

ORDINANCE NO. 20-_____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18 “BUILDINGS AND BUILDING REGULATIONS” OF THE ADDISON CODE OF ORDINANCES TO ADD A NEW ARTICLE XI “SWIMMING POOL AND SPA CODE,” ADOPTING THE 2018 EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE, WITH AMENDMENTS; PROVIDING A PENALTY OF NOT TO LESS THAN FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) OR MORE THAN ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the Town of Addison, Texas has investigated and determined that it in the best interest of the health, safety and welfare of the citizens of the Town of Addison, Texas to adopt the 2018 Edition of the Swimming Pool and Spa Code, save and except the deletions and amendments set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. The recitals set forth above are true and correct and are incorporated as if fully set forth herein.

SECTION 2. Addison Code of Ordinances, Chapter 18 “Buildings and Building Regulations,” is hereby amended to add a new Article XI “Swimming Pool and Spa Code” which shall read in its entirety as follows:

ARTICLE XI. – SWIMMING POOL AND SPA CODE

Division I - Adopted.

Sec. 18-121. - Adopted.

For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of all swimming pools and spas within the city and certain equipment specifically regulated herein, the 2018 edition of the International Swimming Pool and Spa Code, as published by the International Code Council, a copy of which is on file in the office of the City Secretary, is hereby adopted and designated as the Swimming Pool and Spa Code of the Town to the same extent as if such code were copied verbatim in this Article. The title of this Article shall be the “Swimming Pool and Spa Code of the Town of Addison,” and it may be cited as such.

Division II - Deletions, Amendments and Additions.

Sec. 18-122. – Deletions, amendments and additions.

The 2018 International Swimming Pool and Spa Code, as adopted in this article, is hereby modified by deletions, amendments and additions provided herein.

Section [A] 101.1 Title; the International Swimming Pool and Spa Code has been amended adding the Town's name to read as follows:

[A] 101.1 Title. These regulations shall be known as the Swimming Pool and Spa Code of the Town of Addison hereinafter referred to as “this code.”

Section [A]102.9 Other laws; the International Swimming Pool and Spa Code has been amended by adding a clarification to read as follows:

Section 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*; §265.181 through §265.208.

Section [A]105.4 Expiration, the International Swimming Pool and Code has been amended to read as follows:

[A]106.4 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended, abandoned or if no required inspections, as required in this code, have been scheduled by the permit applicant and performed by the building official, as required in this code, for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section [A]105.6.2 Fee schedule; the International Swimming Pool and Spa Code has been amended by changing it to read as follows:

[A]105.6.2 Fee schedule. On buildings, swimming pool and spa structures, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing

authority. The fee for each permit as required in this code will be as established in Article I “General Provisions” of Chapter 18 of the Code of Ordinances.

Section [A]105.6.3 Fee refunds; the International Swimming Pool and Spa Code has been amended by changing it to read as follows:

Section [A]105.6.3 Fee refunds. The building official shall authorize the refunding of permit fees as established in Article I “General Provisions” of Chapter 18 of the Code of Ordinances.

Section [A] 107.4 Violation penalties; the International Swimming Pool and Spa Code has been amended by adding a second paragraph and changing it to read as follows:

[A] 107.4 Violation penalties. Persons 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 swimming pool and spa work 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, shall be guilty of a violation of this code, punishable by a fine as specified in this code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Any person, firm or corporation violating any of the provisions of this code shall be subject to a fine, upon conviction in the municipal court, in any sum a minimum of five hundred dollars (\$500.00) per day and not to exceed one thousand dollars (\$1000.00) per day and each and every day of continuance thereof shall constitute a distinct and separate offense. The owner or owners of any building or structure failing to comply with any provisions of this code, and the owner or owners of any premises wherein a violation of the provisions of this code occurs, and any architect, engineer, designer, builder, contractor, agent, person, firm or corporation employed therewith and who has assisted in the commission of any such violation, shall be guilty of a separate offense.

Section [A] 107.5 Stop work orders; the International Swimming Pool and Spa Code has been amended by amending it to read as follows:

[A] 107.5 Stop work orders. Upon notice from the code official that swimming pool and spa work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s authorized agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Section [A] 109 Means of appeal; the International Swimming Pool and Spa Code has been changed in its entirety to read as follows:

[A] **108 Means of appeal.** The board of appeals shall be as established in the Town's most current adopted Building Code as prescribed in Article II of Chapter 18 of the Code of Ordinances.

Section 305.2.7 Chain link dimensions; the International Swimming Pool and Spa Code has been amended by adding an exception to coordinate the requirements of the Texas Health and Safety Code Chapter 757.003 (f), limiting the use of chain link fencing as a pool barrier to read as follows:

305.2.7 Chain link dimensions. The maximum opening formed by a chain link fence shall be not more than 1-3/4 inches (44 mm). Where the fence is provided with slats fastened at the top and bottom that reduce the openings, such openings shall be not greater than 13/4 inches (44 mm).

Exception: Pools of a multiunit rental complex and or pools owned by a homeowner's association, as specified in the *Texas Health and Safety Code Chapter 757.003 (f)*, the installation of a chain link fencing is not permitted as a barrier if built after January 1, 1994.

Section 411.5.1 Swimouts; the International Swimming Pool and Spa Code has been amended by expanding item #4 to coordinate the requirements of the Texas Department of Health and Services Standards for Public Pools and Spas requirements, adding identification stripe, 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.
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.

Section 411.5.2 Underwater seats and benches; the International Swimming Pool and Spa Code has been amended by expanding item #5 to coordinate the requirements of the Texas Department of Health and Services Standards for Public Pools and Spas requirements, adding identification stripe, 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 (508 mm) 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.

Sections 18-123 through 18-129 reserved.

SECTION 3. Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum of a minimum of five hundred dollars (\$500.00) per day and not to exceed one thousand dollars (\$1000.00) per day, and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. Addison retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Addison hereby declares that it would have passed this Ordinance, and each section, subsection,

clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 6. Effective Date. This Ordinance shall become effective June 1, 2020.

DULY PASSED AND ADOPTED by the City Council of the Town of Addison, Texas, on this **28th** day of **APRIL 2020**.

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma Parker, City Secretary

Brenda N. McDonald, City Attorney