6/25/12 mw

ORDINANCE NO. 7358

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 4-5, ARTICLE II, SECTION 4-5-22 TO ADOPT THE *2012* EDITION OF *THE INTERNATIONAL SWIMMING POOL AND SPA CODE*, REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF SWIMMING POOLS AND SPAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDNG FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, upon the recommendation of the Construction Advisory and Appeals Board, the City Commission finds that it is in the best interest of public health and safety to adopt the 2012 edition of the *International Swimming Pool and Spa Code*, regulating and governing the design, construction, alteration, movement, renovation, replacement, repair and maintenance of swimming pools, spas, hot tubs, aquatic facilities and related equipment; providing for the issuance of permits and collection of fees; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS:

SECTION 1. That Chapter 4-5, Article II, Section 4-5-22 be and hereby is amended to read as follows:

Sec. 4-5-22. Adoption of swimming pool and spa code; amendments.

(a) *Code adopted*. There is hereby adopted the *International Swimming Pool and Spa Code*, 2012 edition (published by the International Code Council), exclusive of its appendix chapters, with the following amendments, copies of which shall be maintained by the building official:

Section 101.1 Title. Insert "City of Amarillo."

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;* §285.181 through §285.208, (TDSHS rules do not apply to pools serving one- and two family dwellings).
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).

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.

Section 103.1 Creation of enforcement agency. The Department of Building Safety is hereby created and the official in charge thereof shall be known as the code official. The Department of Environmental Health is hereby created and the official in charge thereof shall be known as the *code official* for operation and maintenance of any *public swimming pool* in accordance this code, local and state law.

105.6.2 Fee schedule. The fees for all work shall be as indicated in the schedule of fees in Chapter 4-1 of the Amarillo Municipal Code.

107.4 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 an aquatic vessel 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 misdemeanor, punishable by a fine in accordance with section 1-1-5 of the Amarillo Municipal Code of Ordinances.

107.5 Stop work orders. Upon notice from the code official, work on any system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's 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 in or about the structure 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 liable to a fine as specified in section 1-1-5 of the Municipal Code for violations.

108.1 Board of appeals established: Construction Advisory and Appeals Board, see Chapter 2-6 of the Municipal Code.

Section 202; DEFINITIONS:

ENVIRONMENTAL HEALTH: Environmental Health Department regulates the operation of public pools. Routine inspections on pools and spas open to the public are conducted to document compliance with the standards set forth in state law in accordance with Chapter 8-5-13 of the Municipal Code.

305.1 General. The provisions of this section shall apply to the design of *barriers* for all *aquatic vessels*. These design controls are intended to provide protection against the potential drowning and near drowning by restricting access to such vessels. These requirements provide an integrated level of protection against potential drowning through the use of physical barriers and warning devices.

Exceptions: One- and two-family dwellings provided with the following:

1. Spas and hot tubs with a lockable safety cover that complies with ASTM F 1346.
2. Swimming pools with a *powered safety cover* that complies with ASTM F 1346.

305.2 Outdoor swimming pools and spas. All outdoor *aquatic vessels* and indoor swimming pools shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7 and in accordance with the Texas Administrative Code, Texas Health and Safety Code 757 for public pools.

305.2.7 Chain link dimensions. The maximum opening formed by a chain link fence shall be not more than 1.75 inches (44 mm). Where the fence is provided with slats fastened at the top and bottom which reduces the openings, such openings shall be not more than 1.75 inches (44mm).

305.2.7.1 Chain link fencing prohibited. Chain link fencing is not permitted as a barrier in public pools built after October 1, 2004.

Exception: Class B public pool.

305.6 Natural barriers used in a one and two family dwelling. In the case where the vessel 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 vessel.

310.1 General. Suction entrapment avoidance for aquatic vessels shall be provided in accordance with APSP 7. Suction entrapment avoidance for public swimming pools will be in accordance with State of Texas Rules for Public Swimming Pools and Spas, 25 TAC Chapter 265 Subchapter L, Rule §265.190

Exception: Portable residential spas and portable residential exercise spas listed and labeled in accordance with UL 1563 or CSA C22.2 No. 218.1.

313.7 Emergency shutoff switch for spas and hot tubs. A clearly labeled emergency shutoff or control switch for the purpose of stopping the motor(s) that provide power to the recirculation system and jet system shall be installed at a point readily accessible to the users and not less than 1.5 m (5 ft) away, adjacent to, and within sight of the spa or hot tub. This requirement shall not apply to single-family dwellings. There is no Exception for: On-ground storable and permanent in-ground residential swimming pools.

402.12 water envelopes. The minimum diving water envelopes shall be in accordance with Table 402.12.

Table 402.12
MINUMUM DIVING WATER ENVELOPES
(See Figure 402.12)

Pool Type	Minimum dimensions								Minimum width of pool at:		
	D1	D2	D3	L1	L2	L3	L4	L5	Pt. A	Pt. B	Pt. C
VI	8'-6"	9'-0"	4'-0"	4'-0"	12'-0"	14' -0"	4'-0"	34'-0"	16'-0"	18'-0"	18'-0"
VII	11'- 2"	10'-10"		5'-0"	16'-5"	13'-2"	4'-0"	38'-7"	18'-0"	20'-0"	20'-0"
VIII	12'-2"	11'-10"	6'-0"	6'-0"	19'-9"	13'-11'	2'-0"	41'-8"	20'-0"	23'-0"	23'-0"
IX	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

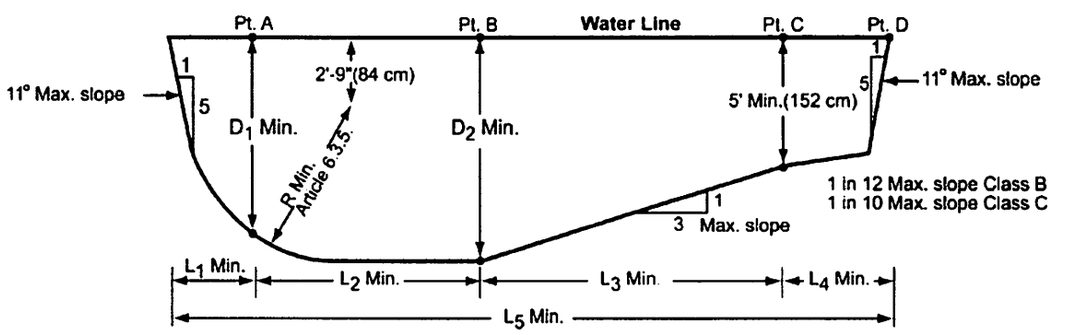

Figure 402.12 Minimum Diving water envelopes
CONSTRUCTION DIMENSIONS FOR WATER ENVELOPES FOR CLASS B AND CLASS C POOLS

402.13 Ladders for diving equipment. Ladders shall be provided with two grabrails or two handrails. There shall be a uniform distance between ladder treads, with a 7 inch (178 mm minimum) distance and 12 inch (305 mm) maximum distance. Supports, platforms, steps, and ladders for diving equipment shall be designed to carry the anticipated loads. Steps and ladders shall be of corrosion-resistant material, easily cleanable and with slip-resistant tread;

Exception: The distance between treads for the top and bottom riser can vary.

411.2 Pool stairs. The design and construction of stairs extending into the pool in either shallow or deep water, including recessed pool stairs, shall comply with Sections 411.2.1 through 411.2.4.

411.2.1 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.

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.

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 (508mm) below water line;

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; and,

4. The leading edge shall be 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

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 water line;

2. An unobstructed surface shall be provided that is a not less than of 10 inches (254 mm) in depth and not less than 24 inches (607mm) 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 water envelope for diving equipment;

5. The leading edge shall be 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 water line; and,

7. A tanning ledge or sun shelf used as the required entry and exit access shall be located not greater than 12 inches below the water line.

603.2 Class A and B pools: Class A and B pools over 5 feet deep: the transition point of the pool from the shallow area to the deep area of the pool shall be visually set apart with a 4-inch minimum width row of floor tile, a painted line, or similar means using a color contrasting with the bottom; and a rope and float line shall be provided between 1 foot and 2 feet on the shallow side of the 5-foot depth along and parallel to this depth from one side of the pool to the other side. The floats shall be spaced at not greater than 7-foot intervals; and the floats shall be secured so they will not slide or bunch up. The stretched float line shall be of sufficient size and strength to offer a good handhold and support loads normally imposed by users. If the owner or operator of the pool knows or should have known in the exercise of ordinary care that a rope or float is missing, broken, or defective, the problem shall be promptly remedied.

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.

Section 4.6.1 Dual outlets. The flow rating for each listed cover/grate shall be greater than the maximum flow as determined in accordance with 4.4.1.

Section 4.7 Dual cover/grate separation. Dual cover/grates shall be separated by a minimum of 3 feet (914 mm) but not more than 5 feet (1524mm) measured from suction outlet cover inside edge to inside edge (see figures 4, 5, 6, 8, 9, and 10) or located on two (2) different planes, i.e., one (1) on the bottom and one (1) on the vertical wall, or one (1) each on two (2) separate walls. (See figures 7 and 14.)

Section 5.3.2 Dual outlet separation. Dual outlets shall be separated by a minimum of 3 feet (914 mm) but not more than 5 feet (1524mm) measured from center to center of the suction pipes (see figures 4, 5, and 6) or located on two (2) different planes, i.e., one (1) on the bottom and one (1) on the vertical wall, or one (1) each on two (2) separate walls. (See figures 7 and 14.)

SECTION 2. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Commission of the City of Amarillo, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 3. Repealer. All ordinances, parts of ordinances resolutions and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 4. Continuation. That nothing in this ordinance or in any 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 by this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5. Penalty. It is an offense to violate any part of this ordinance, punishable upon conviction in accordance with Section 1-1-5 of the Amarillo Municipal Code of Ordinances.

SECTION 6. Publishing and Effective Date. This ordinance shall be published according to law and be effective on October 1, 2012.

INTRODUCED AND PASSED by the City Commission of the City of Amarillo, Texas, on First Reading this the 28 day of August, 2012; and PASSED on Second and Final Reading the 4 day of September, 2012.

Paul Harpole, Mayor

ATTEST:

For Frances Hibbs
Donna DeRight, City Secretary