April 30, 2020  **Update**

Home Owners Association, Property Manager
Port Aransas TX 78373

Re: Community and Common Element (HOA) Swimming pools, Hot tubs

- The Governor’s latest orders state that public pools **will remain closed**, after contacting DSHS they have provided the following statute:

_The State of Texas defines a public pool in statute and rule. The applicable rule(s) can be found in the Standards for Public Swimming Pools and Spas, 25 TAC §§265.181-265.208. In order to differentiate between the types and uses of public pools they are identified as Class A, Class B, Class C and Class D. Please see below:_

265.182(99)  Pool - Any man-made permanently installed or non-portable structure, basin, chamber, or tank containing an artificial body of water that is used for swimming, diving, aquatic sports, or other aquatic activity other than a residential pool and that is operated by an owner, lessee, operator, licensee or concessionaire, regardless of whether a fee is charged for use. The pool may be either publicly or privately owned. The term does not include a spa or a decorative fountain that is not used as a pool. References within the standard to various types of pools are defined by the following categories.

(A) Class A pool - Any pool used, with or without a fee, for accredited competitive aquatic events such as Federation Internationale De Natation Amateur (FINA), United States Swimming, United States Diving, National Collegiate Athletic Association (NCAA), National Federation of State High School Associations (NFSHSA), events. A Class A pool may also be used for recreation.

(B) Class B pool - Any pool used for public recreation and open to the general public with or without a fee.

(C) Class C pool - Any pool operated for and in conjunction with: (i) lodging such as hotels, motels, apartments, condominiums, or mobile home parks, (ii) property owner associations, private organizations, or clubs, or (iii) a school, college or university while being operated for academic or continuing education classes. The use of such a pool would be open to occupants, members or students, etc., and their guests but not open to the general public.

(D) Class D pool - A wading pool with a maximum water depth of 24 inches at any point.

A private pool is defined as: (112) Residential pool or spa - A pool or spa that is located on private property under the control of the property owner or the owner’s tenant and that is intended for use by not more than two resident families and their guests. It includes a pool or spa serving only a single-family home or a duplex.

Respectfully,

Rick Adams, Director Emergency Management, Development Services
City of Port Aransas
361-749-4111

Cc: Carla Vanzant, Code Enforcement Officer