

ORDINANCE NO 2016-03

**ORDINANCE OF THE CITY OF RIESEL, TEXAS REGULATING THE DRAINING OR BACKWASHING OF RESIDENTIAL SWIMMING POOLS OR SPAS AND REGULATING STAGNANT WATER IN SWIMMING POOLS OR SPAS, MAKING VIOLATION AN OFFENSE (MISDEMEANOR) PUNISHABLE BY FINE NOT TO EXCEED \$500.00, OR IF FOR DISCHARGE INTO A STORM DRAIN, A FINE NOT TO EXCEED \$2,000; MAKING EACH DAY OF VIOLATION A SEPARATE OFFENSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR A SEVERABILITY CLAUSE**

WHEREAS, improper draining and backwashing of residential swimming pools or spas creates a nuisance, violates the property rights of adjoining landowners, can create a breeding ground for mosquitos, and is a threat to the environment; and

WHEREAS, failure to properly maintain swimming pools and spas can create a unhealthy condition of stagnant water that is a breeding ground for mosquitos and may create foul odors; and

WHEREAS, the City Council finds that the passage of these regulations are necessary to address the problems noted above.

NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIESEL, TEXAS that:

1. Definitions:

“Spa”--A constructed permanent or portable structure that is 2 feet or more in depth and that has a surface area of 250 square feet or less or a volume of 3250 gallons or less and that is intended to be used for bathing or other recreational uses and is not drained and refilled after each use. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction bubbles, or any combination thereof.

“Swimming Pool” –a pool of water 24 inches or greater in depth used for, or intended to be used for water-related recreation. This includes in-ground and above-ground pools.

2. Adoption of Regulations Relating to the Drainage or Backwashing of Residential Swimming Pools and Spas:

- a) Drain water only onto your own yard. Do not drain water at a rate or in a manner that allows water to flow onto or saturate a neighboring property that you do not own. The elevation of your

yard in comparison to the neighboring property does not exempt you from this requirement.

- b) Drain water slowly to allow it to be absorbed into the ground and prevent erosion or ponding. Standing water can lead to mosquito problems in as little as 48 to 72 hours.
- c) Do not drain water into the street or into a City storm sewer. This is critical to the protection of streams and waterways, and could violate both state and federal law.
- d) De-chlorinate water by allowing it to stand untreated for 7-10 days before draining. (Please be aware that draining saltwater pools directly onto vegetation may kill the vegetation.)
- e) Maintenance discharges of swimming pools and spas such as filter backwash, acid wash, and plaster wastes shall never be discharged onto the property or another, a public right-of-way, or any storm drain system, or in a manner that allows migration onto the property of another, a public right-of-way, or any storm drain system.
- f) It is possible that in some situations and under specific directions of the water and sewer department, that pool or spa water may be drained into the City's sanitary sewer system. If available, this will only be allowed during off-peak hours, and only at a specified flow rate to prevent back-up or overwhelming the line. Permission must be obtained from the water and sewer department before draining water into the sanitary sewer system—and directions of the department must be strictly followed.

3. Pool or Spa Water Not to Be Allowed to Become Stagnant. Swimming pools and spas shall not be allowed to impound stagnant water. Maintaining a pool or spa in a condition such that it is holding stagnant water is prohibited. This is extremely important to prevent a pool or spa from becoming a breeding ground for disease-carrying mosquitos.

4. Violation an Offense. Violation of any of the provisions set forth herein is a criminal offense (misdemeanor) punishable by a fine not to exceed \$500.00. Each day of violation shall be a separate offense. However, draining water into the City storm drainage system shall be punishable by a fine of up to \$2,000.00 per day.

5. Civil Liability. Please also note that draining water onto another's property could subject you to a civil lawsuit by the other landowner for trespass or nuisance.

6. Draining into Sanitary Sewer without Prior Approval or in Violation of Directions Given.

a) Draining pool or spa water into the City's sanitary sewer system without prior approval of the water and sewer department is an offense under this Ordinance.

b) Draining pool or spa water into the City's sanitary sewer system in a manner that does not comport with the directions of the water and sewer department is an offense under this Ordinance.

c) Violations of a) or b) above may also lead to City water and sewer services being cut off.

7 Effective Date. This Ordinance is effective upon passage and publication of the heading in the City's official newspaper.

8. Severability. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Riesel hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

PASSED this 12<sup>th</sup> day of July, 2016.

  
MAYOR

Attest:

  
CITY SECRETARY