

(unapproved draft)

## ORDINANCE NO. 2024-032

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS, ADOPTING CHAPTER 3, ARTICLE XVI -- ADOPTING THE 2021 EDITION OF THE SWIMMING POOL AND SPA CODE, REGULATING AND GOVERNING THE CONSTRUCTION, ALTERATION, MOVEMENT, RENOVATION, REPLACEMENT, REPAIR AND MAINTENANCE OF AQUATIC RECREATION FACILITIES, POOLS AND SPAS IN THE CITY OF WOLFFORTH PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS, THAT:**

### Part 1. Enacted

THAT, Chapter 3, Article XVI INTERNATIONAL SWIMMING POOL AND SPA CODE of the Code of Ordinances is hereby adopted and shall read as follows:

### **Sec. 3.16.001 Adopted**

The International Swimming Pool and Spa Code, as published by the International Code Council, is hereby adopted by reference as the city swimming pool and spa code as if fully set out in this article with the additions, deletions, insertions and changes as follows.

### **Amendments-**

(a) Other laws. Section 102.9 is hereby amended to read as follows:

102.9 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law, to include but not limited to:

1. Texas Department of State Health Services (TDSHS); Standards for Public Pools and Spas; §285.181 through §285.208, (TDSHS rules do not apply to pools serving one- and two-family dwellings or townhouses).
2. Texas Department of Licensing and Regulation (TDLR); 2012 Texas Accessibility Standards (TAS), TAS provide the scoping and technical requirements for accessibility for Swimming Pool, wading pools and spas and shall comply with 2012 TAS, Section 242. (TAS rules do not apply to pools serving one- and two-family dwellings or townhouses).

Exception: Elements regulated under Texas Department of Licensing and Regulation (TDLR) and built in accordance with TDLR approved plans, including any variances or waivers granted by the TDLR, shall be deemed to be in compliance with the requirements of this Chapter.

(b) Violation penalties. Section 113.4 is hereby amended to read as follows:

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113.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a pool or spa in violation of the *approved* construction documents or directive of the *code official*, or of a permit or certificate issued under the provisions of this code may be punishable for each day of the violation set forth by the *authority having jurisdiction*.

(c) Barrier requirements. Section 305.1 is hereby amended to read as follows:

305.1 General. The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. In only one- and two-family dwellings and townhouses, where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346 and swimming pools are equipped with a powered safety cover that complies with ASTM F1346, the areas where those spas, hot tubs or pools are located shall not be required to comply with Sections 305.2 through 305.7.

(d) Chain link fencing prohibited. A new Section 305.2.7.1 is hereby added, which shall read as follows:

305.2.7.1 Chain link fencing prohibited. Chain link fencing is not permitted as a barrier in public pools built after January 1, 1994.

(e) Structure wall as a barrier. Section 305.4 is hereby amended to read as follows:

305.4 Structure wall as a barrier. Where a wall of a dwelling or structure of a one- and two-family dwelling or townhouse or its accessory structure serves as part of a barrier and where doors or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

1. Operable windows having a sill height of less than 48 inches (1219 mm) above the indoor finished floor, doors and gates shall have an alarm that produces an audible warning when the window, door or their screens are opened. The alarm shall be *listed* and labeled as a water hazard entrance alarm in accordance with UL 2017.
2. In dwellings that are required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1372 mm) above the finished floor.
3. In dwellings that are required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the finished floor.
4. In structures other than dwellings, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches (1372 mm) and not less than 48 inches (1220 mm) above the finished floor.
5. A safety cover that is listed and labeled in accordance with ASTM F1346 is installed for the pools and spas.
6. An approved means of protection, such as self-closing doors with self-latching devices, is provided. Such means of protection shall provide a degree of protection that is not less than the protection afforded by Item 1 or 2.

(f) Natural barriers. Section 305.6 is hereby amended to read as follows:

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305.6 Natural barriers used in a one- and two-family dwelling or townhouse. In the case where the pool or spa area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water's edge a minimum of eighteen (18) inches, a barrier is not required between the natural body of water shoreline and the pool or spa.

(g) Accessibility. Section 307.1.4 is hereby amended to read as follows:

307.1.4 Accessibility. An accessible route to public pools and spas shall be provided in accordance with the *International Building Code*. Accessibility within public pools and spas shall be provided as required by the accessible recreational facilities provisions of the *International Building Code*. Pool and spa lifts providing an accessible means of entry into the water shall be listed and labeled in accordance with UL 60335-2-1000 and be installed in accordance with ICC A117.1 and NFPA 70.

Exception: Components of projects regulated by and registered with the Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

(h) Adjacency to structural foundation. A new Section 307.2.2.2 is hereby added, which shall read as follows:

307.2.2.2. Adjacency to Structural Foundation. Depth of the swimming pool and spa shall maintain a ratio of 1:1 from the nearest building foundation or footing of a retaining wall.

Exception: A sealed engineered design drawing of the proposed new structure shall be submitted for approval.

(i) Suction entrapment avoidance. Section 310.1 is hereby amended to read as follows:

310.1 General. Suction entrapment avoidance for pools and spas shall be provided in accordance with APSP 7 {ANSI/PHTNICC 7} or for public swimming pools in accordance with State of Texas Rules for Public Swimming Pools and Spas, Title 25 TAC Chapter 265 Subchapter L, Ruic §265.190.

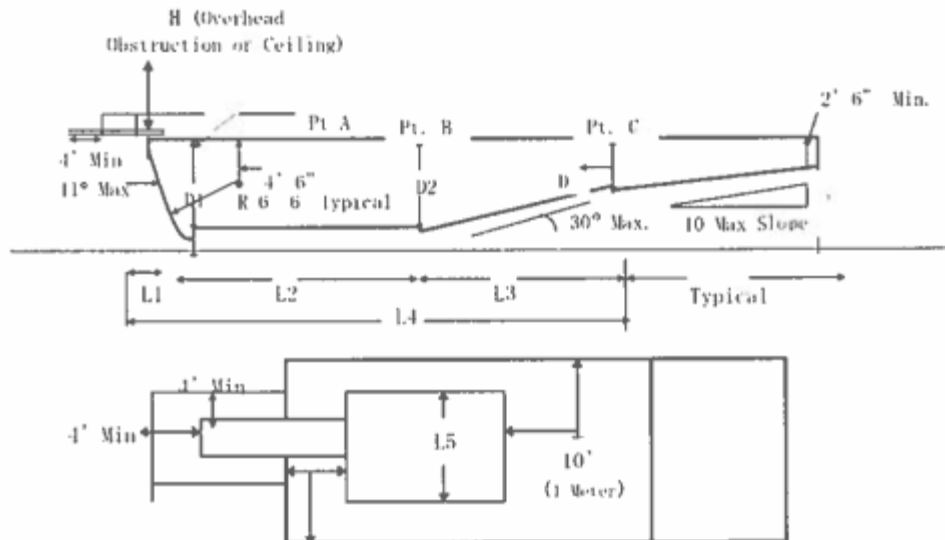
(j) Water envelopes. Section 402.12 is hereby amended to read as follows:

402.12 Water envelopes. The minimum diving water envelopes shall be in accordance with Texas department of State Health services, Administrative Code Title 25, Chapter 265, Section 186 (c) and Figure: 25 TAC 256.186 (c)(6).

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Figure: 25 TAC §265.186(e)(6)

| Maximum Diving Board Height Over Water | ¾ Meter       | 1 Meter       | 3 Meters      |
|--|---------------|---------------|---------------|
| Maximum Diving Board Length            | 12 ft.        | 16 ft.        | 16 ft.        |
| Minimum Diving Board Overhang          | 2 ft. 6 in.   | 5 ft.         | 5 ft.         |
| D1 Minimum                             | 8 ft. 6 in.   | 11 ft. 2 in.  | 12 ft. 2 in.  |
| D2 Minimum                             | 9 ft.         | 10 ft. 10 in. | 11 ft. 10 in. |
| D3 Minimum                             | 4 ft.         | 6 ft.         | 6 ft.         |
| L1 Minimum                             | 4 ft.         | 5 ft.         | 5 ft.         |
| L2 Minimum                             | 12 ft.        | 16 ft. 5 in.  | 19 ft. 9 in.  |
| L3 Minimum                             | 14 ft. 10 in. | 13 ft. 2 in.  | 13 ft. 11 in. |
| L4 Minimum                             | 30 ft. 10 in. | 34 ft. 7 in.  | 38 ft. 8 in.  |
| L5 Minimum                             | 8 ft.         | 10 ft.        | 13 ft.        |
| H Minimum                              | 16 ft.        | 16 ft.        | 16 ft.        |
| From Plumbet to Pool Wall at Side      | 9 ft.         | 10 ft.        | 11 ft. 6 in.  |
| From Plumbet to Adjacent Plumbet       | 10 ft.        | 10 ft.        | 10 ft.        |



(k) Minimum diving water envelopes. Table 402.12 is hereby deleted in its entirety.

(l) Construction dimensions for water envelopes for Class B and Class C pools. Figure 402.12 is hereby deleted in its entirety.

(m) Tread dimensions and area. Section 411.2.1 is hereby amended to read as follows:

4 U .2.1 Tread dimensions and area. Treads shall have a minimum unobstructed horizontal depth (i.e., horizontal run) of 12 inches and a minimum width of 20 inches.

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(n) Tread risers. Section 411.2.2 is hereby amended to read as follows:

411.2.2 Risers. Risers for steps shall have a maximum uniform height of 10 inches, with the bottom riser height allowed to taper to zero.

(o) Swimouts. Section 411.5.1 is hereby amended to read as follows:

411.5.1 Swimouts. Swimouts, located in either the deep or shallow area of a pool, shall comply with all of the following:

1. The horizontal surface shall be not greater than 20 inches (508 mm) below the waterline.
2. An unobstructed surface shall be provided that is equal to or greater than that required for the top tread of the pool stairs in accordance with Section 411.2.
3. Where used as an entry and exit access, swimouts shall be provided with steps that comply with the pool stair requirements of Section 411.2.
4. The leading edge shall be visibly set apart and provided with a horizontal solid or broken stripe at least 1 inch wide on the top surface along the front leading edge of each step. This stripe shall be plainly visible to persons on the pool deck. The stripe shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface.

(p) Underwater seats and benches. Section 411.5.2 is hereby amended to read as follows:

411.5.2 Underwater seats and benches. Underwater seats and benches, whether used alone or in conjunction with pool stairs, shall comply with all of the following:

1. The horizontal surface shall be not greater than 20 inches (508mm) below the waterline.
2. An unobstructed surface shall be provided that is not less than 10 inches (254 mm) in depth and not less than 24 inches (607 mm) in width.
3. Underwater seats and benches shall not be used as the required entry and exit access.
4. Where underwater seats are located in the deep area of the pool where manufactured or constructed diving equipment is installed, such seats shall be located outside of the minimum diving water envelope for diving equipment.
5. The leading edge shall be visually set apart and provided with a horizontal solid or broken stripe at least 1 inch wide on the top surface along the front leading edge of each step. This stripe shall be plainly visible to persons on the pool deck. The stripe shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface.
6. The horizontal surface shall be at or below the waterline.
7. A tanning ledge or sun shelf used as the required entry and exit access shall be located not greater than 12 inches (305 mm) below the waterline.

(q) Uniform height of 10 inches. Section 610.5.1 is hereby amended to read as follows:

610.5.1 Uniform height of 10 inches. Except for the bottom riser, risers at the centerline shall have a maximum uniform height of 10 inches (254 mm). The bottom riser height shall be permitted to vary from the other risers.

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(r) Diving water envelopes. Section 804.1 is hereby amended to read as follows:

Section 804.1 General. The minimum diving water envelopes shall be in accordance with Table 804.1 and Figure 804.1, or the manufacturer's specifications, whichever is greater. Negative construction tolerances shall not be applied to the dimensions of the minimum diving water envelopes given in Table 804.1.

#### Part 2. Open Meetings Act

This meeting was open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

#### Part 3. Severability Clause

If any section, sub-section, clause, phrase, or portion of this ordinance shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, sub-section, sentence, clause, phrase, or portion shall be deemed to be a separate, distinct and independent provision and such invalidity shall not affect the validity of the remaining portions.

#### Part 4. Repeal

All ordinances or parts of ordinances and sections of any of the City Code of Ordinances in conflict with this Ordinance are hereby repealed.

#### Part 5. Effect on Pending Proceedings

That nothing in this legislation or in the Swimming Pool and Spa Code hereby adopted shall be construed to affect any suit or proceeding pending 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 Part 4 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

#### Part 6. Publication

The City Secretary is authorized and directed to publish the caption and penalty prescribed by this ordinance in accordance with State Law.

#### Part 7. Enforcement

Any person, firm or individual who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one dollar (\$1.00) or more than two thousand dollars (\$2,000.00) in accordance with Code of Ordinance Sec. 1.01.009. Each day the violation continues shall constitute a separate and distinct offense.

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Part 8. Effective Date

This Ordinance shall be in force and effect from and after October 1, 2024.

CITY OF WOLFFORTH

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CHARLES ADDINGTON II, MAYOR

ATTEST:

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Terri Robinette, City Secretary

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