

ORDINANCE NO 313

AN ORDINANCE AMENDING ORDINANCE 272 TO PROVIDE A DEFINITION OF "SWIMMING POOLS", PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SEVERABILITY AND SAVING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Whereas, it is the intent of this Ordinance to encourage and promote, in accordance with present and future needs, the safety, morals, health, order, convenience, prosperity, and general welfare of the citizens of the City of Seven Points; and

Whereas, the current Zoning Ordinance provides for certain regulations regarding swimming pools, but does not clearly define whether temporary above-ground pools are within the intent of those regulations; and

Whereas, the temporary above-ground pool do not present concerns of the same magnitude with regard to health and safety of residents in the vicinity of such a pool; and

Whereas, many residents have enjoyed the ability to use above-ground pools without making the investment into permanent fences surrounding such pools.

Be It Ordained By The City Council Of The City Of Seven Points, Texas:

Article I. A new Article 3, Section 58a of the Ordinance 272 is hereby added to read as follows:

- 5a. Swimming Pool** - A permanent structure intended for recreational purposes which is designed to hold water with a depth of more that 36 inches. The definition shall include in-ground and above-ground pools with electric pumping and filtration, which are designed to remain in place on a year around basis.

Article II. Severability Clause / Saving Clause. It is hereby declared to be the intent of the City Council of the City of Seven Points, Texas, that the section, paragraphs, sentences, clauses, and phrases of this chapter are severable. If any phrase, clause, sentence, paragraph of section of this chapter shall be declared unconstitutional or invalid, it shall not effect any of the remaining phrases, clauses, sentences paragraphs or section of this chapter since the same would have been

enacted by the city commission without the incorporation of this chapter of any such unconstitutional or invalid phrase, clause, sentence paragraph or section.

Article III. Effective Date. This amended ordinance shall become effective on the date of the signing.

Passed and Approved this the 14th day of June, 2005. *Tabled*

returned July 12, 2005

Amended: by Motion of Council

APPROVED:

Gerald Taylor, Mayor

ATTEST:

Debbie Mosley, City Secretary

Ronald D. Stutes, City Attorney

Lindsey S. Birdsong
Attorney at Law

Blake E. Armstrong
Attorney at Law



BIRDSONG & ARMSTRONG

A Professional Corporation
Attorneys at Law

November 20, 2009

Mayor Gerald Taylor
City of Seven Points
P.O. Box 43233
Seven Points, Texas 75143

Re: Swimming Pool Ordinance

Dear Mayor Taylor:

Our current swimming pool ordinance requires a six (6) foot fence to completely enclose a swimming pool located inside the city limits. Based on our recent conversations, there are some pools which are being constructed on lakefront property, and thus, the lake is creating a natural barrier on the lakefront side of the pool. I am of the opinion that the spirit of our ordinance is to ensure that swimming pools have an adequate barrier around them, which would prevent children from gaining access to the pool and creating a potentially dangerous situation. As long as the lakefront swimming pools are secured on the sides with fences that run all the way to the water, as well as a fenced barrier on the side opposite from the lake, compliance with our ordinance would be met.

Very simply, swimming pools should be secured on all sides. If a landowner can present evidence that a swimming pool is adequately secured, even with one side being secured by the lake, then I would feel comfortable issuing a permit.

Mayor, please contact me should you have any questions or comments regarding any of the above-referenced matters.

With best regards, I am

Very Truly Yours,

BIRDSONG & ARMSTRONG, P.C.
A Professional Corporation

Blake E. Armstrong

BEA: ms

**CITY OF SEVEN POINTS
MINUTES
SEVEN POINTS CITY COUNCIL
REGULAR MEETING
JULY 12, 2005 AT 7:00 P.M.
CHAMBER ROOM OF SEVEN POINTS CITY HALL**

A. City Council call to order and announce a quorum is present.

Mayor Gerald Taylor called the meeting to order at 7:00 pm all members were present.

Gerald Taylor, Mayor
Michael Lowe
Tommy Taylor

Kenneth Crutchfield
Bubba Powell
Ronnie Longacre
Debbie Mosley (Mayor Asst.)

**Pledge of Allegiance
Mayors Comments:**

A. Consent agenda

1. Approve the Minutes for the June 14, Regular Meeting. Take any action necessary.

Motion: Upon a motion made by Council member Tommy Taylor and a second by Council member Kenneth Crutchfield, the council voted all in favor to approve the Minutes for the June 14, 2005 Regular Meeting. The motion carried.

2. Approve the Financial Report for June, 2005. Take any action necessary.

Motion: Upon a motion made by Council member Michael Lowe and a second by Council member Tommy Taylor, the council voted all in favor to approve the Financial Report pending the bank statement. The motion carried.

B. Old Business:

1. Discuss, approve or disapprove Ordinance No. 313, an ordinance amending Ordinance No. 272, Sec. 19.13 Swimming Pools. Take any action necessary.

Motion: Upon a motion made by Council member Tommy Taylor and a second by Council member Ronnie Longacre, the council voted all in favor to add the definition: A swimming pool constructed for the exclusive use of the residents of a residential use. And add Section 2 e. ladders and entry way steps must be removed, gated or blocked when owners are not using the pool to provide an element of public safety. The motion carried.

2. Discuss and receive public opinion on Ordinance No. 311, an ordinance repealing Ordinance No.