



ORDINANCE NO. 3613

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, RETITLING AND AMENDING IN ITS ENTIRETY ARTICLE V “SWIMMING POOLS” OF CHAPTER 22 “BUILDINGS AND BUILDING REGULATIONS” OUT OF, THE CODE OF ORDINANCES BY RELATING TO ADOPTION OF THE 2018 EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE WITH AMENDMENTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the International Code Council (ICC) has developed a set of comprehensive and coordinated national model construction codes (known generally as the "International Codes"); and

WHEREAS, the City of Farmers Branch has been involved throughout the development process of the International Codes, through participation with the North Texas Chapter of the International Code Council and through the regional review process by the Regional Codes Coordinating Committee of the North Central Texas Council of Governments (NCTCOG); and

WHEREAS, the creation of the 2018 editions of the International Codes by the ICC was in conjunction with the International Conference of Building Officials (ICBO), the organization whose codes the City of Farmers Branch has adopted since the 1970s; and

WHEREAS, the International Codes have been reviewed by the NCTCOG and City staff; and

WHEREAS, the City's building and construction codes are intended to be updated periodically, with the 2018 editions of the International Codes being the most current published building and construction codes for which local amendments have been developed; and

WHEREAS, the City Council of the City of Farmers Branch has determined that it is in the best interest of the citizens of the City of Farmers Branch to adopt the 2018 editions of the International Codes, as stated herein, as the minimum standards for the construction, use, occupancy and maintenance of buildings and structures within the City limits, as set forth herein, and to adopt local amendments to said codes in order to account for unique local practices and/or conditions relating to the design and construction of structures within the City;

SECTION 1. Chapter 22 “Buildings and Building Regulations” of the Code of Ordinances of the City of Farmers Branch, Texas, is amended by retitling and amending in its entirety Article V “Swimming Pools” to read as follows:

ARTICLE V. SWIMMING POOL AND SPA STANDARDS

Sec. 22-156. Adoption of International Swimming Pool and Spa Code; purpose.

The 2018 Edition of the *International Swimming Pool and Spa Code*, as published by the International Code Council and as amended pursuant to Sec. 22-157 is hereby adopted. Copies of the Pool Code are on file in the office of the city secretary for permanent record and inspection and are incorporated into this section as if fully set forth herein. The chief building official, or his authorized representative, is hereby authorized and directed to enforce all provisions of the Pool Code. For purposes of this Article, the phrase "Pool Code" means collectively (i) the 2018 Edition of the *International Swimming Pool and Spa Code*, as published by the International Code Council and (ii) the local amendments adopted pursuant to Sec. 22-157.

Sec. 22-157. Amendments to International Swimming Pool and Spa Code.

For purposes of enforcement of the provisions of the Pool Code within the incorporated limits of the City, the following sections, paragraphs, and sentences of the 2018 Edition of the *International Swimming Pool and Spa Code* are hereby amended as follows:

Section 102.9 is amended 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*; §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.

Section 103.1 is amended to read as follows:

Section 103.1 Creation of enforcement agency. The Department of Building Inspections – City of Farmers Branch is hereby created and the official in charge thereof shall be known as the *code official*. The Department of - Sustainability and Public Health – City of Farmers Branch 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.

Section 107.4 is deleted.

Section 107.5 is amended to read as follows:

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 in violation of this code.

Section 202 is amended by adding a definition for the phrase “Sustainability and Public Health Department” to read as follows:

Sustainability and Public Health Department: Sustainability and Public Health Department – City of Farmers Branch 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.

Section 305.1 is 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 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.

Section 305.2 is amended to read as follows:

305.2 Outdoor swimming pools and spas.

Outdoor pools and spas 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.

Section 305.2.7 is amended by adding Section 305.2.7.1 to 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.

Section 305.4 is amended to read as follows:

305.4 Structure wall as a barrier. Where a wall 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. *Unchanged*
2. *Unchanged*
3. *Unchanged*

The wall of a building with windows in accordance with *2018 International Building Code, Section 1030* in Group R2 occupancies shall not be used as part of pool enclosure. Other windows that are part of a pool yard enclosure shall be permanently closed and unable to be opened for public pools.

Section 305.6 is amended to read as follows:

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.

Section to 307.1.4 is amended by adding a paragraph titled "Exception" to read as follows:

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

Section 310.1 is amended to read as follows:

310.1 General. Suction entrapment avoidance for pools and spas shall be provided in accordance with APSP 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, Rule §265.190. *{remaining language, including “Exceptions” unchanged.}*

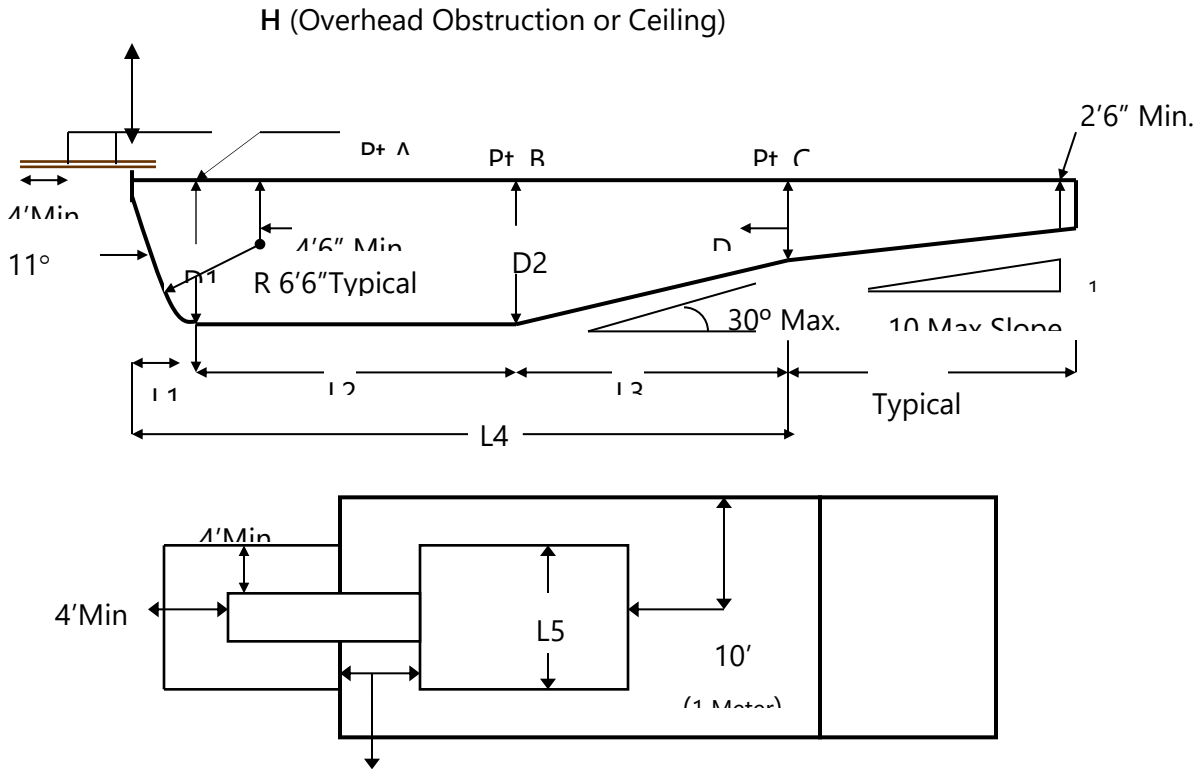
Section 313.7 is amended to read as follows:

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 one and two family dwellings and townhouses.

Section 402.13 is 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, 25 TAC §265.186 (e) and Figure: 25 TAC § 256.186 (e) (6).

Maximum Diving Board Height Over Water	¾ Meter	1 Meter	3 Meters
Max. 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 Plummet to Pool Wall at Side	9 ft.	10 ft.	11 ft. 6 in.
From Plummet to Adjacent Plummet	10 ft.	10 ft.	10 ft.



Section 402.13 is amended to read as follows:

402.13 Ladders for diving equipment. Ladders shall be provided with two grab rails 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;

Sections 411.2.1 and 411.2.2 are amended to read as follows:

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.

Sections 411.5.1 and 411.5.2 are 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. Unchanged

2. Unchanged
3. Unchanged
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

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. Unchanged
2. Unchanged
3. Unchanged
4. Unchanged
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. Unchanged
7. Unchanged

Section 603.2 is amended to read as follows:

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.

Section 610.5.1 is 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.

Section 804.1 is 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.

SECTION 2. That all provisions of the Ordinances of the City of Farmers Branch, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

SECTION 5. That any person violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Farmers Branch as heretofore amended and, upon conviction, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00).

SECTION 6. This Ordinance shall take effect on January 1, 2020, after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THE 12TH DAY OF NOVEMBER 2019.

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Robert Dye, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:11/4/19:111922)