

**ORDINANCE: 2021-03-08**

**AN ORDINANCE OF THE CITY OF MUNFORD, TENNESSEE ADOPTING REGULATIONS FOR SWIMMING POOLS, SPAS AND HOT TUB ENCLOSURES**

**WHEREAS** regulating and governing for Public Safety the repair, alteration, addition, and relocation of enclosures for swimming pools, spas, and hot tubs, in the City of Munford, Tennessee; and

**WHEREAS**, providing for the issuance of permits and collection of fees; therefore, and

**WHEREAS**, repealing Ordinance No. 2018-08-05 of the City of Munford, Tennessee and all other ordinances or parts of laws in conflict therewith:

**NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MUNFORD, THAT:**

**Section 1.** That a certain document, one (1) copy of which are on file in the office of the City Recorder of the City of Munford, Tennessee, being marked and designated as Regulations for *Swimming* Pool, Spa and Hot Tub Enclosures., is hereby adopted; providing for the issuance of permits and collection of fees; therefore, and each and all of the regulations, provisions, penalties, conditions, and terms of said Regulations for Swimming Pool, Spa and Hot tub enclosures on file in the office of the City Recorder are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, prescribed in Section 2 of this ordinance.

**Section 2.** The following sections are hereby revised:

**Section 101.1.** Swimming Pools, Spas and Hot tubs

Swimming pools spas and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.

**Section 101.2** Enclosures

Private swimming pools, hot tubs, and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate, the releasing mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released

from an open position of 6 inches (152 mm) from the gate post. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

Exceptions: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

**Section 3.** That Ordinance No. 2018-08-05 of City of Munford, Tennessee referencing the 2012 International Residential Code, appendix G "Swimming Pools, Spas, and Hot Tubs" and all other ordinances or parts of laws in conflict herewith are hereby repealed.

**Section 4.** That if any section, subsection, sentence, clause, or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Mayor and Alderman hereby declares that it would have passed this law, 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.

**Section 5.** That nothing in this legislation shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this legislation.

**Section 6.** That the City Recorder is hereby ordered and directed to cause this legislation to be published.

**Section 7.** This ordinance shall take effect from and after its passage, the welfare of the city requiring it.

**Section 8.** It shall be unlawful for any person to violate or fail to comply with any provision of the code as herein adopted by reference and modified. The violation of any section of this chapter shall be punishable by a penalty of up to fifty dollars (\$50.00). Each day a violation is allowed to continue shall constitute a separate offense.

March 22, 2021

Passed First Reading

April 26, 2021

Passed Second Reading

Dwayne Cole

Mayor Dwayne Cole

Sheryl Heydon

City Recorder