

CITY OF HASLET

ORDINANCE NO. 028-2017

AN ORDINANCE OF THE CITY OF HASLET, TEXAS, AMENDING ARTICLE 3.01 “GENERAL PROVISIONS” OF CHAPTER 3 “BUILDING REGULATIONS” OF THE CODE OF ORDINANCES TO ADOPT THE 2015 EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE, PROVIDING FOR THE ADOPTION OF CERTAIN APPENDICES AND LOCAL AMENDMENTS THERETO; REPEALING SECTION 3.05.002 OF THE CODE OF ORDINANCES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Haslet, Texas is a Type A general-law municipality located in Tarrant and Denton Counties, Texas, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Article 3.01 of the Haslet Code of Ordinances sets forth the various building codes adopted by the City; and

WHEREAS, the City Council now desires to add Section 3.01.014 to the City code to adopt the 2015 Edition of the International Swimming Pool and Spa Code as the official swimming pool code of the City; and

WHEREAS, the City Council further desires to adopt certain local appendices and amendments to such code to reflect the unique needs of the City of Haslet; and

WHEREAS, the City Council desires to repeal Section 3.05.002 of the City Code, the definition of “swimming pool”, which is already contained in the Swimming Pool Code being adopted.

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

SECTION 1.

Article 3.01 of the Code of Ordinances of the City of Haslet, Texas be and is hereby amended to add a new Section 3.01.014 “International Swimming Pool and Spa Code” to read as follows:

“Sec. 3.01.014 International Swimming Pool and Spa Code

(a) The city hereby adopts the 2015 edition of the International Swimming Pool and Spa Code as the official swimming pool code of the city. This swimming pool code is fully incorporated by reference as though copied into this article in its entirety. The material contained in the International Swimming Pool and Spa Code shall be maintained as a public record in the office of the city secretary and will be available for public inspection and copying during regular business hours.

(b) The 2015 edition of the International Swimming Pool and Spa Code, as adopted herein, is hereby amended as shown on exhibit “A” (2015 International Pool Code - Regional and Local Amendments) on file in the office of the city secretary.

SECTION 2.

Section 3.05.002 of the Haslet Code of Ordinances be and is hereby repealed.

SECTION 3.

This Ordinance shall be cumulative of all provisions of ordinances of the City of Haslet, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining, phrase, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than \$2000.00 for all violations involving zoning, fire safety, or public health and sanitation, including dumping or refuse, and shall be fined \$500.00 for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Haslet, Texas, are expressly saved as to any and all violations of any other ordinances or the Code of Ordinances regarding swimming pool and spa regulations which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The City Secretary of the City of Haslet is directed to publish the caption, penalty clause, and effective date of this Ordinance in the official newspaper of the City of Haslet, Texas, as authorized by Section 52.011 of the Texas Local Government Code.

SECTION 8.

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED 16TH DAY OF OCTOBER, 2017.

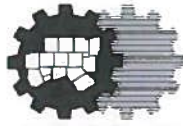

Bob Golden
BOB GOLDEN, MAYOR

ATTEST:

Dianna Buchanan
DIANNA BUCHANAN, CITY SECRETARY



EXHIBIT "A"



North Central Texas
Council of Governments

Recommended NCTCOG and City of Haslet Local Amendments to the 2015 International Swimming Pool and Spa Code North Central Texas Council of Governments Region

The following sections, paragraphs, and sentences of the *2015 International Swimming Pool and Spa Code* are hereby amended as follows: Standard type is text from the ISPSC. Underlined type is text inserted. ~~Line through type is deleted text from ISPSC.~~ A triple asterisk identifies a new or revised NCTCOG amendment with the 2015 code. The italicized (*Local*) identifies a new or revised City of Haslet Local amendment with the 2015 code.

***Section 102.9; Change 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).
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.

(Reason: To clarify specific Texas statutes which regulate public pools and spas.)

***Section 103.1; Change to read as follows:

Section 103.1 Creation of enforcement agency. ~~The Department of Building Safety~~ **[CITY OF HASLET BUILDING DEPARTMENT]** is hereby created and the official in charge thereof shall be known as the *code official*. **[THE TARRANT COUNTY PUBLIC HEALTH 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.

(Reason: Reminder to be sure ordinance reads the same as designed by the City & the operation of public pools is enforced through the City's appropriate department procedure)

EXHIBIT "A"

***Section 107.4; Delete entirely (covered by general provisions in Code of Ordinances):

~~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 [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

(Reason: Covered by general provisions of the Code of Ordinances.)

***107.5; Change 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. ~~liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

(Reason: Covered by general provisions of the Municipal Code of Ordinances.)

***Section 202; DEFINITIONS; insert definition; change to read as follows:

THE TARRANT COUNTY HEALTH DEPARTMENT: CITY OF HASLET 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.

(Reason: The operation of public pools is enforced through THE TARRANT COUNTY PUBLIC HEALTH DEPARTMENT procedures.)

(Local) Section 202; DEFINITIONS; insert definition; change to read as follows:

ABOVE-GROUND/ON-GROUND POOL. See "Swimming pool."

BARRIER. A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

HOT TUB. See "Swimming pool."

IN-GROUND POOL. See "Swimming pool."

EXHIBIT "A"

RESIDENTIAL. That which is situated on the premises of a detached one- or two-family dwelling, or a one-family townhouse not more than three stories in height.

SPA, NONPORTABLE. See "Swimming pool."

SPA, PORTABLE. A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water more than 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

SWIMMING POOL, INDOOR. A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.

***Section 305; Change to read as follows:

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:

1. In One- and two-family dwellings spas and hot tubs with a lockable safety cover that complies with ASTM F 1346.
2. In One- and two-family dwellings swimming pools with a *powered safety cover* that complies with ASTM F 1346.

(Reason: To clarify specific Texas statutes which regulate public pools and spas.)

***Section 305.2; Change to read as follows:

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.

(Reason: To clarify specific Texas statutes which regulate public pools and spas.)

*** 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.

(Reason: To clarify specific Texas Health and Safety Code Chapter 757.003 (f))

EXHIBIT "A"

***Section 305.4 structure wall as a barrier. Changes 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 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 2015 International Building Code, Section 1030 in a 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.

(Reason: To clarify specific Texas Health and Safety Code Chapter 757.007 & 2015 IBC, Section 1030)

***Section 305.6: Change to read as follows:

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.

(Reason: Specific Texas statutes do not allow the use of natural barriers in lieu of fencing for public pools per Chapter 757.003).

***Section 307.9 Accessibility. Add exception to Section to 307.9 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.

(Reason: To accommodate buildings regulated under state law. Further clarified in 2015 to mean Components that are specifically addressed by TDLR shall be exempt.)

***Section 310: Change to read as follows:

310.1 General. Suction entrapment avoidance for aquatic vessels 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]

(Reason: To clarify specific Texas statutes which regulate public pools and spas)

EXHIBIT "A"

*****Section 313.7: Change to read as follows:**

313.7 Emergency shutoff switch for spas and hot tubs. ~~An emergency shutoff switch shall be provided to disconnect all power to recirculation and jet system pumps and air blowers. Emergency shutoff switches shall be provided with access; located within sight of the aquatic vessel and located not less than 5 feet (5') horizontally from the inside walls of the aquatic vessel. 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.~~

~~**Exception:** Onground storable and permanent inground residential swimming pools.~~

~~(Reason: Language is from 2014 NEC Article 680.41.)~~

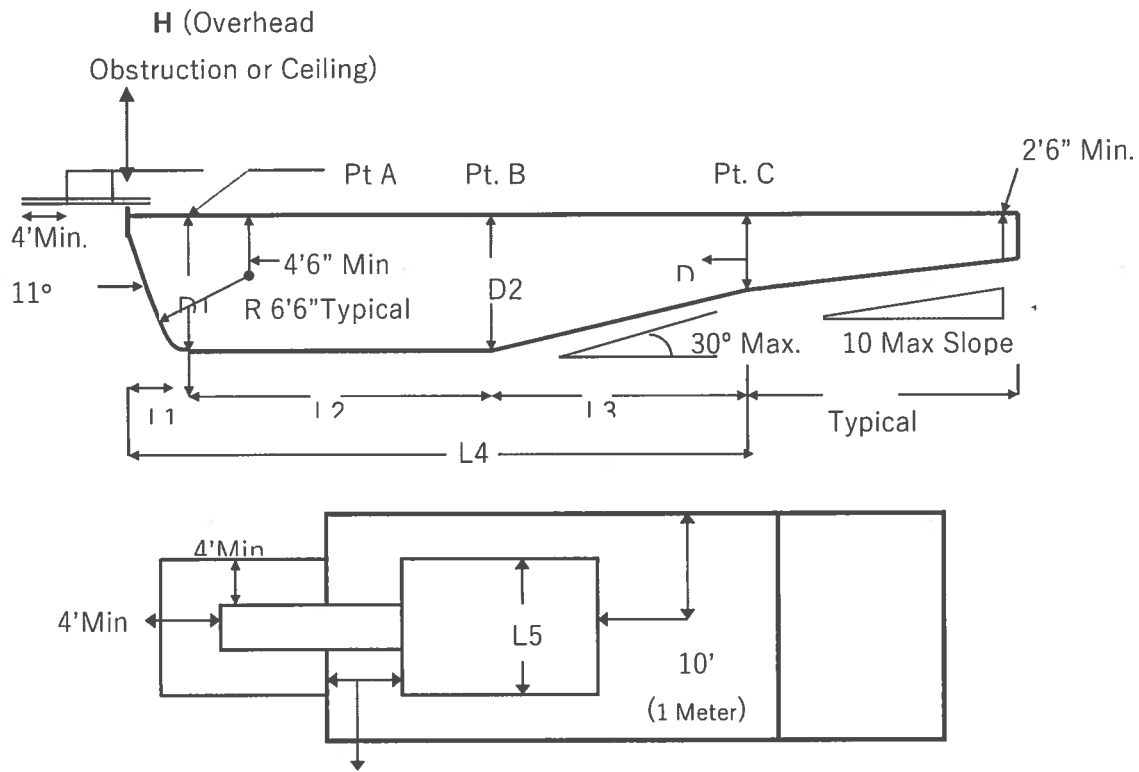
***** Section 402.12; Change to read as follows:**

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). (Delete Table 402.12 and Figure 402.12)~~

ADD: Figure: 25 TAC §265.186 (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.

EXHIBIT "A"



(Reason: To avoid conflict with 25 TAC Chapter 265)

EXHIBIT "A"

***Section 402.13: Change 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;

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

(Reason: To avoid conflict with 25 TAC Chapter 265.186 (c)(8)(d).

***Section 411.2.1 & 411.2.2: Change 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. ~~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.~~

(Reason: To avoid conflict with 25 TAC Chapter 265.186 (c)(7)(A) & (B)

EXHIBIT "A"

***Section 411.5.1 & 411.5.2: Change 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

(Reason: To avoid conflict with 25 TAC Chapter 265.184 (u) & 265.186 (c)(10))

***Section 603.2: Change to read 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: 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

(Reason: To avoid conflict with 25 TAC Chapter 265.199)

EXHIBIT "A"

*****Section 610.5.1: Change to read:**

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.

(Reason: To avoid conflict with 25 TAC Chapter 265.186 (c)(7)(B))

*****Section 804 Diving Water Envelopes: Change 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. Negative construction tolerances shall not be applied to the dimensions of the minimum diving water envelopes given in table 804.1~~ the manufacturer's specifications.

(Reason: To clarify specific manufactures Specifications of the diving equipment).

END