SUBJECT:** Pool Reminder Notice

Although it is very HOT outside, and we want our kiddos to enjoy their summer, SAFETY is our priority. We would like to remind the community that ALL pools must be kept behind a secured fence and IF a pool is set up in the front yard, or in a backyard with no surrounding fence, the pool must be supervised at all times (with the water being emptied after use). Please do not dispose of water by dumping it onto streets or other properties (this will certainly help in keeping your personal property green). Additionally, this will ensure that all pool users remain in full compliance with the city ordinances, while keeping all children and pets safe. Thank you all for keeping the City of Abernathy safe!

The ordinance is as follows:

## **Section. 6.03.001 Exterior Grounds**

### (b) Grading and drainage.

(1) All property shall be maintained so as to prevent the accumulation of stagnant, foul, and offensive water thereon, or within or under any structure located thereon.

(3) It shall be unlawful to drain swimming pool backwash onto public or private property. It is also unlawful to drain swimming pool water containing chemicals onto adjacent private or public property, to include alleys. However, those pools built prior to adoption of this article shall maintain a nonconforming status until such time as the Environmental Protection Agency or other federal agency requires enforcement by the city.

### (l) Swimming pools, spas and hot tubs.

(1) Swimming pools, spas, and similar structures, above ground, on ground, or in ground, shall be maintained safe, clean, sanitary, secure, and structurally and mechanically sound in accordance with applicable city codes.

(2) The dumpsite for pool excavation shall be approved by the city at the time of plan review.

### (m) Enclosure of pools, spas, and hot tubs.

#### (1) Private pools, spas and hot tubs.

(A) Every outdoor swimming pool, spa, and hot tub shall be completely enclosed by a fence or wall not less than six (6) feet in height.

(B) All gates or doors shall be equipped with a self-closing and self-latching device. The latching device shall be located on the pool side at least four and one-half (4-1/2) feet from the ground.

(C) Prior to excavation, a temporary fence shall be installed and maintained until completion of the pool.

(2) Public and semi-public pools, spas and hot tubs.

(A) Every outdoor swimming pool, spa, and hot tub shall be completely enclosed by a fence or wall not less than six (6) feet in height.

(B) Openings under the pool yard enclosure may not allow a sphere four (4) inches in diameter to pass under the pool yard enclosure.

(C) If the pool yard enclosure is constructed with horizontal and vertical members, and the distance between the tops of the horizontal members is at least forty-five (45) inches, the openings may not allow a sphere four (4) inches in diameter to pass through the enclosure.

(D) If the pool yard enclosure is constructed with horizontal and vertical members, and the distance between the tops of the horizontal members is less than forty-five (45) inches, the openings may not allow a sphere one and three-fourths (1-3/4) inches in diameter to pass through the enclosure.

(E) If the pool yard enclosure is constructed with diagonal members and no vertical members, such as a lattice fence, the openings may not allow a sphere one and three-fourths (1-3/4) inches in diameter to pass through the enclosure.

(F) If the pool yard enclosure is constructed with chain-link metal fencing material, the openings may not allow a sphere one and one-fourth (1-1/4) inches in diameter to pass through the enclosure.

(G) Decorative designs or cutouts on or in the pool yard enclosure may not contain any openings greater than one and three-fourths (1-3/4) inches in any direction.

(H) Permanent equipment or structures may not be constructed or placed in a manner that makes them readily available for climbing over the pool yard enclosure.

(I) All gates or doors shall be equipped with a self-closing and self-latching device. The latching device shall be located at least four and one-half (4-1/2) feet from the ground.

**State law references**—Swimming Pool enclosures, V.T.C.A., Local Government Code, sec. 214.101 et seq.; pool yard enclosure for multiunit rental complex, property owners' association, etc., V.T.C.A., Health and Safety Code, ch. 757.

Sincerely,

City of Abernathy Staff