



MEMORANDUM

Office of the City Attorney

0 0 0 1 2 9

Phone: 334-5011/Fax 334-2229
Box 46

TO: Honorable Mayor and City Commissioners **DATE:** July 10, 2000
FROM: City Attorney **CONSENT**

SUBJECT: Residential swimming pool safety requirements/new Florida statutes

Recommendation: The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Article VII of Chapter 6 of the Code of Ordinances relating to residential swimming pools to refer to the new state statutes on this subject.

The Florida legislature has adopted, and the Governor has approved, the "Preston de Ibern/McKenzie Merriam Residential Swimming Pool Safety Act," which will go into effect on October 1 of this year. This Act requires a residential swimming pool to meet one of several requirements related to pool safety features in order to pass final inspection and receive a certificate of completion. In addition, a licensed pool contractor or home builder must provide information about the safety requirements, drowning prevention and the responsibilities of pool ownership to someone who is contracting to have a residential pool or a home with a pool constructed.

The City of Gainesville has required enclosures for residential swimming pools for many years; however, the requirements of the new statute are stricter than those of the City and will therefore prevail over the City's code. We therefore advise that the city code be replaced with a reference to the state requirements, and that this change take effect on October 1.

Prepared by:

Patricia M. Carter, Sr. Asst. City Attorney

Reviewed and
approved by:

Marion J. Radson, City Attorney