

Jacob Wheeler, Vice-Chair
Sharon Hester, Board Member
Chris Arthur, Board Member
Stephanie Wickware, Board Member
Ernesto Hernandez, Board Member
Lemone Reece, Board Member
Davi Killion, Board Member

Patsy Smith, Director
Ricky Dorsey, Assistant Director



**NOTICE OF MEETING
PARKS ADVISORY BOARD
December 7, 2021
12:00 P.M.
City Council Chambers
504 N. Queen Street
Palestine, Texas**

Zoom Link:

<https://us02web.zoom.us/j/81840659573?pwd=enN3SHpaWVNNWjFyaDJYN1NmeVZqZz09>

Meeting ID: 818 4065 9573

Passcode: 341110

One tap mobile

+13462487799,,81840659573#,,, *341110# US

*Note: when you are joining a Zoom meeting by phone, you can use your phone's dial pad to enter the commands *6 for toggling mute/unmute and *9 to "raise your hand." [Learn more here.](#)*

Follow us live at [facebook.com/palestinex/](https://www.facebook.com/palestinex/)

A. CALL TO ORDER

B. PROPOSED CHANGES OF AGENDA ITEMS

C. PUBLIC COMMENTS

Any citizen wishing to speak during public comments regarding an item on or off the agenda may do so during this section of the agenda. All comments must be no more than five minutes in length. Any comments regarding items, not on the posted agenda may not be discussed or responded to by the Board. Members of the public may join via Zoom or in person.

D. CONFLICT OF INTEREST DISCLOSURES

E. DIRECTOR'S REPORT

1. October Monthly Report

F. APPROVAL OF MINUTES

1. Consider approval of minutes from October 5, 2021, Parks Advisory Board meeting.

G. DISCUSSION AND ACTION ITEMS

1. Discussion and possible action regarding electing a Chair.
2. Discussion and possible action regarding rules and regulations for the new Dog Park.
3. Discussion and possible action regarding amending the Pool and Spa Safety Ordinance related to Registered Pool Operator.

H. ADJOURNMENT

I certify that the above Notice of Meeting was posted on the outdoor bulletin board at the main entrance to City Hall, 504 N. Queen Street, Palestine, Texas, in compliance with Chapter 551 of the Texas Government Code on **Thursday, December 3, 2021, before 2:00 p.m.**



April Jackson, City Secretary

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA) PERSONS IN NEED OF SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, CONTACT THE CITY SECRETARY'S OFFICE VIA EMAIL AT cmadmin@palestine-tx.org or 903-731-8414.



Agenda Date: 12/07/2021
To: Parks Advisory Board Agenda Item
From: April Jackson, Asst. City Secretary
Agenda Item: October Monthly Report
Date Submitted: 10/26/2021

SUMMARY:

Directors Monthly Report for October

RECOMMENDED ACTION:

None

CITY MANAGER APPROVAL:

Attachments

Oct Monthly

City of Palestine Parks and Recreation Department October 2021

Overview

The Parks and Recreation Department incorporates the following divisions.

Parks
Cemeteries
Lakes

The department includes 6 full time employees and 3 part-time, 5 Seasonal (Summer Months Only). The division oversees 38 individual locations totaling 400 acres that is mowed and weeded. We also clean 12 park restrooms daily M-F and handle all trash detail in the parks, cemeteries and Lakes including downtown.

Administration

- Prepare Timesheets for payroll x 2
- Sign and turn in invoices as needed throughout month
- Prepared Parks Agenda for Parks Board Meeting Oct. 5, 2021
- Attend Parks Board Meeting Oct. 5, 2021
- Attended couple senior staff Oct. 5, 2021
- Met with Mary Raum to confirm flag pole being fixed Reagan Park, was then asked to deliver 15 round tables and 50 white chairs to venue by Texas Theater on Oct. 15
- Met with Facility Maint. Worker and asked him to work on display case that fell at City Hall to fix glass with plexi glass and remount to wall
- Delivered barricades to Larry Street Park and Gardner Drive at Fitzhugh for NNO block parties
- Took two pop up tents over to Public Works so they can use for this weekends clean up day
- Did 3 interviews for 1 part time positions within Parks Division
- Began working on filling in cracks that have developed on tennis courts once again to try and get court to last another year
- Asst. Director went to Buffalo to pickup lift for Facility Maint to use to fix rope on flag pole at Reagan Park and took back same day
- Met with Andrew in Finance on getting auction items listed for next Council Meeting so that room can be made in warehouse for upcoming move of Library

- Ordered new LED solar lights to be mounted to poles in Reagan Park with Authorization from City Manager
- Ordered new LED solar light for flag pole at Reagan Park
- Met with Dawayne Walters with Empire Paper on using their buyboard products for future needs of the City
- Attended City Council Meeting 10-11-21
- Met with Jason Shelton regarding possible testing of water at Splash Pad
- Began making agility course with swim noodles for Heritage Festival for Parks Division
- Met with Lisa on Personnel Matter
- Met Parks guys at Reagan Park to put together agility course for Heritage Festival
- Attended Senior Staff Meeting
- Met with Heather Chancellor with Chamber to figure out barricades for Hot Pepper Festival
- Began setting out moveable barricades for Hot Pepper Festival
- Put out Bathroom Banners for Hot Pepper Festival
- Helped two of Parks Employees to put out water barricades for Hot Pepper Festival
- Helped Two of Parks Employees to put out crowd barricades for Hot Pepper
- Helped to put out blue trash cans around downtown area for Hot Pepper
- Delivered 3 boxes of clear trash bags to Chamber for Hot Pepper
- Took down 6 Heritage Festival Signs from around town
- Met with Melissa Fermin regarding PISD swim team using City Pool till end of October
- Took down bathroom banners from Hot Pepper Festival
- Took down moveable barricades from Hot Pepper Festival
- Took down Hot Pepper Festival banners
- Delivered 1 Hot Pepper Sign to Chamber and threw rest away
- Met with Heather Chancellor at Chamber and began working on setup for Dogwood Festival
- Spoke to Commander Brian Austin with American Legion about needing cones for two trucks for Veterans Parade and possible cones and barricades for drive through at Knights of Columbus Hall for Breakfast
- Spoke to the Mayor in regards to a park in the Westwood area and the City and school having a maintenance agreement
- Bought lunch for the Streets and Utility guys to show appreciation on cleaning of creek Steven Bennett Park
- Met with PISD school and helped get them two pallets of water for Southside School due to water leak

- Met with Andrew on Online Auction
- Fixed two water spigots downtown for Hot Pepper Festival
- Attempted to clean graffiti from concrete caboose at Museum Reagan Park
- Met with Kevin with Kraftsman and getting splash pad winterized and leaks repaired
- Took photos of boardwalk that has broken handrails at Steven Bennett park on small holding pond
- Researched which parks need to go before voters to do away with as per Council meeting on 10-25-21
- Met with L & M Cleaning and scheduled floors for the Month of December
- Spoke to David Dougan regarding tombstone and burial for his brother at City Cemetery

Goals: To place ADA equipment in all major parks.

Parks

- **Put fall surface Larry Street Park (LONG TERM GOAL)**
- **PUT IN FALL SURFACE REAGAN PARK (Need to order new budget year)**
- **ORDER NEW BARRIERS AROUND PLAYGROUND EQUIPMENT CALHOUN (LONG TERM)**
- **PLACE NEW FALL SURFACE, CALHOUN, AND WILLIE MYERS**

Lakes

- Begin to setup Community Service hours for cleanup at lakes to make for beautifications
- Continue to cleanup under brush
- Mow and weedeat all areas of dams
- Begin working on clearing trees from back of dams Need Lower, Wolf Creek and Blue Lake
- Work on repairing leaks in 3 of the 4 dams (LONG TERM GOAL)
- Work on washouts on all 4 dams (LONG TERM GOAL)
- Work on clearing out fishing areas for Blue Lake so that we can stock with trout each year

Cemeteries

- Get volunteer group together and begin cleaning headstones (Still in process of working details out)
- Clean creek area for beautification (Looking to get volunteers on this)
- Make signs for sections of cemeteries to make it easier for families to find loved ones: **(LONG TERM GOAL).**

- **Obtained bids to have 4 walls repaired in Old Cemetery** (Will get volunteers to help complete Will be completed in 2021)
- Spray all cemeteries with a weed killer to allow grass to grow except weeds (SHORT TERM GOAL)

Parks, Cemeteries, Lakes

Future Projects:

Re place Disc Golf Course signage (Currently getting new Designs and working with local church)

Put up solar powered outdoor lights at Basketball court Greens Park (Will look at 2022)

Restripe lines on Basketball court Green's Park (SHORT TERM GOAL)

Tear out drive area at Willie Meyers Parks by pavilion and put up ballers around park area (WINTER 2022)

Fill in cracks on Tennis courts (IN PROGRESS)

Get engineer to create new playground area at Larry Street, walkway at Steven Bennett, and fix flooding issue Reagan Park (IN PROGRESS)

PARKS MONTHLY REPORT OCTOBER 2021
LOCATIONS MOWED

Calhoun Park x 1	Greens Park x 1
Crestline x 1	Fitzhugh x 1
Gateways x 2	Fire Station 4 x 2
Farmers Market x 2	City Barn x 1
Wall of Honor x 2	Carnegie x 2
PD Impound Yard x 1	Larry Street x 2
Blue Lake x 1	Phillips Parks x 2
Lorraine x 2	Reagan Park x 2
Mitchell Campbell x 2	Spring Street x 1
Athletic Complex x 1	Visitor Center x 2
Steven Bennet x 1	TDCJ Monument x 2
Tiffany x 1	Statue Park x 2
Willie Myers x 1	Wolf Creek Lake x 2
City Hall/PD x 1	Blue Lake x 1
Public Works Building x 2	Lower Lake x 1
Veterans Park x 2	Upper Lake x 1
City Cemetery x 2	Easthill Cemetery x 2
Memorial Cemetery x 2	

PROJECTS COMPLETED

Cut up fallen tree Upper Lake	Picked up fallen tree Limbs Reagan Park
Filled in sunken graves City Cemetery	Helped to move and setup agility course at Reagan Park
Moved tables and chairs to Reagan Park for Heritage Festival	Cleaned and picked up trash Reagan Park for Heritage Festival
Cleaned and maintained bathrooms during Heritage Festival Reagan Park	Picked up agility course and brought back to warehouse from Reagan Park
Picked up table and chairs from Reagan park and brought back to warehouse	Helped to work parade for Hot Pepper Festival
Trimmed low limbs on Spring Street to get ready for putting up Christmas Lights	Mowed lot in between City Cemetery and Easthill Cemetery

MAJOR ISSUES WHERE CONTRACTORS USED

None	
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SAFETY ISSUES

Staff	0
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Rentals and Special Events

Rentals:

Facility	Number of Rentals
Parks Pavilions	6
Pavilion Non-Payment/Cancelled	2
Athletic Fields (Mitchell Campbell/Calhoun)	0
Total Rentals Paid	4
Refunds Given	0
Total Revenue Collected	\$160

Activities:

All of Reagan Park reserved for Heritage Festival weekend of October 16th and 17th, 2021

Special Events

Calls Coming into Office

5 Emails for pavilion rentals
2 Phone calls pavilion rentals
0 Return Calls from contractors on issues within City Parks/Facilities
17 Internal calls from other departments
5 Calls complaints sunken graves Cemetery
9 Calls Facility Maint. Calls
15 Calls Misc.
3 Complaint calls (Cemeteries, Parks)
9 Hot Pepper Calls

Total Calls: 65

Facility Maintenance Projects Completed October

Made contact with J&K and Peace of Mind for bid on flag pole lights Reagan Park	Spoke with Mary regarding check received by City for damage caused by kids breaking windows museum
Took 42 rolls trash bags to City Hall and filled trash bag holder	Moved chairs from Library to warehouse storage
Put new rope up on flag pole Reagan Park	Met with Mikes LockSmith and rekeyed doors Museum and asked people of museum to leave property
Took Sexual Harassment Course through City as mandatory training	Took American and Texas flag to Mary for Heritage Festival
Made contact with Kallie and got her supplies for City Hall	Found VCT tiles to put down in John Elrods office in Public Works
Too Additional 40 rolls trash bags to City Hall	Took out glass from bulletin board that fell at City hall replaced with plexi glass
Patched holes in wall City hall where bulletin board fell painted wall and rehung board	Fixed another leaking spigot at City Cemetery
Fixed Disc golf goal at Green's Park	Replaced 7 bulbs in PD evidence room at warehouse
Mended fence between Mitchell Campbell and warehouse that was old cut	Took trailer load of broken chairs to dump and cleaned out upper storage area of warehouse
Went to library and obtained more items to put into auction	Met with empire paper and Director on products they had for sale
Replaced 17 light bulbs out throughout PD Station	Replaced soap dispensers at Public Works
Ordered new uniforms and caps from Great American T-shirt	Put sheets of plywood back over doors at Calhoun Park bathrooms
Cut some pipe for agility course for parks	Replaced fencing at Wolf Creek Dam due to people climbing over
Unloaded 3 pallets of trash bags into storage for City hall	Took Additional 21 boxes of bags to City Hall
Met with Dunnright flooring to have VCT tiles installed at Public Works Building #2	Began typing up RFP for roof replacement for Firestation 1
Mounted a tv for Mary at Visitor Center for security system	Loaded and unloaded 20 round tables and 50 chairs to event center downtown
Helped to load tables and chairs for Heritage Festival	Helped setup tables and chairs and check trash for festival throughout day

Unclogged line at Firestation 2 after running 100' line	Hung new soap dispenser at Fire Station 2 in kitchen area
Hung up two new paper towel dispensers in both bathrooms City Hall both touchless	Put two new air freshners in restrooms City Hall
Replaced light bulb front entrance of warehouse	Met with Rotary and 1 other lady who had items to pickup from Museum
Found standing water in HVAC system public works causing bad smell	Met with Fire Chief over RFP on Fire Station 1
Met with City Manager on roofs to be replaced	Assisted with cleaning up pond area by walk way Steven Bennett
Moved table and chairs to Farmers Market for Hot Pepper Festival	Helped move items from scrap pile out back
Took chair dolly back to Library and picked up more items to be put in auction	Put new rope on flag pole Veteran's Park
Took task towels to waste water treatment plant	

Clearing of Wells Creek Steven Bennett Park



Clearing of Wells Creek Steven Bennett Park



Wells Creek Clearing Continued



Wells Creek Cleaning



Wells Creek



Broken and New Spigots Downtown Area



Spigots Downtown Area



Graffiti Caboose Reagan Park



Mowed Field Between City and Easthill Cemetery



Second View Mowed Field Easthill and City Cemetery



Broken Handrail Boardwalk Steven Bennett



Handrails Steven Bennett Boardwalk



Flower Beds City Hall Before Mulch



Flower Bed Before 2nd Picture



Flower Bed After Mulch



Flower Bed After 2nd Picture



Flower Bed 3rd Picture



Cleanup of Blue Lake Shoreline



Cleanup of Blue Lake



Cleanup Blue Lake



Photos of Agility Course Parks Heritage Festival



Agility Course Parks



Agility Course Parks



Agility Course Parks



Agility Course Parks



Agility Course Parks





Agenda Date: 12/07/2021
To: Parks Advisory Board Agenda Item
From: April Jackson, Asst. City Secretary
Agenda Item: Meeting Minutes October 5, 2021
Date Submitted: 10/21/2021

SUMMARY:

Approval of Minutes

RECOMMENDED ACTION:

Consider approval of minutes from October 5, 2021, Parks Advisory Board meeting

CITY MANAGER APPROVAL:

Attachments

PAB Minutes 10-05-2021

THE STATE OF TEXAS §
COUNTY OF ANDERSON §
CITY OF PALESTINE §

The Parks Advisory Board of the City of Palestine convened in a Regular Meeting on Tuesday, October 5, 2021, at 12:00 p.m., in the Council Chambers at City Hall, 504 N. Queen Street, Palestine, Texas, with the following people present: Vice-Chair Jacob Wheeler; Board Members, Chris Arthur, Stephanie Wickware, and Lemone Reece.

Staff present: Parks & Rec. Director Patsy Smith, Parks & Rec. Asst. Director Ricky Dorsey, and City Secretary April Jackson.

Others present: ____.

Board Members Sharon Hester, Ernesto Hernandez, and Davi Killion were absent.

CALL TO ORDER

With a quorum present, Vice-Chair Jacob Wheeler called the meeting to order at 5:10 p.m.

PROPOSED CHANGES OF AGENDA ITEMS

There were no proposed changes.

PUBLIC COMMENTS

There were none.

CONFLICT OF INTEREST DISCLOSURES

There were none.

DIRECTOR'S REPORT

Director Smith presented monthly reports for September 2021.

APPROVAL OF MINUTES

Board Member Lemone Reece made a motion, seconded by Board Member Stephanie Wickware to approve minutes from September 7, 2021, meeting as presented. Upon vote, motion carried unanimously 4-0.

DISCUSSION AND ACTION ITEMS

1. Discussion and possible action regarding electing a Chair.

Parks and Recreation Director Patsy Smith provided the board with the opportunity to elect a new chairperson for the Parks Advisory Board. The board decided to table this discussion until the next meeting.

Board Member Chris Arthur made a motion to table the discussion until the next meeting, seconded by Board Member Lemone Reece. Upon vote, motion carried 4-0.

2. Discussion and possible action regarding date and time for future Parks Advisory Board meetings.

The board agreed to keep the future Parks Advisory Board meetings at 12:00 p.m. instead of 5:00 p.m.

Board Member Stephanie Wickware made a motion to have the Parks Advisory Board meetings at noon, seconded by Board Member Chris Arthur. Upon vote, motion carried 4-0.

3. Discussion and possible action regarding rules and regulations for the new Dog Park.

Ms. Smith discussed the new rules and regulations for the new dog park. The board decided to table the discussion until the next meeting, so that all board members have sufficient time to review information provided prior to voting.

Board Member Chris Arthur made a motion to table the discussion until the next meeting, seconded by Board Member Stephanie Wickware. Upon vote, motion carried 4-0.

4. Discussion and possible action regarding amending the Pool and Spa Safety Ordinance related to Registered Pool Operator

Ms. Smith discussed changes to the ordinance for the City of Palestine Swimming Pool and Spa Code. The board agreed to table the discussion until the next meeting, so that all board members have sufficient time to review information provided prior to voting.

Board Member Stephanie Wickware made a motion to table the discussion until the next meeting, seconded by Board Member Chris Arthur. Upon vote, motion carried 4-0.

ADJOURN

With no other business to come before the Board, Vice-Chair Jacob Wheeler adjourned the meeting at 5:33 p.m., meeting was adjourned.

PASSED AND APPROVED THIS 2ND DAY OF NOVEMBER 2021.

Jacob Wheeler, Vice-Chair

ATTEST:

April Jackson, City Secretary



Agenda Date: 12/07/2021
To: Parks Advisory Board Agenda Item
From: April Jackson, Asst. City Secretary
Agenda Item: Vote on Chair Person
Date Submitted: 09/28/2021

SUMMARY:

Discuss and Nominate New Chair Person for Parks Board

RECOMMENDED ACTION:

Take vote on New Nominated Chair Person for Parks Board

CITY MANAGER APPROVAL:



Agenda Date: 12/07/2021
To: Parks Advisory Board Agenda Item
From: April Jackson, Asst. City Secretary
Agenda Item: Dog Park Rules and Regulations
Date Submitted: 09/28/2021

SUMMARY:

Discuss and take any action on new rules and regulations set forth for new Dog Park to be established at Reagan Park located at the northeast portion of park by railroad tracks.

RECOMMENDED ACTION:

To take action if rules and regulations are good for New Dog Park for City of Palestine.

CITY MANAGER APPROVAL:

Attachments

Dog Park Rules Reg 1



City of Palestine

Dog Park

Sec.1-001: Off Leash Areas, Dog Parks

- (a) An “Off Leash Area” is an area designated by the City of Palestine in which dogs, under the effective control of their owners/handlers, that may be off a leash.
- (b) Rules and Regulations; Penalty
 1. Dog Park Hours are from Dawn to Dusk.
 2. All dogs must have a current Rabies tags and current City Tag and be free of any contagious diseases.
 3. All dogs must be on a leash while entering and exiting the dog park.
 4. Dogs are not to be on a leash while in the fenced area of the park. All dogs must be under the control of the owner/handler and there is a limit of 2 dogs per owner/handler in the park at any time.
 5. No dog may be left unattended in the park and must be always within view of and within voice control of the owner/handler. Dog owners/handlers must be physically capable of controlling their dogs and must prevent aggressive behavior, biting, fighting, and aggressive barking.
 6. Dogs showing any aggression must be leashed and immediately removed from the park. Dogs with a know history of aggressive or dangerous behavior are prohibited from entering the park.
 7. Dog owners/handlers must carry one leash per each dog under their care and control while in the park area.
 8. Dogs under the age of 4 months are NOT allowed in the park.
 9. Female dogs in HEAT are NOT allowed in the park.
 10. Appropriate dog toys are allowed in the park, but not toys that are edible such as rawhides and chew bones, which can cause aggressive behavior.
 11. Dog owners/handlers are responsible for immediately picking up and disposing of all their dog’s waste in appropriate receptacles.
 12. Dog owners/handlers must repair any damage caused by their dog (such as holes dug by the dog or chew damage).
 13. Animals other than dogs are NOT allowed in the park. (Such as cats, birds, lizards, etc.)

14. All children 13 years of age and younger must be always accompanied and supervised by an adult while in the dog park.
15. No food (dog or human), glass or metal containers, bicycles, skateboards, roller blades, scooters, strollers, carriages, smoking, or alcohol are allowed in the dog park. Dog treats are permissible.
16. The Dog Park is subject to closure upon a determination by the City Parks Director/Designee that there is a reason deemed to be in the public's interest or safety or for maintenance.
17. All City ordinances pertaining to parks shall remain in effect even for the Dog Park.

(c) Signage

1. The City of Palestine shall post and maintain clearly readable sign(s) in a visible location on or near the area, which signs shall provide notice regarding:
 - a. Hours of operation
 - b. The rules and regulations of the Dog Park
 - c. A statement limiting the Liability of the City, such as:

"Use of this park is at your own risk. Dog owners/handlers are responsible for the actions and behaviors of their dogs and are liable for damages or injury inflicted by their dogs. The City of Palestine has NO liability or responsibility for damage or injuries in the Dog Park. Park users assume ALL risk associated with use of the Park and waive liability of the City of Palestine for any injury or damage caused by dogs or humans while accessing or using the park."

- d. A violation or penalty provision
- e. Contact information for the Parks and Recreation Department and the Palestine Police Department



Agenda Date: 12/07/2021
To: Parks Advisory Board Agenda Item
From: April Jackson, Asst. City Secretary
Agenda Item: Amendment to Pool Ordinance
Date Submitted: 09/29/2021

SUMMARY:

Discuss and go over amendment for current pool ordinance

RECOMMENDED ACTION:

Vote and take any action necessary for pool ordinance

CITY MANAGER APPROVAL:

Attachments

Current Pool Ord
Amend Pool Ord

ORDINANCE NO. O-05-16

**AN ORDINANCE OF THE CITY OF PALESTINE, TEXAS, ADOPTING
THE CITY OF PALESTINE SWIMMING POOL AND SPA CODE, AND
ESTABLISHING AN EFFECTIVE DATE OF APRIL 4, 2016.**

WHEREAS, the United States Congress has found that adult supervision at all aquatic venues is a critical safety factor in preventing children from drowning, and that the installation and proper use of barriers or fencing, as well as additional layers of protection, could substantially reduce the number of childhood residential swimming pool drownings and near drownings; and

WHEREAS, the City Council has determined that adoption of regulations to improve the safety of pools and spas within the City would provide for and would be in the best interest to safeguard life, health, property, and public welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALESTINE:

I.

That Chapter 58, Health and Sanitation, of the Code of Ordinances of the City of Palestine be amended by adding Article VII, Pool and Spa Safety, to read as follows:

ARTICLE VII. POOL AND SPA SAFETY

Sec. 58-198. - Purpose

(a) This article shall be known as The City of Palestine Public Swimming Pool and Spa Code.

(b) The purpose of this article shall be to enforce the most stringent pool safety standards permitted by law by controlling and regulating the design, construction, operation, and maintenance of all public swimming pools and spas within the City; to provide for the issuance of operating permits, and to provide penalties and remedies so that health and safety hazards may be minimized.

Sec. 58-199. - Texas Standards for Public Swimming Pools and Spas Rules Adopted.

(a) The following state and federal laws for public swimming pools and spas are adopted by reference:

(1) The Virginia Graeme Baker Pool and Spa Safety Act (VGBA), 15 U.S.C. Section 8001 et seq.;

(2) Chapter 757 of the Texas Health and Safety Code; and

(3) Subchapters L and M of Chapter 265 of Title 25 of the Texas Administrative Code.

(b) The provisions of Section 265.208 of Title 25 of the Texas Administrative Code shall not apply to enforcement of this chapter.

Sec. 58-199 - Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

Abate means to remove or demolish and shall include filling an aquatic structure to the surface with earth, bank sand or other similar material approved by the health authority.

Approved drain cover means a suction outlet drain cover that meets the requirements of the VGBA.

Aquatic structure means a pool, spa, or PIWF.

Department means the Development Services Department.

Facility means a pool, spa or PIWF and the restrooms, dressing rooms, equipment rooms, deck, enclosure, and other appurtenances directly serving the pool, spa or PIWF.

Health authority means the Health Inspector of the Development Services Department who is responsible for the enforcement of the provisions of this article.

Inactive aquatic structure means an aquatic structure that is not functioning, operating, or in use, or that has been abandoned but not abated.

Operator means the owner of the property upon which an aquatic structure is located, or any business manager, complex manager, manager of a property owners association, rental agent, or other individual who is in charge of the day-to-day operation or maintenance of an aquatic structure or the property on which it is located.

Permit means an operating permit for a facility issued by the department pursuant to this chapter.

Person in charge means an individual who is actually present or available at a facility at a given moment and is in immediate charge of the day-to-day operation or maintenance of the facility.

Pool means any man-made permanently installed or non-portable structure, basin, chamber, or tank containing or designed to contain a body of water to be used for human swimming, diving, aquatic sports, or other aquatic activity, including any pool that is categorized as a Class A, Class B, Class C or Class D pool pursuant to Section 265.182(99) of Title 25 of the Texas Administrative Code, that is open to the public generally regardless of whether a fee is charged for use, and regardless of whether its use has been abandoned or discontinued. This term does not include a residential pool or spa or a pool that has been abated.

PIWF (public interactive water feature and fountain) means any indoor or outdoor water installation maintained for public recreational use that recirculates water including but not limited to water sprays, dancing water jets, waterfalls, dumping buckets, or shooting water cannons in various arrays. A water feature or fountain that does not recirculate water is not a PIWF.

Property owners association means an association of property owners as defined in Section 204.004 of the Texas Property Code.

Remodeled or remodeling means modification of the design, configuration, capacity, or components of an aquatic structure, including, but not limited to, reconfiguration of a pool or the

addition of new plumbing and filtration pipes to an aquatic structure; provided, however, that this term does not include minor alterations, such as removal of a pool lip, replacing a pump, or replastering the inside of such structure.

Spa means a constructed permanent or portable structure that contains or is designed to contain hot or cold water and (i) is two feet or more in depth, (ii) has a surface area of 250 square feet or less or a volume of 3,250 gallons or less, (iii) is intended to be used for bathing or other recreational uses by human beings, (iv) is not drained and refilled after each use, and (v) includes such elements as hydrojet circulation, mineral baths, air induction bubbles, or any combination thereof; regardless of whether its use has been abandoned or discontinued; provided, however, that this term does not include a residential pool or spa or a spa that has been abated.

VGBA means the Virginia Graeme Baker Pool and Spa Safety Act, 15 U.S.C. Section 8001 et seq.

Sec. 58-200. - Permit Required.

(a) No person shall operate an aquatic structure without a permit issued by the health authority. An application for a permit shall be made on forms provided by the health authority and shall be accompanied by payment of the plan review fee.

(b) A valid permit shall be posted in public view in a conspicuous place at the aquatic structure for which it is issued or on file in a secure area of the permitted facility's premises.

(c) Non-transference (change of ownership). Permits issued under the provisions of this article are not transferable. Upon change of ownership of a business, the new business owner will be required to meet current standards as defined in City ordinances and state law before a permit will be issued. The new owner shall notify the City within ten days after assuming ownership of the aquatic structure.

(d) Multiple permits. A separate permit shall be required for every aquatic structure, except that public aquatic structures on a single water filtration system require one permit.

(e) Inspections for permits. An inspection shall be required annually to qualify for a permit.

(f) A permit is valid for one year from the date of issuance.

Sec. 58-201. - Application and plan review for construction of public swimming pools and spas.

(a) No aquatic structure shall be constructed, remodeled, or altered except in accordance with plans and specifications approved by the health authority.

(b) An application and required plans must be submitted to the health authority before an aquatic structure is constructed or remodeled. The following must be submitted prior to obtaining a permit:

1) A completed application provided by the health authority.

2) Construction or remodeling plans, and specifications stating that the proposed construction or remodeling complies with these rules and shows the proposed layout, mechanical plans, construction materials of work areas, and the type and model of proposed fixed equipment and facilities;

- 3) The date on or after which proposed construction is to begin;
 - 4) The phone number and address of the entity primarily responsible for constructing the pool, spa or interactive water feature and the phone number and address of the entity primarily responsible for operating the pool, spa or interactive water feature;
 - 5) Any additional information necessary to verify compliance.
- (c) Upon review of the construction plans, an Engineer or Architect's Seal may be required by the authority if the complexity of the plans requires such review.

Sec. 58-203. - Operation of a pool, spa or interactive water feature.

- (a) It shall be the responsibility of an operator to ensure that an aquatic structure is in full compliance with the applicable provisions of this chapter and the terms and conditions of any permit issued under this chapter.
- (b) Each operator of a facility shall ensure that a person in charge is available during all hours of operation. The responsibilities of the operator under this subsection shall also apply to any other person having possession or control of the operation of the facility.
- (c) The terms of this section shall not be construed to alter the terms of any lease or other agreement between landlord and tenant relating to property that is subject to this chapter; provided, however, that no lease or other agreement between landlord and tenant relating to property that is subject to this chapter shall be construed to excuse compliance by any person with this chapter or any applicable state or federal law, rule or regulation regarding pool safety.
- (d) An aquatic structure may not be constructed so as to discharge its wastes into a sanitary sewer or other public drainage system unless such discharge is approved in writing by the health authority and the utility official.
- (e) All portions of the water distribution system of an aquatic structure shall be protected against backflow from the water into the city's water supply system. The fill line used to introduce water to the aquatic structure shall have a backflow device on the discharge side of the last gate valve or a six-inch air gap at the end of the fill line. The fill line shall not be connected directly to any of the piping or equipment of the circulation system. A fill line from the water supply to prime the pump shall not be allowed.
- (f) The operator of a facility shall maintain on site a water quality testing device or kit capable of accurately testing for and measuring pH and disinfectant levels within certain chemical ranges in accordance with section 58-199 of this Code. Operational records of testing results and maintenance activities, including documentation of approved drain covers, shall be retained on site at a facility for not less than two years. However, to the extent that state or federal law requires a more lengthy record retention period, the records shall be retained for the entirety of the state or federally-mandated period.
- (g) A pool or spa shall be equipped with approved drain covers.

Sec. 58-204. - Compliance, inspections and investigations.

- (a) The health authority shall inspect each facility within the city at least once every 12 months and shall make as many additional inspections as are necessary for the enforcement of this chapter, taking into consideration all public health risks posed by the facility, consumer complaints, reports of illness outbreaks, or the facility's past compliance history. Upon request,

the operator shall provide the health authority with all records pertaining to the servicing, maintenance, and operation of the facility.

(b) The health authority may inspect all aquatic structures to protect the public health and to ensure compliance with the provisions of this chapter; provided that in any case in which permission to inspect is denied, the health authority shall obtain an administrative search warrant.

(c) The findings related to a facility inspection shall be recorded on an inspection report form, a copy of which report shall be provided for the person in charge of the facility. A copy of the inspection report shall be kept at the facility and may not be removed by any person except the health authority. The health authority shall maintain a copy of the inspection report in the departmental records.

(d) The inspection report form shall specify a time by which each violation must be corrected. The operator may be subject to criminal or civil penalties for a violation.

(e) Upon request of the operator of a facility, the health authority may allow an extension of the time in which to correct a violation. In determining whether to allow an extension and the length of the extension, the health authority shall consider the degree of risk, if any, posed by the violation and the time reasonably required to correct it. No extension shall be granted if the health authority determines that a significant risk is posed to the public.

(f) A facility that is required to cease operations under the provisions of this section shall not resume operations until a reinspection by the health authority determines that the conditions responsible for the requirement to cease operations no longer exist.

(g) The health authority shall conduct all reinspections required under this section within a reasonable period of time. A permit shall not be renewed until all outstanding fees assessed under this chapter have been paid.

Sec. 58-205. - Enclosure of aquatic structures.

(a) The operator of a facility that is regulated by Chapter 757 of the Texas Health and Safety Code shall at all times maintain an enclosure that complies with those provisions of that chapter adopted by reference in section 58-199(b) of this Code, and the city may remedy violations of this subsection in accordance with the provisions of Section 214.101 of the Local Government Code, including the placement of a lien against the property to recover expenses incurred pursuant to remediation.

(b) The operator of a facility that is regulated by Subchapter L of Chapter 265 of Title 25 of the Texas Administrative Code shall at all times maintain upon such property an enclosure that complies with the requirements of Section 265.200 of that subchapter adopted by reference in section 58-199(c) of this Code.

Sec. 58-206. - Violation of minimum standards for aquatic structures.

(a) In the event of a violation of the minimum standards established by this chapter, the health authority shall provide written notice to the operator to abate, remove, or otherwise remedy the violation immediately. The notice shall be given:

(1) By personal hand delivery to the operator;

(2) By letter addressed to the operator at the operator's post office address and sent by certified mail, return receipt requested; or

(3) If personal service cannot be obtained or the operator's post office address is unknown:

A. By posting the notice on or near the front door of each building on the property to which the violation relates; or

B. By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.

(b) If the operator does not abate, remove or remedy the violation within ten days of service or posting of a notice under this section, the health authority may enter the property where the violation is occurring and perform any work necessary to protect the public health, safety and welfare.

(c) Notwithstanding the notice provisions of this section, upon any determination that the immediate abatement of a violation is necessary to protect the public health, safety or welfare, the health authority may enter the property where the violation is occurring and perform or cause to be performed any work necessary to protect the public health, safety and welfare.

(d) Pursuant to the authority granted by Chapter 342 of the Texas Health and Safety Code, the city may charge all costs incurred by the city under this section in remediating water quality issues, including the cost of providing notice as required, to the owner of the property. The city may assess the expenses against the property where the work was performed and obtain a lien against the property in accordance with the procedure established in Chapter 342 of the Texas Health and Safety Code.

(e) The remedy provided by this section is in addition to all other remedies available under this chapter or as otherwise provided by the Code or state or federal law.

Sec. 58-207. - Permit revocation, suspension and appeal.

(a) The health authority may suspend or deny an operating permit if:

(1) the public facility does not comply with the requirements of this chapter,

(2) the operation of the facility otherwise constitutes a hazard to public health.

(3) the operator does not pay the permit fee, provide accurate operational records to the health authority or allow the health authority to inspect the public facility.

(b) Written notice of a permit suspension shall be provided to the operator of a facility by personal hand delivery or by certified mail, return receipt requested. The notice shall set forth:

(1) The specific conditions at the facility that are in violation of this chapter, in violation of federal or state laws, rules, or regulations regarding pool safety, or constitute a hazard to public health;

(2) That a hearing will be held before a hearing authority;

(3) The date, time and place of the hearing; and

(c) Prior to the revocation of a permit, written notice shall be provided to the operator by personal hand delivery or by certified mail, return receipt requested. The notice shall set forth:

(1) The grounds on which the city will seek revocation of the permit, including the specific violations of this chapter or of federal or state laws regulating pool safety on which the city will rely in seeking revocation of the permit;

(2) That the operator may appear in person, may be represented by counsel, and may present testimony and cross-examine all witnesses. The hearing shall be held not later than ten days after the date the permit revocation notice is received.

Sec. 58-208. - Enforcement.

(a) The health authority is authorized to issue citations charging the violation of any of the provisions of this chapter and, to the extent authorized or permitted by law, any applicable state laws, rules, or regulations regarding pool safety. In addition, the health authority may order a facility closed if the health authority determines:

(1) That it is being operated without a valid permit; or

(2) That the continued operation of the facility will constitute a hazard to the health or safety of persons using the facility or those in close proximity to the facility.

(b) Upon closure of a facility pursuant to this section, the person in charge of the facility shall immediately:

(1) Properly post and maintain signs at all entrances to the facility that state: "CLOSED UNTIL FURTHER NOTICE"; and

(2) Lock all doorways and gates that form a part of the facility enclosure, so that the facility is only accessible to maintenance or authorized personnel for repairs.

(c) Signs required to be posted under this section shall be a minimum size of 8½ inches by 11 inches. The lettering shall be of a contrasting color to the background and not less than one inch in height. Signs shall be positioned so that they are readily visible to a person seeking entry to the facility.

(d) If the person in charge of the facility is absent, or fails or refuses to comply with the requirements of subsection (b), the health authority may post signs and secure the premises in accordance with this section.

(e) A person commits an offense under this section if the person:

(1) Removes, defaces, alters, covers, or renders unreadable a closure sign posted by the health authority; or

(2) Uses a facility subject to a closure order for swimming, diving, or bathing; or

(3) Is a person in charge of a facility subject to a closure order and knowingly allows persons to use the facility for swimming, diving, or bathing; or

(4) Is a person in charge of a facility subject to a closure order and fails to comply with the requirements of this section.

(f) An operator may appeal a closure order within three days after the issuance of the order by filing a written statement with the health authority setting forth the reasons why the closure order should be rescinded. The filing of an appeal does not stay the closure order.

(g) A facility closed by the health authority shall not resume operation until a reinspection by the health authority establishes that the facility is in compliance with this chapter and all applicable state or federal laws and rules and regulations regarding pool safety.

Sec. 58-210. - Penalty for violation.

Any person who violates any provision of this chapter, any rule or regulation promulgated by the health authority or any applicable state law, rule or regulation regarding pool safety shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$250.00 nor more than \$2,000.00 for the first conviction. For any succeeding conviction, such person shall be punished by a fine of not less than \$500.00 nor more than \$2,000.00. Each day that a violation continues shall constitute a separate offense.

II.

All other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed as of the effective date.

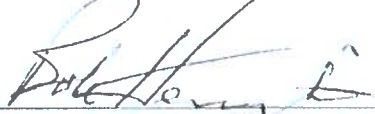
III.

If any provision of this ordinance is found by a court of competent jurisdiction to be unlawful, unconstitutional, or otherwise invalid, the remainder of the ordinance shall remain in effect as if the invalid provision was never part of the ordinance. Provided, however, that if it is possible to reformulate the invalid provision so as to be lawful and valid, the invalid provision, as reformulated, shall remain part of the ordinance.

IV.

The effective date of this Ordinance is March 28, 2016.


PASSED, APPROVED, and ADOPTED by the City Council of the City of Palestine, Texas, at a regular meeting held on this the 14th day of March, 2015.


BOB HERRINGTON, MAYOR

ATTEST:

APPROVED AS TO FORM:


TERESA HERRERA, CITY SECRETARY


RONALD D. STUTES, CITY ATTORNEY



Amended Pool Ordinance

Sec. 58-203

(h) Registered Pool Operator.

(1) Any person who operates a public or semi-public pool or spa shall employ at least one (1) person who has a valid and current registered pool operator certification issued by the Health Authority.

(2) A person is in compliance with the provisions of this section if there is one (1) employee on the premises who is responsible for maintenance of any pools present on the premises who has a valid and current registered pool operator certification; provided, that semi-public pools owned by homeowner associations or maintained by off-premises management companies may utilize pools maintenance companies whose filed employees are certified registered pool operators.

(i) Registration. The Registered Pool Operator shall submit documents validating employees of a certified pool operator. The pool operator training course shall meet the following minimum criteria:

(1) The course must have been completed within the previous three (3) years;

(2) The course shall be taught by a person adequately trained in swimming pool sanitation and has been approved by the Health Authority; and

(3) The course curriculum shall include the following topics:

- a. Swimming pool design;
- b. Disinfection;
- c. Circulation;
- d. Filtration;
- e. Swimming pool chemistry; and
- f. Safety procedures.

(4) The course provider shall give persons successfully completing the course a written document of certification.