

NOTICE OF INTRODUCTION OF ORDINANCE

NOTICE IS HEREBY GIVEN that the following entitled ordinance was introduced in writing in the form required for adoption at a meeting of the Parish Council of the Parish of Livingston, State of Louisiana, on June 28, 2012, and laid over for publication of notice:

L.P. ORDINANCE NO. 12-22

AN ORDINANCE TO AMEND ARTICLE I OF CHAPTER 4.5 OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH, "BUILDINGS AND BUILDING REGULATIONS," ADDING SECTION 4.5.5, "SWIMMING POOLS."

NOTICE IS HEREBY FURTHER GIVEN that the Parish Council of said Parish will meet on Thursday, July 26, 2012, at six (6:00) o'clock p.m., at the Parish Council Chambers, 20355 Government Boulevard, Livingston, Louisiana, at which time there will be a public hearing on the adoption of the aforesaid ordinance.

Lisa Frederick, Council Clerk

Cindy Wale, Council Chair

(As per rules of the Council, copies of the proposed ordinance shall be made available for public inspection in the Office of the Livingston Parish Council.)

The following ordinance, which was previously introduced in written form required for adoption at a regular meeting of the Livingston Parish Council on June 28, 2012, a summary thereof having been published in the Official Journal together with a notice of public hearing which was held in accordance with said public notice, was brought up for final passage as amended July 26, 2012, on Motion of _____ and seconded by _____:

L.P. ORDINANCE NO. 12-22

AN ORDINANCE TO AMEND ARTICLE I OF CHAPTER 4.5 OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH, "BUILDINGS AND BUILDING REGULATIONS," ADDING SECTION 4.5.5, "SWIMMING POOLS."

BE IT ORDAINED by the Livingston Parish Council, Parish of Livingston, State of Louisiana: The Code of Ordinances of the Parish of Livingston, Louisiana, is hereby amended by adding sections, to be numbered Section 4.5-5 and Section 4.5-6, which sections shall read as follows:

Sec. 4.5.5 Swimming Pool Definitions

ABOVE-GROUND/ON-GROUND POOL. See "Swimming pool."

BARRIER. A fence wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

HOT TUB. See "Swimming pool."

IN-GROUND POOL. See "Swimming pool." **RESIDENTIAL.** That which is situated on the premises of a detached one- or two-family dwelling or a one-family townhouse not more than three stories in height.

SPA, NONPORTABLE. See "Swimming pool."

SPA, PORTABLE. A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water over 18 inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

SWIMMING POOL, INDOOR. A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.

Sec. 4.5.6 Swimming pool permit, enclosure requirements, and maintenance of swimming pools.

The construction activities governed by these regulations shall comply with the following:

1. Permit

Before construction of an in ground swimming pool begins, a permit must be obtained from the Livingston Parish Permit Department. The cost of the "Pool Permit" is twenty-five dollars (\$25.00).

Above ground pools do not require a permit at this time.

2. Enclosure requirements.

- a. Every swimming pool 18 inches or deeper shall be completely surrounded by a chain-link or solid fence or wall not less than five (5) feet in height and be constructed as not to have openings, holes, or gaps larger than four (4) inches in a vertical or horizontal direction. A dwelling or accessory building may be used as part of such enclosure.
 1. On an above-ground pool, the barrier or enclosure may be at ground level, such as the pool structure, or mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches. The above-ground pool must have a securable ladder.
- b. All gates or door openings and ladders through such enclosure shall be equipped with a device for keeping the gate or door securely closed at all times when the swimming pool is not in use and shall be provided with hardware for permanent locking devices, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
- c. All fences, walls, and gates surrounding a swimming pool shall be maintained in good repair, free from any condition which would defeat its purpose at all times.

3. Maintenance of swimming pools

- a. Every owner of a swimming pool, both in ground and above ground, located in the parish shall maintain the pool in such a manner that:
 1. The pool shall not harbor or become infested with reptiles, mosquitoes, vermin or other pests;
 2. The pool shall not harbor or support submerged or emergent vegetation; and
 3. The pool shall not collect scum, film or debris to such an extent that the water is not clear enough to permit a black disk six (6) inches in diameter on a white field when placed on the bottom of the pool at the deepest point to be clearly visible from the deck around the pool at all distances up to ten (10) yards measured from a line drawn across the pool through said disk.

4. Failure to comply:

After reasonable notice or notification by the Livingston Parish Permit Department the owner, proprietor, lessee, mortgagee, or any other person having any interest legal or equitable in the property shall have seven (7) days to obtain: required permit, repair any fence, wall, or gate surrounding a swimming pool, or perform any required maintenance set forth above.

Failure to:

- a. Obtain a permit for an in ground pool shall be subject to a fine of two hundred fifty dollars (\$250.00) plus the cost of obtaining a permit.
- b. Failure to comply with any of the above ordinance shall be subject to:
 - i. First offense, a two hundred fifty dollar (\$250.00) fine;
 - ii. Second offense, a five hundred dollar (\$500.00) fine;
 - iii. Third offense, a one thousand dollar (\$1000.00) fine;

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed. If any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

The effective date of this ordinance shall be as prescribed by law.

Upon being subjected to a vote, the vote thereon was as follows:

YEAS:

NAYS:

And the ordinance was declared adopted on the 26th of July, 2012.

Cindy Wale, Council Chair

ATTEST:

Lisa Frederick, Council Clerk

INTRODUCED _____ ADOPTED _____

DELIVERED TO PRESIDENT _____, _____ o'clock ____ M.

APPROVED BY PRESIDENT _____
Layton Ricks Date

VETOED BY PRESIDENT _____
Layton Ricks Date

RECEIVED FROM PRESIDENT _____, _____ o'clock ____ M.