

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 10-2019

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 21, ARTICLE 21.02, "TECHNICAL AND CONSTRUCTION CODES AND STANDARDS," DIVISION 7, SWIMMING POOL AND SPA CODE, SECTIONS 21.02.351 AND 21.02.352 TO PROVIDE FOR THE ADOPTION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2018 EDITION, AND THE AMENDMENTS THERETO; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1. That Chapter 21 of the Seagoville Code of Ordinances be, and the same is, hereby amended by adding Article 21.02, Technical and Construction Codes and Standards, Division 7, Swimming Pool and Spa Code, Sections 21.02.351 and 21.02.352 to provide for the adoption of the International Swimming Pool and Spa Code, 2018 Edition, which shall read as follows:

"ARTICLE 21.01 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

....

Division 7. Swimming Pool and Spa Code

Sec. 21.02.351. Adoption

A certain document, a copy of which is on file in the office of the city secretary of the city, being marked and designated as the International Swimming Pool and Spa Code, 2018 Edition, including appendix, as published by the International Code Council, be and is hereby adopted as the existing building code of the city. Each and all of the regulations, provisions, penalties, conditions and terms of said existing building code on file in the office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in Section 21.02.352 of this article.

Sec. 21.02.352. Exceptions and Amendments

The swimming pool and spa code adopted in this article shall be subject to the exceptions and amendments to the International Swimming Pool and Spa Code, 2018 edition, as follows:

Section 101.1; amend to read as follows:

101.1 Title. These regulations shall be known as the *Swimming Pool and Spa Code* of the City of Seagoville, hereinafter ... *{Remainder unchanged}*

Section 102.9; amend 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 pools, 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.

Sections 103 and 103.1; delete and replace to read as follows:

SECTION 103

SEAGOVILLE COMMUNITY DEVELOPMENT DEPARTMENT

103.1 Creation of enforcement agency. The Seagoville Community Development Department 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 105.6.2; amend as follows:

105.6.2 Fee schedule. The fees for work shall be ~~as indicated in the following~~ accordance with city master fee schedule.

Section 107.4; delete entire section.

Section 107.5; amend as follows:

107.5 Stop work orders. Upon notice ... *{bulk of paragraph unchanged}* ... to remove a violation or unsafe condition, shall be in violation of this code. ~~liable to a fine of not less than~~

~~[AMOUNT] dollars or more than [AMOUNT] dollars.~~

Section 202; DEFINITIONS; add definition to read as follows:

HEALTH DEPARTMENT: Dallas County and Kaufman County Health Departments (respective of where a pool is located) assist the City of Seagoville in the regulating 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; add a sentence at the end 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; amend the end of the sentence to read as follows:

305.2 Outdoor swimming pools and spas. ... 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; add subsection 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; amend 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. *{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; amend 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 ~~not less than~~ a minimum of eighteen (18) inches, a barrier is not required between the natural body of water shoreline and the pool or spa.

Section 307.1.4 Accessibility; add exception 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; amend 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.
{Remainder unchanged}

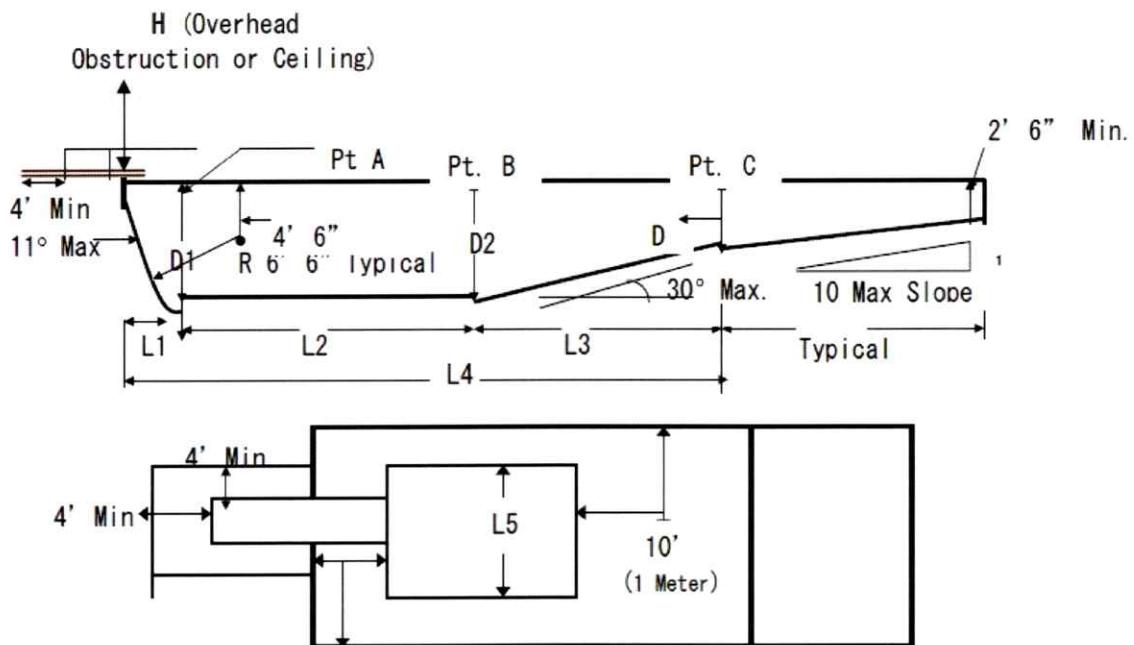
Section 313.7; delete section entirely and replace as follows:

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 402.12; amend body, delete and replace Table 402.12, and delete and replace Figure 402.12 with Figure 25 TAC §256.186(e)(6) as follows:

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

Maximum Diving Board Height Over Water	0.75-Meter	1-Meter	3-Meters
Maximum Diving Board Length	12'-0"	16'-0"	16'-0"
Minimum Diving Board Overhang	2'-6"	5'-0"	5'-0"
D1 Minimum	8'-6"	11'-2"	12'-2"
D2 Minimum	9'-0"	10'-10"	11'-10"
D3 Minimum	4'-0"	6'-0"	6'-0"
L1 Minimum	4'-0"	5'-0"	5'-0"
L2 Minimum	12'-0"	16'-5"	19'-9"
L3 Minimum	14'-10"	13'-2"	13'-11"
L4 Minimum	30'-10"	34'-7"	38'-8"
L5 Minimum	8'-0"	10'-0"	13'-0"
H Minimum	16'-0"	16'-0"	16'-0"
From Plumbet to Pool Wall at Side	9'-0"	10'-0"	11'-6"
From Plumbet to Adjacent Plumbet	10'-0"	10'-0"	10'-0"



Section 402.13; amend 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.

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

Section 411.2.1 & 411.2.2; amend 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. not be less than 24 inches (607mm) at the leading edge. Treads shall have an unobstructed surface area of not less than 240 square inches (154838mm²) and an unobstructed horizontal depth of not less than 10 inches (254 mm) at the center line.

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. except for the bottom riser, shall have a uniform height of not greater than 12 inches (305 mm) measured at the center line. The bottom riser height is allowed to vary to the floor.

Section 411.5.1 & 411.5.2; amend to read as follows:

411.5.1 Swimouts. *{Body unchanged}*

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 (one) 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. *{Body unchanged}*

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 (one) 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; amend as follows:

603.2 Class D-2 pools. ~~Where a Class D-2 pool has a bather-accessible depth greater than 4 1/2 feet (1372 mm), the floor shall have a distinctive marking at the 4 1/2 feet (1372 mm) water depth.~~ **Class A and B pools.** Where Class A and B pools are 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; amend as follows:

610.5.1 Uniform height of 9-10 inches. Except for the bottom riser, risers at the centerline shall have a maximum uniform height of 9 10 inches (229 254 mm). The bottom riser height shall be permitted to vary from the other risers.

Section 804; amend to read as follows:

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. Any person, firm or corporation violating any of the provisions of this ordinance or the provisions of the Code of Ordinances of the City of Seagoville, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Seagoville, Texas, shall be subject to a fine not to exceed the sum of Two Thousand (\$2,000.00) dollars for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 3. That all provisions of the Ordinances of the City of Seagoville, 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 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of

said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 5. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Ordinances of the City of Seagoville, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. That this ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Seagoville, Texas, this the 28th day of January, 2019.

APPROVED:



DENNIS K. CHILDRESS, MAYOR

ATTEST:


KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:


VICTORIA THOMAS, CITY ATTORNEY
(:cdb 01.18.2019)